

1974 Bill 51

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

The Government Land Purchases Act

THE PROVINCIAL TREASURER

First Reading

Second Reading

Third Reading

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1974

THE GOVERNMENT LAND PURCHASES ACT

(Assented to _____, 1974)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. (1) There shall be a fund called the "Land Purchase Fund".

(2) The Fund shall be held by the Provincial Treasurer, who shall maintain a separate accounting record of the Fund.

(3) The Provincial Treasurer shall from time to time advance to the Fund from the General Revenue Fund such sums as may be required for the purposes of the Fund.

(4) The net amount of the advances under subsection (3) at any time shall not exceed \$100,000,000.

(5) The Lieutenant Governor in Council may order that any surplus amount in the Land Purchase Fund be paid into the General Revenue Fund.

(6) Where any audited financial statement of the Fund shows a deficit, the Provincial Treasurer on the direction of the Lieutenant Governor in Council shall, transfer from the General Revenue Fund to the Land Purchase Fund an amount equal to the deficit.

2. (1) On the request of a Minister of the Crown, the Provincial Treasurer, or an agent authorized by him, may, on behalf of the Crown, acquire land in Alberta that it is expedient or advantageous to acquire to meet future requirements of the department or other division of the public service of Alberta under that Minister's administration.

(2) Where part only of a parcel of land may be required but the Provincial Treasurer is of the opinion that the Crown can acquire the whole or a greater part of that parcel at a more reasonable price or to a greater advantage than by acquiring the required part only, the whole or the greater part of that parcel may, with the approval of the Provincial Treasurer, be acquired by or on behalf of the Crown.

Explanatory Notes

1. This Bill will establish a permanent Fund for the purchase of land required by departments of the Government in advance of actual need. The Fund is to be reimbursed for land so acquired by the individual Departments out of the moneys appropriated to them for land purchase.

2. Provincial Treasurer authorized to purchase land.

3. Land may be acquired pursuant to this Act

- (a) by purchase, or
- (b) by exchange for Crown lands, or
- (c) by a combination of purchase and exchange.

4. (1) The Provincial Treasurer may enter into an agreement with any person under which that person is appointed the agent of the Crown

- (a) to purchase land in that agent's name on behalf of the Crown, or
- (b) to do any act in relation to the maintenance, repair or administration of land or any buildings or other improvements thereon purchased by that agent or any other agent under this section.

(2) An agreement under subsection (1) may require that the agent shall acquire and maintain for the period specified in the agreement and in the amount specified in the agreement a bond with a bonding company or insurance company acceptable to the Provincial Treasurer for the indemnification of the Crown in the event of loss to the Crown by reason of the fraudulent or criminal act of the agent or anyone acting on behalf of the agent.

(3) Where an agreement is entered into under subsection (1), the Provincial Treasurer may advance from the Land Purchase Fund to the agent

- (a) moneys required to be paid as the purchase price or part of the purchase price of the land;
- (b) moneys required to be paid as a deposit on the purchase price of the land or for the purpose of acquiring an option to purchase land;
- (c) moneys required to be paid as expenses incidental to the purchase of the land or to any transaction referred to in clause (b);
- (d) the costs incidental to acquiring or maintaining a bond referred to in subsection (2);
- (e) moneys required to be paid by the agent before title to the land is transferred to the Crown for maintaining, repairing or administering the land or any building or other improvements thereon or to make any expenditures that he is required by law to make as owner, purchaser or occupant of the land;
- (f) fees payable to the agent for his services.

(4) An agent is accountable to the Provincial Treasurer for all advances made to him pursuant to subsection (3).

3. Land may be acquired by purchase or exchange.

4. Use of agents acting for the Crown in land acquisition.

5. (1) Where the title to land is transferred to the Crown under this Act,

- (a) the land becomes an asset of the Fund, and
- (b) the title to the land shall be registered in the name of the Crown in right of Alberta as represented by
 - (i) the Provincial Treasurer, or
 - (ii) where the Treasury Board designates some other Minister for that purpose, the Minister so designated,

who shall thereupon have the administration of the land.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council, on the recommendation of the Provincial Treasurer, may order that a Minister of the Crown specified in the order shall have the temporary administration of the land until the effective date of a further order of the Lieutenant Governor in Council in respect of that land made under section 7, subsection (3) or section 8, subsection (2) or until the land is sold pursuant to section 8, subsection (1).

(3) The Minister of the Crown who is given temporary administration of the land need not necessarily be the same Minister as that shown as representing the Crown on the certificate of title.

(4) The Minister who is given temporary administration of land under an order made pursuant to subsection (2) shall administer the land subject to any conditions specified in the order and subject to any conditions or directions made at or after the date of the order by the Provincial Treasurer in relation to the disposition, administration, development, maintenance or repair of that land or any buildings or other improvements thereon.

6. (1) All expenditures by the Provincial Treasurer pursuant to any agreement made in the exercise of his powers under this Act shall be paid out of the Land Purchase Fund.

(2) The cost of maintaining or repairing any land held by the Crown pursuant to this Act or any buildings or other improvements thereon shall be paid out of the Land Purchase Fund.

(3) All revenues received from land while it is an asset of the Fund shall be paid into the Fund.

7. (1) Where, in respect of land acquired by the Crown pursuant to this Act,

- (a) moneys are thereafter appropriated by the Legislature for the purpose of reimbursing the Land Purchase Fund for the cost of acquiring that land and

5. Temporary administration of land acquired by the Crown.

6. Land purchases and maintenance may be made out of Fund.

7. Reimbursement of the Land Purchase Fund from subsequent appropriations.

other costs attributable to that land while it is an asset of the Fund, and

(b) the appropriation is under the administration of the Minister who requested the acquisition of the land, the Provincial Treasurer may order the transfer from the appropriation to the Land Purchase Fund of an amount equal to the original cost of the land plus the net maintenance costs, together with interest on that amount, at a rate determined by the Provincial Treasurer, capitalized to the date of the transfer to the Fund.

(2) In subsection (1)

(a) "original cost of the land" means the purchase price of the land plus any amount of any expenses incurred in connection with the acquisition of the land including any amounts referred to in section 4, subsection (3);

(b) "net maintenance costs" means the amount by which costs referred to in section 6, subsection (2) that are incurred in respect of the land concerned exceed the amount of the revenues from that land referred to in section 6, subsection (3).

(3) Where an amount is transferred to the Land Purchase Fund pursuant to subsection (1), the Lieutenant Governor in Council, upon the recommendation of the Provincial Treasurer or the Minister concerned, may make an order

(a) revoking any existing order made under section 5, subsection (2), and

(b) transferring the administration of the land to the Minister specified in the order.

(4) Subsection (3) does not operate to preclude the making of a subsequent order by the Lieutenant Governor in Council transferring the administration of the land to some other Minister.

8. (1) Where any land acquired pursuant to this Act is in the opinion of the Provincial Treasurer no longer required to meet future requirements of the department or other division of the public service of Alberta under the administration of the Minister who requested its acquisition, the Lieutenant Governor in Council may by order authorize the sale of that land at a price to be determined by the order.

(2) Where any land acquired pursuant to this Act is in the opinion of the Provincial Treasurer no longer required to meet future requirements of the department or other divisions of the public service of Alberta under the administration of the Minister who requested its acquisition, the Lieutenant Governor in Council may by order transfer the administration of the land to some other Minister of the

8. Disposition of surplus land.

Crown upon the transfer to the Fund from an appropriation under the administration of that other Minister of an amount prescribed in the order.

(3) The amount prescribed in an order under subsection (2) shall be not less than the amount that would have been transferred to the Fund under section 7, subsection (1) if the transfer to the Fund were made under that subsection.

(4) Subsections (1) and (2) do not apply where an order has been made under section 7, subsection (3).

(5) The proceeds of sales of land under this section shall be paid into the Land Purchase Fund.

(6) Land ceases to be an asset of the Fund upon the effective date of an order under section 7, subsection (3) or subsection (2) of this section or upon the effective date of a sale made pursuant to subsection (1) of this section.

9. The Lieutenant Governor in Council may make regulations governing

- (a) the management of the Land Purchase Fund;
- (b) the acquisition and disposition of land pursuant to this Act;
- (c) the administration and use of land held by the Crown pursuant to this Act;
- (d) such other matters as may be necessary to carry out the purposes of this Act.

10. After the end of each fiscal year of the Government, the Provincial Treasurer shall prepare a report respecting his activities under this Act during the preceding fiscal year and lay a copy thereof, together with an audited financial statement for the Land Purchase Fund as at the end of that fiscal year, before the Assembly if it is then in session and, if not, within 15 days after the commencement of the next ensuing session

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

9. Regulations.

10. Annual report to Assembly.