

1998 BILL 17

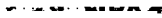
Second Session, 24th Legislature, 47 Elizabeth II

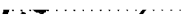
THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 17

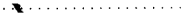
METIS SETTLEMENTS STATUTES AMENDMENT ACT, 1998

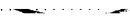
MR. DUCHARME

First Reading 

Second Reading 

Committee of the Whole 

Third Reading 

Royal Assent 

Bill 17
Mr. Ducharme

BILL 17

1998

METIS SETTLEMENTS STATUTES AMENDMENT ACT, 1998

(Assented to , 1998)

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

Agricultural Operation Practices Act

Amends SA
1987 cA-7.7

**1(1) The *Agricultural Operation Practices Act* is amended by
this section.**

(2) Section 1 is amended

- (a) in clause (a)(i) by adding “or Metis settlement” after
“municipality”;**
- (b) in clause (c) by adding “or a by-law respecting land use
that is in effect in a Metis settlement” after “Act”.**

**(3) Section 2 is amended by adding “or Metis settlement”
after “municipality” wherever it occurs.**

Explanatory Notes

Agricultural Operation Practices Act

1(1) Amends chapter A-7.7 of the Statutes of Alberta, 1987.

(2) Section 1(a) and (c) presently read:

1 In this Act,

(a) "agricultural land" means land the use of which for agriculture

(i) is either a permitted or discretionary use under the land use by-law of the municipality in which the land is situated, or

(ii) is permitted pursuant to section 643 of the Municipal Government Act;

(c) "land use by-law" means a land use bylaw as defined in Part 17 of the Municipal Government Act;

(3) Section 2 presently reads:

2(1) A person who carries on an agricultural operation and who, in respect of that operation, does not contravene any of the following:

(a) the land use by-law of the municipality in which the agricultural operation is carried on;

(b) the regulations made by the Minister under section 3;

Alberta Evidence Act

Amends RSA
1980 cA-21

2 The *Alberta Evidence Act* is amended in section 41(4) by adding the following after clause (c):

(c.1) a Metis settlement;

Alberta Municipal Financing Corporation Act

Amends RSA
1980 cA-33

3 The *Alberta Municipal Financing Corporation Act* is amended in section 1(i) by adding “Metis settlement,” after “municipal district,”.

(c) the generally accepted practices for similar agricultural operations;

is not liable to any person in an action in nuisance resulting from the agricultural operation and shall not be prevented by injunction or other order of a court from carrying on the agricultural operation because it causes or creates a nuisance.

(2) Subsection (1) continues to apply notwithstanding that 1 or more of the following occur:

(a) the land use by-law of the municipality in which the agricultural operation is carried on changes;

(b) the ownership of the agricultural land on which the agricultural operation is carried on changes;

(c) the agricultural operation is carried on by other persons;

(d) the use of land adjacent to the land on which the agricultural operation is carried on changes.

(3) Where a plaintiff or claimant in a proceeding against a person who carries on an agricultural operation

(a) claims damages in nuisance resulting from the agricultural operation, or

(b) applies for an injunction or other order of a court preventing or restricting the carrying on of the agricultural operation because it causes or creates a nuisance,

the onus of proving that the defendant contravened the land use by-law, regulation or practice referred to in subsection (1) is on the plaintiff or claimant, as the case may be.

Alberta Evidence Act

2 Amends chapter A-21 of the Revised Statutes of Alberta 1980. Section 41(4)(c) presently reads:

(4) Subsection (3) does not apply in any case where a photographic print is tendered by

(c) a municipal corporation;

Alberta Municipal Financing Corporation Act

3 Amends chapter A-33 of the Revised Statutes of Alberta 1980. Section 1(i) presently reads:

1 In this Act,

Amusements Act

Amends RSA
1980 cA-41

4(1) The *Amusements Act* is amended by this section.

(2) Section 1(i) is amended by striking out “municipal corporation” and substituting “municipal corporation, by a Metis settlement”.

(3) Section 6 is amended by striking out “or village” wherever it occurs and substituting “, village or Metis settlement”.

- (i) *“municipality” means an improvement district, municipal district, special area, irrigation district, drainage district, regional services commission or water authority, within Alberta;*

Amusements Act

4(1) Amends chapter A-41 of the Revised Statutes of Alberta 1980.

(2) Section 1(i) presently reads:

1 In this Act,

- (i) *“place of amusement” means a building, hall, pavilion, place, premises, room, tent or structure of any kind or park, field or grounds where an amusement takes place for which an admission price is charged or collected, whether within the premises or elsewhere, in cash or by means of tickets or otherwise, and includes*

(i) *a theatre, travelling picture show, open air theatre, amusement hall, entertainment hall, music hall or concert hall,*

(ii) *a hall, pavilion, place, premises, room, tent or structure of any kind kept or used for public concerts, carnival shows, dances or other social gatherings,*

(iii) *a dance hall, dance pavilion, hotel, restaurant or cafe in which facilities are supplied and used for public dancing,*

(iv) *a circus, menagerie, midway, grandstand, race track, race course or place where a pari mutuel system of betting is operated,*

(v) *a hockey rink, skating rink or roller skating rink, or a park, field or grounds used for athletics, baseball, football or other games, and*

(vi) *a hall or grounds used for a boxing or wrestling contest,*

but does not include a school, college, church or hall owned and operated as a place of amusement by a municipal corporation or by the trustees of a school district or division for public concerts, dances and social gatherings, except when the hall is rented or leased to another person;

(3) Section 6 presently reads:

6 If a city, town or village requires the owner of a film exchange or travelling picture show, required to be licensed under this Act to hold also a licence from the city, town or village, the city, town or

Cemeteries Act

Amends RSA
1980 cC-2

5 The *Cemeteries Act* is amended in section 1(i) by striking out “village or municipal district” and substituting “village, municipal district or Metis settlement”.

Commissioners for Oaths Act

Amends RSA
1980 cC-19

6 The *Commissioners for Oaths Act* is amended in section 6 by striking out “municipal council in Alberta” and substituting “municipal council in Alberta, a member of a Metis settlement council”.

Conflicts of Interest Act

Amends SA
1991 cC-22.1

7 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by adding the following after “Members of the Legislative Assembly Pension Plan Board”:

Metis Settlements Appeal Tribunal,
including the Land Access Panel and the Existing Leases
Land Access Panel

Consumer Credit Transactions Act

Amends SA
1985 cC-22.5

8(1) The *Consumer Credit Transactions Act* is amended by this section.

(2) Section 1(s) is repealed and the following is substituted:

(s) “official fee” means an amount paid to a federal, provincial, Metis settlement or municipal government authority in respect of

(i) a search made of

village shall not issue a licence unless the applicant is the holder of and produces a licence issued under this Act in respect of the film exchange or travelling picture show.

Cemeteries Act

5 Amends chapter C-2 of the Revised Statutes of Alberta 1980. Section 1(i) presently reads:

1 In this Act,

(i) "municipality" means a city, town, village or municipal district or, in the case of an improvement district or special area, the Minister of Municipal Affairs;

Commissioners for Oaths Act

6 Amends chapter C-19 of the Revised Statutes of Alberta 1980. Section 6 presently reads:

6 A member of the Legislative Assembly of Alberta, a member from Alberta of the House of Commons of Canada, a member of the Senate of Canada who at the time of his appointment as a senator is a resident of Alberta, a member of a municipal council in Alberta or a member of a board of trustees of a school district or school division in Alberta is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in or outside Alberta for use in Alberta.

Conflicts of Interest Act

7 Amends chapter C-22.1 of the Statutes of Alberta, 1991. Adds Metis Settlements Appeal Tribunal to list of disqualifying offices.

Consumer Credit Transactions Act

8(1) Amends chapter C-22.5 of the Statutes of Alberta, 1985.

(2) Section 1(s) presently reads:

1 In this Act,

(s) "official fee" means an amount paid to a federal, provincial or municipal government authority in respect of

(i) a search made of

- (A) a register under the *Land Titles Act*,
- (B) the Personal Property Registry,
- (C) the Metis Settlements Land Registry, or
- (D) another register or registry not referred to in paragraph (A), (B) or (C) that is maintained by a government authority,

or

- (ii) the registration with that government authority of a time sale agreement or loan agreement or any related document and includes a fee paid to a commissioner for oaths or a notary public who is not an employee of the credit grantor;

(3) Section 2 is amended

- (a) **in clause (j) by striking out** “municipal corporation or its agent” **and substituting** “municipal corporation, a Metis settlement or an agent of either of them”;
- (b) **in clause (n) by adding** “or *Metis Settlements Act*” **after** “*Act*”.

Daylight Saving Time Act

Amends RSA
1980 cD-4

9 The *Daylight Saving Time Act* is amended in section 5(1) and (2) by adding “or Metis settlement” after “municipality”.

Defamation Act

Amends RSA
1980 cD-6

10 The *Defamation Act* is amended in section 10(1)(d) by adding “Metis settlement council,” after “municipal council,”.

- (A) a register under the Land Titles Act,*
- (B) a registry under the Chattel Security Registries Act, or*
- (C) another register or registry not referred to in paragraph (A) or (B) that is maintained by a government authority,*

or

- (ii) the registration with that government authority of a time sale agreement or loan agreement or any related document and includes a fee paid to a commissioner for oaths or a notary public who is not an employee of the credit grantor;*

(3) Section 2(j) and (n) presently read:

2 This Act does not apply to the following:

- (j) a sale or loan to a municipal corporation or its agent;*
- (n) the payment of taxes under the Municipal Government Act;*

Daylight Saving Time Act

9 Amends chapter D-4 of the Revised Statutes of Alberta 1980. Section 5(1) and (2) presently read:

5(1) Notwithstanding anything in any other Act, no municipality shall adopt, proclaim, enforce, use or observe Daylight Saving Time or any time other than Mountain Standard Time.

(2) A by-law passed or proclamation issued by the council or an official of a municipality providing for the adoption, proclamation, or enforcement of the use or observance of Daylight Saving Time or any time other than Mountain Standard Time is void.

Defamation Act

10 Amends chapter D-6 of the Revised Statutes of Alberta 1980. Section 10(1)(d) presently reads:

10(1) A fair and accurate report published in a newspaper or by broadcasting of

Family and Community Support Services Act

Amends SA
1981 cF-1.1

11 The *Family and Community Support Services Act* is amended by repealing section 1(b)(i) and (ii) and substituting the following:

- (i) a city, town, village, municipal district or Metis settlement,
- (ii) the Minister of Municipal Affairs in respect of an improvement district or special area,

Government Organization Act

Amends SA
1994 cG-8.5

12(1) The *Government Organization Act* is amended by this section.

(2) Schedule 5 is amended in section 4

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

(2.1) The Lieutenant Governor in Council may not establish an Area that covers all or part of a Metis settlement or make or amend a regulation under subsection (2) that applies to an Area that covers all or part of a Metis settlement unless the Minister consults with the Metis settlement and the Metis Settlements General Council.

(b) by adding the following after subsection (10):

(10.1) If the Area covers patented land as defined in the *Metis Settlements Act*, subsections (3) to (10) in so far as they apply to that land are to be read with the following modifications:

- (a) references to the Registrar of Land Titles are to be read as the Registrar of the Metis Settlements Land Registry;
- (b) references to certificate of title are to be read as Metis title register.

- (d) *a meeting of a municipal council, school board, board of education, board of health, or of any other board or local authority formed or constituted under a public Act of Canada or of Alberta or any other province, or of a committee appointed by any such board or local authority,*

is privileged, unless it is proved that the publication was made maliciously.

Family and Community Support Services Act

11 Amends chapter F-1.1 of the Statutes of Alberta, 1981. Section 1(b)(i) and (ii) presently read:

1 In this Act,

(b) *“municipality” means*

(i) *a city, town, village or municipal district,*

(ii) *the Minister of Municipal Affairs in respect of an improvement district, special area or Metis settlement,*

Government Organization Act

12(1) Amends chapter G-8.5 of the Statutes of Alberta, 1994.

(2) Schedule 5, section 4(3) to (12) presently read:

(3) *When a regulation is made under this section, the Minister shall file a notice to that effect together with a certified copy of the regulation with the Registrar of Land Titles and the Registrar shall thereupon endorse a memorandum of the notice on each certificate of title pertaining to land within the Area.*

(4) *When a regulation under this section is amended,*

(a) *the Minister shall file a further notice respecting the amending regulation together with a certified copy of the amending regulation;*

(b) *the Registrar of Land Titles shall keep the further notice with the original notice and shall treat them as one document;*

(c) *subject to subsections (5) and (6), the Registrar of Land Titles shall not make any further endorsement on any certificate of title in respect of the further notice.*

(5) *When a regulation under this section is amended and the effect of the amendment is to add land to the area, the Registrar of Land Titles shall, on receiving the Minister's further notice under*

(c) by adding the following after subsection (11):

(11.1) Notwithstanding the enforcement of priority provisions in the *Metis Settlements Land Registry Regulation* (AR 361/91), the validity or operation of a regulation under this section is not dependent on the filing of any notice by the Minister with the Registrar of the Metis Settlements Land Registry.

subsection (4), endorse on each certificate of title for the additional land a memorandum of the original notice under subsection (3) and the further notice under subsection (4).

(6) When a regulation under this section is amended and the effect of the amendment is to remove any land from an Area, the Registrar of Land Titles shall, on receiving the Minister's further notice under subsection (4), cancel the memorandum of the original notice under this section on each certificate of title to the land so removed.

(7) When a regulation under this section is rescinded and not replaced, the Minister shall file a notice to that effect and a copy of the rescinding regulation with the Registrar of Land Titles who shall thereupon cancel the memorandum of the original notice on each certificate of title to the land previously within the Area.

(8) When a regulation under this section is rescinded and replaced by another regulation, the Minister shall file with the Registrar of Land Titles a notice to that effect and a certified copy of the new regulation and the Registrar shall,

(a) with respect to land that was subject to the rescinded regulation and is also subject to the new regulation, cancel the memorandum on the certificate of title for the land of the notice pertaining to the rescinded regulation and endorse a memorandum on it of the notice pertaining to the new regulation, which notice shall be then treated as a notice under subsection (3);

(b) with respect to land that was subject to the rescinded regulation but is not subject to the new regulation, cancel the memorandum of the notice on the certificate of title for the land;

(c) with respect to land that was not subject to the rescinded regulation but is subject to the new regulation, treat the notice as a notice under subsection (3) and act accordingly.

(9) On the filing with the Registrar of Land Titles of a notice under subsection (3), (4), (7) or (8), the Registrar shall send a notification respecting the filing of the notice, but without sending a copy of the regulations, amending regulations or rescinding regulations to which the notice relates, by mail or otherwise, to each registered owner on whose title a memorandum of the notice is endorsed.

(10) Notwithstanding subsection (9), the Minister shall send, by mail or otherwise, to each person shown on the certificate of title as having a subsisting estate or interest in the land affected by any regulation, amending regulation or rescinding regulation referred to in subsection (3), (4), (7) or (8), at the last address shown for that person on the certificate of title, a copy of the regulation, amending regulation or rescinding regulation, as the case may be, together with a notification relating thereto containing the information that the Minister may prescribe.

(3) Schedule 12 is amended

- (a) in section 3(3)(a) by adding “a Metis settlement,” after “municipality,”;**
- (b) in section 5 by striking out “municipalities” and substituting “municipalities, Metis settlements”;**
- (c) in section 9**
 - (i) in subsection (1) by adding “or Metis settlement” after “municipality”;**
 - (ii) in subsection (2) by striking out “municipal public works” and substituting “public works”.**

Insurance Act

Amends RSA
1980 cI-5

13(1) The *Insurance Act* is amended by this section.

(2) Section 25(4) is amended by adding “or Metis settlement” after “municipal corporation”.

(3) Section 93.1(c) is amended

- (a) in subclause (i)**

(11) The validity or operation of a regulation under this section is not dependent on the filing of any notice by the Minister with a Registrar of Land Titles under this section.

(12) Where the Minister has, before December 15, 1975, filed a caveat under the Land Titles Act against the certificate of title to any land in an Area purporting to claim an interest in the nature of regulatory restrictions on the uses of that land pursuant to a regulation under this section, the caveat is deemed for all purposes to be a notice by the Minister under subsection (3) and to have been filed under subsection (3).

(3) Schedule 12, sections 3(3)(a), 5 and 9(1) and (2) presently read:

(3) Property sold under subsection (1) may be sold at a price determined by the Minister that is less than its market or book value where the sale is made

(a) to a municipality, the board of trustees of a school district or school division, the board of directors of an irrigation district or the board of trustees of a drainage district,

5 The Minister may, on request, acquire supplies on behalf of, or provide services to, approved hospitals as defined in the Hospitals Act, schools, post-secondary educational institutions, municipalities and any organizations that carry out services or programs on behalf of the Government.

9(1) In this section, "local authority" means a municipality or, in the case of an improvement district or special area, the Minister of Municipal Affairs.

(2) Without limiting section 10 of the Act, the Minister may enter into and carry out an agreement with any local authority providing for the laying out, construction or improvement of parks, public places, public swimming pools or other municipal public works that in the opinion of the Minister and of the local authority are necessary or desirable.

Insurance Act

13(1) Amends chapter I-5 of the Revised Statutes of Alberta 1980.

(2) Section 25(4) presently reads:

(4) The holder of a licence under this Act is exempt from payment of any licence fee for the transaction of the business of insurance imposed by a municipal corporation.

(3) Section 93.1 presently reads in part:

93.1 In this section and sections 94 to 94.14,

(c) "commercial loan" means

(i) any loan other than

- (i) in paragraph (B) by adding “to a Metis settlement,” after “a municipality or any of their agencies,”;
- (ii) in paragraph (C) by adding “, a Metis settlement” after “a municipality”;

(b) in subclause (ii)

- (i) in paragraph (B) by adding “by a Metis settlement,” after “a municipality or any of their agencies,”;
- (ii) in paragraph (C) by adding “, a Metis settlement” after “a municipality”.

(4) Section 136(7) is amended by adding “or Metis settlement” after “the municipality”.

(5) Section 183(4) is amended by adding “or Metis Settlements Land Registry” after “land titles office” wherever it occurs.

(6) Section 218 is amended by adding “or Metis settlement” after “municipal”.

(B) a loan to the government of Canada or a province, a municipality or any of their agencies, or to the government of a foreign country or any of its agencies, or to a prescribed international agency,

(C) a loan that is guaranteed by, or fully secured by securities issued by, a government, a municipality or an agency referred to in paragraph (B),

(ii) an investment in debt obligations, other than

(B) debt obligations issued by the government of Canada or a province, a municipality or any of their agencies, or by the government of a foreign country or any of its agencies, or by a prescribed international agency,

(C) debt obligations that are guaranteed by, or fully secured by securities issued by, a government, a municipality or an agency referred to in paragraph (B), or

(4) Section 136(7) presently reads:

(7) As soon as the amount mentioned in the special Act has been subscribed and 10% of that amount has been paid into some bank in Alberta the provisional directors shall call a general meeting of the shareholders at some place to be named in the municipality where the head office of the company is situated, and at the meeting the shareholders present or represented by proxy who have paid not less than 10% of the amount of shares subscribed for by them shall elect the shareholders' directors in the case of a life company and the ordinary directors in the case of a company other than a life company, as set out in section 138.

(5) Section 183(4) presently reads:

(4) A certificate by the Registrar of Companies showing the former name of the company and the new name may be filed in the land titles office, if the company owns land or has a registered interest in land located in Alberta, and after the certificate is filed the Registrar of the land titles office shall accept for registration any transfer, mortgage, lease, assignment of mortgage or other instrument executed by the company in its new name, and shall deal with the land affected thereby in all respects as if the title or interest of the company had always been registered in its new name.

(6) Section 218 presently reads:

218 It is lawful for an insurer to contract to indemnify an insured against financial loss occasioned by reason of liability to a third person, whether or not the loss is caused by the insured through negligence or while contravening any municipal by-law or any Act of the Legislature.

(7) Section 519 is amended by adding “or Metis settlement” after “municipal corporation”.

Interpretation Act

Amends RSA
1980 cI-7

14 The *Interpretation Act* is amended in section 25(1) by adding the following after clause (m.05):

(m.06) “Metis Settlements Land Registry” means the Metis Settlements Land Registry established under the *Metis Settlements Act*;

Jury Act

Amends SA
1982 cJ-2.1

15(1) The *Jury Act* is amended by this section.

(2) Section 1 is amended

(a) in clause (i) by striking out “area or improvement district” and substituting “area, improvement district or Metis settlement”;

(b) in clause (j) by adding “or, in the case of a Metis settlement, the settlement administrator” after “the chief administrative officer of the municipality”.

Labour Relations Code

Amends SA
1988 cL-1.2

16(1) The *Labour Relations Code* is amended by this section.

(2) Section 1(o) is amended by adding “or Metis settlement” after “municipality”.

(3) Section 94(1)(a) is repealed and the following is substituted:

(7) Section 519 presently reads:

519 The holder of a certificate of authority is exempt from payment of any licence fee imposed by a municipal corporation within Alberta for the transaction of the business of insurance.

Interpretation Act

14 Amends chapter I-7 of the Revised Statutes of Alberta 1980. Definition of Metis Settlements Land Registry added.

Jury Act

15(1) Amends chapter J-2.1 of the Statutes of Alberta, 1982.

(2) Section 1(i) and (j) presently read:

I In this Act,

(i) "municipality" means a city, town, village, municipal district, special area or improvement district;

(j) "proper officer of a municipality" includes, in addition to the person who has the actual custody or control of the public papers referred to in section 6(a), (b) or (c), the chief administrative officer of the municipality;

Labour Relations Code

16(1) Amends chapter L-1.2 of the Statutes of Alberta, 1988.

(2) Section 1(o) presently reads:

I In this Act,

(o) "firefighters" means the employees, including officers and technicians, employed by a municipality and assigned exclusively to fire protection and fire prevention duties notwithstanding that those duties may include the performance of ambulance or rescue services;

(3) Section 94(1)(a) presently reads:

94(1) This Division applies to the following:

- (a) firefighters and, to the extent that they bargain collectively with firefighters, municipalities and Metis settlements;

Land Agents Licensing Act

Amends RSA
1980 cL-2

17 The *Land Agents Licensing Act* is amended in section 1(f) by adding the following after subclause (ii):

- (ii.1) a person registered in the Metis Settlements Land Registry as the owner of Metis title, provisional Metis title, an allotment or any other interest in the surface of land,

Licensing of Trades and Businesses Act

Amends RSA
1980 cL-13

18 The *Licensing of Trades and Businesses Act* is amended in section 11 by adding “or Metis settlement” after “municipality”.

Livestock Diseases Act

Amends RSA
1980 cL-22

19(1) The *Livestock Diseases Act* is amended by this section.

(2) Section 1(j) is amended by adding “Metis settlement,” after “municipal district,”.

(3) Section 3(1) is amended by striking out “or” at the end of clause (a) and by adding the following after clause (a):

- (a.1) by the council of a Metis settlement, or

- (a) *firefighters and municipalities to the extent that they bargain collectively with firefighters;*

Land Agents Licensing Act

17 Amends chapter L-2 of the Revised Statutes of Alberta 1980. Section 1(f)(ii) presently reads:

1 In this Act,

(f) *“owner” means a person who has a right to dispose of an interest in land and includes*

(ii) *a person who is shown by the records of the land titles office as having a particular estate or interest in the surface of land,*

Licensing of Trades and Businesses Act

18 Amends chapter L-13 of the Revised Statutes of Alberta 1980. Section 11 presently reads:

11 No licence shall be issued by a municipality for the carrying on of a business that has been designated as a business to which this Act applies and for which a licence or registration is required under this Act, unless the applicant for the licence is already registered under this Act or holds a licence issued under this Act in respect of that business.

Livestock Diseases Act

19(1) Amends chapter L-22 of the Revised Statutes of Alberta 1980.

(2) Section 1(j) presently reads:

1 In this Act,

(j) *“municipality” means a municipal district, improvement district or special area;*

(3) Section 3(1) presently reads:

3(1) A petition may be presented to the Minister requesting the establishment of a control order and the petition shall be signed

(a) *by the chief elected official of a municipal district, or*

(b) *by the Minister of Municipal Affairs for an improvement district or special area,*

(4) Section 6(1) is amended by adding “or Metis settlement” after “municipal district”.

Livestock Industry Diversification Act

Amends SA
1990 cL-22.7

20 The *Livestock Industry Diversification Act* is amended in section 4(2)

(a) by striking out “or” at the end of clause (a) and by adding the following after clause (a):

(a.1) he holds Metis title, provisional Metis title, an allotment or a leasehold interest in land comprising or including the area on which the farm will be or is situated and that interest is registered in the Metis Settlements Land Registry, or

(b) in clause (b) by adding “or (a.1)” after “clause (a)”.

Maintenance Order Act

Amends RSA
1980 cM-1

21 The *Maintenance Order Act* is amended in section 4(1) by adding the following after clause (b):

(b.1) the settlement council of the Metis settlement in which the person entitled to maintenance resides,

Metis Settlements Act

Amends SA
1990 cM-14.3

22(1) The *Metis Settlements Act* is amended by this section.

(2) Section 1 is amended

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

(e.1) “financial interest” means a financial interest as defined by General Council Policy for the purposes of this Act, but if there is no General Council Policy

in which the control order is requested to be established and by a registered veterinarian.

(4) Section 6(1) presently reads:

6(1) The council of a municipal district, or the Minister of Municipal Affairs in the case of an improvement district or special area, may pay out of the funds of the municipality any money the council or the Minister of Municipal Affairs considers necessary in connection with the expense of the administration of a control order.

Livestock Industry Diversification Act

20 Amends chapter L-22.7 of the Statutes of Alberta, 1990. Section 4(2) presently reads:

(2) *A person is not eligible to acquire or to hold a licence unless*

(a) he holds an estate in land comprising or including the area on which the farm will be or is situated and that estate is registered under the Land Titles Act, or

(b) he is in possession of that land under written arrangements made with the person referred to in clause (a) who would otherwise be in possession of it and a copy of those arrangements has been provided to the Director.

Maintenance Order Act

21 Amends chapter M-1 of the Revised Statutes of Alberta 1980. Section 4(1) presently reads in part:

4(1) When a person liable under section 2 or 3 to maintain any other person refuses or neglects to do so,

(b) the chief elected official of the municipality in which the person entitled to maintenance resides,

may apply by originating notice to the Court of Queen's Bench for a maintenance order against the person liable.

Metis Settlements Act

22(1) Amends chapter M-14.3 of the Statutes of Alberta, 1990.

(2) Adds new definitions.

defining financial interest for the purposes of this Act, financial interest has the same meaning as pecuniary interest in the *Municipal Government Act*, with the necessary modifications;

(b) by adding the following after clause (j):

- (j.1) “Metis land interest” means Metis title, provisional Metis title or allotment as described by General Council Policy;

(c) by adding the following after clause (m):

- (m.1) “recording” in respect of a right or interest in patented land means recording as defined in the *Metis Settlements Land Registry Regulation* (AR 361/91);
- (m.2) “registration” in respect of a right or interest in patented land means registration as defined in the *Metis Settlements Land Registry Regulation* (AR 361/91);

(3) Section 12 is amended

- (a) in subsection (2) by adding** “or on a date established by the Minister by regulation” **after** “May”;

- (b) in subsection (3)(b) by adding** “or, if the Minister has established a date for the election, within 2 months of that date” **after** “May”;

(c) by adding the following after subsection (3):

- (4) The Minister may, in accordance with section 240, make regulations establishing a date for the annual election of one or more settlement councils.

(4) Section 14(c) is amended by striking out “principal”.

(5) Section 16(4) is repealed and the following is substituted:

- (4) If a candidate does not file the disclosure statement at the time of nomination, the nomination is not valid and the returning officer may not act on it.

(3) Section 12(2) and (3) presently read:

(2) Annual elections must be held on the 2nd Monday in May unless a settlement by-law prescribes another date for the election in the settlement area.

(3) A settlement by-law prescribing another date for annual elections is effective only if

(a) it is passed at least 3 months before the annual election, and

(b) the new date is within 2 months of the 2nd Monday in May.

(4) Section 14(c) presently reads:

14 No person is eligible to vote at an annual election or by-election unless that person

(c) has his or her principal residence in the settlement area on election day.

(5) Section 16(4) presently reads:

(4) A candidate for councillor who wilfully refuses or fails to file the disclosure statement within 14 days after the date of the candidate's nomination ceases to be eligible as a candidate or, if the candidate has been elected, is disqualified immediately following the election.

(5) After an election, the returning officer must give the disclosure statements of every candidate to the settlement administrator, and the settlement administrator must retain the statements for at least one year.

(6) Section 17 is amended

(a) in subsection (1)(a)

(i) by adding “or” at the end of subclause (vii);

(ii) by repealing subclause (viii);

(b) in subsection (2) by striking out the words preceding clause (a) and substituting the following:

(2) If, between nomination day and the date of the election, a candidate withdraws because the candidate is ineligible, or the returning officer is provided with a copy of an order of a court declaring a candidate to be ineligible,

(7) The following is added after section 20:

Regulations re
terms of
councillors

20.1(1) The Minister may, in accordance with section 239, make regulations

(a) changing the length of terms of councillors so that the terms of all councillors end at the same time;

(b) dealing with any matter to ensure that the change in the length of terms can be implemented, including changing the frequency of elections and, if a vacancy occurs on a settlement council, when the vacancy is required to be filled.

(2) The regulations under subsection (1) operate despite any provision of this Act.

(8) Section 22(1) is amended by striking out “the date of election” and substituting “the date the election result is declared”.

(9) Section 25(1) is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(6) Section 17(1)(a)(viii) and (2) presently read:

17(1) A settlement member is ineligible to be nominated as a candidate for councillor or to serve as councillor

(a) if, on nomination day or between nomination day and the time that the candidate is declared elected,

(viii) the settlement member refuses or fails to file a disclosure statement under section 16, or

(2) If a candidate for councillor becomes ineligible between nomination day and the time that the candidate is declared elected,

(a) public notice of that fact must be given to the voters and posted in the voting stations by the returning officer, and

(b) if it is not possible to reprint the ballot forms, a vote cast for the ineligible candidate is a spoiled ballot.

(7) Regulations to change the length of terms of councillors.

(8) Section 22(1) presently reads:

22(1) If there is one vacancy to be filled at a by-election, the person elected holds office from the date of election for the balance of the predecessor's term.

(9) Section 25(1)(a) and (o) presently read:

25(1) A councillor is disqualified from remaining on the settlement council if

(a) the councillor is ineligible to serve as a councillor under section 17;

(b) by repealing clause (o) and substituting the following:

(o) the contents of the councillor's disclosure statement do not comply with section 16(2);

(c) by adding the following after clause (o):

(o.1) the councillor contravenes section 39;

(d) by adding the following after clause (p):

(p.1) the councillor has a financial interest in an agreement that is not binding on the settlement under section 39.1;

(10) The following is added after section 39:

Effect of
financial
interest on
agreements

39.1 No agreement with a settlement under which a councillor of the settlement has a financial interest is binding on the settlement unless

(a) the agreement is for work in an emergency,

(b) the agreement is

(i) for the sale of goods, or

(ii) for the provision of services to the settlement or to persons contracting with the settlement

at competitive prices by a dealer in those goods or services whose entering into the agreement is incidental to or in the ordinary course of the dealer's business,

(c) the proposed agreement is approved by the settlement council before the agreement is signed by the settlement, or

(d) the agreement was entered into before the term of the councillor started.

(11) Section 42 is amended by renumbering it as subsection (2) and by adding the following before subsection (2):

- (a) the councillor is convicted of an offence under a law in force in Alberta and sentenced to imprisonment for 3 months or more;*
- (o) the councillor is disqualified for refusing or failing to file a disclosure statement under section 16;*

(10) Settlement agreements in which a councillor has a financial interest are not binding on settlements except in specified circumstances.

(11) Section 42 presently reads:

42 A settlement council may

42(1) In this section, “committee” includes a committee appointed under section 49.

(12) Section 43 is amended by adding the following after subsection (4):

(5) Despite subsection (2), a settlement council may vote on a General Council resolution in the manner provided for in the rules of the General Council, and Divisions 1 and 2 of this Part do not apply to a settlement council’s voting on a General Council resolution.

(13) Section 44 is amended

(a) in subsection (1)(c) by adding “, including reports of committees appointed under section 49,” after “employees of the settlement”;

(b) by adding the following after subsection (3):

(4) If a settlement member makes a written request to the settlement administrator for a copy of a specified agreement for the purposes of determining if the contents of a candidate’s disclosure statement comply with section 16(2), the settlement administrator must

- (a) if the settlement council has not restricted publication of the agreement under subsection (2), provide a copy of the agreement to the member, and
- (b) if the settlement council has restricted publication of the agreement under subsection (2), provide to the member a copy of the parts of the agreement that were not restricted and a copy of the parts of the agreement that were restricted that will enable the member to determine if a candidate’s disclosure statement complies with section 16(2),

and the copies must be provided within a reasonable time of receiving the written request at not more than the cost of making the copies.

(14) Section 45 is amended

(a) by renumbering it as section 45(1);

(b) in subsection (1) by striking out “decision and”;

- (a) establish or adopt rules of conduct for councillors and others present at settlement council, committee or public meetings;*
- (b) establish or adopt rules governing the calling of settlement council, committee and public meetings, and the public notice to be given of them;*
- (c) establish a quorum for committee meetings and the procedure to be followed when a vote is taken on matters at committee meetings.*

(12) Section 43(2) presently reads:

(2) A settlement council can carry out its powers and duties only by resolution or, when required by this Act or any other enactment, by by-law.

(13) Section 44(1)(b) and (c) presently read:

44(1) The following documents must be posted in the settlement office for at least 15 consecutive days unless the settlement council makes an exception under subsection (2):

- (b) proposed by-laws after they have been given first reading;*
- (c) reports of committees or employees of the settlement after they have been submitted to the settlement council, but not opinions or reports of the settlement solicitor;*

(14) Section 45 presently reads:

45 Every decision and agreement made by or on behalf of a settlement and every resolution must be in writing signed by

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

(2) An agreement made by or on behalf of a settlement may also be signed by the persons authorized under the settlement's by-laws.

(15) Section 47(2)(b) is amended by striking out "principal".

(16) Section 55 is amended

(a) in subsection (2)(b) by striking out "principal";

(b) by repealing subsection (4) and substituting the following:

(4) A by-law voted on at a public meeting is approved if a majority of the settlement members who are eligible to vote and who vote at the meeting vote in favour of the by-law.

(17) Section 68 is amended

(a) by adding the following before subsection (1):

Enforcement
notices

68(0.1) In this section, "occupier of land" means

(a) a settlement member who has a Metis land interest that is registered in the Metis Settlements Land Registry for the land, and

(b) if there is no settlement member that has a Metis land interest that is registered in the Registry for the land, the person in actual occupation of the land.

(b) in subsection (1)(e)

(i) by striking out "person to whom it is directed and the holder of an instrument issued in respect" and substituting "occupier";

- (a) the settlement chairman or a councillor designated by the council as an alternate signing officer, and*
- (b) the settlement administrator.*

(15) Section 47(2)(b) presently reads:

- (2) If a resolution is put to a vote at a general or special meeting of settlement members, the settlement members eligible to vote are those*
 - (b) who have their principal residence in the settlement area on the date of the vote.*

(16) Section 55(2) and (4) presently read:

- (2) A settlement member is eligible to vote on a by-law presented at a public meeting if*
 - (a) the member has resided in the settlement area for the 12 months immediately preceding the date of the vote, or any lesser period prescribed in a settlement by-law, and*
 - (b) the member's principal residence is in the settlement area on the date of the vote.*
- (4) A by-law voted on at a public meeting is approved if a majority of the settlement members present at the meeting who are eligible to vote, vote in favour of the by-law.*

(17) Section 68(1)(e) presently reads:

- 68(1) A settlement council or person acting on its behalf may issue a notice*
 - (e) warning the person to whom it is directed and the holder of an instrument issued in respect of the land on which the matter complained about is located, that the cost of the work done to remedy the condition may be charged to the occupier and, in default of payment,*
 - (i) the cost may be recovered as a debt due to the settlement, or*
 - (ii) a notification of the cost and expenses may be registered in the Metis Settlements Land Registry;*

(ii) in subclause (ii) by striking out “registered” and substituting “recorded”.

(18) Section 69(2) is repealed and the following is substituted:

(2) The costs and expenses incurred under subsection (1) by the settlement council are an interest in land held by the settlement.

(3) If a settlement member has a Metis land interest that is registered in the Metis Settlements Land Registry for the land entered on under subsection (1), a notification of the costs and expenses incurred under subsection (1) may be recorded in the Registry against the Metis land interest, and on the recording

(a) the costs and expenses are payable by the settlement member, and

(b) no dealings in respect of the land by the settlement member may be recorded in the Registry without the consent of the council of the settlement in which the land is located until the recording of the notification is cancelled.

(4) If no settlement member has a Metis land interest registered in the Metis Settlements Land Registry for the land entered on under subsection (1), a notification of the costs and expenses incurred under subsection (1) may be recorded in the Registry against any interest in the land that an occupier of the land has recorded in the Registry or, if the occupier has no recorded interest in the land, against the Metis title to the land that is held by the settlement, and on the recording

(a) the costs and expenses are payable by the occupier of the land, and

(b) no dealings in respect of the land by the occupier may be recorded in the Registry without the consent of the council of the settlement in which the land is located until the recording of the notification is cancelled.

(5) The costs and expenses that are payable under this section are a debt due to the settlement and may be recovered by the settlement by an action for debt.

(6) A settlement may, in addition to the rights under this section, exercise any rights granted under a General Council

(18) Section 69(2) presently reads:

(2) A notification of the costs and expenses incurred may be registered in the Metis Settlements Land Registry, and then are payable by the person who holds the instrument issued in relation to the land, but if no instrument has been issued the costs and expenses must be paid by the occupier of the land, or if there is no occupier, by the settlement.

Policy to collect the costs and expenses incurred under subsection (1) that are payable by a settlement member.

(19) Section 80 is amended

(a) by adding the following before subsection (1):

Membership
approval

80(0.1) In this section, “becomes final” in respect of the approval of an application for membership in a settlement means that

- (a) the application was approved by the settlement council and the approval was not appealed,
 - (b) the application was approved by the settlement council and, on appeal, the Appeal Tribunal confirmed the approval, or
 - (c) the application was refused or deferred by the settlement council and, on appeal, the Appeal Tribunal approved the application.
- (b) in subsection (1) by striking out “application for membership in a settlement is approved by a settlement council or the Appeal Tribunal” and substituting “approval of an application for membership in a settlement becomes final”;**
- (c) by repealing subsection (2)(a) and substituting the following:**
- (a) the approval of the application for membership becomes final,

(20) Section 83 is amended

(a) by renumbering it as section 83(1);

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

- (2) If a settlement council approves an application for membership in a settlement, any member of the settlement may appeal in writing to the Appeal Tribunal within 45 days after the application was approved.
- (3) No settlement member may make an appeal under subsection (2) without the permission of the Appeal Tribunal.

(21) The following is added after section 89:

(19) Section 80(1) and (2) presently read:

80(1) When an application for membership in a settlement is approved by a settlement council or the Appeal Tribunal and the applicant starts to live in the settlement area, the settlement council must

- (a) notify the Minister that the application is approved, and*
- (b) provide the necessary information to the Minister for a record to be made on the Settlement Members List.*

(2) An applicant for membership in a settlement becomes a settlement member when

- (a) the settlement council, or on appeal, the Appeal Tribunal, approves the application for membership,*
- (b) the applicant starts to live in the settlement area, and*
- (c) the applicant is recorded on the Settlement Members List as a settlement member.*

(20) Section 83 presently reads:

83 If a settlement council refuses or defers an application for membership, or an application is not considered or a decision is not made by the settlement council within the required time, the applicant may appeal in writing to the Appeal Tribunal

- (a) within 45 days after receiving notice of the refusal or deferral, or*
- (b) within 45 days after the date the council should have made a decision.*

(21) Resignation from settlement membership.

Resignation
from
membership

89.1(1) A settlement member may terminate membership in a settlement by submitting a letter of resignation to the settlement.

(2) The termination of membership under subsection (1) becomes effective 10 days after the letter of resignation is received by the settlement unless the settlement receives a written letter from the settlement member revoking the letter of resignation before the 10-day period expires.

(3) When settlement membership is terminated under this section, the settlement must send a copy of the letter of resignation to the Minister.

(22) Section 92 is amended by striking out “has no right to reside” and substituting “is not permitted to reside”.

(23) Section 93 is amended

(a) by adding the following after subsection (1):

(1.1) A settlement council may order a person who is not permitted to reside in the settlement area expelled from the settlement area if the person refuses to leave the settlement area on the request of the settlement council.

(b) in subsection (2) by adding “or (1.1)” after “subsection (1)”.

(24) The following is added after section 94:

Enforcement
of settlement
council order

94.1(1) If

(a) a person who is ordered expelled under section 93 does not appeal the order within the time specified under section 94 or, on appeal under section 94, the Appeal Tribunal confirms the settlement council’s expulsion order, and

(22) Section 92 presently reads:

92 A person who is not a settlement member has no right to reside on patented land unless the person

(a) is part of the immediate family of a settlement member,

(b) is a teacher or health care worker,

(c) is an employee of the settlement, or

(d) is permitted to reside on patented land by this or any other enactment, a General Council Policy or a settlement by-law.

(23) Section 93 presently reads:

93(1) A person who is permitted to reside in a settlement area under section 92 is entitled to continue to reside in the area unless the settlement council, for just cause, orders the person expelled from the settlement area.

(2) No order can be made under subsection (1) unless the person concerned has been given an opportunity to tell the settlement council why he or she should be able to remain in the settlement area.

(24) Court of Queen's Bench order to enforce settlement council's expulsion order.

- (b) the person ordered expelled continues to reside in the settlement area,

the settlement council may apply to the Court of Queen's Bench, by originating notice, for an order directing the person to leave the settlement area.

- (2) The Court of Queen's Bench on hearing the application may make any order it considers appropriate.

(25) Section 100(1) is amended by adding "a settlement or" after "held by".

(26) Section 101 is amended by adding "a settlement or" after "held by".

(27) The amendment to section 101 of the *Metis Settlements Act* by subsection (26) does not affect any ability to seize or sell an interest of less than the fee simple estate in patented land under court order, writ of enforcement or other judicial or extra-judicial process that exists before subsection (26) comes into force.

(28) Section 102 is amended

- (a) in clause (a) by striking out "registration" and substituting "recording, registration and filing";**

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

- (a.1) defining, for the purposes of this Act, the words "recording" and "registration" in respect of a right or interest in patented land;

- (c) in clauses (b), (c) and (d) by striking out "registration" and substituting "recording, registration and filing".**

(25) Section 100(1) presently reads:

100(1) No right or interest in less than the fee simple estate in patented land held by a settlement member may be mortgaged, charged or given as security except in accordance with a General Council Policy.

(26) Section 101 presently reads:

101 An interest of less than the fee simple estate in patented land held by a settlement member is exempt from seizure or sale under court order, writ of enforcement or other process whether judicial or extra-judicial except as provided by a General Council Policy.

(27) Transitional matter.

(28) Section 102(a) to (d) presently read:

102 The Minister may, in accordance with section 239, make regulations

- (a) respecting the establishment, maintenance and control of a Metis Settlements Land Registry and a system for the registration in that Registry of rights, interests and other matters with respect to patented land;*
- (b) respecting the registration in the Metis Settlements Land Registry of the rights or interests in patented land held by settlement members that have been converted under the regulations made under section 262;*
- (c) respecting the registration in the Metis Settlements Land Registry of the rights or interests registered under the Land Titles Act;*
- (d) providing for the registration in the Metis Settlements Land Registry of rights or interests under the former Act or any other enactment on an interim basis until regulations respecting the conversion of rights and*

(29) Section 104(1) is amended by striking out “has been registered or filed” and substituting “has been recorded, registered or filed”.

(30) Section 106 is repealed and the following is substituted:

Subdivision of
patented land

106 The Registrar of the Metis Settlements Land Registry must not accept a document for recording that has the effect or may have the effect of subdividing land in a settlement area, unless the subdivision is permitted by section 105 or is approved under the regulations.

(31) Section 109 is amended by striking out “council”.

(32) Section 111(h)(iii) is amended by striking out “recorded” and substituting “registered”.

(33) Section 132 is amended

- (a) by renumbering it as section 132(1);**
- (b) in subsection (1) by striking out “, but not for the purpose of selling, dealing or trafficking in the fish”;**
- (c) by adding the following after subsection (1):**

interests and regulations making the Registry fully operational are enacted;

(29) Section 104(1) presently reads:

104(1) Despite anything in the Land Titles Act, any instrument registered or filed with the Registrar under the Land Titles Act in respect of patented land, other than a plan of survey showing the land granted to the General Council by letters patent, has no effect unless the instrument has been registered or filed, as the case may be, in accordance with regulations made under section 102.

(30) Section 106 presently reads:

106(1) The Registrar of the Metis Settlements Land Registry must not accept for registration an instrument that has the effect or may have the effect of subdividing land in a settlement area, unless the subdivision is permitted by section 105 or is approved under the regulations.

(2) The Registrar of the Metis Settlements Land Registry must not accept a caveat for registration that relates to an instrument that has or may have the effect of subdividing land in a settlement area unless the subdivision is permitted by section 105 or is approved under the regulations.

(31) Section 109 presently reads:

109 A settlement council has the direction, control and management of highways, roads, streets and lanes within the settlement area that are not subject to the direction, control and management of the Crown in right of Alberta.

(32) Section 111(h) presently reads:

111 In this Division,

(h) "occupant" means

(i) a settlement council,

(ii) the person in actual possession of a parcel of patented land, and

(iii) a person having a right or interest in patented land that is recorded in the Metis Settlements Land Registry;

(33) Section 132 presently reads:

132 A settlement member who is resident in a settlement area may

(a) fish in the settlement area, or

(b) fish in any watercourse or body of water that actually adjoins the settlement area,

(2) This section does not authorize the member to fish for the purpose of selling, dealing or trafficking in fish.

(34) Section 134 is amended by adding the following after subsection (2):

(3) For the purpose of removing any doubt, Part 2 of the Consolidated Fund is not a trust.

(35) Section 142(1) is amended

(a) in clause (a) by striking out “an annual financial” and substituting “a financial”;

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

(b.1) with respect to funds attributable to a particular settlement, up to a maximum of \$100 000 for a financial year for the purpose of maintaining basic settlement operations in accordance with a resolution of the settlement’s council if at the time of making the payment the settlement has not adopted a budget by-law for that financial year,

(36) Sections 144 and 145 are repealed and the following is substituted:

Financial
allocation
policy

144(1) There must be a General Council Policy, to be known as a financial allocation policy, that applies to each financial year.

(2) A financial allocation policy must

(a) specify the total amount of money available from the Consolidated Fund for allocation to the settlements and General Council, and

(b) specify how the money described in clause (a) is to be allocated among the settlements and General Council.

(3) A financial allocation policy may requisition money from the settlements for the purpose of funding the General Council, in which case the sum requisitioned must be paid to the General Council out of money allocated to the settlements in accordance with the requisition.

(4) A financial allocation policy that applies to more than one financial year must specify how the matters provided for

at any time, except spawning, for the sustenance of the member and the member's immediate family, but not for the purpose of selling, dealing or trafficking in the fish.

(34) Section 134 presently reads:

134(1) The Metis Settlements Consolidated Fund is established consisting of Parts 1 and 2.

(2) The Consolidated Fund is held and administered by the General Council.

(35) Section 142(1)(a) and (b) presently read:

142(1) Money may be paid out of Part 1 of the Consolidated Fund

(a) in accordance with an annual financial allocation policy or amendments to that policy made by General Council Policy,

(b) with respect to funds attributable to a particular settlement, in accordance with a settlement by-law,

(36) Sections 144 and 145 presently read:

144(1) For each financial year the General Council must make a General Council Policy to be known as the financial allocation policy.

(2) A financial allocation policy must

(a) specify the total amount of money available from the Metis Settlements Transition Fund under the Metis Settlements Accord Implementation Act for allocation to settlements divided between

(i) capital development projects, and

(ii) operations, maintenance and other purposes,

(b) specify how the money described in clause (a) is to be allocated between the settlements,

(c) specify the total amount of money available from the Consolidated Fund for allocation to settlements divided between

(i) capital development projects, and

in the policy under subsections (2) and (3) apply to each financial year covered by the policy.

Amendments

145 The General Council may amend a financial allocation policy that applies to a financial year at any time before or during that financial year.

(37) Section 156 is amended by adding the following after subsection (1):

(1.1) Money that a settlement receives under section 142(1)(b.1) for a financial year for the purpose of maintaining basic settlement operations may be paid out of the settlement fund in accordance with a resolution of the settlement's council until the settlement council adopts a budget by-law for that financial year.

(38) Section 157(1)(a) is repealed and the following is substituted:

- (a) describing the money allocated to it from the Consolidated Fund and the purposes for which the money is allocated,

(39) Section 159(1)(a) is amended by adding “or, in the case of money received under section 142(1)(b.1), in accordance with a resolution of the settlement's council” after “to that by-law”.

(40) Section 167(2) is repealed and the following is substituted:

(2) The tax that is imposed in a year must be calculated in accordance with the rates established for that year under the *Well Drilling Equipment Tax Rate Regulation* (AR 370/94).

(ii) *operations, maintenance and other purposes,*

and

(d) *specify how the money described in clause (c) is to be allocated between the settlements.*

(3) *A financial allocation policy may requisition money from the settlements for the purpose of funding the General Council, in which case the Commissioner must pay the sum requisitioned to the General Council out of money allocated to the settlements in accordance with the requisition.*

145 The General Council may amend an allocation policy during a financial year to change or add to the financial allocation policy.

(37) *Authorizes payments out of a settlement fund before a budget by-law is adopted.*

(38) *Section 157(1)(a) presently reads:*

157(1) A settlement council must adopt a budget by-law for each financial year

(a) describing the money allocated to it from

(i) the Transition Fund under the Metis Settlements Accord Implementation Act, and

(ii) the Consolidated Fund,

and the purposes for which the money is allocated,

(39) *Section 159(1)(a) presently reads:*

159(1) No cheque, money order or other negotiable instrument may be issued against, or cash withdrawn from a settlement fund, unless

(a) the expenditure is in accordance with a settlement budget by-law or amendments to that by-law,

(40) *Section 167(2) presently reads:*

(2) The tax must be computed in accordance with a schedule established by the Lieutenant Governor in Council.

(2.1) The General Council may, by General Council Policy, vary the rates referred to in subsection (2) for the purpose of calculating the tax in one or more settlements.

(41) Section 177(1)(a) is repealed and the following is substituted:

- (a) without being authorized to do so by this Act or by a settlement by-law, or

(42) Section 203 is amended

(a) in subsection (1)

(i) by striking out “registered” and substituting “recorded”;

(ii) by striking out “instrument” and substituting “interest”;

(b) in subsection (2) by striking out “registered” and substituting “recorded”.

(43) Section 214 is amended

(a) in subsection (2) by striking out “The General” and substituting “Subject to any regulations made under subsection (3), the General”;

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

(3) The Minister may, in accordance with section 239, make regulations

(a) reducing the number of councillors that make up the General Council, so long as each settlement has the same number of councillors on the General Council;

(b) dealing with any matter the Minister considers necessary to implement a reduction under clause (a).

(44) The following is added after section 221:

Non-attendance during emergencies

221.1 Despite sections 220 and 221, if there is an emergency as defined by the rules of the General Council and as a result of the emergency members of a settlement council are unable to attend a meeting of the General Council, the settlement council may vote on a resolution

(41) Section 177(1)(a) presently reads:

177(1) If a settlement council borrows, grants, invests, lends or gives a guarantee, spends or authorizes the expenditure of money

(a) without the authorization of a settlement by-law, or

the councillors who vote for the resolution are jointly and severally liable for any loss resulting from the resolution.

(42) Section 203 presently reads:

203(1) A certified copy of an Appeal Tribunal decision for payment of money, costs, expenses or penalty may be registered in the Metis Settlements Land Registry against the instrument held by the person required to pay the money.

(2) When registered under subsection (1), the decision constitutes a lien on any improvements on the land or interest in the improvements held by the person required to pay the money.

(43) Section 214(2) presently reads:

(2) The General Council consists of the councillors of all the settlement councils and the officers of the General Council.

(44) Settlement councils allowed to vote when unable to attend meetings due to an emergency.

presented at the meeting in a manner permitted by the rules of the General Council.

(45) Section 222(1) is amended

- (a) in clause (e)(v) and (vi) by striking out “the settlement” and substituting “a settlement”;**
- (b) in clause (i) by striking out “the settlement” wherever it occurs and substituting “a settlement”;**
- (c) in clause (v) by adding “, the *Dower Act*, the *Intestate Succession Act*, the *Ultimate Heir Act*” before “and the *Wills Act*”;**
- (d) by repealing clause (w);**
- (e) by adding the following after clause (x):**

- (y) providing for fees, dues, charges or levies that may be imposed by settlement by-law for
 - (i) anything provided or done by or on behalf of a settlement or for any service or assistance, or
 - (ii) any permit, approval, licence or other authorization,and providing for the administration and collection of the fees, dues, charges or levies;
- (z) on matters specified by the Minister by regulation.

(46) Section 223(1) is amended

- (a) by repealing clause (d) and substituting the following:**
 - (d) defining financial interest for the purposes of this Act;
- (b) in clause (g) by striking out “non-settlement members” and substituting “individuals who are not settlement members”;**
- (c) by adding the following after clause (i):**
 - (j) on matters specified by the Minister by regulation.

(47) The following is added after section 223:

(45) Section 222(1) presently reads in part:

222(1) The General Council, after consultation with the Minister, may make, amend or repeal General Council Policies

- (e) respecting whether and, if so, under what conditions the General Council may*
- (v) guarantee the repayment of a loan by a lender to someone other than the settlement, or*
- (vi) guarantee the payment of interest on a loan by a lender to someone other than the settlement;*
- (i) respecting the assessment or taxation, or both, of land, interests in land or improvements on land, in the settlement area, including rights to occupy, possess or use land in the settlement area;*
- (v) providing that one or more of the Administration of Estates Act, the Devolution of Real Property Act and the Wills Act do not apply to specified interests in patented land that are held by settlement members;*
- (w) describing the persons who are permitted to reside in settlement areas in addition to the persons described in section 92;*

(46) Section 223(1)(d) and (g) presently read:

223(1) The General Council, after consultation with the Minister, may make, amend or repeal General Council Policies

- (d) describing what is or what is not considered to be a financial interest for the purpose of explaining when a conflict of interest may exist;*
- (g) respecting the right of non-settlement members to reside in a settlement area and the duties associated with being a resident;*

(47) Regulations to specify additional matters on which General Council Policies may be made.

Regulations re
General
Council
Policies

223.1 The Minister may, in accordance with section 239, make regulations for the purposes of section 222(1)(z) or 223(1)(j) specifying additional matters on which the General Council may make, amend or repeal General Council Policies.

(48) Section 224(1) is amended by striking out “or any longer period to which the General Council agrees” **and substituting** “or any other period to which the General Council and the Minister agree”.

(49) Section 234(1) is amended by striking out “place or residence” **and substituting** “place of residence”.

(50) Section 247 is repealed.

(51) Division 4 of Part 12 is repealed.

(48) Section 224(1) presently reads:

224(1) General Council Policies made under section 222 or 223 or an amendment or repeal of those Policies must be sent to the Minister and come into effect 90 days after they are received by the Minister, or any longer period to which the General Council agrees, unless

(a) the Minister by order approves the Policy in writing at an earlier date, in which case the Policy comes into effect when it is approved, or on any later date specified in the Policy, or

(b) the Minister vetoes the Policy or any portion of it by notice in writing to the President of the General Council.

(49) Section 234(1) presently reads in part:

234(1) The place or residence of a person under this Act is governed by the following rules:

(50) Section 247, which has not been proclaimed in force, presently reads:

247(1) The regulations and General Council Policies tabled in the Legislative Assembly by the Minister prior to the passage of this Act

(a) are enacted as the first regulations and General Council Policies under this Act,

(b) are deemed to have met all the requirements for their enactment,

(c) come into force when this section comes into force, and

(d) may be amended, added to or repealed in accordance with this Act.

(2) When this section comes into force, the General Council Policies must be published in The Alberta Gazette.

(51) Division 4 of Part 12 presently reads:

*Division 4
Transfer of Trust Funds and Accounts*

(52) Subsections (2)(a), (9)(d) and (10) come into force on Proclamation or on December 31, 1998, whichever occurs first.

Metis Settlements Accord Implementation Act

Amends SA
1990 cM-14.5

23(1) The *Metis Settlements Accord Implementation Act* is amended by this section.

(2) Section 1(j) is repealed.

(3) The following is added after section 6:

Operation of
sections 7 and
8 and
Schedule 1

6.1(1) In this section, “alternative funding agreement” means a written agreement between the Minister and the General Council that

(a) provides for a funding arrangement in respect of Metis settlements, and

(b) sets out that sections 7 and 8 and Schedule 1 are to be inoperative while the agreement is in force.

(2) If funding is provided for Metis settlements in accordance with an alternative funding agreement for a financial year,

(a) the requirement under section 7(1) and Schedule 1 or section 8(1) and Schedule 1 for each settlement council to give audited financial statements certifying amounts collected in that financial year, and

(b) the requirement under section 7(2) or 8(2) for the Provincial Treasurer to make a payment for that financial year

are permanently inoperative in respect of that financial year.

263(1) Money in the Metis Settlement Associations Grants Administration Fund purportedly established by Treasury Board Minute 143/84 must be paid to the Commissioner for deposit in the Metis Settlements Transition Fund established by the Metis Settlements Accord Implementation Act as soon as practicable, after this section comes into force.

(2) The money referred to in subsection (1) is to be held and paid by the Commissioner on the same terms and conditions and for the same purposes as the money was held in the Metis Settlement Associations Grants Administration Fund.

(52) Coming into force provision relating to definition of financial interest.

Metis Settlements Accord Implementation Act

23(1) Amends chapter M-14.5 of the Statutes of Alberta, 1990.

(2) Section 1(j) reads as follows:

1 In this Act,

(j) "Transition Fund" means the Metis Settlements Transition Fund established by section 25.

(3) Sections 7 and 8 presently read:

7(1) After the end of each financial year during the period April 1, 1997 to March 31, 2002, each settlement council must give the Provincial Treasurer an audited financial statement certifying, for the preceding financial year,

(a) the amount actually collected by the settlement council from the eligible sources described in Schedule 1, and

(b) the amount that may subsequently be collected by the settlement council as a result of late payments.

(2) The Provincial Treasurer must pay to a settlement from the General Revenue Fund a sum that equals

(a) twice the amount of the sum that the auditor certifies was actually collected by the settlement council from the eligible sources in respect of the preceding financial year, and

(b) twice the amount of any further sum that the auditor subsequently certifies was actually collected by the settlement council from the eligible sources in respect of the preceding financial year.

8(1) After the end of each financial year during the period April 1, 2002 to March 31, 2007, each settlement council must give the

(4) Subsection (3) is deemed to have come into force on April 1, 1997.

(5) Part 3 is repealed.

(6) The following is added after section 48:

Auditor
General

48.1 The Auditor General is the auditor of the Commission.

Financial
Administration
Act

48.2(1) The *Financial Administration Act* does not apply to the Commission or money appropriated by the Legislature for the purposes of the Commission.

(2) Nothing in this section prevents the Commission from being designated as a depositor of the Consolidated Cash Investment Trust Fund.

(7) Section 55(3) is repealed.

Provincial Treasurer an audited financial statement certifying, for the preceding financial year,

(a) the amount actually collected by the settlement council from the eligible sources described in Schedule 1, and

(b) the amount that may subsequently be collected by the settlement council as a result of late payments.

(2) The Provincial Treasurer must pay to a settlement from the General Revenue Fund a sum that is

(a) the same as the amount that the auditor certifies was actually collected by the settlement council from the eligible sources in respect of the preceding financial year, and

(b) the same as the amount of any future sum that the auditor subsequently certifies was actually collected by the settlement council from the eligible sources in respect of a preceding financial year.

(4) Coming into force.

(5) Repeals Part 3, which deals with the Metis Settlements Transition Fund. This Fund was established in 1990 for transitional purposes. Funding ended in the 96/97 fiscal year and all money in the Fund has been spent.

(6) Re-enacts parts of sections 37 and 38 from Part 3. Sections 37 and 38 presently read:

37(1) The Auditor General is the auditor of the Transition Fund and the Commission.

(2) As soon as practicable after the end of each financial year there must be prepared an audited financial statement of the Transition Fund for the preceding financial year.

38(1) Subject to subsection (2), the Financial Administration Act does not apply to

(a) the Transition Fund or any expenditures from it, payment into it or activity in relation to it,

(b) a person administering, receiving or disbursing money in relation to the Transition Fund, or

(c) the Commission or money appropriated by the Legislature for the purposes of the Commission.

(2) Section 52 of the Financial Administration Act and other provisions of that Act relating to the Consolidated Cash Investment Trust Fund apply.

(7) Section 55(3) presently reads:

(8) Section 56(1)(b) is amended by striking out “3,”.

(9) Section 57(e) is repealed.

(10) Schedule 2 is repealed.

Motor Vehicle Administration Act

Amends RSA
1980 cM-22

24(1) The *Motor Vehicle Administration Act* is amended by this section.

(2) Section 1(m) is amended by striking out “village or municipal district” and substituting “village, municipal district or Metis settlement”.

(3) Section 58(1)(b) is amended by adding “or Metis settlement” after “municipal district” wherever it occurs.

(3) The income must be paid to the Commissioner as soon as practicable after this section comes into force and the Commissioner must pay the income into the Transition Fund.

(8) Section 56 presently reads:

56(1) On March 31, 1997,

(a) section 1(b) is repealed;

(b) Parts 2, 3, 4 and this Part are repealed.

(2) The date of repeal may be changed any number of times by Proclamation issued in accordance with an agreement between the Minister and the General Council.

(NOTE: Date of repeal in subsection (1) changed by Proclamation to March 31, 2002.)

(9) Section 57(e) presently reads:

57 The repeal of Parts 2 to 4 has the following effect:

(e) the Transition Fund continues to exist and is held and administered by the General Council in accordance with the directives, rules and procedures then in effect until they are subsequently amended or repealed by General Council Policy or the Transition Fund is merged with the Consolidated Fund.

(10) Schedule 2 sets out the securities in which money from the Transition Fund may be invested.

Motor Vehicle Administration Act

24(1) Amends chapter M-22 of the Revised Statutes of Alberta 1980.

(2) Section 1(m) presently reads:

1 In this Act,

(m) "municipality" means a city, town, village or municipal district;

(3) Section 58(1)(b) presently reads:

58(1) Any fine or penalty imposed under this Act

(b) on a conviction for an offence occurring in a municipal district, elsewhere than on a primary highway, enures to the benefit of the municipal district, and

Northland School Division Act

Amends SA
1983 cN-10.1

25 The *Northland School Division Act* is amended by repealing section 9(1)(d) and substituting the following:

- (d) to recommend to the board that all or any of Farmers' Day, Treaty Day or Proclamation Day be declared to be holidays;

Occupiers' Liability Act

Amends RSA
1980 cO-3

26 The *Occupiers' Liability Act* is amended in section 4(1)(c) by adding "or Metis settlement" after "municipal corporation".

Off-highway Vehicle Act

Amends RSA
1980 cO-4

27(1) The *Off-highway Vehicle Act* is amended by this section.

(2) Section 14(2) is amended by adding "or Metis settlement" after "municipality".

(3) Section 18(2)(b) is amended by adding "or Metis settlement" after "municipality".

(4) Section 27 is repealed and the following is substituted:

Northland School Division Act

25 Amends chapter N-10.1 of the Statutes of Alberta, 1983. Section 9(1)(d) presently reads:

9(1) A local school board committee has the following powers:

(d) to recommend to the board that Farmers' Day or Treaty Day, or both, be declared to be a holiday;

Occupiers' Liability Act

26 Amends chapter O-3 of the Revised Statutes of Alberta 1980. Section 4(1)(c) presently reads:

4(1) This Act does not apply to highways (other than leased road allowances)

(c) where a municipal corporation has the management, direction and control of the highway.

Off-highway Vehicle Act

27(1) Amends chapter O-4 of the Revised Statutes of Alberta 1980.

(2) Section 14(2) presently reads:

(2) Licence plates issued pursuant to this section are valid for only one place of business but when the person to whom any plates are issued has more than one place of business in the same municipality, all those places shall, for the purpose of this subsection, be considered one place of business.

(3) Section 18(2)(b) presently reads:

(2) Notwithstanding subsection (1),

(b) the council of a municipality may by by-law, or the Minister of Municipal Affairs may by order, with respect to highways under its or his direction, control and management, authorize persons to operate off-highway vehicles on any portion of any such highway or class of highway and may restrict the hours during which that operation may take place, and

(4) Section 27 presently reads:

27 Any fine or penalty imposed under this Act

Distribution of
fines

27 Any fine or penalty imposed under this Act on a conviction for an offence occurring in a city, town, village, summer village, municipal district or Metis settlement belongs to the city, town, village, summer village, municipal district or Metis settlement, but in all other cases the fines and penalties belong to the Government.

(5) Section 29 is amended by adding “or Metis settlement” after “municipality”.

Partnership Act

Amends RSA
1980 cP-2

28 The *Partnership Act* is amended in section 54(3) by adding “or the Metis Settlements Land Registry” after “land titles office”.

Personal Property Security Act

Amends SA
1988 cP-4.05

29 The *Personal Property Security Act* is amended in section 70(1)

(a) in clause (c) by adding “or Metis settlement” after “municipality”;

(b) by adding the following after clause (d):

(d.1) to a Metis settlement by leaving it with, or by registered mail addressed to, the permanent office of the settlement or to the settlement administrator;

(a) on a conviction for an offence occurring in a city, town, village or summer village, belongs to the city, town, village or summer village, and

(b) on a conviction for an offence occurring in a municipal district, belongs to the municipal district,

but in all other cases the fines and penalties belong to the Government.

(5) Section 29 presently reads:

29 Except where this Act or any other Act specifically provides to a contrary effect, no municipality has any power to pass, enforce or maintain any by-law

(a) requiring from any owner or operator of an off-highway vehicle any tax, fee, licence or permit for the use, possession or operation of an off-highway vehicle,

(b) that in any way affects the registration or numbering of off-highway vehicles, or

(c) forbidding the operation of off-highway vehicles in a manner contrary to or inconsistent with this Act.

Partnership Act

28 Amends chapter P-2 of the Revised Statutes of Alberta 1980. Section 54(3) presently reads:

(3) Only the general partners shall be shown at the land titles office as owners of any interest of the limited partnership in real property.

Personal Property Security Act

29 Amends chapter P-4.05 of the Statutes of Alberta, 1988. Section 70(1)(c) and (d) presently read:

70(1) A notice or demand, other than a demand under section 18, or a copy of a financing statement or statement used by the Registry to confirm a registration referred to in section 43(11), required or permitted to be given under this Act may be given as follows:

(c) to a corporation, other than a municipality,

(i) by leaving it with an officer or director of the corporation or person in charge of any office or place of business of the corporation,

(ii) by leaving it with or by registered mail addressed to the registered or head office of the corporation, and

**Private Investigators and
Security Guards Act**

Amends RSA
1980 cP-16

30 The *Private Investigators and Security Guards Act* is amended in section 17

(a) in clause (b) by striking out “municipality” and substituting “municipality, Metis settlement”;

(b) in clause (b)(i) by adding “or Metis settlement” after “municipal”.

Provincial Court Act

Amends RSA
1980 cP-20

31(1) The *Provincial Court Act* is amended by this section.

(2) Section 35(b)(i) is amended by striking out “village or municipal district” and substituting “village, municipal district or Metis settlement”.

(3) Section 42(3) is amended by adding “and, in the case of a Metis settlement, the settlement chairman or settlement administrator” after “Municipal Affairs”.

- (iii) *where the corporation has its registered or head office outside the Province, by leaving it with, or by registered mail addressed to, the attorney for service for the corporation appointed under Part 21 of the Business Corporations Act;*
- (d) *to a municipal corporation by leaving it with, or by registered mail addressed to, the principal office of the corporation or to the chief administrative officer of the corporation;*

Private Investigators and Security Guards Act

30 Amends chapter P-16 of the Revised Statutes of Alberta 1980.
Section 17(b) presently reads:

17 A person holding a licence under this Act shall not

- (b) at any time, whether by agreement with a municipality or municipal police commission or otherwise, act as a member of the police service or perform the duties of a peace officer, including a special constable or by-law enforcement officer, unless*
 - (i) the duties or services are restricted to the enforcement of municipal by-laws pertaining to the parking of vehicles, and*
 - (ii) he is acting as a security guard and possesses an appointment as a by-law enforcement officer.*

Provincial Court Act

31(1) Amends chapter P-20 of the Revised Statutes of Alberta 1980.

(2) Section 35(b)(i) presently reads:

35 In this Part,

- (b) "local authority" means*
 - (i) a city, town, village, summer village or municipal district, or*

(3) Section 42(3) presently reads:

- (3) Service of a document on a local authority may be made by serving it on the chief elected official or chief administrative officer and, in the case of an improvement district or special area, the Minister of Municipal Affairs.*

Public Health Act

Amends SA
1984 cP-27.1

32 The *Public Health Act* is amended by adding the following after section 74:

Notice of
health hazard
- Metis
patented land

74.1(1) When an order is issued under section 72 in respect of patented land as defined in the *Metis Settlements Act*, the regional health authority may submit a notice of health hazard to the Registrar of the Metis Settlements Land Registry and the Registrar shall record the notice against the Metis title register for the land that is subject to the order.

(2) A notice of health hazard recorded under this section does not lapse and shall not be cancelled except on the receipt by the Registrar of the Metis Settlements Land Registry, of a notice in writing from the regional health authority requesting cancellation.

(3) On recording a notice of health hazard, the Registrar of the Metis Settlements Land Registry shall notify the person against whose Metis title the notice is recorded and every person who has recorded an interest against the Metis title.

Public Highways Development Act

Amends RSA
1980 cP-28

33 The *Public Highways Development Act* is amended in section 1(m) by adding the following after subclause (ii):

(ii.1) a person registered in the Metis Settlements Land Registry as the owner of Metis title in land,

(ii.2) a purchaser of Metis title in land whose interest as purchaser is recorded on the Metis title register for that land,

Public Lands Act

Amends RSA
1980 cP-30

34(1) The *Public Lands Act* is amended by this section.

(2) Section 7(a) is amended by adding “or Metis settlement” after “municipal corporation”.

Public Health Act

32 Amends chapter P-27.1 of the Statutes of Alberta, 1984. Section 74 presently reads:

74(1) When an order is issued under section 72, the regional health authority may cause to be filed with the Registrar of Land Titles a notice of health hazard against the registration of any person as transferee or owner of, or of any instrument affecting, the land which is the subject of the order, unless the instrument or certificate of title is expressed to be subject to that notice.

(2) A notice of health hazard registered under this section does not lapse and shall not be cancelled or withdrawn except on the receipt by the Registrar of a notice in writing from the regional health authority requesting cancellation or withdrawal.

(3) On registering a notice of health hazard, the Registrar shall notify the person against whose title the notice is registered and notify caveators and mortgagees when the addresses of those persons may be ascertained from the certificate of title.

Public Highways Development Act

33 Amends chapter P-28 of the Revised Statutes of Alberta 1980. Section 1(m)(i) and (ii) presently read:

1 In this Act,

(m) "owner" means

(i) a person registered in a land titles office as the owner of an estate in fee simple or a life estate in land,

(ii) a purchaser of land whose interest as purchaser is recorded on the certificate of title for that land or in a registered caveat relating to that land,

Public Lands Act

34(1) Amends chapter P-30 of the Revised Statutes of Alberta 1980.

(2) Section 7(a) presently reads:

7 The Lieutenant Governor in Council may

(a) authorize the Minister to sell public land to a municipal corporation at a price to be determined by the Minister;

(3) Section 18(1)(c) is amended by striking out “municipal corporation” **and substituting** “municipal corporation, Metis settlement”.

Public Utilities Board Act

Amends RSA
1980 cP-37

35(1) The *Public Utilities Board Act* is amended by this section.

(2) Section 43(2) is amended

(a) by adding “a Metis settlement,” **after** “a municipal or other corporation,”;

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

(a.1) in the case of a Metis settlement, to the settlement chairman or the settlement administrator,

(3) Section 46(2) is amended

(a) by striking out “districts” **and substituting** “districts, the Registrar of the Metis Settlements Land Registry”;

(b) by adding “or the Metis Settlements Land Registry” **after** “land titles offices”.

(3) Section 18(1)(c) presently reads:

18(1) The Minister may give public land

(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

Public Utilities Board Act

35(1) Amends chapter P-37 of the Revised Statutes of Alberta 1980.

(2) Section 43(2) presently reads:

(2) A notice required to be given to a company, a municipal or other corporation, co-partnership, firm or individual, shall be deemed to be sufficiently given by delivering it, or a copy thereof, within the time, if any, limited therefor,

(a) in the case of a municipal corporation, to the chief elected official of the municipality or to the chief administrative officer or designated officer,

(b) in the case of any other corporation or company, to the president, vice-president, manager or secretary or to some adult person in its employ at its head office or chief place of business within Alberta,

(c) in the case of a firm or co-partnership, to any member thereof or, at the last known place of abode of any member, to any adult member of his household or, at the office or place of business of the firm, to a clerk employed therein, and

(d) in the case of an individual, to him or, at his last known place of abode, to any adult member of his household or, at his office or place of business, to a clerk in his employ.

(3) Section 46(2) presently reads:

(2) The Registrars of Titles in the different land registration districts and the Minister of Public Works, Supply and Services, to the extent that they relate to public works, shall furnish the Board with such certificates and certified copies of documents as the Board in writing requires, without charge, and the Board and a member or official of the Board thereunto authorized may at any time search in the public records of the land titles offices without charge.

Religious Societies' Land Act

Amends RSA
1980 cR-14

36(1) The *Religious Societies' Land Act* is amended by this section.

(2) Section 1 is amended by adding the following after clause (b):

(b.1) "Metis patented land" means patented land as defined in the *Metis Settlements Act*;

(3) The following is added after section 1:

Metis patented
land

1.1(1) A reference in this Act to a deed of conveyance, grant, transfer or agreement for sale is, in respect of Metis patented land, a reference to a document creating an interest in the Metis title to the Metis patented land.

(2) An interest in the Metis title that is held by trustees of a religious society or congregation under this Act is subject to the General Council Policies of the Metis Settlements General Council.

(4) Section 3 is amended by adding "or, in the case of Metis patented land, recorded in the Metis Settlements Land Registry" after "land titles office".

(5) Section 22(3) is amended by adding "or to the Registrar of the Metis Settlements Land Registry" after "land titles office".

Rural Electrification Long Term Financing Act

Amends RSA
1980 cR-17

37 The *Rural Electrification Long Term Financing Act* is amended by adding the following after section 14:

Regulations -
patented land
in Metis
settlements

14.1(1) The Lieutenant Governor in Council may make regulations respecting

(a) liens and lien notes that affect an interest in patented land as defined in the *Metis Settlements Act*, and

(b) the enforcement of those liens and lien notes.

Religious Societies' Land Act

36(1) Amends chapter R-14 of the Revised Statutes of Alberta 1980.

(2) Adds definition of Metis patented land.

(3) Application of Act to Metis patented land.

(4) Section 3 presently reads:

3 The trustees shall within 12 months after the execution of the transfer or deed of conveyance cause the title to the land described in the transfer or deed to be registered in the land titles office; otherwise the deed or transfer is void.

(5) Section 22(3) presently reads:

(3) On the production of the certificate to a registrar of a land titles office, he shall make the changes in his register and issue the documents that are necessitated by the change in name.

Rural Electrification Long Term Financing Act

37 Amends chapter R-17 of the Revised Statutes of Alberta 1980. Regulations to deal with liens and lien notes that affect patented land in Metis settlements.

(2) The provisions of this Act relating to liens and lien notes and their enforcement are subject to the regulations made under this section.

Rural Electrification Loan Act

Amends RSA
1980 cR-18

38 The *Rural Electrification Loan Act* is amended by adding the following after section 14:

Regulations -
patented land
on Metis
settlements

14.1(1) The Lieutenant Governor in Council may make regulations respecting

- (a) liens and lien notes that affect an interest in patented land as defined in the *Metis Settlements Act*, and
- (b) the enforcement of those liens and lien notes.

(2) The provisions of this Act relating to liens and lien notes and their enforcement are subject to the regulations made under this section.

Rural Utilities Act

Amends SA
1985 cR-21

39(1) The *Rural Utilities Act* is amended by this section.

(2) Section 23 is amended by adding “or Metis settlement” after “municipality”.

(3) The following is added after section 35:

Regulations -
patented land
in Metis
settlements

35.1(1) The Lieutenant Governor in Council may make regulations respecting

- (a) liens and lien notes that affect an interest in patented land as defined in the *Metis Settlements Act*, and
- (b) the enforcement of those liens and lien notes.

(2) The provisions of this Act relating to liens and lien notes and their enforcement are subject to the regulations made under this section.

(4) Section 49.1 is amended

(a) in subsection (1)(b) by adding “or an instrument granting a utility interest as defined in the *Metis*

Rural Electrification Loan Act

38 Amends chapter R-18 of the Revised Statutes of Alberta 1980. Regulations to deal with liens and lien notes that affect patented land in Metis settlements.

Rural Utilities Act

39(1) Amends chapter R-21 of the Statutes of Alberta, 1985.

(2) Section 23 presently reads:

23 An association may, by extraordinary resolution, authorize the sale of all of its works to a utility company or to a municipality.

(3) Regulations to deal with liens and lien notes that affect patented land in Metis settlements.

(4) Section 49.1(1), (3) and (6) presently read:

49.1(1) In this section,

(a) "association" means an association other than one to which the Rural Gas Act applies;

Settlements Land Registry Regulation (AR 361/91)” **after** “*Land Titles Act*”;

(b) by repealing subsection (3)(b) and substituting the following:

(b) that all such easements and expropriation orders and all caveats or recording documents in respect of them are registered or recorded under the *Land Titles Act* or the *Metis Settlements Land Registry Regulation* (AR 361/91) before construction commences on the land.

(c) in subsection (6) by adding “, and in the case of an easement that affects an interest in patented land as defined in the *Metis Settlements Act*, the references to the appropriate land titles office and to the Registrar of Land Titles in section 36(6.1) are to be read as the Metis Settlements Land Registry and the Registrar of the Metis Settlements Land Registry” **after “notice of lien”.**

Safety Codes Act

Amends SA
1991 cS-0.5

40(1) The *Safety Codes Act* is amended by this section.

(2) Section 1(1) is amended by adding the following after clause (q):

(q.1) “Metis patented land” means patented land as defined in the *Metis Settlements Act*;

(3) Section 51 is amended

(a) in subsection (1)(b) by adding “or, in the case of Metis patented land, the settlement member registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land” **after “*Land Titles Act*”;**

(b) in subsection (2) by adding “in respect of land that is not Metis patented land” **after “under subsection (1)”;**

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

(3) When an order is carried out under subsection (1) in respect of Metis patented land, the settlement council may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount is, for all purposes, deemed to be taxes imposed and assessed on the land and

(b) *“easement” means an instrument referred to in section 72 of the Land Titles Act.*

(3) *An association shall ensure*

(a) *that it has acquired all necessary easements and expropriation orders for the purposes of undergrounding all or part of its rural distribution system, and*

(b) *that all such easements and expropriation orders and all caveats in respect of them are registered under the Land Titles Act before construction commences on the land.*

(6) *Section 36(6.1) applies with respect to a registered easement or expropriation order as if the easement or expropriation order were a registered notice of lien.*

Safety Codes Act

40(1) Amends chapter S-0.5 of the Statutes of Alberta, 1991.

(2) Adds definition.

(3) Section 51 presently reads:

51(1) A safety codes officer appointed under section 29(2), together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

(a) *if a person to whom the order is issued under section 45, 48 or 49 with respect to any thing, process or activity under the administration of an accredited municipality does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, and*

(b) *if the owner of the land concerned as registered under the Land Titles Act has been given written notice of the intention of the accredited municipality to carry out the order.*

in arrears under the *Metis Settlements Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(4) In addition to the power granted under subsection (3), when an order is carried out under subsection (1) in respect of Metis patented land, the settlement council may record a notification of the amount of the expenses incurred in carrying out the order in the Metis Settlements Land Registry against the Metis title, provisional Metis title or an allotment in the land, and

- (a) the expenses are a debt due to the Metis settlement by the settlement member who is registered as owner of the Metis title, provisional Metis title or allotment, and
- (b) no dealings in respect of the land by the settlement member may be recorded in the Registry without the consent of the settlement council until the recording of the notification is cancelled.

(5) A Metis settlement may, in addition to the rights under this section, exercise any rights granted under a General Council Policy to collect the expenses incurred in carrying out an order under subsection (1) that are payable by a settlement member.

(4) Section 52(1) and (2) are repealed and the following is substituted:

Enforcement
of order

52(1) An Administrator or a safety codes officer appointed under section 29(1) and designated by the Administrator, together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

- (a) if a person to whom an order is issued under section 45, 48 or 49 with respect to a subject-matter that is not under the administration of an accredited municipality does not commence an appeal of the order within the time set out for the commencement of the appeal, and the order is not carried out within the time set out in the order, and
- (b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the

(2) When an order is carried out under subsection (1), the local authority may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount

(a) forms a lien on the land in favour of the municipality, and

(b) is, for all purposes, deemed to be taxes imposed and assessed on the land and in arrears under the Municipal Government Act from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(4) Section 52(1) and (2) presently read:

52(1) If a person to whom an order is issued under section 45, 48 or 49 with respect to a subject-matter that is not under the administration of an accredited municipality does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, an Administrator or a safety codes officer appointed under section 29(1) and designated by the Administrator, together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out the order if the owner of the land concerned as registered under the Land Titles Act and the persons named under subsection (2) have been given written notice of the intention to carry out the order, unless the owner refuses to allow or interferes with the entry or the carrying out of the order.

(2) When an order is carried out under subsection (1), the amount of expenses incurred in carrying out the order is a debt due the Crown jointly and severally by the persons named by the Minister prior to the carrying out of the order, but those persons may only include the owner of the land concerned as registered under the Land Titles Act and the persons to whom the order was issued.

land and the persons named by the Minister under subsection (2) have been given written notice of the intention to carry out the order.

(2) When an order is carried out under subsection (1), the amount of expenses incurred in carrying out the order is a debt due to the Crown jointly and severally by the persons named by the Minister prior to the carrying out of the order, but those persons may only include

- (a) the owner of the land concerned as registered under the *Land Titles Act*,
- (b) in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land, and
- (c) the persons to whom the order was issued.

Senatorial Selection Act

Amends SA
1989 cS-11.5

41(1) The *Senatorial Selection Act* is amended by this section.

(2) Section 40 is amended

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

Councils to
conduct vote

40(1) Where an election under this Act is to be held in accordance with this Part, every council, except the council of a summer village, and every Metis settlement council shall conduct a vote of the electors residing in the municipality or Metis settlement, as the case may be, for the purposes of the election under this Act.

(b) in subsection (4) by striking out “settlement under *The Metis Betterment Act*,”;

(c) in subsection (5)(a) by striking out “settlement under *The Metis Betterment Act*,”;

(d) in subsection (5)(b) by striking out “, the board of a settlement association”;

(e) in subsection (6) by striking out “, board of a settlement association”.

Senatorial Selection Act

41(1) Amends chapter S-11.5 of the Statutes of Alberta, 1989.

(2) Section 40 presently reads in part:

40(1) Where an election under this Act is to be held in accordance with this Part, every council, except the council of a summer village, shall conduct a vote of the electors residing in the municipality for the purposes of the election under this Act.

(4) The Minister of Municipal Affairs is responsible for conducting the vote of the electors residing in an improvement district, settlement under The Metis Betterment Act, special area, summer village, new town or Indian reserve or a park as defined in the National Parks Act (Canada) and for the purposes of an election under this Act has all the rights, powers and duties of a council to conduct the vote including the authority to appoint returning officers and other election officers.

(5) The Minister of Municipal Affairs may enter into an agreement

(a) with any elected authority in the area or in an area adjacent to the improvement district, settlement under The Metis Betterment Act, special area, summer village, new town or Indian reserve or park as defined in the National Parks Act (Canada), or

(b) with the advisory committee of an improvement district or special area, the board of a settlement association,

(3) Section 41 is amended by renumbering it as section 41(1) and by adding the following after subsection (1):

(2) Where an election under this Act is to be held in accordance with this Part in a Metis settlement, a list of electors must be compiled and revised in accordance with the *Local Authorities Election Act* for the purposes of the election.

Social Care Facilities Licensing Act

Amends RSA
1980 cS-14

42 The *Social Care Facilities Licensing Act* is amended by repealing section 1(d)(i) and substituting the following:

- (i) a city, town, village, municipal district or Metis settlement,
or

Surveys Act

Amends SA
1987 cS-29.1

43(1) The *Surveys Act* is amended by this section.

(2) Section 1 is amended

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

- (k.1) “Metis patented land” means patented land as defined in the *Metis Settlements Act*;
- (k.2) “Metis Settlements Land Registry” means the Metis Settlements Land Registry established under the *Metis Settlements Act*;

(b) by adding the following after clause (m):

- (m.1) “municipality” means a city, town, village, municipal district, specialized municipality, improvement district, special area or Metis settlement;

the board of administrators of a new town or the council of a summer village

to conduct the vote on the Minister's behalf, and the elected authority, advisory committee, board of administrators and council are authorized to enter into such an agreement.

(6) An elected authority, advisory committee, board of administrators, board of a settlement association or council that enters into an agreement under subsection (5) has all the rights, powers and duties of the Minister to conduct the vote.

(3) Section 41 presently reads:

41 The list of electors, if any, for a municipality compiled and revised under the Local Authorities Election Act shall be the list of electors for conducting a vote for the purposes of an election under this Act in that municipality.

Social Care Facilities Licensing Act

42 Amends chapter S-14 of the Revised Statutes of Alberta 1980.
Section 1(d)(i) presently reads:

1 In this Act,

(d) "local authority" means

(i) a city, town, village or municipal district, or

Surveys Act

43(1) Amends chapter S-29.1 of the Statutes of Alberta, 1987.

(2) Section 1 presently reads in part:

1 In this Act,

(p) "Registrar" means a Registrar as defined in the Land Titles Act;

(c) by repealing clause (p) and substituting the following:

(p) “Registrar” means

(i) in respect of surveys of and other matters affecting Metis patented land, the Registrar of the Metis Settlements Land Registry, and

(ii) in respect of surveys of and other matters affecting all other land, a Registrar of Land Titles;

(3) Section 6(1) and (5) are amended by adding “or filed at the Metis Settlements Land Registry” after “Land Titles Office”.

(4) Section 9 is amended

(a) by adding the following before subsection (1):

Survey error
investigation

9(0.1) In this section, “land owner” in respect of Metis patented land means a person who is registered in the Metis Settlements Land Registry as owner of Metis title, provisional Metis title or an allotment.

(b) in subsection (1) by striking out “the Inspector of Land Titles Offices” and substituting “a Registrar”;

(c) in subsection (4)

(i) by striking out “The Board” and substituting “If the alleged error in survey is in respect of a plan of survey filed or registered at a Land Titles Office, the Board”;

(ii) by repealing clause (d) and substituting the following:

(d) the Registrar of that Land Titles Office.

(d) by adding the following after subsection (4):

(3) Section 6(1) and (5) presently read:

6(1) If a plan of survey has been prepared but has not been registered at a Land Titles Office the Director may, on the application of a Registrar or the Council of the Alberta Land Surveyors' Association, or for any reason that the Director considers sufficient, make an inspection of the survey or order an inspection to be made by a surveyor he appoints.

(5) The Director may take steps that he considers advisable to correct any errors or omissions in a plan of survey before it is registered at a Land Titles Office.

(4) Section 9(1), (4), (5), (9) and (10) presently read:

9(1) The Director shall on the receipt of a written notice from a land owner, the council of a municipality, the Council of the Alberta Land Surveyors' Association or the Inspector of Land Titles Offices stating that the position of a corner or boundary is in question as the result of an alleged error in a survey or may, for any reason the Director considers sufficient, conduct an investigation and report his findings to the Minister.

(4) The Board appointed under subsection (2) shall notify by personal service or by registered mail

(a) the registered owners of the land affected by the alleged error,

(b) the encumbrancees, as defined in the Land Titles Act, of the land affected by the alleged error,

(c) each surveyor whose survey may be affected by a decision of the Board, and

(d) the Inspector of Land Titles Offices.

(5) A notification under subsection (4) shall state the nature of the alleged error and state a time and place at which a person who is referred to in subsection (4) and any person who claims to have an

(4.1) If the alleged error in survey is in respect of a plan of survey filed at the Metis Settlements Land Registry, the Board appointed under subsection (2) shall notify by personal service or by registered mail

- (a) every person who has an interest registered in the Metis Settlements Land Registry in the land affected by the alleged error,
 - (b) each surveyor whose survey may be affected by a decision of the Board, and
 - (c) the Registrar of the Metis Settlements Land Registry.
- (e) in subsection (5) by adding “or (4.1)” after “subsection (4)” wherever it occurs;**
- (f) in subsection (9)(b)**
- (i) by adding “registers,” after “descriptions,”;**
 - (ii) by adding “or in the Metis Settlements Land Registry” after “Land Titles Office”;**
- (g) in subsection (10) by adding “or (4.1)” after “subsection (4)”.**

(5) The heading to Part 2 is amended by adding “AND METIS PATENTED LAND” after “PUBLIC LAND”.

(6) The following is added after section 29:

Metis patented
land -
unsurveyed
territory

29.1(1) In this section, “prior official plan” means an official plan confirmed by the Director before the letters patent were issued for the Metis patented land, but does not include an official plan used to describe the boundaries of the parcels conveyed to the Metis Settlements General Council under those letters patent.

(2) For the purposes of this Act, Metis patented land is unsurveyed territory unless

- (a) there is a prior official plan of the land, or
- (b) the land has been surveyed in accordance with section 29.3 and the plan of the survey has been confirmed under section 30.

interest in or knowledge of the corner or boundary under investigation, and notifies the Board in writing of their desire to be heard, may be heard.

(9) The Board, on completing the investigation, may

(a) order that surveys and survey plans be varied, altered or amended in the manner that it directs;

(b) order that any descriptions, certificates of title or plans of survey deposited, filed or registered in a Land Titles Office be varied, amended or altered as may be necessary to reflect the true position of monuments or boundaries, or the accuracy of dimensions or areas;

(c) order costs to be paid by or to any person who is a party to the investigation.

(10) The Board shall provide a copy of its order under subsection (9) by personal service or by mail to the persons referred to in subsection (4).

(5) The heading presently reads:

*SURVEYS OF PUBLIC LAND
IN UNSURVEYED TERRITORY*

(6) Official plans of survey of Metis patented land.

Official plan of
Metis patented
land required

29.2(1) After this section comes into force, no Metis title, provisional Metis title or allotment in Metis patented land may be granted or transferred to a member of a Metis settlement or be recorded in the Metis Settlements Land Registry in the name of a member of a Metis settlement if the Metis patented land is unsurveyed territory.

(2) After this section comes into force, no register for Metis title in Metis patented land may be created in the Metis Settlements Land Registry in the name of a Metis settlement if the Metis patented land is unsurveyed territory.

Role of
Director and
settlement
council

29.3(1) When Metis patented land that is unsurveyed territory is surveyed for the purpose of granting, transferring or recording Metis title, provisional Metis title or an allotment to or in the name of a member of a Metis settlement or for the purpose of having a register created for the Metis title in the name of a Metis settlement, the land shall be surveyed under the supervision of the Director.

(2) When land is surveyed under subsection (1), the council of the Metis settlement in which the land is located shall direct that the land be surveyed

(a) in the Alberta Township System of Survey conforming with sections 18 to 28 as nearly as possible, or

(b) in lots of a size and shape and with an allowance for roads that the council considers advisable.

(7) Section 30 is amended

(a) in subsection (1) by adding “or a plan of Metis patented land surveyed pursuant to section 29.3” **after** “section 29”;

(b) in subsection (2) by striking out “of public land” **and substituting** “referred to in subsection (1)”.

(8) The following is added after section 31:

(7) Section 30(1) and (2) presently read:

30(1) A plan of public land surveyed pursuant to section 29

(a) shall be plotted from the surveyor's field notes under the direction of the Director, and

(b) shall show the directions and lengths of the boundaries, the nature and positions of the monuments and the areas of the parcels laid out.

(2) The confirmation of a plan of public land by the Director shall be held to be a confirmation of the survey and the confirmed plan is the official plan.

(8) Re-survey of Metis patented land.

Re-survey of
Metis patented
land

31.1(1) Metis patented land may be re-surveyed when necessary if

- (a) the Metis title to the land is in the name of the settlement council,
- (b) the settlement council approves the re-survey, and
- (c) there are no adverse interests.

(2) A boundary is not considered re-surveyed until a new official plan has been confirmed by the Director.

(3) The Director shall, forthwith after the confirmation under subsection (2), file one copy of the official plan with the Registrar.

(9) Sections 32, 33, 34 and 35(1) are amended by adding “or 29.3” after “section 29”.

(10) Section 38(2) is amended by adding “or registers” after “certificates of title”.

(11) Section 40(1) is amended by adding “or 29.3” after “section 29”.

(9) Sections 32 to 34 and 35(1) presently read:

32 All boundary lines of a survey in accordance with section 29 are determined by the monuments placed for that purpose as shown on the official plan, whether or not the dimensions between them or the areas expressed on the official plan are found by re-measurement to be different.

33 Every parcel surveyed in accordance with section 29 shall consist of all the land included between the several monuments placed to determine the boundary lines, and no more nor less, notwithstanding any quantity or measure expressed on the official plan, certificate of title, grant or other instrument.

34 A certificate of title, grant or other instrument purporting to convey a right or interest in any aliquot part of a parcel surveyed in accordance with section 29 shall be construed to affect that aliquot part of the quantity it contains on the ground, and no more or less, notwithstanding any quantity or measure expressed in the certificate of title, grant or other instrument.

35(1) The council of a municipality may, on the application of 50% of the registered owners of the parcels of land to be affected, or without an application, pass a resolution that it is desirable to re-survey and place monuments at the corners of parcels surveyed in accordance with section 29.

(10) Section 38(2) presently reads:

(2) On receipt of the official plan of the re-survey, the Registrar may make corrections to the certificates of title to reflect any changes effected by the re-survey.

(11) Section 40(1) presently reads:

(12) Section 41 is amended

- (a) in subsection (1) by striking out** “in the Land Titles Office” **and substituting** “at the Land Titles Office or filed at the Metis Settlements Land Registry”;
- (b) in subsection (4) by adding** “or filed at the Metis Settlements Land Registry” **after** “Land Titles Office”.

(13) Section 42(2) is amended by adding “or filed at the Metis Settlements Land Registry” **after** “Land Titles Office”.

(14) Section 43(1) is amended by adding “or filing at the Metis Settlements Land Registry” **after** “Land Titles Office”.

Technical Institutes Act

Amends SA
1981 cT-3.1

44 The *Technical Institutes Act* is amended in section 12.2(8)(c) by striking out “under the *Land Titles Act*” **and substituting** “or recorded under the *Land Titles Act* or in the Metis Settlements Land Registry”.

40(1) When a surveyor is required to re-establish the position of a monument placed in the original survey in accordance with section 29 that cannot be found, the surveyor shall do so from the best available evidence respecting the position of the monument.

(12) Section 41(1) and (4) presently read:

41(1) If a surveyor does a survey for a plan that is required to be registered in the Land Titles Office, the surveyor shall

(a) mark the positions of the boundary lines to be established by placing monuments

(i) at every change of direction and the beginning and end of every curve, and

(ii) at every intersection of the boundary lines with every surveyed boundary of the parcels affected by the new survey,

and

(b) make all measurements necessary to show the positions of the monuments placed and the boundary lines to be established, relative to the existing surveyed boundary lines of the parcels affected.

(4) All the boundary lines surveyed and established in accordance with subsection (1) shall be defined by the monuments placed for that purpose as shown on the plan of the survey registered at the Land Titles Office, whether or not the dimensions or areas expressed on the plan are found by re-measurement to be different.

(13) Section 42(2) presently reads:

(2) If the position of the monument cannot be satisfactorily re-established under subsection (1), the surveyor shall re-establish it relative to those monuments that can be found, in a manner that carries out the evident intention of the survey as it is shown on the plan of survey registered at the Land Titles Office.

(14) Section 43(1) presently reads:

43(1) Notwithstanding anything in this Act, a surveyor may, without placing the monuments required by section 41(1), submit a plan for registration at the Land Titles Office if the survey meets the requirements established in the regulations.

Technical Institutes Act

44 Amends chapter T-3.1 of the Statutes of Alberta, 1981. Section 12.2(8)(c) presently reads:

(8) Where under any

Water Act

Amends SA
1996 cW-3.5

45(1) The *Water Act* is amended by this section.

(2) Section 1 is amended

(a) in subsection (1)(jj) by striking out “and” at the end of subclause (i) and by adding the following after subclause (i):

(i.1) in respect of patented land as defined in the *Metis Settlements Act*, the aggregate of one or more areas of land described in a register in the Metis Settlements Land Registry for the Metis title in the land or by reference to a plan filed in the Metis Settlements Land Registry, and

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

(3) In this Act, a reference to the owner of land or to the owner of the fee simple in land means, in the case of land that is patented land as defined in the *Metis Settlements Act*, the owner of the Metis title in the land.

(3) Section 166(2) is amended

(a) by striking out “or” at the end of clause (c) and by adding the following after clause (c):

(c.1) in the case of an owner of Metis title in patented land as defined in the *Metis Settlements Act*, sent by mail to the address of the owner shown in the records of the Metis Settlements Land Registry, or

(b) in clause (d) by adding “that is not patented land as defined in the *Metis Settlements Act*” after “land”.

Young Offenders Act

Amends SA
1984 cY-1

46 The *Young Offenders Act* is amended in section 1(1)(e) by adding “or Metis settlement” after “municipal”.

- (c) mortgage, lease, instrument or caveat registered under the Land Titles Act before the date of the order referred to in subsection (1),*

any right, power, duty, liability or function was vested in or was to be exercised or performed by or on behalf of the dissolved board, that right, power, duty, liability or function is, after the date of the order referred to in subsection (1), vested in and may be exercised or performed by or on behalf of the Government or the post-secondary educational institution named in the order referred to in subsection (1), as the case may be.

Water Act

45(1) Amends unproclaimed chapter W-3.5 of the Statutes of Alberta, 1996.

(2) Section 1(1)(jj) presently reads:

1(1) In this Act,

(jj) “parcel of land” means

(i) the aggregate of one or more areas of land, as defined in the Land Titles Act, described in a certificate of title or by reference to a plan filed or registered in a land titles office, and

(ii) an area of unpatented land considered appropriate by the Director;

(3) Section 166(2)(c) and (d) presently read:

(2) If a notice, request, order, direction or other document is required to be given under this Act, it is deemed to be sufficiently given if a copy of it is

(c) sent by means of a telecopier and received and printed by the receiving telecopier at the last known address for the person to whom it is directed, or

(d) in the case of a registered owner of land, sent by mail to the address for the registered owner shown on the assessment roll.

Young Offenders Act

46 Amends chapter Y-1 of the Statutes of Alberta, 1984. Section 1(1)(e) presently reads:

1(1) In this Act,

(e) “offence” means an offence created by an enactment or a municipal by-law;