

No. 62

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4th Session, 14th Legislature, Alberta  
10 Elizabeth II

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## **BILL 62**

A Bill to amend The Public Lands Act

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HON. MR. WILLMORE

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## Explanatory Note

### 2. Section 11, subsection (1) presently reads:

"11. (1) The Minister may declare any land, other than land belonging to the School Endowment Fund or land that has been withdrawn from disposition, to be agricultural land, and thereafter the Minister may by lease and in accordance with this Act, dispose of adjoining agricultural lands, not exceeding one-half section, which when so leased shall be known as a homestead."

See the Bill to enact The Alberta Natural Resources Agreement amendment.

### 3. Section 12, subsection (1) presently reads:

"12. (1) Subject to subsections (2) to (5), every person is eligible to be a homestead lessee who

- (a) has resided in the Province for an aggregate total of one year within the three years immediately prior to making his application,
- (b) has attained the age of eighteen years or more,
- (c) is a British subject, a Canadian citizen, or declares in his application his intention of becoming a Canadian citizen, and
- (d) is not in possession or control of a farm under a certificate or agreement for sale."

### 4. Section 57, which provides for the issue of grazing leases is amended. Subsection (2) presently reads:

"(2) A company making application for a lease shall show that it is incorporated under the laws of the Dominion of Canada, or under the laws of the Province, and that the majority of the shares of the company are owned by residents of the Province for their exclusive use and benefit and not in the interests of or for the benefit of any other person."

### 5. Section 58 reads:

"58. (1) An alien who has been granted a grazing lease shall become a Canadian citizen as soon as he becomes eligible for naturalization, and he shall inform the Minister when he files his petition for citizenship.

(2) The Minister in his discretion may cancel any grazing lease if the lessee fails to comply with subsection (1)."

### 6. Section 71, subsection (3) presently reads:

"(3) Where a grazing lease is held by a grazing association and any member of the association has been allotted more than twenty animal units for the grazing season, the Minister may require the grazing association

- (a) to reduce the allotment of such a member to twenty animal units in subsequent years, and
- (b) to issue allotments to other persons operating farms in the vicinity of the grazing lease."

### 7. Section 78 reads:

"78. Land belonging to the School Endowment Fund may be leased for grazing purposes."

# BILL

No. 62 of 1962

An Act to amend The Public Lands Act

(Assented to \_\_\_\_\_, 1962)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Public Lands Act*, being chapter 259 of the Revised Statutes, is hereby amended.

**2.** Section 11, subsection (1) is amended by striking out the words "belonging to the School Endowment Fund or land".

**3.** Section 12, subsection (1) is amended by striking out clause (b) and by substituting the following:

(b) is not less than eighteen and not more than seventy years old,

**4.** Section 57 is amended by striking out subsection (2) and by substituting the following:

(2) A company making application for a lease shall show that it is incorporated under the laws of Canada, or under the laws of the Province, and that the majority of the shares of the company are owned by residents of the Province who are Canadian citizens or British subjects for their exclusive use and benefit and not in the interests of or for the benefit of any other person.

**5.** Section 58 is repealed.

**6.** Section 71, subsection (3) is amended by striking out clause (a) and by substituting the following:

(a) to reduce the allotment of such a member to a minimum of twenty animal units in subsequent years, and

**7.** Section 78 is repealed.

**8.** Section 84b presently reads:

"84b. (1) No lessee or permittee shall permit, suffer or allow the accumulation of waste material, debris, refuse and garbage, or the existence of any structure or excavation of any kind on the land described in the lease or permit that is undesirable in the opinion of the Minister.

(2) In respect of the matters referred to in subsection (1) the Minister may

- (a) order the lessee or permittee to take any action within such time as the Minister deems necessary,
- (b) if the lessee or permittee fails to comply with the order of the Minister, cause any action to be taken that the Minister deems necessary and recover any costs incurred as a debt owing to the Crown by court proceedings, and
- (c) cancel the lease or permit."

**9.** Section 92, subsection (2) presently reads:

"(2) A lessee cutting timber in the preparation of land for cultivation, before removing the timber or any portion thereof from the leased area for barter or sale or other disposition, shall obtain a permit to cut timber on public lands and shall pay the dues in advance."

**10.** Section 101 presently reads:

"101. (1) The Minister may with respect to any land leased pursuant to this Act grant a right to enter upon the land to explore and search for gold, silver, copper, coal or other minerals.

(2) The right to enter granted pursuant to this section shall be subject to such conditions for the protection of the interests of the lessee as the Minister may prescribe.

(3) If the Minister is satisfied that any portion of any land leased pursuant to this Act is suitable for the development of water power, he may withdraw from the lease any portion of the land on giving the lessee one year's notice."

**8.** Section 84b is struck out and the following section is substituted:

**84b.** (1) No lessee or permittee shall cause or shall permit, suffer or allow

- (a) the accumulation of waste material, debris, refuse or garbage,
- (b) the existence of any structure or excavation of any kind that is undesirable in the Minister's opinion,
- (c) the doing of any act that may injuriously affect watershed capacity, or
- (d) the creation of any condition which in the Minister's opinion will encourage soil erosion,

on the land described in the lease or permit.

(2) In respect of the matters referred to in this section, the Minister may

- (a) order the lessee or permittee to take any action within such time as the Minister deems necessary,
- (b) if the lessee or permittee fails to comply with the order of the Minister, cause any action to be taken that the Minister deems necessary and recover any costs incurred as a debt owing to the Crown by court proceedings, and
- (c) cancel the lease or permit.

**9.** Section 92 is amended by striking out subsection (2) and by substituting the following:

(2) Any lessee who cuts timber on land held under a lease granted under this Act for the purpose of selling or otherwise disposing of it, shall obtain a permit pursuant to *The Forests Act, 1961*.

**10.** Section 101 is struck out and the following section is substituted:

**101.** (1) The Minister may with respect to any land leased pursuant to this Act, grant a right to enter upon the land to explore and search for gold, silver, copper, coal or other minerals.

(2) The Minister may, upon giving the lessee thirty days' notice in writing, grant an easement or right of way for electric power or telephone lines on any land leased under this Act, except land comprising a homestead lease.

(3) If the Minister is satisfied that any portion of any land leased pursuant to this Act is suitable for the development of water power, he may withdraw from the lease any portion of the land on giving the lessee one year's notice.

(4) The right to enter granted pursuant to this section is subject to such conditions for the protection of the interests of the lessee as the Minister may prescribe.

**11. Section 104, subsection (1) presently reads:**

"104. (1) The Minister may, upon giving a lessee one month's notice in writing, withdraw any land contained in a lease other than a homestead lease, where

- (a) the Minister is satisfied that the land to be withdrawn contains sand and gravel in commercial quantities,
- (b) the land to be withdrawn is intended to be subdivided or made the subject of a disposition to a person requiring it for an industrial or commercial purpose, or
- (c) the land to be withdrawn is to be constituted as a park under The Provincial Parks Act or is intended to be set aside by the Minister as a public recreation area."

**12. Section 106, subsection (1) presently reads:**

"106. (1) When the Minister is satisfied that an easement or right of way for poles, lines, conduits and structures for the distribution, transmission, measuring or supplying of electric power, energy or current or for telephone lines and poles is required on, over or under any lands leased pursuant to this Act or The Provincial Lands Act, other than lands comprised in a homestead lease, the Minister may, on giving the lessee thirty days' notice in writing, withdraw from the lease so much of the land as is required for the easement or right of way."

**13. Section 114 reads:**

"114. (1) Sections eleven and twenty-nine in every surveyed township in Alberta, except in forest reserves, are hereby set apart as an endowment for purposes of education, and shall be designated school lands, and they are hereby withdrawn from the operation of the provisions of this Act that relate to homesteads.

(2) Notwithstanding anything in this Act, the Lieutenant Governor in Council may authorize the Minister to include in any block of land sold or to be sold to any person for the purpose of irrigation, or in any lands that are set aside for the purpose of an Indian or other public reserve, or that are reserved for any other purpose that the Minister considers to be in the public interest, lands that under the provisions of this Act are school lands.

(3) No block of lands sold or to be sold for the purpose of irrigation, or set aside and reserved for any of the purposes mentioned in subsection (2), shall include school lands unless other public lands as nearly as possible of equal value are selected to take their place.

(4) When other public lands have been so selected and have been designated by the Minister as school lands, they become school lands and shall be dealt with in the same manner as ordinary school lands under the provisions of this Act.

(5) Notwithstanding anything contained in this Act, when for any reason a part or a fraction only of a quarter-section of school lands has been disposed of to any person, upon any portion of the balance of the quarter-section becoming available for disposition, the Minister may sell the portion to the registered owner of the part of the quarter-section already disposed of upon such terms and conditions as may be fixed by the Minister, and at such price per acre as in the opinion of the Minister represents the actual market value of the land as determined by an inspection by an officer of the Department."

**14. Section 116, clause (b) presently reads:**

"116. The Minister may  
.....

- (b) sell a part of a quarter section or a fractional quarter section of any land other than school land at a rate to be determined as the true value of the land after inspection by an officer of the Department,".

**15. Section 117 reads:**

"117. (1) All moneys from time to time realized from the sale of school lands shall be invested in any manner in which they may be lawfully invested to form a School Fund.

(2) The interest on the School Fund, after deducting the cost of management, together with all other revenues realized from the use and occupation of school lands, shall be paid annually into the General Revenue Fund for the support of schools organized and carried on in accordance with the law of the Province, and the moneys so paid shall be distributed for school purposes by the Lieutenant Governor in Council in such manner as he deems expedient."

**11.** Section 104, subsection (1) is amended by striking out clause (a) and by substituting the following:

- (a) the Minister is satisfied that the land to be withdrawn contains sand, gravel, marl or clay in commercial quantities, or

**12.** Section 106 is amended by striking out subsection (1) and by substituting the following:

**106.** (1) The Minister may, upon giving the lessee thirty days' notice in writing, withdraw from any lease granted under this Act, except a homestead lease, so much of the land as may be required for the purposes of a dam or ditch.

**13.** Section 114 is repealed.

**14.** Section 116, clause (b) is amended by striking out the words "other than school land".

**15.** Section 117 is repealed.

**16. Section 117a reads:**

"117a. (1) Where an agreement for the sale of public lands under this Part is cancelled or the purchaser quit claims his interest under the agreement to the Minister and the purchaser at that time owes taxes in respect of that land, the Minister may pay the taxes owing to the city, town, new town, village, municipal district, county or to the Minister of Municipal Affairs in respect of an improvement district, as the case may be, but no such payment shall exceed half the amount collected by the Minister as principal under the agreement for sale.

(2) Subsection (1) does not apply to the cancellation of an agreement for the sale of lands situated in a land clearing and breaking project and that was obtained in substitution for a homestead lease of the same lands."

**17. Section 119, clause (s) reads:**

"119. The Lieutenant Governor in Council may

- .....
- (s) exempt, in accordance with such regulations as may be made, any lessee who enlists for active service in the special forces of Canada or is called for active service in defence of Canada from the provisions of the residence and cultivation requirements during those crop years in which he is on active service, and".

**18. See clause 17 of this Bill.****19. Section 165, subsection (2) presently reads:**

"(2) A homestead sale

- (a) subject to clause (c), shall contain adjoining agricultural lands not exceeding three quarter-sections,
- (b) shall not include lands that form part of the school endowment or that have been classified by the Minister as unavailable for settlement, and
- (c) shall not contain adjoining agricultural lands exceeding a half-section where the half-section contains at least two hundred and forty acres of land suitable for cultivation."

**20. Section 166, subsection (1), clause (b) and subsection (3), clause (a) presently read:**

"166. (1) Subject to subsections (2) to (4), every person is eligible to be a purchaser who

- (a) is a veteran or a person who has resided in the Province for an aggregate total of one year within the three years immediately prior to making his application for a homestead sale,
- (b) is eighteen years of age or over, and
- (c) is a British subject, a Canadian citizen or declares in his application his intention of becoming a Canadian citizen.

(3) No person is eligible to be a purchaser where such person or the spouse of such person

- (a) is the beneficial registered owner in fee simple of a farm either solely or jointly with any other person,".

**21. Commencement of Act.**



**16.** Section 117*a* is amended by striking out subsection (2) and by substituting the following:

(2) Subsection (1) does not apply to the cancellation of an agreement for sale of

- (a) lands situated in a land clearing and breaking project that was obtained in substitution for a homestead lease of the same lands, or
- (b) tax recovery lands administered by the Department.

**17.** Section 119 is amended by striking out clause (s).

**18.** Section 119*a*, subsection (1) is amended

- (a) by striking out the word “and” at the end of clause (c) and by adding the word “and” at the end of clause (d),
- (b) by adding immediately after clause (d) the following:
  - (e) exempting any member of the armed forces from the performance of any covenant or obligation required by a disposition under this Act.

**19.** Section 165, subsection (2), clause (b) is amended by striking out the words “that form part of the school land endowment or”.

**20.** Section 166 is amended

- (a) as to subsection (1) by striking out clause (b) and by substituting the following:
  - (b) is not less than eighteen and not more than seventy years old, and
- (b) as to subsection (3), clause (a) by striking out the word “beneficial”.

**21.** This Act comes into force on the day upon which it is assented to.

No. 62

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FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

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**BILL**

An Act to amend The Public  
Lands Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. WILLMORE

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