

1981 BILL 94

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 94**

**GOVERNMENT LAND PURCHASES  
AMENDMENT ACT, 1981**

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THE PROVINCIAL TREASURER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 94*

## **BILL 94**

1981

### **GOVERNMENT LAND PURCHASES AMENDMENT ACT, 1981**

*(Assented to \_\_\_\_\_, 1981)*

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

*1 The Government Land Purchases Act is amended by this Act.*

*2 The following is added before section 1:*

**0.1** In this Act,

(a) “expropriation” means expropriation as defined in the  
*Expropriation Act* and includes an acquisition of land pursuant  
to section 28.1 of that Act;

(b) “Fund” means the Land Purchase Fund;

(c) “net maintenance costs” means the amount by which  
costs referred to in section 6(2) that are incurred in respect  
of the land concerned exceed the amount of the revenues from  
that land referred to in section 6(3);

(d) “original cost of the land” means the purchase price or  
the compensation paid for the expropriation of the land plus  
the amount of any expenses incurred in connection with the  
acquisition of the land, including any amounts referred to in  
section 4(3).

*3 Section 1(4) is amended by striking out “\$100,000,000” and  
substituting “\$450 000 000”.*

## **Explanatory Notes**

**1** This Bill will amend chapter 32 of the Statutes of Alberta, 1974.

**2** Adding and generalizing definitions.

**3** Section 1(3) and (4) presently read:

*(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.*

4 *Section 2(1) is repealed and the following is substituted:*

**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

(a) to meet future requirements of a department or other division of the public service of Alberta, or

(b) in a restricted development area established under the *Department of the Environment Act*, for

(i) any purpose referred to in section 15(1) of that Act,

(ii) the construction of a highway, road or other transportation system or of a public utility within the meaning of the *Public Utilities Board Act*, or

(iii) quarries for the extraction of materials that are incidental to or necessary for construction referred to in subclause (ii).

5 *Section 3 is amended by adding “by the Crown” after “acquired”.*

6 *The following is added after section 3:*

**3.1(1)** In this section, “expropriating Act” means

(a) an authorizing Act as defined in the *Expropriation Act*, and

(b) the *Expropriation Act*.

(2) Where land is acquired by the Crown by expropriation, the Provincial Treasurer may order that the whole or any part of the compensation, costs and other money that the Crown is required to pay by or under the expropriating Act be paid out of the Fund.

(3) For the purposes of this Act, land whose acquisition by expropriation was wholly or partly financed under subsection (2) shall be deemed to be land acquired and held by the Crown pursuant to this Act.

**4** Section 2(1) presently reads:

*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.*

**5** Section 3 presently reads:

*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.*

**6** Use of Fund to finance expropriation.

(4) Nothing in this Act relieves the Crown from any obligation that it has under an expropriating Act.

7 *The following is added after section 4:*

**4.1(1)** On the request of the Minister of Transportation, the Provincial Treasurer may arrange that land in Alberta that

(a) is an asset of the revolving fund established under section 10(1) of the *Department of Transportation Act*, and

(b) will not be required by the Department of Transportation until a future date

become an asset of the Land Purchase Fund.

(2) Where the Provincial Treasurer makes an arrangement under subsection (1), the Provincial Treasurer shall pay to the revolving fund referred to in subsection (1)(a) an amount equal to the original cost of the land plus its net maintenance costs.

8 *Section 5 is amended*

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

**5(1)** Where land is acquired by the Crown pursuant to this Act, the land becomes an asset of the Fund.

(1.1) Where land becomes an asset of the Fund, the Minister having the administration of the land is

(a) the Provincial Treasurer, or

(b) where the Treasury Board designates some other Minister for that purpose, the Minister so designated.

(b) *in subsection (2) by striking out “Notwithstanding subsection (1)” and substituting “Notwithstanding subsection (1.1)”;*

(c) *by repealing subsection (3).*

9 *Section 6 is amended*

(a) *in subsection (1) by striking out “pursuant to any agreement”;*

**7** Inter-departmental transactions.

**8** Section 5(1) to (3) presently read:

*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.*

**9** Section 6(1) and (2) presently read:

*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.*

(b) in subsection (2) by adding “holding,” after “cost of”.

10 Section 7 is amended

(a) in subsection (1),

(i) by striking out “and” at the end of clause (a), and

(ii) by repealing clause (b);

(b) by repealing subsection (2);

(c) in subsection (3) by striking out “and” at the end of clause (a), by adding “, or” at the end of clause (b), and by adding the following after clause (b):

(c) effecting both the revocation and the transfer of administration.

11 The following is added after section 7:

**7.1(1)** Where, in respect of land that has become an asset of the Fund pursuant to section 4.1(1), the Minister of Transportation so requests, the Provincial Treasurer may order the transfer from the revolving fund established under section 10(1) of the *Department of Transportation Act* 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



*(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.*

**10** Section 7(1) to (3) presently read:

*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 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.*

**11** Reimbursement of Fund from Transportation Fund.

rate determined by the Provincial Treasurer, capitalized to the date of the transfer to the Fund.

(2) Section 7(3) and (4) apply where an amount is transferred to the Fund pursuant to subsection (1) of this section.

12 *Section 8 is amended*

*(a) by repealing subsections (1) and (2) and substituting the following:*

**8(1)** Where any land that is an asset of the Land Purchase Fund

(a) is, in the opinion of the Provincial Treasurer, no longer required

(i) for the purpose referred to in section 2(1)(a) or (b) for which it was acquired, or

(ii) in the case of expropriated land, for the purpose for which it was expropriated,

or

(b) is land referred to in section 4.1 that is no longer required by the Department of Transportation,

then, subject, in the case of expropriated land, to section 68 of the *Expropriation Act*, the Lieutenant Governor in Council may by order

(c) authorize the sale of that land at a price to be determined by the order, or

(d) transfer the administration of the land to a Minister of the Crown on the transfer to the Fund in the manner prescribed in the order of an amount so prescribed.

*(b) in subsection (3) by striking out “subsection (2)” and substituting “subsection (1)(d)”;*

*(c) in subsection (4) by striking out “Subsections (1) and (2) do” and substituting “Subsection (1) does”;*

*(d) in subsection (6)*

*(i) by striking out “subsection (2)” and substituting “subsection (1)(d)”, and*

*(ii) by striking out “subsection (1)” and substituting “subsection (1)(c)”.*

**12** Section 8 presently reads:

*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 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.*

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*In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.*

