

1996 BILL 215

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 215

GRAZING LEASE STATUTES AMENDMENT ACT, 1996

MR. COLLINGWOOD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 215
Mr. Collingwood

BILL 215

1996

GRAZING LEASE STATUTES AMENDMENT ACT, 1996

(Assented to , 1996)

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

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

*1(1) The Environmental Protection and Enhancement Act is
amended by this section.*

*(2) Section 83 is amended by adding the following after subsection
(2):*

*(2.1) The Board shall hear matters concerning potential access
to land held under grazing leases as provided for in section 117.2
of the Public Lands Act.*

(3) Section 84(1) is amended by adding the following after clause (l):

(m) by a person under section 117.2 of the Public Lands Act.

Explanatory Notes

- 1** Amends chapter E-13.3 of the Statutes of Alberta, 1992.

(4) *Section 90 is amended by adding the following after subsection (1):*

(1.1) In the case of a notice of objection referred to in section 84(1)(m), the Board shall within 30 days after the completion of the hearing of the matter, make a written decision on the matter.

OCCUPIERS' LIABILITY ACT

Amends RSA
1980 cO-3

2(1) *The Occupiers' Liability Act is amended by this section.*

(2) *The following is added after section 11:*

11.1 A holder of a grazing lease under the *Public Lands Act* is not liable under this Act unless the holder of the grazing lease is grossly negligent in discharging the common duty of care.

PUBLIC LANDS ACT

Amends S.A.
1980 cP-30

3(1) *The Public Lands Act is amended by this section.*

(2) *Section 112 is amended by adding the following after clause (c):*

(c.1) prescribing designated trails and roadways on land held under grazing leases;

(3) *The following is added after section 116:*

Access to land
held under
grazing leases

117(1) In this section

(a) "highway" means highway as defined in the *Highway Traffic Act* and includes any part of land held under a grazing lease which has been prescribed by the Lieutenant Governor in Council as a designated trail or roadway;

(b) "motor vehicle" means a motor vehicle as defined in the *Motor Vehicle Administration Act*;

(c) "pedestrian" means pedestrian as defined in the

Highway Traffic Act.

(2) A pedestrian is entitled to access to any land held under a grazing lease.

(3) A person is entitled to operate a motor vehicle on any highway or any part of it located on land held under a grazing lease.

(4) No person shall operate a motor vehicle on land held under a grazing lease, other than on a highway, without the written consent of the lessee.

(5) Any person who denies access to land held under a grazing lease to which another person is entitled under subsections (2) and (3) is guilty of an offence.

(6) Any person who violates subsection (4) is guilty of an offence.

Restriction on activities

117.1 Access to land granted under section 117 does not include any rights with respect to hunting nor any exemption from the provisions of the *Wildlife Act* or the regulations under that Act concerning hunting.

Function of Board

117.2(1) When an issue arises over potential access to land held under a grazing lease, one of the parties may submit a notice of objection to the Environmental Appeal Board.

(2) Part 3 of the *Environmental Protection and Enhancement Act* applies, with all necessary modifications, to a dispute under this section.

WILDLIFE ACT

Amends SA
1984 cW-9.1

3(1) *The Wildlife Act is amended by this section.*

(2) *Section 40 is amended by adding the following after subsection (2):*

(3) Notwithstanding any other provision of this section, the

Lieutenant Governor in Council may regulate hunting on land subject to a grazing lease issued under the *Public Lands Act*.

(3) *Section 96(1) is amended by adding the following after clause (f):*

(f.1) respecting hunting on land subject to a grazing lease;

