

2019 Bill 16

First Session, 30th Legislature, 68 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 16

**PUBLIC LANDS MODERNIZATION (GRAZING
LEASES AND OBSOLETE PROVISIONS)
AMENDMENT ACT, 2019**

THE MINISTER OF ENVIRONMENT AND PARKS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 16

2019

PUBLIC LANDS MODERNIZATION (GRAZING LEASES AND OBSOLETE PROVISIONS) AMENDMENT ACT, 2019

(Assented to _____, 2019)

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

Amends RSA 2000 cP-40

1 The *Public Lands Act* is amended by this Act.

2 Section 8(1)(f) is repealed.

3 Section 9.1(1) is amended

- (a) by striking out** “sections 103(1)(a) and 114.1 and the regulations” **and substituting** “any regulations made”;
- (b) by repealing clause (b).**

Explanatory Notes

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

2 Section 8(1) presently reads in part:

8(1) The Lieutenant Governor in Council may make regulations authorizing and governing dispositions of public land including, without limitation, regulations

(f) defining “animal unit” and establishing zones for the purposes of section 114.1;

3 Section 9.1(1) presently reads:

9.1(1) Subject to sections 103(1)(a) and 114.1 and the regulations under subsection (3), the Minister may, by order,

(a) prescribe or provide for the manner of prescribing

(i) the rent or other amounts to be paid to the Crown in respect of dispositions,

4 Section 17 is amended by striking out “homestead sale or other”.

5 Section 18(b) is repealed.

- (ii) *the fees and other charges to be paid in connection with the submission of anything to the Crown or for any service or thing provided by the Crown under this Act, and*
- (iii) *the fees and costs that are payable in respect of any mechanism for settling disputes that is established under the regulations;*
- (b) *provide for a lesser charge than would otherwise be payable under section 114.1 in the case of an assignment or share transaction involving next of kin or the beneficiaries of an estate.*

4 Section 17 presently reads:

17 The Minister may, in the case of an application for a homestead sale or other sale of agricultural land made by a person who is the holder of a disposition under which the person may become entitled to an estate in fee simple in other public land, enter into an arrangement with the proposed purchaser whereby the Minister, in consideration of the consent of the purchaser to the cancellation of the purchaser's disposition, will accept the purchaser's interest, at its fair value, in the public land held by the purchaser under the disposition in payment or partial payment of the purchase price under the proposed sale.

5 Section 18 presently reads in part:

18 The Minister may, if in the Minister's opinion doing so will not conflict or be inconsistent with any applicable ALSA regional plan,

- (a) *within 2 years after a sale by public auction that did not find a purchaser, sell the land by private sale at a price not less than the upset price,*
- (b) *sell the land contained in a homestead lease to the lessee on any terms and conditions that the Minister may prescribe if the lessee, in the opinion of the Minister, has faithfully and to the best of the lessee's ability endeavoured to perform the lessee's obligations under the homestead lease but from some unpreventable cause or mental or physical incapacity or through some technicality has failed in doing so and yet has an equitable claim entitling the lessee to favourable consideration,*

6 Section 29(3)(a) is repealed.

7 Section 31(1) is amended by striking out “a homestead lease, homestead sale or other agreement” and substituting “an agreement”.

8 Section 45(1)(b) is repealed.

9 Section 46(1)(c) is repealed.

6 Section 29(3) presently reads in part:

(3) Subsection (2) does not apply when the agreement for sale pertained to

- (a) land situated in a land clearing and breaking project that was obtained in substitution for a homestead lease of the same land, or*

7 Section 31(1) presently reads:

31(1) When the holder of a homestead lease, homestead sale or other agreement for the sale of public land desires to effect the sale of part of the land contained in the holder's disposition to another person, the Minister may, in consideration of an amount of money specified by the Minister, enter into and carry out an arrangement under this section with the holder and the proposed purchaser for the purpose only of effecting that sale to the proposed purchaser.

8 Section 45(1) presently reads:

45(1) The director may recover by distress

- (a) rent owing under a disposition, or*
- (b) money owing under a loan contract made pursuant to the Homestead Lease Loan Act, RSA 1980 cH-9.*

9 Section 46(1) presently reads:

46(1) The director may by order authorize an officer to seize any grain owned by a lessee who defaults in payment of

- (a) rent owing under a cultivation lease,*
- (b) any crop share rent owing under a disposition, or*
- (c) any money owing under a loan made pursuant to the Homestead Lease Loan Act, RSA 1980 cH-9.*

10 Section 60(5) is repealed.

11 Part 3 is repealed.

12 The following is added before section 102:

Definition

101.1 In this Part, “animal unit” means an animal unit described in section 104(3).

13 Section 103 is repealed.

10 Section 60(5) presently reads:

(5) When an application is made for a disposition of land on which clearing or breaking has been done by a former holder with the aid of a loan made pursuant to the Homestead Lease Loan Act, RSA 1980 cH-9, and the loan has not been repaid in full, the applicant shall pay for that clearing or breaking if it is declared an improvement in the manner directed by the director.

11 Repeals Part 3, Homestead Sales.

12 Definition.

13 Section 103 presently reads:

103(1) The rent payable under a grazing lease is

(a) an annual rent equal to the percentage established by the Lieutenant Governor in Council of the forage value of the leased land, and

(b) any additional annual rent prescribed by the Minister.

(2) The forage value of the land contained in a grazing lease shall be fixed annually by the director who shall for this purpose consider

(a) the grazing capacity of the land,

(b) the average gain in weight of cattle on grass, and

(c) the average sale price per pound of cattle, other than finished cattle, sold in the principal livestock markets in Alberta during the preceding calendar year or the portion of that year selected by the director.

(3) Notwithstanding the date from which the term of a grazing lease is computed, the rent is payable for each calendar year or portion of a calendar year included in the term of the lease on or before

14 Section 114.1(1) and (3)(b) are repealed.

15 Part 6 is repealed.

16 This Act comes into force on January 1, 2020.

- (a) *July 1 in each year if the lessee is a grazing association, or*
- (b) *April 1 in each year if the lessee is not a grazing association.*

14 Section 114.1 presently reads in part:

114.1(1) Where an assignment of a grazing lease or grazing licence is made, the assignee shall pay to the director a charge in an amount equal to \$100 or a charge determined in accordance with the following, whichever is greater:

- (a) *\$50 for each animal unit month where the land that is the subject of the grazing lease or grazing licence is located in zone A1 or B;*
- (b) *\$100 for each animal unit month where the land that is the subject of the grazing lease or grazing licence is located in zone A2;*
- (c) *\$5 for each animal unit month where the land that is the subject of the grazing lease or grazing licence is located in zone C.*

(3) If a corporation holds a grazing lease or grazing licence and, as a result of a transfer, redemption or allotment of shares, the beneficial ownership of the issued and outstanding shares changes, the corporation shall

- (b) *unless subsection (4) applies, pay to the director a charge or an amount determined by the director that*
 - (i) *is a percentage of the assignment charge that the corporation would have had to pay under subsection (1) if the grazing lease or grazing licence had been assigned to it by another person, and*
 - (ii) *is based on the amount of change in beneficial ownership resulting from the transfer, redemption or allotment.*

15 Repeals Part 6, Homestead Leases Under Former Act.

16 Coming into force.

