

1987 BILL 11

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Second Session, 21st Legislature, 36 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 11

**HISTORICAL RESOURCES AMENDMENT ACT, 1987**

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THE MINISTER OF CULTURE

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 11

1987

### HISTORICAL RESOURCES AMENDMENT ACT, 1987

(Assented to \_\_\_\_\_, 1987)

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

1 *The Historical Resources Act is amended by this Act.*

2 *Section 28 is amended*

(a) *in subsection (1) by striking out “The” and substituting “Subject to subsections (2) and (3), the”;*

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

(3) The Minister may, in accordance with the regulations, sell, lease, exchange or otherwise dispose of any archaeological or palaeontological resource on any terms he considers appropriate.

3 *Section 29 is amended*

(a) *by renumbering it as section 29(1);*

(b) *in subsection (1) by striking out “No” and substituting “Subject to subsection (2), no”;*

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

(2) Subsection (1) does not apply to an archaeological or palaeontological resource that has been sold, leased, exchanged or otherwise disposed of by the Minister pursuant to section 28(3).

4 *Section 30 is amended*

(a) *by renumbering it as section 30(1);*

(b) *in subsection (1) by striking out “No” and substituting “Subject to subsection (2), no”;*

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

(2) Subsection (1) does not apply to an archaeological or palaeontological resource that has been sold, leased, exchanged or otherwise disposed of by the Minister pursuant to section 28(3).

## Explanatory Notes

**1** This Bill will amend chapter H-8 of the Revised Statutes of Alberta 1980.

**2** Section 28 presently reads:

*28(1) The property in all archaeological resources and palaeontological resources within Alberta is vested in the Crown in right of Alberta.*

*(2) No sale or other disposition of land belonging to the Crown in right of Alberta shall operate as a conveyance of an archaeological resource or palaeontological resource situated on or under the land unless the sale or other disposition expressly states that it does so operate.*

**3** Section 29 presently reads:

*29 No person shall transport any of the following out of Alberta without the written permission of the Minister:*

*(a) archaeological resources;*

*(b) palaeontological resources;*

*(c) historic resources that are the subject of an order under section 15 or 16.*

**4** Section 30 presently reads:

*30 No person shall alter, mark or damage an archaeological resource or palaeontological resource unless he is the holder of a valid permit under section 26 or has the written permission of the Minister to do so.*

5 *Section 31 is repealed and the following is substituted:*

**31** The Minister may make regulations

(a) respecting the sale, lease, exchange or disposition of archaeological and palaeontological resources;

(b) exempting any person or class of person from the operation of section 29(1) or 30(1).

6 *Section 34 is amended*

(a) *in subsection (1) by striking out “of 9 persons”;*

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

(2) The board shall consist of not more than 11 directors appointed by the Lieutenant Governor in Council to serve for the terms designated in their respective appointments.

7 *The heading before section 45 is amended by striking out “PART 5” and substituting “PART 4”:*

**5** Section 31 presently reads:

*31 The Minister may make regulations exempting any person or class of persons from the operation of section 29 or 30.*

**6** Section 34 presently reads in part:

*34(1) There is hereby established a corporation with the name "The Alberta Historical Resources Foundation" consisting of a board of directors of 9 persons and the other persons that become members of the Foundation.*

*(2) The board shall consist of*

*(a) 6 directors appointed by the Lieutenant Governor in Council to serve for the term designated in their respective appointments, and*

*(b) 3 directors elected by the members from the general membership to serve for a period of 2 years.*

**7** The heading before section 45 presently reads:

*PART 5  
GENERAL*