

1979 BILL 9

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

THE PUBLIC LANDS AMENDMENT ACT, 1979

THE ASSOCIATE MINISTER OF
PUBLIC LANDS AND WILDLIFE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 9

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THE PUBLIC LANDS AMENDMENT ACT, 1979

(Assented to , 1979)

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

- 1 The Public Lands Act is amended by this Act.*
- 2 Section 2, clause 13 is repealed and the following is substituted:*
 13. “Minister” means the Associate Minister of Public Lands and Wildlife;
- 3 Section 9(1)(c) and (e) is repealed.*
- 4 The following is added after section 14:*
 - 14.1** The Minister may, in a disposition, prescribe terms and conditions to which the disposition is subject.
- 5 Section 42 is amended by adding “mortgage,” after “not”.*

Explanatory Notes

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

2 Section 2 presently reads in part:

13. "Minister" means The Associate Minister of Energy and Natural Resources;

3 Section 9(1)(c) will no longer be needed with the enactment of the proposed section 14.1. See section 4 of this Bill. Section 9(1)(e) is no longer needed because it is covered by section 25 of the Act. Section 9(1) presently reads in part:

9(1) The Lieutenant Governor in Council may make regulations authorizing and governing dispositions of public lands not expressly provided for by this Act, and without restricting the generality of the foregoing, the regulations may, with respect to the dispositions so authorized,

(c) prescribe the terms and conditions to which the dispositions are subject,

(e) prescribe the conditions under which the Minister may cancel a disposition,

4 The Minister may prescribe the terms and conditions to which a disposition is subject.

5 Section 42 presently reads:

42 The holder shall not assign, transfer or sublet the lands contained in his disposition, or any part thereof, without the consent of the Minister in writing.

6 *Section 46 is amended by renumbering it as section 46(1) and by adding the following:*

(2) If an improvement becomes the property of the Crown under subsection (1),

(a) the right, title and interest of all other persons to or in the improvement is terminated, and

(b) the Minister may order the improvement to be removed, demolished, sold or otherwise disposed of.

7 *The following is added after section 68:*

68.1 No person shall bring an action for the recovery of damages against a person who holds a licence of occupation granted under the regulations in respect of a road, if the damages occur wholly or partly as a result

(a) of the presence, absence or insufficiency of a wall, fence, guardrail, railing, curb, pavement markings, traffic control device, sign, illumination device or barrier adjacent to, in, along or on the travelled portion of the licensed area, or

(b) of

(i) any construction, obstruction or structure, or

(ii) the existence or arrangement of any earth, rock, tree or other material or thing

that is adjacent to, in, along or on the licensed area but that is not on the travelled portion of it.

8 *Section 117(2) is repealed and the following is substituted:*

(2) If a corporation holds a grazing lease and, as a result of the transfer of shares or the allotment of new shares, or both, a number of shares equal to or greater than 5% of the total number of issued shares prior to the transfer or allotment becomes vested in persons other than those persons who held them prior to the transfer or allotment, the Minister may

(a) require the corporation to pay to him an amount equal to the percentage that the number of shares transferred or allotted is of the total number of issued shares prior to the transfer or allotment multiplied by the assignment fee that the corporation would be required to pay under the regulations if the grazing lease had been assigned to it by another person, or

6 Section 46 presently reads:

46 Any person who occupies public lands and

(a) is not the holder of a disposition authorizing him to do so, or

(b) is not otherwise authorized to do so under this Act or the regulations,

shall be deemed to be a trespasser and any improvements created by him are the property of the Crown.

7 Restricted right of action for damage caused by the condition of a road which is the subject of a licence of occupation granted under the regulations.

8 Section 117(2) presently reads:

(2) Where a corporation holds a grazing lease and by the transfer of shares or by the allotment of new shares, or both, the majority of its shares at any time become vested in persons other than those persons who held the majority of its shares prior to such transfer or allotment, the Minister may

(a) cancel the grazing lease if he considers it in the public interest to do so, or

(b) require the corporation to pay a sum equivalent to the assignment fee that it would be required to pay by the regulations if the grazing lease had been assigned by it to another person.

(b) if he considers it in the public interest to do so,
cancel the grazing lease.

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