

1984 BILL 38

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

PUBLIC LANDS AMENDMENT ACT, 1984

MR. WEISS

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 38
Mr. Weiss

BILL 38

1984

PUBLIC LANDS AMENDMENT ACT, 1984

(Assented to _____ *, 1984)*

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 1 is amended by repealing clause (s).*

3 *Section 3 is amended*

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

3(1) Subject to subsection (2) but notwithstanding any other law, the title to the beds and shores of

(a) all permanent and naturally occurring bodies of water, and

(b) all naturally occurring rivers, streams, watercourses and lakes,

is vested in the Crown in right of Alberta and a grant or certificate of title made or issued before or after the commencement of section 3 of the *Public Lands Amendment Act, 1984* does not convey title to those beds or shores.

(b) by repealing subsection (2)(a) and substituting the following:

(a) to affect a grant referred to in subsection (1) that specifically conveys by express description a bed or shore referred to in subsection (1) or a certificate of title founded on that grant,

(c) by adding the following after subsection (2):

(3) For the purposes of subsection (1), a river, stream or watercourse does not cease to be naturally occurring by reason only that its water is diverted by human act.

Explanatory Notes

1 This Bill will amend chapter P-30 of the Revised Statutes of Alberta 1980.

2 Section 1(s) presently reads:

1 In this Act,

(s) "subagent" means an employee of the Department employed as a subagent;

3 Section 3 presently reads in part:

3(1) Subject to subsection (2), the title to the beds and shores of all rivers, streams, watercourses, lakes and other bodies of water is hereby declared to be vested in the Crown in right of Alberta and no grant or certificate of title made or issued before or after the commencement of this Act shall be construed to convey title to those beds or shores.

(2) Subsection (1) does not operate

(a) to affect a grant made before or after the commencement of this Act that specifically conveys by express description the bed or shore of a river, stream, watercourse, lake or other body of water, or a certificate of title founded on that grant,

4 *Section 8 is amended*

(a) *by repealing subsection (1)(g),*

(b) *in subsection (3)(a),*

(i) *by striking out “or by private sale” and substituting “, private sale or tender”, and*

(ii) *by striking out “similar land in the immediate district in which the public land is situated,” and substituting “the land”.*

5 *Section 9 is amended*

(a) *by adding the following after clause (a):*

(a.1) **permitting, prohibiting or regulating the use of any public land that is not the subject of a disposition;**

(b) *by adding the following after clause (h):*

(h.1) **providing, as to any provision in any regulations under this Act, that its contravention constitutes an offence;**

6 *Section 17(d) is repealed and the following is substituted:*

(d) **reserve public land for any reason and for any period and permit the use of that land for any period and subject to any terms and conditions that the Minister prescribes by the Crown in right of Canada, by any department of the Government or by any person, without executing a disposition for it, and**

7 *Section 18(2) and (3) are repealed.*

4 Section 8(1)(g) and (3)(a) presently read:

8(1) The Lieutenant Governor in Council may make regulations authorizing and governing dispositions of public land 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,

(g) provide, as to any provision in the regulations, that its contravention constitutes an offence;

(3) The Lieutenant Governor in Council may make regulations

(a) authorizing the Minister to sell public land by public auction or by private sale on the terms and conditions prescribed by the Minister and at a price not less than the fair value of similar land in the immediate district in which the public land is situated, and, for that purpose, the Minister may take into consideration the purposes for which the land will be used;

5 Additional regulation making powers.

6 Section 17 presently reads:

17 The Minister may

(a) within 2 years after a sale by public auction that did not find a purchaser, sell the land by private sale at a price not less than the upset price,

(b) repealed 1982 c30 s8,

(c) sell the land contained in a homestead lease to the lessee on any terms and conditions that the Minister may prescribe if the lessee, in the opinion of the Minister, has faithfully and to the best of his ability endeavoured to perform his obligations under the homestead lease but from some unpreventable cause or mental or physical incapacity or through some technicality has failed in doing so and yet has an equitable claim entitling him to favourable consideration,

(d) authorize the Assistant Deputy Minister to reserve public land for any specified reason for a stated period and to permit the use of that land for a stated period and subject to any terms and conditions the Assistant Deputy Minister prescribes by the Crown in right of Canada, by any department of the Government, or by any person, without executing a disposition for it, and

(e) promote good farm cultural practices and require efficient range management community efforts and enterprise and the adoption of farming and grazing practices by lessees for the purpose of preventing soil drifting or overgrazing.

7 Section 18 presently reads in part:

18(1) The Minister may give public land

(a) to the board of trustees of a school district or school division in a rural area, when the land is required as a site for school purposes,

8 *Section 19(2) is repealed and the following is substituted:*

(2) A person who is authorized to enter and immediately occupy public land under subsection (1)(b) is bound by this Act from the time the authorization is given in the same manner and to the same extent as if the disposition for which he applied had been granted to him.

9 *Section 28(1) is amended by striking out “rates or taxes due and owing in respect of the interest under that disposition” and substituting “debt owed to the Crown and under the Minister’s administration”.*

10 *Section 38(2) is amended by striking out “90” and substituting “60”.*

11 *Section 47.1(1) is amended by adding “or condition” after “term”.*

12 *Section 49(1) is repealed and the following is substituted:*

49(1) When an officer believes on reasonable grounds that any clay, marl, sand, gravel, silica sand, topsoil or peat has been removed unlawfully from public land, he may seize it and any vehicle, tools or equipment used to remove or transport it.

13 *Section 57 is amended by adding the following after subsection (6):*

(7) When the Minister receives a tender in respect of a contract to conduct improvements on public land, then, notwithstanding section 8 of the *Public Works Act*, he is not required to accept the lowest or any tender.

(b) to a religious corporation or the trustees of a religious society or congregation, when the land is to be used as a site for a church or mission,

(c) to a religious corporation, the trustees of a religious society or congregation, a municipal corporation or cemetery company as a site for a burial ground, and

(d) to a society as a site for a community hall.

(2) The area of public land the Minister gives to the board of trustees of a school district or school division pursuant to subsection (1)(a) must not exceed 12 acres and the length of the area shall not exceed twice its width.

(3) The area of public land the Minister gives pursuant to subsection (1)(b), (c) or (d) must not exceed 6 acres and the length of the area shall not exceed twice its width.

8 Section 19(2) presently reads:

(2) A person who enters and occupies public land pursuant to an authority under subsection (1)(b) is bound by this Act in the same manner and to the same extent as if the disposition for which he applied had been granted to him.

9 Section 28(1) presently reads:

28(1) If on the cancellation or expiration of a disposition, there is in the hands of the Minister any money in excess of the amount owing under it, the Minister may apply the excess in payment of any rates or taxes due and owing in respect of the interest under that disposition.

10 Section 38(2) presently reads:

(2) When a disposition is issued and the intended holder fails to execute the disposition and return it to the Department at Edmonton within 90 days from the date the disposition is dated

(a) the Minister may cancel the disposition, and

(b) the intended holder shall be deemed to have been the holder of the disposition only as to any liability incurred by him under it.

11 Section 47.1(1) presently reads:

47.1(1) The Minister may require a person who holds a disposition or an authorization under section 19(1) and who contravenes a term of the disposition or authorization to pay to the Minister a penalty in an amount prescribed by him, not to exceed \$5000.

12 Section 49(1) presently reads:

49(1) When an officer believes on reasonable grounds that any clay, marl, sand or gravel has been removed unlawfully from public land, he may seize the clay, marl, sand or gravel and any vehicle, tools or equipment used to remove or transport the clay, marl, sand or gravel.

13 Tenders for conducting improvements.

14 Section 69(a) is amended by striking out “no” and substituting “not”.

15 Section 79 is amended

(a) in subsection (1)

(i) by striking out “One month” and substituting “Sixty days”,
and

(ii) in clause (a), by adding “silica sand, topsoil, peat,” after
“sand,” wherever it occurs;

(b) in subsection (6), by striking out “30 days” and substituting
“60 days”.

16 Section 80 is amended by adding the following after clause (a):

(a.1) “homestead sale” means an agreement between the Minister and another person to sell that person a parcel of public land classified by the Minister as available for settlement, that was entered into under this Part before July 1, 1984 or under the former Act;

17 Section 81 is amended

(a) by repealing subsection (2);

(b) in subsection (3),

(i) in clause (b), by striking out “dealt with pursuant to subsection (2)” and substituting “for a homestead sale received before that date”, and

(ii) by adding “, with the exception of any residence requirements of that Act,” after “former Act”.

14 Section 69 presently reads:

69 In this Part,

(a) "lease" means a disposition other than a disposition under which the holder may become entitled to an estate in fee simple, but includes a disposition containing an option to purchase the land to the extent that its provisions do not pertain to the option;

(b) "lessee" means the holder of a lease.

15 Section 79 presently reads in part:

79(1) One month after the date on 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) when, 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,

(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.

16 Section 80 presently reads:

80 In this Part,

(a) "arable land" means land which, in the opinion of the Minister, is suitable for cultivation;

(b) "purchaser" means the holder of a homestead sale.

17 Section 81 presently reads:

81(1) This Part applies only to homestead sales issued as a result of applications received on or after April 20, 1964.

(2) Applications for homestead sales received by the Assistant Deputy Minister before April 20, 1964, shall be dealt with in accordance with the former Act as it existed immediately before that date.

(3) Except as provided in subsection (4), homestead sales entered into by the Minister

(a) before April 20, 1964, or

(b) pursuant to an application dealt with pursuant to subsection (2),

are subject to the former Act as it existed immediately before April 20, 1964.

(4) The Minister may treat the holder of a homestead sale referred to in subsection (3) as having complied with section 195(1)(c) of the former Act as it stood immediately before April 20, 1964 if that purchaser proves in his application for notification that he has an area under cultivation equivalent to the area required to be under cultivation by the end of the 5th year of the term of his homestead sale.

18 Sections 82 to 85 are repealed.

18 Sections 82 to 85 presently read:

82(1) The Minister may, in accordance with this Part, agree to sell parcels of public land classified by him as available for settlement.

(2) An agreement to sell public land pursuant to this Part shall be called a homestead sale.

(3) A homestead sale

(a) subject to clause (b), shall contain adjoining land not exceeding 4 quarter-sections in area if at least 1/2 or more of the area is arable, and

(b) may contain one quarter-section in area of adjoining land, or less, if the area contains 80 acres or more of arable land.

(4) A homestead sale issued during the first 6 months in any year is effective as of January 1 in that year.

(5) A homestead sale issued during the last 6 months in any year is effective on January 1 in the following year.

Applications for Homestead Sales

83(1) A person who

(a) is a veteran or has resided in Alberta for an aggregate total of one year within the 3 years prior to the date he applies for a homestead sale,

(b) has attained the age of 18 years and who has not attained the age of 71 years, and

(c) is a Canadian citizen,

may apply for a homestead sale unless he is ineligible to do so by reason of subsection (2).

(2) Every person who complies with subsection (1) and who

(a) is the registered owner or whose spouse is the registered owner of a farm, either solely or jointly with any other person,

(b) is in possession or control of a farm or whose spouse is in possession or control of a farm pursuant to an agreement for sale, or

(c) is a shareholder or whose spouse is a shareholder in a corporation that is either

(i) the registered owner of a farm, or

(ii) in possession or control of a farm pursuant to an agreement for sale,

is eligible to apply for a homestead sale only if the public land applied for, combined with

(d) the land so owned, possessed or controlled by the applicant and by the spouse of the applicant, and

(e) an area of land that bears the same proportion to the area of all land owned, possessed or controlled by the corporation as the number of shares in the corporation held by the applicant and his spouse bears to the total number of issued shares in the corporation,

does not exceed 4 quarter-sections.

19 Section 86 is amended

(a) by repealing subsection (1);

(b) in subsection (2)

(i) by striking out “price” and substituting “price under a homestead sale”,

(ii) in clauses (a), (b) and (c) by striking out “are” and substituting “were”, and

(iii) by striking out “is executed” and substituting “was executed”.

(3) Subject to subsection (2), a purchaser may apply to purchase additional public land which is, in relation to the public land contained in his homestead sale, adjoining land.

(4) Subject to subsection (2), the spouse of a purchaser of a homestead sale may apply for a homestead sale.

(5) No person may apply for a homestead sale pursuant to subsection (2) or (4) unless the public land described in the application is situated, in the opinion of the Minister, within a radius of 10 miles exclusive of statutory road allowances from the other land referred to in those subsections.

84(1) An application for a homestead sale shall be made in person during regular office hours at

- (a) the public land office of the Department in Edmonton,
- (b) the office of a subagent, or
- (c) any other places authorized by the Minister.

(2) The Assistant Deputy Minister shall consider all applications in the order they are received at the public land office of the Department in Edmonton.

(3) When an application is made at the office of a subagent or some other place the Minister has authorized, the application has no effect until it is received at the public land office of the Department in Edmonton.

(4) Notwithstanding subsection (3), when an application is made at the office of a subagent or some other place the Minister has authorized, the sub-agent may at the expense of the applicant inform the Assistant Deputy Minister of the application and the Assistant Deputy Minister may at the expense of the applicant acknowledge the application by a reply.

(5) When subsection (4) applies, the application shall be deemed to have been received at the public land office of the Department in Edmonton at the time of the receipt of the information from the subagent.

85(1) Every application to purchase shall be accompanied by a deposit in an amount fixed by the Lieutenant Governor in Council for each quarter-section or fractional quarter-section of land applied for.

(2) If the Minister enters into a homestead sale, the deposit paid by the purchaser shall be applied on account of the payment of the purchase price.

19 Section 86 presently reads in part:

86(1) The price of public land sold pursuant to this Part shall be determined by the Minister who may for that purpose consider

- (a) the value of the public land determined by an officer of the Department who has inspected it,
- (b) the duties to be performed by the purchaser, and
- (c) the cost of constructing any works or improvements required to provide access to or facilitate the settlement of the land.

(2) The purchase price is payable by the purchaser in equal consecutive annual instalments commencing with

- (a) the 4th year, if less than 25 acres of land are under cultivation, or

20 *Section 87 is amended*

(a) *in subsection (1), by adding “after the issue of the homestead sale” after “in each year”;*

(b) *in subsection (2)*

(i) *by adding “which was” after “land”, and*

(ii) *by striking out “is” and substituting “was”;*

(c) *by repealing subsection (4).*

21 *Section 88 is repealed.*

(b) the 3rd year, if not more than 50 and not less than 25 acres of land are under cultivation, or

(c) the 2nd year, if more than 50 acres of land are under cultivation, at the time the homestead sale is executed.

20 Section 87 presently reads:

87(1) A purchaser of a homestead sale of land not exceeding one quarter-section shall break and seed to crop not less than the following areas in each year:

	<i>Break</i>	<i>Seed to crop</i>
<i>First year</i>	<i>10 acres</i>	<i>nil acres</i>
<i>2nd year</i>	<i>10 acres</i>	<i>10 acres</i>
<i>3rd year</i>	<i>10 acres</i>	<i>20 acres</i>
<i>4th year</i>	<i>10 acres</i>	<i>30 acres</i>
<i>5th year</i>		<i>40 acres</i>
<i>6th year</i>		<i>40 acres</i>
<i>7th year</i>	<i>10 acres</i>	<i>40 acres</i>
<i>8th year</i>	<i>10 acres</i>	<i>50 acres</i>
<i>9th year</i>		<i>60 acres</i>
<i>each year thereafter</i>		<i>60 acres</i>

(2) For the purposes of subsection (1),

(a) any land under cultivation at the time the homestead sale is issued shall be deemed to be land broken by the purchaser, and

(b) summerfallow, unseeded cultivated land or land seeded to tame hay or grass shall, when authorized by the Assistant Deputy Minister, be deemed to be land seeded to crop.

(3) When a homestead sale contains land exceeding one quarter-section, the area to be broken and seeded to crop shall bear the same proportion to the total area as the areas set out in subsection (1) bear to one quarter-section.

(4) Notwithstanding the failure of the purchaser to perform his residence in any year, the cultivation he completes pursuant to this section for that year shall be credited to him.

21 Section 88 presently reads:

88(1) Every purchaser shall reside

(a) on the land described in his homestead sale, or

(b) on land in the vicinity,

as required by subsection (3), for a total of at least 3 months in each year of the term of the sale commencing not later than July 1 in the 7th year of the term.

(2) Subject to section 101, a notification may be issued to a purchaser before the completion of the term of his sale if he resides

(a) on the land described in his homestead sale, or

(b) on land in the vicinity,

as required by subsection (3), for a total of 12 months in 2 or more years commencing

(c) at any time after the date of issue of the homestead sale, when it is issued during the first 6 months of the year, or

22 *Section 90 is amended*

(a) in clauses (a), (b), (c) and (d) by striking out “are” and substituting “were”;

(b) by striking out “is issued” and substituting “was issued”.

23 *Sections 91 and 92 and the heading immediately preceding section 91 are repealed.*

- (d) *at any time after the effective date of the homestead sale, when it is issued during the last 6 months of the year,*
- if the residence periods total not less than 3 months in any one year.*
- (3) *The purchaser shall reside in a habitable house situated on the land contained in the homestead sale or on a farm having an area of at least 80 acres that is, in the opinion of the Minister, situated within a radius of 10 miles, exclusive of statutory road allowances, from the land contained in the homestead sale.*
- (4) *For the purpose of this section one month shall be deemed to be a period of 30 consecutive days.*
- (5) *Residence by the family in the absence of the purchaser shall not be counted towards fulfilment of the residence requirements.*
- (6) *For the purpose of determining whether a homestead purchaser has complied with the residence requirements under this section or under a former Act, no period of residence shall be excluded for the reason only that the homestead purchaser was not chiefly engaged in farming during the period of residence.*
- (7) *Residence duties performed in any year in accordance with this section count to the credit of the purchaser even though the purchaser fails to comply with the cultivation requirements in the same year.*

22 Section 90 presently reads:

90 No land contained in a homestead sale is liable to taxation under any Act authorizing the taxation of a purchaser's interest under a homestead sale until

- (a) the 4th year, if less than 25 acres of land are under cultivation,*
 - (b) the 3rd year, if not more than 50 and not less than 25 acres of land are under cultivation,*
 - (c) the 2nd year, if not more than 100 but more than 50 acres of land are under cultivation, or*
 - (d) the first year, if more than 100 acres of land are under cultivation,*
- on the day the homestead sale is issued.*

23 Sections 91 and 92 presently read:

Substitutional Homestead Sales

- 91(1) Subject to section 83, the purchaser of a homestead sale may apply to the Minister to cancel the homestead sale and enter into a new homestead sale containing all or part of the same land.*
- (2) Subject to section 83, an application under this section may include land other than land contained in the homestead sale.*
- (3) When an application is made under this section, the Minister shall prescribe the conditions with respect to*
- (a) repayment of any loan under the Homestead Lease Loan Act,*
 - (b) transfer of any money paid as principal on account of the purchase price under the cancelled homestead sale, and*
 - (c) the addition of any money due as interest under the cancelled sale to the purchase price of the new sale.*

24 *Section 93 is amended*

(a) in subsection (1), by striking out “When a homestead sale is” and substituting “Where, before July 1, 1984, a homestead sale was”;

(b) by repealing subsection (2).

(4) *The value of the land contained in the cancelled homestead sale and included in the new homestead sale shall be the value established at the time of issue of the cancelled homestead sale or as nearly as it can be ascertained.*

(5) *When a new homestead sale is granted pursuant to this section, the purchaser shall be in the same position with respect to payments of instalments of purchase price, the performance of residence duties and exemption from taxation as he would be if the date of the new homestead sale were the same as the date of the cancelled homestead sale.*

92(1) *On payment of the deposit referred to in section 85(1), the holder of a homestead lease may apply to the Minister to cancel the lease and enter into a homestead sale containing all or part of the same land.*

(2) *No application may be made under this section by a homestead lessee who is, at the time of applying, 71 years of age or older.*

(3) *An application under this section may include land other than the land contained in the homestead lease and in that case the eligibility of the applicant shall be determined by section 83.*

(4) *When a homestead lessee applies under this section to obtain a homestead sale, the Minister shall prescribe the conditions to be met with respect to*

(a) repayment of any loan under the Homestead Lease Loan Act,

(b) the proportion of rent paid in connection with the homestead lease to be credited toward payment of the purchase price under the homestead sale,

(c) the transfer of credit for cultivation duties,

(d) the dates when instalments of purchase price become payable, and

(e) any other conditions relevant to the issue of the homestead sale.

(5) *The value of the land contained in the homestead lease and included in the homestead sale shall be the value established at the time of issue of the homestead lease or as nearly as it can be ascertained.*

(6) *Residence duties performed under the cancelled homestead lease shall not be credited to the purchaser under a homestead sale issued pursuant to this section.*

(7) *When a homestead sale is granted pursuant to this section the purchaser is in the same position with respect to exemption from taxation as he would be if the date of the homestead sale were the same as the date of the cancelled homestead lease.*

24 Section 93 presently reads:

93(1) *When a homestead sale is issued in substitution for a homestead lease, the purchaser is in the same position with respect to the commencement of payments of instalments under section 86(2) as he would be if the date of issue of the homestead sale were the same as the date of the commencement of the term of the cancelled homestead lease.*

(2) *When a homestead lessee makes an application pursuant to section 92 during the 4th or any subsequent year of the term of the homestead lease, the Minister shall determine whether the first instalment under the homestead sale shall be paid*

(a) on or before the date of issue of the homestead sale or on January 1 in the next following year, if the homestead sale is issued on or before June 30, or

25 *Section 94 is amended*

- (a) *in clause (a) by striking out “residence or”;*
- (b) *in clause (g) by striking out “occupy and”.*

26 *Section 96(1) is amended by striking out “and residence”.*

27 *Section 98(b) is amended by striking out “and residence”.*

28 *Section 101 is amended*

- (a) *by repealing subsection (1)(d);*
- (b) *in subsection (2), by striking out “performs his residence in” and substituting “constructs”;*
- (c) *by adding the following after subsection (2):*
 - (2.1) *Subsection (2) expires on June 30, 1987.*

29 *Section 107 is amended*

- (a) *in subsection (1)(b), by striking out “in respect of cultivated land”, and*
- (b) *by repealing subsection (2)(c) and substituting the following:*
 - (c) *the average sale price per pound of cattle, other than finished cattle, sold in the principal livestock markets in Alberta*

(b) on January 1 in the next following year, or on January 1 in the 2nd following year, if the homestead sale is issued on or after July 1.

25 Section 94 presently reads in part:

94 The Minister may cancel a homestead sale if the purchaser

(a) has not performed or misrepresents the performance of his residence or cultivation duties,

(g) does not personally occupy and operate the land contained in the homestead sale or permits or agrees to permit any person other than his employee to use, occupy or operate any part of the land, or

26 Section 96(1) presently reads:

96(1) Except as provided in this section, the Minister shall not cancel a homestead sale by reason of a default by a purchaser in the performance of his cultivation and residence duties or in the payment of the purchase price or interest when the default occurred

(a) during the purchaser's last illness leading up to his death,

(b) after the purchaser's death, or

(c) after the purchaser became mentally incapacitated, if it appears to the Minister that the default by reason of which the homestead sale might otherwise have been cancelled was attributable to his mental incapacity.

27 Section 98 presently reads in part:

98 The Minister, on being satisfied that the physical or mental condition of the purchaser is or was such as to incapacitate him, may postpone

(b) the performance of all or part of his cultivation and residence duties during any period in which the purchaser is or was so incapacitated and for any further period the Minister considers just.

28 Section 101 presently reads in part:

101(1) A notification may be issued for land contained in a homestead sale to a purchaser who

(d) has performed a minimum of 12 months' residence as required by this Part,

(2) When the purchaser performs his residence in a habitable house worth, in the opinion of the Minister, at least \$1000, constructed on a permanent foundation on the land contained in his homestead sale, and his application for notification is approved by the Minister, the Minister may grant to the purchaser a credit of \$2 per acre not exceeding the total sum of \$500 and may

(a) apply all or any portion of the total sum in payment of any unpaid balance of the purchase price, or

(b) pay the total sum or any portion of it to the purchaser.

29 Section 107 presently reads in part:

107(1) The rent payable under a grazing lease shall be

(a) an annual rent equal to the percentage established by the Lieutenant Governor in Council of the forage value of the leased land, and

(b) any additional annual rent prescribed by the Minister in respect of cultivated land.

during the preceding calendar year or the portion of that year selected by the Minister.

30 Section 119(5) is repealed.

31(1) *The Public Lands Amendment Act, 1982* is amended by this section.

(2) Section 14 is repealed and the following is substituted:

14 Section 112 is amended

(a) by renumbering it as section 112(1);

(b) by adding the following after subsection (1)(g):

(g.1) respecting the circumstances under which and the methods by which the Minister may

(i) withdraw land from a grazing lease, or

(ii) order a person who has an interest in a grazing lease to dispose of all or part of his interest in a grazing lease

for the purpose of ensuring compliance with section 106(3);

(g.2) requiring a grazing lessee to file with the Minister statements or reports at the times and containing the information prescribed in the regulations;

(g.3) imposing and otherwise respecting the payment by a corporation that is a grazing lessee, whether it holds the grazing lease by itself or together with another person, of fees to the Minister when, with respect to

(i) that lessee corporation, or

(ii) another corporation that exercises direct or indirect control over the lessee corporation to the extent prescribed in the regulations,

there is

(iii) a transfer or allotment of its shares,

(iv) a purchase, redemption or other acquisition by that corporation of its shares,

(v) a reduction, reorganization, consolidation, diminution or subdivision of its share capital,

(vi) a conversion, cancellation or subdivision of its shares, or

(2) The forage value of the land contained in a grazing lease shall be fixed annually by the Minister who shall for this purpose consider

(a) the grazing capacity of the land,

(b) the average gain in weight of cattle on grass, and

(c) the average sale price per pound of cattle, other than choice grades and fed calves, sold in the Calgary livestock market during the preceding calendar year, or the portion thereof selected by the Minister.

30 Section 119(5) presently reads:

(5) Before an assignment may be registered the holder's copy of the disposition or a true copy of it shall be submitted to the Department.

31 The unproclaimed section 14 presently reads:

14 Section 112 is amended by adding the following after clause (g):

(g.1) respecting the circumstances under which and the methods by which the Minister may

(i) withdraw land from a grazing lease, or

(ii) order a person who has an interest in a grazing lease to dispose of all or part of his interest in a grazing lease

for the purpose of ensuring compliance with section 106(3), and the regulations made under this clause may define any term used in them;

(g.2) requiring a grazing lessee to file with the Minister statements or reports at the times and containing the information prescribed in the regulations;

(g.3) respecting the payment by a corporation that is a grazing lessee of an amount of money to the Minister on the transfer or allotment of shares of the corporation, including the circumstances under which the amount is to be paid and the manner of calculating it;

(g.4) authorizing and respecting the cancellation by the Minister of the grazing lease of a corporation after a transfer or allotment of shares of the corporation;

(vii) an amalgamation with another corporation;

(g.4) authorizing and respecting the cancellation by the Minister of the grazing lease of a corporation after a transfer or allotment of shares of the corporation;

(c) *by adding the following after subsection (1):*

(2) Regulations under subsection (1)(g.3) may not provide for a fee in any case which exceeds the fee that would have been payable to the Minister had the grazing lease been assigned by the corporation holding it to an individual who was unrelated to any of the shareholders of that corporation.

32 *Sections 16 to 28 come into force on July 1, 1984.*

In accordance with section 4(1) of the Interpretation Act, this Bill, except sections 16 to 28, comes into force on the date it receives Royal Assent.

