

1974 Bill 71

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Third Session, 17th Legislature, 23 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 71**

**THE ALBERTA HERITAGE AMENDMENT ACT, 1974**

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MR. HANSEN

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 71*  
*Mr. Hansen*

## **BILL 71**

1974

### **THE ALBERTA HERITAGE AMENDMENT ACT, 1974**

*(Assented to \_\_\_\_\_, 1974)*

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

*1. The Alberta Heritage Act, 1973 is hereby amended.*

*2. Section 1 is amended as to clause (k) by striking out the words "created in the administration of the public affairs of the Province by any department" and by substituting the words "owned by and in the possession of a department".*

*3. Section 4 is amended by adding the following subsection after subsection (2):*

(3) Any property acquired by the Minister under this section by gift, bequest, devise or loan is subject to any terms and conditions stipulated by the person giving, bequeathing, devising or lending the same.

*4. Section 10, subsection (1) is amended by striking out clause (a) and by substituting the following clause:*

(a) the Deputy Minister, or a person designated by the Minister to act in the place of Deputy Minister, who shall be chairman,

*5. Section 11, subsection (2) is amended by striking out the words "with the advice and assistance of the Public Records Committee".*

*6. The following section is added after section 16:*

**16.1** (1) The name of any place or other geographical feature in Alberta that

## Explanatory Notes

**1.** This Bill will amend chapter 5 of the Statutes of Alberta, 1973.

**2.** Section 1, clause (k) presently reads:

(k) 'public records' means all original documents, parchments, manuscripts, records, books, maps, plans, photographs, magnetic tapes or other documentary materials regardless of physical form created in the administration of the public affairs of the Province by any department;

**3.** Terms and conditions on acquisition.

**4.** Section 10, subsection (1), clause (a) presently reads:

10. (1) There shall be a Committee to be known as the Public Records Committee which shall consist of

(a) the deputy of the Minister, who shall be chairman,

To enable a person designated by the Minister to act when the Deputy is unavailable.

**5.** Section 11, subsection (2) presently reads:

(2) Each department shall appoint an employee of the department to act as a records officer and to be responsible for all aspects of records management within that department with the advice and assistance of the Public Records Committee.

The Minister is responsible for the interdepartmental records management program.

**6.** Heritage Sites Board will now be responsible for names of places and geographical features. This is presently a function of the Geographic Names Board under The Geographic Names Act which Act will be repealed by this Bill.

- (a) was approved after March 31, 1949 and before January 1, 1975 by the Geographic Board of Alberta under *The Geographical Names Act*, or
  - (b) is approved or changed after December 31, 1974 by the Heritage Sites Board pursuant to subsection (2),
- is the duly authorized name of that place or feature for all purposes.

(2) The Board may, with the consent of the Minister, approve a name for, or approve a change of the name for, any place or other geographical feature in Alberta.

(3) Where the Board approves the name or changes the name of any place or other geographical feature under this section, a notice signed by the secretary of the Board setting out the name approved or the change of name and the location of the place or other geographical feature to which the name applies, shall be published by the secretary in The Alberta Gazette.

- (4) The Minister may make regulations
  - (a) prescribing standards and guidelines for the approval of names and changes of names by the Board;
  - (b) prescribing the duties of the Board with respect to nomenclature;
  - (c) governing and requiring consultation by the Board with any department, municipality, person or body of persons concerning the naming of, or the changing of the name of, any place or other geographical feature.

7. *Section 17 is amended*

- (a) *as to subsection (1) by striking out the words “, after consultation with the Board,” and by substituting the words “, after giving 30 days’ notice of his intention to do so,”*
- (b) *as to subsection (2) by adding after the word “shall” the words “serve a copy of the order on the owner and”,*
- (c) *as to subsection (4) by striking out the words “14 days from the date of serving notice on the Minister” and by substituting the words “30 days from the date of serving notice on the Minister or the Executive Director”,*
- (d) *by adding the following subsections after subsection (4):*

(5) Notice or service on an owner under this section shall be given personally or by registered mail on the owner of the site as shown in the records of the Land Titles Office.

7. To provide for notice of impending order and service of orders as well as registration on the title of the rescinding order. Section 17, subsections (1), (2) and (4) presently read:

17. (1) The Minister may, after consultation with the Board, by order designate any heritage site whose preservation is in the public interest, together with such adjacent land as may be specified in the order, as a "Registered Heritage Site".

(2) The Minister shall register a certified copy of the order in the appropriate Land Titles Office against the title or titles to the land affected by the order.

(4) Upon the registration of an order under subsection (2), no person may, notwithstanding any other Act, destroy, alter, restore, repair, disturb or change any Registered Heritage Site or remove any heritage object from a Registered Heritage Site until the expiration of 14 days from the date of serving notice on the Minister of his proposed action, unless the Minister sooner consents to the proposed action.

(6) Where the Minister revokes an order made under subsection (1), he shall serve a copy of the rescinding order on the owner and register a certified copy of the order in the appropriate Land Titles Office the Registrar of which shall make a memorandum on the title or titles to the land concerned cancelling the registration of the order under subsection (1).

8. *Section 18 is amended by adding the following subsection after subsection (12):*

(13) Where the Lieutenant Governor in Council rescinds an order made under subsection (1), the Minister shall

- (a) serve a copy of the rescinding order personally or by registered mail on the owner of the site as shown in the records of the Land Titles Office, and
- (b) register a certified copy of that order in the appropriate Land Titles Office the Registrar of which shall make a memorandum on the title or titles to the land concerned cancelling the registration of the order made under subsection (1).

9. *Section 20 is amended*

(a) *by striking out subsection (1) and by substituting the following subsection:*

**20.** (1) The Minister may issue research permits authorizing the person named therein to make excavations on any land in Alberta described in the permit.

(b) *by striking out subsection (2) and by substituting the following subsection:*

(2) No person may make excavations on any land in Alberta for the purpose of seeking heritage objects or resources without holding a valid and subsisting research permit.

(c) *as to subsection (3)*

(i) *by striking out the words "An archaeological research permit" and by substituting the words "A research permit",*

(ii) *in clause (c) by striking out the words "the archaeological research permit" and by substituting the words "the research permit",*

(d) *as to subsection (4) by striking out the words "An archaeological research permit" and by substituting the words "A research permit".*

10. *Section 21 is amended*

(a) *by striking out subsection (1) and by substituting the following subsection:*

**8.** Section 18(1) authorizes the Lieutenant Governor in Council to designate areas called "Classified Heritage Sites".

**9. Section 20 presently reads:**

20. (1) The Minister may issue archaeological research permits authorizing the person named therein to make excavations on a Registered Heritage Site or on a Classified Heritage Site or on any Crown land.

(2) No persons may make excavations on any lands in Alberta for the purpose of seeking archaeological objects or remains without holding a valid and subsisting archaeological research permit.

(3) An archaeological research permit shall be subject to the following conditions:

(a) the holder shall, within such time as may be specified upon the permit, furnish to the Minister a progress report on the work done in such detail as the Minister may require,

(b) the holder of a permit shall, after completion of the excavation, restore the site to its normal condition insofar as it is reasonably possible to so do unless the Minister otherwise authorizes, and

(c) the holder shall deliver possession of all heritage objects recovered while excavating pursuant to the archaeological research permit to any public institution which the Minister may designate, and to such other conditions as the Minister may consider necessary.

(4) An archaeological research permit is valid for the period specified in the permit but may be sooner cancelled by the Minister if he is of the opinion that the holder of the permit is not complying with the conditions specified on the permit or with any provision of this Act or the regulations.

**10. Section 21 presently reads:**

21. (1) The issue of an archaeological research permit does not thereby authorize the holder of the permit to enter upon any land.

(2) No liability attaches to the Crown by reason of the issue of an archaeological research permit.

**21.** (1) The issue of a research permit does not entitle any person to enter upon the land that is the subject of the permit unless

(a) he has the permission of the owner and any person in possession or occupation of the land, or

(b) where the land is owned by the Crown in right of Alberta, he obtains the permission of, or a disposition from, the Minister responsible for the administration of that land.

(b) *as to subsection (2) by striking out the words "an archaeological research permit" and by substituting the words "a research permit".*

*11. Section 23 is amended*

(a) *by renumbering the section as subsection (1) and by adding after the word "Minister" in renumbered subsection (1) the words ", subject to the regulations," and*

(b) *by adding the following subsection after renumbered subsection (1):*

(2) The Lieutenant Governor in Council may make regulations

(a) prescribing the purposes for which grants may be made under this section, and

(b) limiting the maximum amount payable as grants.

*12. Section 25 is amended by striking out subsection (5) and by substituting the following subsection:*

(5) The Minister may authorize, fix and provide for the payment of remuneration and expenses to the members of the board.

*13. The Municipal Government Act is amended as to section 19, subsection (1) by striking out the words "The Geographical Names Act" and by substituting the words "The Alberta Heritage Act, 1973".*

*14. The Geographical Names Act is repealed.*

*15. (1) This Act, except sections 6, 13 and 14, comes into force on the day upon which it is assented to.*

*(2) Sections 6, 13 and 14 come into force on January 1, 1975.*



**11. Section 23 presently reads:**

23. The Minister may make grants to owners of heritage sites and may make such grants conditional upon such terms as he considers necessary or appropriate.

**12. Remuneration and expenses. Section 25, subsection (5) presently reads:**

(5) No member of the board shall receive any remuneration for his services but any member may receive payment from the funds of the Foundation for his necessary travelling and subsistence expenses incurred by him while absent from his ordinary place of residence and engaged on the business of the Foundation.

Present section 25 (5) prohibits remuneration.

**13. Consequential. This section will amend chapter 246 of the Revised Statutes of Alberta 1970. Section 19, subsection (1) of The Municipal Government Act reads:**

19. (1) The Lieutenant Governor in Council may, subject to The Geographical Names Act, alter the name or number, if any, of a municipality upon the petition of a majority of the council.