

1977 BILL 17

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 17

THE PUBLIC LANDS AMENDMENT ACT, 1977

THE ASSOCIATE MINISTER OF
ENERGY AND NATURAL RESOURCES

First Reading

Second Reading

Third Reading

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THE PUBLIC LANDS AMENDMENT ACT, 1977

(Assented to , 1977)

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

1. The Public Lands Act is hereby amended.

2. Section 2 is amended

(a) by adding after clause 1 the following:

1.1 "Assistant Deputy Minister" means the Assistant Deputy Minister of Lands of the Department;

(b) by striking out clause 4;

(c) as to clause 13 by adding the word "Associate" before the word "Minister".

3. The word "Director" is struck out wherever it occurs in the following provisions and the words "Assistant Deputy Minister" are substituted:

section 2, clause 15,

section 6,

section 7, subsections (1) and (2),

section 18, clause (d),

section 29, subsection (1), clause (b),

Explanatory Notes

1. This Bill will amend chapter 297 of the Revised Statutes of Alberta 1970.

2. Section 2, clauses 4 and 13 presently read:

2. In this Act,

4. “Director” means the Director of Lands of the Department;

13. “Minister” means the Minister of Energy and Natural Resources;

Clause 1.1 provides for an Assistant Deputy Minister of Lands in place of a Director of Lands.

3. Consequential amendments.

section 35, subsection (1),
section 58, subsection (3) and subsection (4), clause (a),
section 61, subsections (1) and (2),
section 81, subsection (2),
section 84, subsections (2) and (4),
section 87, subsection (2), clause (b),
Schedule, Form A.

4. *Section 8 is amended by striking out clauses (a) and (c).*

5. *Section 9 is amended by adding the following after subsection (2):*

(3) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to sell public lands by public auction or by private sale upon the terms and conditions prescribed by the Minister and at a price not less than the fair value of similar lands in the immediate district in which the public lands are situated, and taking into consideration the purposes for which the land may be used;
- (b) authorizing the Minister to exchange public lands for other lands, where in the opinion of the Minister adequate compensation is obtained for the public lands;
- (c) authorizing the Minister to prescribe the rent, rates and royalties payable under any disposition.

4. Section 8, clauses (a) and (c) presently read:

8. The Lieutenant Governor in council may

(a) authorize the Minister to sell public lands by public auction or by private sale upon the terms and conditions and at a price not less than the fair value of similar lands in the immediate district in which the public lands are situated, and taking into consideration the purposes for which the land may be used,

(c) authorize the Minister to exchange public lands for other lands, where in the opinion of the Minister adequate compensation is obtained for the public lands,

Consequential to the amendment to section 9.

5. Provides for sale of public land by regulation.

6. *The following is added after section 12:*

12.1. The Minister may purchase any estate or interest in land and any personal property in conjunction therewith where in his opinion the land is required to carry out or assist in carrying out any policy, program, service or other matter under his administration.

7. *Section 20 is amended*

(a) *as to subsection (1) by adding the word “or” at the end of clause (b) and by adding the following after clause (b):*

(c) to enter upon and occupy public land for a stated purpose.

(b) *by adding the following after subsection (2):*

(3) The Minister may impose such conditions as he considers necessary on any authorization granted by him pursuant to subsection (1).

(4) The Minister may, before or as a condition of granting any authorization under subsection (1), require the applicant to provide a security deposit in an amount and form acceptable to the Minister for such purpose as the Minister considers necessary.

8. *Section 55 is struck out and the following substituted:*

55. Every person who is guilty of an offence under this Act or the regulations for which no penalty is provided is liable on summary conviction to a fine not exceeding \$1000 and in default of payment to imprisonment for a term not exceeding 90 days.

9. *Section 79 is amended*

(a) *as to subsection (1) by adding the word “, or” at the end of clause (e) and by adding the following after clause (e):*

(f) where, in the opinion of the Minister, the land contained in the lease or to be withdrawn from it is required for a purpose that he considers to be in the public interest.

(b) *by striking out subsection (3) and substituting the following:*

6. Minister may purchase land and personal property.

7. Section 20, subsection (1) presently reads:

20. (1) *The Minister may authorize any person*

(a) *to enter upon and occupy public land for a stated period for the purpose of*

(i) *conducting appraisals, inspections, analyses, inventories or other investigations of the natural resources which may exist thereon, or*

(ii) *exploring for or excavating fossil remains or objects of geological, ethnological, historical or scientific interest,*

or

(b) *to enter upon and immediately occupy any public land mentioned in any application he has submitted for a disposition thereof.*

8. Section 55 presently reads:

55. *Every person who is guilty of an offence under this Act or the regulations for which no penalty is provided is liable upon summary conviction to a fine not exceeding three hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days.*

9. Section 79 presently reads:

79. (1) *One month after the date upon which the Minister mails a notice in writing to the last known address of the lessee, he may cancel a lease or withdraw any part of the land contained in a lease*

(a) *where, except in the case of a lease conveying rights to sand, gravel, clay or marl, he is satisfied that the land contained in the lease or to be withdrawn from it contains sand, gravel, marl or clay in commercial quantities, or*

(b) *where the land contained in the lease or to be withdrawn from it is to be subdivided or made the subject of a disposition that will authorize its use for industrial or commercial purposes, or*

(3) Where the Minister at the request of an applicant for a grant or disposition of public lands contained in a lease cancels the lease or withdraws land from the lease pursuant to subsection (1), the applicant for the grant or disposition shall negotiate with and pay compensation to the lessee for the loss of the lessee's interest under the lease.

(4) Where the Minister cancels a lease or withdraws land from a lease pursuant to subsection (1), clause (d), no compensation is payable to the lessee.

(5) Where the Minister cancels a lease or withdraws land from a lease otherwise than in the circumstances set out in subsections (3) and (4), the Minister shall negotiate with and pay compensation to the lessee for the loss of the lessee's interest under the lease.

(6) If after 30 days from the date the lease was cancelled or land was withdrawn from the lease under subsection (1) the amount of compensation payable to the lessee has not been settled, the applicant or the Minister, as the case may be, or the lessee may apply to the Land Compensation Board established under *The Expropriation Act* to determine the amount of compensation.

(7) Where an application is made to the Land Compensation Board pursuant to subsection (6), the Board shall decide the compensation payable to the lessee on the same basis as if the lessee's interest in the land had been expropriated pursuant to *The Expropriation Act*, and that Act and the regulations made under it respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply thereto in the same manner as if the lessee's interest had in fact been expropriated.

10. *The Special Areas Act is amended as to section 7, subsection (4) by striking out the words "Director of Lands" and substituting the words "Assistant Deputy Minister of Lands".*

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

- (c) where the land contained in the lease or to be withdrawn from it is to be designated as a park pursuant to The Provincial Parks Act or added to a park designated under that Act or its predecessors, or is to be set aside as a public resort or recreation area, or*
 - (d) where the land contained in the lease or to be withdrawn from it is, in the opinion of the Minister, irrigable in whole or in part, or*
 - (e) where the land contained in the lease or to be withdrawn from it is required to provide public access to a public resort or recreation area or to a river, stream, watercourse, lake or other body of water.*
- (2) When the Minister withdraws land pursuant to subsection (1) he may reduce the rent reserved in the lease by an amount in direct proportion to the area of land withdrawn.*
- (3) When the Minister cancels a lease or withdraws land from a lease pursuant to subsection (1) he may pay to the lessee such amount to which the lessee, in the opinion of the Minister, is entitled by way of compensation.*

10. Consequential amendment.