

Bill No. 87 of 1938.

A BILL TO AMEND AND CONSOLIDATE THE
SPECIAL AREAS ACT.

NOTE.

This Bill provides for the constitution by Order in Council of Special Areas in that part of the Province lying west of the easterly boundary of the Province and south and east of lines running west between townships 38 and 39 to range 21, then south on range line between ranges 20 and 21 to township 22, then west along township line between townships 22 and 23.

The Special Areas now in existence are continued as Special Areas.

The Lieutenant Governor in Council is empowered to appoint a Board of not more than three members; to make Orders and Regulations for the administration of Special Areas; to provide for measures of rehabilitation and betterment; to provide for the compromise of arrears of taxes, rentals and other charges on land in a Special Area; and to establish pound districts in any part of a municipal district included therein. (Section 3).

The Minister of Municipal Affairs is vested with the powers necessary for the administration of a Special Area which are set out in detail in section 4.

Section 5 transfers to the Minister lands in a Special Area vested in any municipality.

Section 6 authorizes the Government officials to enter and occupy land in a Special Area for the purpose of carrying out certain rehabilitation measures, and declares that no person shall be entitled to compensation on account thereof.

Section 7 empowers the Board to carry out any duty or power delegated by the Minister to the Board and further provides for the constitution of Advisory Committees with the function of conferring with and advising the Board as to matters affecting the Special Areas for which the same are constituted.

Section 8 prohibits the disposition of public lands in a Special Area by sale, lease or otherwise, without the consent of the Minister.

Section 9 provides for the disposition of revenues derived from public lands in a Special Area.

Lands in a Special Area vested in the trustees of Irrigated Districts may be designated as public lands. (Section 10).

Section 20 makes provision for the collection of grazing charges and creates a lien in favour of the Crown upon animals grazed on lands which are public lands or upon leased land or community pastures.

The remaining sections make a number of provisions as to details of administration.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 87 of 1938.

An Act to Amend and Consolidate the Special Areas Act

(Assented to _____, 1938.)

WHEREAS certain areas of the Province include a considerable amount of land which by reason of insufficient rainfall, inferior quality of soil and other causes, cannot by the use of ordinary methods of agriculture be made to yield over a period of years produce in sufficient amount to provide the persons farming such land with the means of livelihood; and

Whereas a large proportion of such lands has been abandoned by settlers and investors due to their inability to secure an adequate livelihood or compensation therefrom; and

Whereas it is expedient to promote and encourage the development and conservation of all natural resources common to the aforesaid lands to the end that greater stability of income may be enjoyed by those settlers remaining within the area; and

Whereas it is desirable that such assistance be given as will promote a greater diversity and stability of income for the residents within the area to the end that they may become more self-supporting;

Now therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Special Areas Act, 1938.*"

2. In this Act, unless the context otherwise requires,—

- (a) "Board" means the Special Areas Board appointed pursuant to this Act;
- (b) "Department" means the Department of Lands and Mines;
- (c) "Land" includes in addition to its ordinary meaning buildings and improvements thereon, but does not include any minerals therein or thereunder;
- (d) "Minister" means the Minister of Lands and Mines;
- (e) "Municipality" means any municipal district or improvement district or part thereof included in a Special Area;

- (f) "Person" includes a partnership or corporation;
- (g) "Public Lands" means unsubdivided lands situated in a Special Area which have been transferred to the Crown under the provisions of this Act, or which are Provincial lands or school lands within the meaning of *The Provincial Lands Act, 1931*, or which are designated as Public Lands pursuant to any provisions of this Act;
- (h) "Ratepayer" means the person with the right of possession of land and includes any lessee of public lands;
- (i) "Special Area" means any Special Area constituted under the authority of this Act and includes Tilley East, Berry Creek, Sounding Creek, Sullivan Lake, Neutral Hills and Bow West, now constituted as Special Municipal Areas;
- (j) "Unsubdivided Lands" means all land other than and except land subdivided into lots and blocks as a townsite, a plan of which is registered in a Land Titles Office.

3. The Lieutenant Governor in Council shall have power, notwithstanding the provisions of any other Act,—

- (a) to constitute a Special Area, or Special Areas in that part of the Province lying west of the easterly boundary of the Province and south and east of lines running west between townships 38 and 39 to range 21, then south on range line between ranges 20 and 21 to township 22 and then west along township line between townships 22 and 23, and the lands so included in any Special Area shall be considered as unsuitable for agricultural settlement;
- (b) to increase any Special Area by the addition of land, or decrease any Special Area by the withdrawal of land;
- (c) to appoint a Board of not more than three members, who shall perform such duties and exercise such powers pertaining to a Special Area, or Special Areas which are imposed or conferred upon the Minister by this Act as may from time to time be assigned by the Minister to such Board;
- (d) to appoint such officers, servants, and employees as may be necessary for the administration of this Act and to prescribe their respective duties;
- (e) to make such orders and regulations for the administration of any Special Area, or Special Areas as may be deemed proper, and authorize the carrying out of any scheme or plans for the rehabilitation or betterment of any Special Area and the inhabitants thereof;

- (f) upon the recommendation of the Minister of Municipal Affairs to provide for the compromise of arrears of taxes owing by any person in respect to any land in a Special Area and fix the amount which shall be accepted in satisfaction thereof and the manner in and the times at which any sum so fixed shall be paid;
- (g) upon the recommendation of the Minister to provide for the compromise of arrears of rentals, dues, fees or other charges owing by any person in respect to any land in a Special Area and fix the amount which shall be accepted in satisfaction thereof and the manner in and the times at which any sum so fixed shall be paid;
- (h) upon the recommendation of the Minister of Agriculture to establish as a Pound District under section 18a of *The Domestic Animals (Unorganized Territory) Act*, any portion of a municipal district which is situated within a Special Area.

4. The Minister is hereby empowered in respect of Special Areas generally or in respect of any specified special area or areas,—

- (a) to direct that any of the public lands or interest therein within a Special Area shall be dealt with in such manner as may seem to him to be for the benefit of the residents of the Special Area, or to prohibit the dealing therein in any manner which seems to him to be detrimental to such residents;
- (b) to lease public lands within a Special Area at such rentals, including taxes, as may seem fair and equitable;
- (c) to set aside lands for community purposes, such as grazing reserves, hay reserves, water reserves and irrigation, and to make such provisions for the administration thereof as may be deemed advisable;
- (d) to receive the money payable in respect of any lease, or any interest in public lands in a Special Area and to expend such moneys, or any part thereof as he may deem advisable for the following purposes or any one of them:
 - (i) the construction and maintenance of roads, schools and hospitals;
 - (ii) any social services;
 - (iii) the costs of administration;
 - (iv) the development of any natural resources;
 - (v) the carrying out of improvements within any Special Area; and
 - (vi) the rehabilitation of settlers within any Special Area;

- (e) to arrange, if he deems it advisable, for the payment of the total debenture indebtedness of school districts or municipal districts within a Special Area, or such portion thereof as may be agreed upon with the debenture holders to be paid out of the revenue derived from the dispositions made under the provisions of this Act;
- (f) to order and require any owner or occupant of lands to adopt such methods of farming or grazing, or farming and grazing as may be deemed necessary to prevent soil drifting or over-grazing, or any hazard which may dissipate or nullify any assistance rendered to residents within the Special Area;
- (g) to exchange any public lands within a Special Area for any other lands situate within any Special Area;
- (h) to promote approved farm cultural practices and efficient range management, also such community effort and enterprise as may contribute to greater economic security of residents of the Special Area;
- (i) to classify all lands within the Special Area for the purpose of utilizing them for the purpose for which they are considered by him to be most adaptable;
- (j) to promote measures for the development and conservation of any and all available natural resources within the Special Area for the purpose of giving greater stability of income to the remaining residents within the Special Area;
- (k) to promote greater stability and diversity of sources of income for residents within the Special Areas to the end that they may become self-supporting;
- (l) to acquire by purchase or otherwise any property whether real or personal which is requisite or incidental to the exercise of any powers conferred by this Act;
- (m) to carry out and execute any scheme or plans for the rehabilitation or betterment of any Special Area and the inhabitants thereof;
- (n) to do all such things as are requisite or incidental to the exercise of any power conferred by this Act.

5. Notwithstanding the provisions of any other Act any lands within a Special Area, the title to which is registered in the name of any municipality in the proper Land Titles Office, are hereby transferred to, and the title thereto vested in the Minister of Municipal Affairs.

6.—(1) Any surveyors, engineers, agents and workmen employed by the Province may enter upon and occupy any land in a Special Area for the purpose of making examinations and surveys for the purpose of carrying out any work or undertaking approved by the Lieutenant Governor in

Council as a work or undertaking for the rehabilitation or betterment of the Special Area, to construct thereon dams, ditches, weirs, spillways, roads and such other buildings, structures or erections as may be necessary or incidental to the carrying out of any such work or undertaking or the maintenance thereof, and any land forming the site of any such work or undertaking or which is used, or occupied in connection therewith, shall be deemed to be the property of the Crown so long as the same is required for the purpose of such work or undertaking.

(2) No person shall be entitled to demand or receive any damages or compensation whatsoever on account of any act or thing done under this Act, nor for the use or occupation of any land used or occupied in the exercise of any such power.

7.—(1) For the purpose of performing any duty or exercising any power in relation to any Special Area assigned to the Board by the Minister, the Board shall, subject to the direction of the Minister, be the agent of the Minister for that purpose and have the same powers and capacity to perform or discharge such duty or power as is conferred by the Act upon the Minister for that purpose.

(2) The Minister may, by order, provide for the constitution in any Special Area of an advisory committee consisting of such persons elected in such manner and by such persons and in such localities as he may prescribe, who shall hold office for such term as he may prescribe, and the functions of such committee shall be to confer with and advise the Board as to matters affecting the Special Area for which it is constituted and shall meet when called by the Board; the members of such committee shall serve without remuneration but shall be entitled to reasonable travelling or subsistence expenses incurred in attending meetings called by the Board.

8. No public lands situated in a Special Area shall be sold, leased, or otherwise disposed of without the consent of the Minister.

9.—(1) All revenue derived from public lands within any Special Area shall be deposited in a special account to be called "Provincial Treasurer Special Areas Trust Account," and such revenue may be used in accordance with the provisions of subsection (d) of section 4 of this Act.

(2) There shall be submitted to the Legislative Assembly within the first fifteen days of the first Session in the next ensuing year and in each subsequent year thereafter a statement of the revenues received and expenditures made during the previous fiscal year.

(3) All revenue derived from Provincial Lands of a class designated School lands shall be payable to the General Revenue Fund of the Province.

10. Any lands in a Special Area vested in the Trustees of an Irrigation District may, with the approval of the Irrigation Council, be designated by the Minister as public lands, and the lands so designated shall be dealt with as public lands within the meaning of this Act.

11. The Minister of Municipal Affairs may accept a transfer on behalf of His Majesty of any lands in a Special Area and any lands so acquired shall be public lands within the meaning of this Act.

12. Notwithstanding the provisions of any other Act public lands in a municipality situated in a Special Area shall be removed from the assessment rolls, and shall cease to be liable to assessment and taxation, and any taxes owing in respect to such land, shall be cancelled.

13. All assessments and taxes levied against lands that have been finally acquired by any municipality situate in a Special Area under the provisions of *The Tax Recovery Act, 1929*, or any other Act of the Province relating to the recovery of taxes but to which transfer of title has not been taken, are hereby validated and confirmed.

14. For the purpose of doing any act or thing authorized by this Act, the Minister and the Board may, with the consent of the Minister in charge of any department of the Government, have the benefit of the services of any officer or other employee of such department, and of the services of any member, officer or employee of any Board or Commission established under the Provincial Statutes.

15. In any case in which provision has been made pursuant to this Act for the compromise of any arrears of taxes, rentals, dues, fees, or other charges and a sum has been thereby fixed as the sum to be paid in satisfaction of the arrears, the authority entitled to receive the same shall accept the sum so fixed, and the arrears in excess of the sum so fixed shall be cancelled.

16. When an exchange of privately owned land for public land is effected by the Minister and there are no encumbrances other than arrears of taxes or municipal or Provincial liens on the privately owned land, such encumbrances may be transferred to the public land so exchanged; and when any transfer of arrears of taxes is so made the same shall be added to, and become part of the taxes payable for the current year in respect of the land last mentioned.

17.—(1) The Department shall keep a record of all lands subject to the provisions of this Act and the said Department shall be responsible for the issuing and recording of all leases, agreements, and contracts of any dispositions made and for the proper enforcement of the terms thereof.

(2) Upon any person becoming entitled to receive a title in fee simple to any lands to which this Act applies, a notification in Form E shall be issued in accordance with the provisions of section 82 of *The Provincial Lands Act*, which notice shall be signed by the Minister or by the Deputy Minister or the person for the time being acting as Deputy Minister and shall be countersigned by the Director of Lands or any person acting as Director in his absence and shall be forwarded to the Registrar of Land Titles for the district in which the land is situate.

18. For the purpose of controlling and regulating any part of an area set aside for a community grazing area, the Minister may, with the approval of the Lieutenant Governor in Council, make such provision for the administration thereof as may be deemed proper, and may prescribe as to the persons who may have animals thereon, the number, kind, and description of animals which any person may place thereon, the fees payable in respect of any animals permitted to graze thereon, the times at which and the manner in which round-ups shall be made, and the impounding and dealing with stray animals thereon and in case any provision so made conflicts with any provision of *The Domestic Animals (Unorganized Territory) Act*, or *The Domestic Animals (Municipalities) Act*, the provisions so made shall prevail.

19. The Minister of Municipal Affairs may give directions to any municipality to continue annual proceedings under the provisions of *The Tax Recovery Act, 1938*, relating to any land within a Special Area.

20.—(1) Notwithstanding the provisions of any other Act, all sums payable under any grazing lease or under any permit in respect of any animals run or grazed upon any lease or any community pasture or any public lands shall constitute a first lien in favour of the Crown upon each animal so run or grazed; and the Minister may enforce the lien by the seizure and sale in such manner and at such time as he may deem proper of such of the animals subject to the lien as may be required to realize a sufficient sum to satisfy the full amount owing by the lessee or permittee.

(2) In addition to any of the remedies which the Minister may have, in case default is made in the due payment of any sum owing by a lessee or permittee under any grazing lease or permit with respect to animals run or grazed upon any lease or upon any community pasture, the Minister may recover the same by distress upon any goods and chattels of the lessee or permittee wheresoever the same may be found within the Province, in the same manner and subject to the same conditions, exemptions and restrictions as if the amount so owing were taxes payable under the provisions of *The Municipal District Act*, and all the provisions of that Act relating to distress shall, *mutatis mutandis*, apply to a distress under this section.

21. Notwithstanding the provisions of any other Act, no fees shall be payable by a municipality which is in a Special Area to any Registrar of Land Titles for any service to the municipality in connection with any letter of search or any search of the General Register, the registration of any transfer of title, the issuance of any certificate of title, or the furnishing of any abstract of title.

22. Notwithstanding the provisions of any other Act, no fees shall be payable by a municipality situated in a Special Area in connection with advertising in *The Alberta Gazette* under the provisions of *The Tax Recovery Act*.

23. Notwithstanding anything contained in *The Municipal District Act*, unless instructed by the Minister of Municipal Affairs, it shall not be necessary for a secretary-treasurer of a municipal district situated in a Special Area which is being administered by an official of the Department of Municipal Affairs, to cause a printed copy of the financial statement and report to be mailed to the electors of the municipal district.

24. The Minister shall cause to be prepared a report as to the administration of this Act for each year and the same shall be laid on the table of the Legislative Assembly within fifteen days after the commencement of the first Session in the next ensuing year.

25. In any case in which the Board appointed under *The Special Municipal Areas Act* has entered into any arrangement otherwise than by means of a formal lease whereby any right was given to any person to use any land for the period of one year or for an indefinite period or both, every such arrangement shall be subject to the condition that the same shall be determined immediately upon the Minister sending to that person by registered mail at his last known post office address a notice in writing terminating the arrangement, and upon the thirtieth day after the date of the mailing of any such notice or at such later date as may be specified in the notice for that purpose, the arrangement shall forthwith cease and determine and the Minister shall be entitled to the vacant possession of the land to which the arrangement relates.

26. Every person who contravenes any order or regulation made pursuant to this Act shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of not more than one hundred dollars and costs and in default of payment to imprisonment for not more than two months.

27. For the purpose of carrying out the provisions of this Act according to their true intent, and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations not inconsistent with the intent and spirit

of this Act, which shall have the same force and effect as if incorporated therein.

28. All leases, licenses, permits and agreements of any nature whatsoever issued or made pursuant to the provisions of this Act may be executed on behalf of the Crown by the Minister, or by any other person authorized for the purpose by the Minister in writing.

29. An Act respecting the Special Municipal Areas, being chapter 61 of the Statutes of Alberta, 1934, is hereby repealed, but all proceedings instituted under that Act shall be continued as if the same had been instituted under this Act.

30. This Act shall come into force on the day upon which it is assented to.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1938

BILL

An Act to Amend and Consolidate the
Special Areas Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A Shnitka, King's Printer
1938