

1987 BILL 11

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

HISTORICAL RESOURCES AMENDMENT ACT, 1987

THE MINISTER OF CULTURE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

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