

BILL 39

2003

MISCELLANEOUS STATUTES AMENDMENT ACT, 2003

(Assented to _____, 2003)

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

Agriculture Financial Services Act

Amends RSA 2000 cA-12

1(1) The *Agriculture Financial Services Act* is amended by this section.

(2) Section 53 is repealed and the following is substituted:

Other payments

53 In addition to payments pursuant to an insurance program or plan, the Corporation may, subject to the regulations, make payments for the purposes of a program or plan

- (a) respecting farm income assistance or stabilization, and
- (b) providing compensation
 - (i) for loss or damage to crops or land,
 - (ii) in respect of an agricultural disaster or emergency,
 - (iii) in respect of market prices of crops, and
 - (iv) in respect of the cost of production in relation to crops.

(3) Section 56(1)(b) is repealed and the following is substituted:

- (b) with respect to a program or plan, other than an insurance program or plan, that provides for farm income assistance or stabilization or the payment of compensation for loss or damage to crops or land or in respect of agricultural disasters or emergencies,
 - (i) establishing such a program or plan;
 - (ii) governing the operation of a program or plan established under subclause (i);
 - (iii) governing the payments that may be provided under a program or plan established under subclause (i);
 - (iv) authorizing the recovery of overpayments or payments made in error, and governing the manner in which those overpayments and payments may be recovered;

Public Lands Act

Amends RSA 2000 cP-40

2(1) The *Public Lands Act* is amended by this section.

(2) Section 78 is repealed and the following is substituted:

Use of cordwood and timber

78(1) Notwithstanding the *Forests Act*, a lease may also authorize the lessee to harvest timber on land contained in the lease.

(2) In the case of a lease referred to in subsection (1) the lessee shall, notwithstanding the terms of any applicable forest management agreement, pay timber dues and additional charges on the timber in accordance with the provision in the regulations under the *Forests Act* that prescribes the timber dues and other charges that are payable in respect of timber that is cut, damaged or destroyed under an authority granted by the Crown, other than a timber disposition under the *Forests Act*.

(3) A lessee who prepares land contained in the lease for cultivation may, without any further authorization, use wood on the land for fuel and for the construction of buildings and other improvements on the land.

(3) Section 101 is amended by striking out “78” and substituting “78(3)”.

School Act

Amends RSA 2000 cS-3

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

(2) The following is added after section 144:

Protection from liability

144.1(1) Trustees, employees of a board and school council members are not liable for any loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(2) Volunteers are not liable for any loss or damage caused by anything said or done or omitted to be done in good faith in the provision of volunteer services for a board, or for any alleged neglect or default in the provision of volunteer services for the board by the volunteers.

(3) Subsections (1) and (2) do not provide a defence if the cause of action is defamation.

(4) This section does not affect the legal liability of a board.

Surface Rights Act

Amends RSA 2000 cS-24

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

(2) Section 1 is amended by repealing clause (g) and substituting the following:

(g) “occupant” means

(i) in respect of land belonging to the Crown,

(A) a person holding an instrument prescribed in the regulations by which an estate or interest in or another right or privilege relating to the land is granted or conveyed by or on behalf of the Crown, or

(B) an operator granted right of entry in respect of the land pursuant to a right of entry order,

or

(ii) in respect of land that does not belong to the Crown,

(A) a person, other than the owner, who is in actual possession of the land,

(B) a person who is shown on a certificate of title under the *Land Titles Act* as having an interest in the land, or

(C) an operator granted right of entry in respect of the land pursuant to a right of entry order;

(3) Section 41 is amended by adding the following after clause (g):

(h) prescribing instruments for the purposes of section 1(g)(i)(A).

Explanatory Notes

Agriculture Financial Services Act

1(1) Amends chapter A-12 of the Revised Statutes of Alberta 2000.

(2) Section 53 presently reads:

53 In addition to payments pursuant to an insurance program or plan, the Corporation may, subject to the regulations, make payments for the purposes of a program or plan providing compensation

(a) for loss or damage to crops or land;

(b) in respect of farm income disaster or other agricultural disaster or emergency;

(c) in respect of market prices of crops;

(d) *in respect of the cost of production in relation to crops.*

(3) Section 56(1)(b) presently reads:

56(1) The Lieutenant Governor in Council may make regulations,

- (b) *with respect to a program or plan, other than an insurance program or plan, that provides for the payment of compensation for loss or damage to crops or land or in respect of farm income disaster or other agricultural disaster or emergency,*
 - (i) *establishing such a program or plan;*
 - (ii) *governing the operation of a program or plan established under subclause (i);*
 - (iii) *governing the compensation that may be provided under a program or plan established under subclause (i);*
 - (iv) *authorizing the recovery of overpayments of compensation or payments made in error, and governing the manner in which those overpayments and payments may be recovered;*

Public Lands Act

2(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 78 presently reads:

78(1) Every lessee who prepares land contained in the lessee's lease for cultivation may use wood for fuel and for the construction of buildings and improvements on the leased land without a permit.

(2) Except as permitted by subsection (1), no lessee shall cut timber on land contained in the lessee's lease for any purpose without the authority of a permit issued pursuant to the regulations under the Forests Act.

(3) Consequential. Section 101 presently reads:

101 Section 78 applies, with the necessary changes, to homestead sales and the purchasers holding them.

School Act

3(1) Amends chapter S-3 of the Revised Statutes of Alberta 2000.

(2) Protection from liability.

Surface Rights Act

4(1) Amends chapter S-24 of the Revised Statutes of Alberta 2000.

(2) Section 1(g) presently reads:

1 In this Act,

(g) "occupant" means

- (i) a person, other than the owner, who is in actual possession of land,*
- (ii) a person who is shown on a certificate of title under the Land Titles Act as having an interest in land,*
- (iii) an operator granted right of entry in respect of land pursuant to a right of entry order, or*

(iv) *in the case of Crown land, a person shown on the records of the department or other body administering the land as having an interest in the land;*

(3) Additional regulation-making power.