

1992 BILL 2

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 2

HISTORICAL RESOURCES AMENDMENT ACT, 1992

THE MINISTER OF CULTURE AND MULTICULTURALISM

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 2

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1992

HISTORICAL RESOURCES AMENDMENT ACT, 1992

(Assented to , 1992)

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2 Section 1(b) is repealed.

3 Section 13 is repealed.

Explanatory Notes

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

2 Section 1(b) presently reads:

1 In this Act,

(b) "Board" means the Historic Sites Board;

3 Section 13 presently reads:

13(1) There is hereby established an Historic Sites Board composed of those persons appointed from time to time by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may

(a) prescribe the term of office of any member of the Board,

(b) designate a chairman and vice-chairman, and

(c) authorize, fix and provide for the payment of remuneration and expenses to the members of the Board.

(3) A majority of the members of the Board constitutes a quorum but the Board may form, from among its members, committees to make studies and recommendations to the Board.

(4) The Board shall advise and make recommendations to the Minister on matters concerning the preservation and protection of

4 *Section 14 is amended*

(a) *in subsection (1)*

(i) *by striking out “or” at the end of clause (a);*

(ii) *by repealing clause (b) and substituting the following:*

(b) *was approved or changed after December 31, 1974 by the Historic Sites Board pursuant to this Act, or*

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

(c) *is approved or changed by the Foundation pursuant to subsection (2),*

(b) *in subsection (2) by striking out “Board” and substituting “Foundation”;*

(c) *in subsection (3) by striking out “Board” wherever it occurs and substituting “Foundation”;*

(d) *in subsection (4)(a), (b) and (c) by striking out “Board” and substituting “Foundation”.*

5 *Section 16 is amended*

(a) *in subsection (4) by striking out “Board” and substituting “Foundation”;*

(b) *in subsection (5) by striking out “Board” wherever it occurs and substituting “Foundation”;*

(c) *in subsection (6) by striking out “Board” and substituting “Foundation”.*

historic sites in Alberta.

4 Section 14 presently reads:

14(1) The name of any place or other geographical feature in Alberta that

- (a) was approved after March 31, 1949 and before January 1, 1975 by the Geographic Board of Alberta under The Geographical Names Act, or*
- (b) is approved or changed after December 31, 1974 by the Historic Sites Board pursuant to subsection (2),*

is the authorized name of that place or feature for all purposes.

(2) The Board may, with the consent of the Minister, approve a name for, or approve a change of the name for, any place or other geographical feature in Alberta.

(3) When the Board approves the name or changes the name of any place or other geographical feature under this section, a notice signed by the secretary of the Board setting out the name approved or the change of name and the location of the place or other geographical feature to which the name applies, shall be published by the secretary in The Alberta Gazette.

(4) The Minister may make regulations

- (a) prescribing standards and guidelines for the approval of names and changes of names by the Board;*
- (b) prescribing the duties of the Board with respect to nomenclature;*
- (c) governing and requiring consultation by the Board with any department, municipality, person or body of persons concerning the naming of, or the changing of the name of, any place or other geographical feature.*

5 Section 16(4), (5) and (6) presently read:

(4) Any interested person may, within 30 days of the publication of the notice in the Gazette, advise the Board that he wishes to make representations concerning the proposed designation.

(5) At the conclusion of the 30-day period the Board shall notify all persons who have advised the Board of their intention to make representations of a date fixed by the Board for the hearing of the representations, which shall be not less than 15 days prior to the date on which the Minister proposes to make the designation, and the Board may, after hearing the representations, make recommendations to the Minister as to the proposed designation.

6 Section 18(a) is amended by striking out “(10) to (14)” and substituting “(11) to (14)”.

7 Section 34(2) is amended by striking out “11 directors” and substituting “13 directors”.

8 Section 36 is amended by adding the following after clause (e):

(6) If no representations are made or if the Board after hearing any representations recommends that the Minister proceed with the proposed designation, the Minister may proceed to make the order under subsection (1) and as soon as possible after making the order the Minister shall

- (a) serve a copy of the order on the owner of the historic resource and on the owner of any land that is subject to the order,*
- (b) publish a notice of the designation, including a description of the historic resource and any land that is subject to the order, in The Alberta Gazette, and*
- (c) if the order relates to or includes any land, cause a certified copy of the order to be registered in the appropriate land titles office.*

6 Section 18(a) presently reads:

18 If the historic resource that is the subject of an order under section 16(1) is an historic resource that is owned by the Crown or wholly situated on Crown land,

- (a) sections 16(2), (4), (5), (6)(a), (10) to (14) and (15)(a) do not apply with respect to that historic resource,*

Section 16(9) and (10) presently read:

(9) Notwithstanding any other Act, no person shall

- (a) destroy, disturb, alter, restore or repair any historic resource or land that has been designated under this section, or*
- (b) remove an historic object from an historic resource that has been designated under this section*

without the written approval of the Minister.

(10) The Minister, in his absolute discretion, may refuse to grant an approval under subsection (9) or may make the approval subject to any conditions he considers appropriate.

7 Section 34(2) presently reads:

(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.

8 Section 36 presently reads:

36 The objects of the Foundation are:

- (f) to provide advice and to make recommendations to the Minister on matters concerning the preservation and protection of historic sites in Alberta.

- (a) *to receive, acquire by purchase or donation, hold, preserve, maintain, restore and manage historic resources for the use, enjoyment and benefit of the people of Alberta;*
- (b) *to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of historic resources by any person for the use, enjoyment and benefit of the people of Alberta;*
- (c) *to inform and stimulate the interest of the public in historical, architectural and other related matters through any suitable means;*
- (d) *to contribute to the increase and diffusion of knowledge about the history and culture of Alberta through any suitable means;*
- (e) *to provide the people of Alberta with an opportunity to become directly involved in the programs of the Foundation.*