

The need for
PROPERTY RIGHTS
&
DEMOCRATIC RIGHTS
in Alberta's Special Areas

HARD GRASS LANDOWNERS COUNCIL

A local initiative associated with Grassroots Alberta



CONTENTS

Special Areas Landowners Are Without Property Rights . . .	1
The Creation of the Special Areas	3
Oliver Longman, Father of the Special Areas	8
Longman Looks for Lifelong Leases	12
Southern Alberta Develops Irrigation, Special Areas Stays Dry	14
Birth Pangs of the Special Areas	17
The Minister Has Authority to Tell You How to Farm	19
Special Areas Board Should Be Phased Out Says Second Government Commission	22
Local Governments Were Eliminated in Alberta	25
The Way Forward: Local Government and Land Tenure	29
Security of Tenure	34
The Special Areas Act	37
Special Areas Points to Ponder	45

This publication is produced by the Hard Grass Landowners Council, a local landowner initiative that is a project of the Grassroots Alberta Landowners Association. Our purpose is to provide individuals and agribusiness with information about the limitations that currently define the Special Areas, and to consider options that will result in greater land tenure and security for the region, and a more prosperous future for its people.

Special Areas Landowners Are Without Property Rights

Many people don't realize that if you hold title to land in the Special Areas, you do not possess the same legal rights as landowners living elsewhere in Alberta. In the Special Areas, all land, including private land, is governed by the terms of the Special Areas Act. The rules are different.

In the Special Areas (even on private land), the Minister of Municipal Affairs has the authority to tell people what crop to grow, which field to plant, and which pasture to graze.

The Minister also has the authority to approve any kind of economic scheme he thinks will be good for you. If he thinks your land should be covered with



wind turbines, many analysts indicate that Section 7(1) of the Special Areas Act gives him authority to make that happen.

Under the Special Areas Act, private land can be declared the property of the Crown. The landowner has no legal right to appeal and no legal right to compensation.

The Act says the Minister may award compensation in whatever amount he chooses, but that any compensation is solely at his discretion.

WHAT THE HANSON COMMISSION SAID

"It is unfortunate that the name 'Special Areas' was applied because the conditions which created the problem exist over much of southeastern Alberta and an equally troublesome situation is found in several districts in the more wooded humid districts [of Alberta]. . . ."

Report of the Special Areas Investigation Committee, 1961
(Hanson Commission, Page 3)

The Creation of the Special Areas

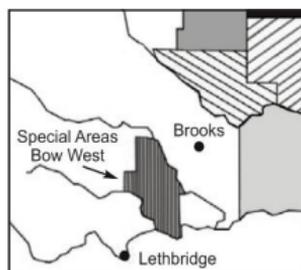
The Special Areas was created as a result of decisions made in the 1930s. The land was ravaged by drought, and economic calamity was everywhere. Thousands of farmers left the region. Yet this abandonment was not unique to Alberta. During the thirties, Saskatchewan's side of what was called the dry belt lost more population than Alberta. And the tiered states from North Dakota southward all lost significant farm population.

In Alberta, every time a family left, one more farm site or ranch was turned over to a bankrupt municipality. Dozens of these bankrupt municipalities and thousands of abandoned farms led to the creation of the Special Areas, a provincial corporation whose job was to see the re-



gion through the bankruptcy process, reduce the population, and ensure that remaining farmers and ranchers were in possession of viable operations.

Proposed Lease and Purchase Options Were to Be Landowner Friendly



The original Special Areas reached Medicine Hat and areas near Lethbridge.

Prior to Longman's original Berry Creek Report (1932) and before the Special Areas Act was passed, there had been a plan to ensure that leaseholders would be able to gain ownership of their leased land.

The plan called for leases to extend until the leaseholder's sixty-fifth birthday. In other words, if the leaseholder was 30 when the original lease was signed, the agreement's maturity date would be 35 years down the road. It was to be a lifetime lease that culminated with the leaseholder's ability to gain ownership of the property.

In those early years, Oliver Longman (the man who essentially created the Special Areas) wanted every leaseholder to have his or her own trust account. Each year, fees that the leaseholder owed for whatever reason (including taxes) would be paid into this trust account. The government would take the fees or taxes due each year from the account, but the account's real purpose would be to provide an opportunity for the leaseholder to slowly add to the account in order to cover future payment for the land.

Explaining how the process should have worked, Longman said: "In the [lease] contract, the land valuation would be named and it wasn't intended that this price be cheap. . . . There was the principle that if a man wanted to own land it [had to be acknowledged that the land] was worth owning."

Longman continued: "Into this trust fund the farmer could put any surplus he wished. He wasn't limited to putting just his [annual] taxes in the trust account. . . . [He could] put in [any amount,]

and the only thing that can be taken out of the trust account [were] government obligations.”

Longman continued: “I [had] taken the average production of land over the 35-year period and if he [the leaseholder] paid . . . double taxes, you are going to be surprised what happens . . . in the way of [accumulated] interest. [It means that] instead of [the leaseholder] paying into a mortgage company [he] is paying into himself. . . .”

“When you have put into the trust account all you want,” Longman said, “you can take from your account any cash surplus or . . . at the end of your lease, buy it [the land]. . . .” Essentially, then, when the leaseholder turned 65, he or she could turn over the accumulated dollars in his or her trust account, thereby gaining title to the property. Or, if the leaseholder decided for whatever reason that ownership was no longer important, the money in the trust account, plus all the accumulated interest, could be withdrawn, and that former leaseholder could simply walk away.¹

The strategy, as Longman explained it, was a simple and effective way to provide leaseholders with a way to gain ownership, yet never involve a banker, a mortgage company, or even a non-resident.

It is quite clear that Longman didn't intend for the Special Areas Board to maintain control over the region. About fifteen years after the Special Areas was created, Special Area 1 (called Bow West, located near Taber) reverted back to locally elected government. At about that same time, Longman chaired a provincial commission to study what remained of the Special Areas. In his report, he pointedly called for locally elected government to be reinstated throughout the Special Areas.

Longman didn't believe that farmers and ranchers should be perpetually dependent upon a government management corporation controlled by a single Minister rather than by a locally elected government of their own.

¹ See: *Jack Gorman, A Land Reclaimed, pp. 110-112.*



Oliver Longman

Father of the Special Areas

If you live in the Special Areas, a man who has affected your life, whether you realize it or not, is Oliver Longman. Longman was responsible for creating the Special Areas.

In his early twenties, Longman graduated from university with a degree in agriculture. He taught at the Claresholm and Olds Agricultural Schools. Then he served as principal of the Raymond School of Agriculture.

In the early '30s, the Alberta government asked Longman to study the Canadian Pacific Railway (CPR) irrigation projects in southern Alberta, and to consider ways to deal with drought elsewhere. He was also asked to supervise the exodus of settlers

who were abandoning the greater Hanna region due to drought.



Oliver Longman,
the Father of the
Special Areas.

In 1932, Longman spoke with hundreds of drought-ravaged farmers in what was to become the Berry Creek Special Area. He wrote a report filled with detailed recommendations, which resulted in a piece of legislation called the Special Municipal Areas Act.

Longman said that he had, at the time, “accumulated all the literature on all the countries who had drought problems because he was trying to get a lead on what to do.” His objective, he said years later, was to “solve the drought problem without upsetting the municipal [governance] setup to any degree.”

“One of the principles we had agreed on,” Longman said, “was that we had to enlarge the operating unit of the farmer. . . . We had a lot of people on leased land and they were just as bad off as the people who owned land. We had to draft something in the form of a new leasehold policy that would have all the incentive of private ownership and at the same time wouldn’t make the leaseholder the victim as had been the case in the past.”

The solution proposed by Longman was lifelong land leases, which would mature when the leaseholder turned 65. At that time, the leaseholder would acquire outright ownership by means of a trust account into which small amounts had been paid annually throughout the term of the lease.

Longman Thwarted by Provincial Bureaucrats

Early on, when Longman was first working in the region that would become the Special Areas, he said: “The function of the board was to as-

sume the responsibilities [for the crisis]. The general feeling was that [the municipalities] would revert back to Local Improvement Districts because the government [would then] assume some of the overhead costs that the municipalities had to bear.”

Yet it didn't work out that way. When “the Department of Lands and Forests took it over,” Longman explained, “they changed the whole act, [even] the title of the act.”¹

¹ See: *Jack Gorman, A Land Reclaimed, p. 113.*

IT WAS SUPPOSED TO CURE AN ILL AND THEN BE REPLACED

“[The Special Areas Act] was actually a . . . treatment to cure an ill and as such must have an end when the ill is cured. If that is the case then, if and when the necessary adjustments are completed, it is expected that the Act will be replaced by one to allow for the rehabilitated community to take its place along with other communities in the province.”

Report of the Special Areas Investigation Committee, 1961
(Hanson Commission, Page 8)



Longman Looks for Lifelong Leases With Lease Purchase Option

In 1959, more than twenty-five years after writing the report that led to the creation of the Special Areas, Oliver Longman was interviewed by the Glenbow Museum. Having retired as Alberta's Deputy Minister of Agriculture a few years earlier, Longman carefully outlined his thinking and objectives concerning the region that became known as the Special Areas.

Longman said his objective had been to come up with a leasehold policy that would facilitate both development and stabilization.

Early on, the proposal put forward called for the individual to lease the

land up to his sixty-fifth birthday, Longman said, “with a subsequent purchase option” at that time. So if a person signed a land lease at age 30, he would have a 35-year lease.

The annual lease rate would be based on the tax levy, with the leaseholder placing all payments into a trust account with the local municipal authority. Monies deposited into the account over and above the annual levy would receive interest guaranteed by the government. The plan didn’t set a limit on leaseholder deposits to the individual trust account. All payments would receive the guaranteed interest, and no money could be withdrawn until the leaseholder reached 65.

Longman calculated the average production of land over a 35-year period, saying that if the leaseholder (on average) paid double taxes into the trust account, there would be enough money for the leaseholder to buy the land outright and obtain title at age 65 without involving a bank or mortgage company.



Southern Alberta Develops Irrigation Special Areas Stays Dry

In southern Alberta, there are thirteen irrigation districts supplying water to more than 1.4 million acres of assessed farmland. Large-scale irrigation in Alberta got started in the 1890s. Alexander Galt, a railroad investor and mine owner from Lethbridge, was one of its early proponents. Galt constructed water canals at Magrath and Sterling to supply water for dryland crops.

Impressed with the outcome, Lethbridge residents asked for irrigation too, and agreed to pay for canals to irrigate 20,000 acres around the city. The result was that there were 184 km of irrigation canals in the

greater Lethbridge region by the year 1900.

The CPR then initiated an irrigation project—starting with a weir on the Bow River—that supported a system of canals delivering water to 200,000 acres. Not long afterward, the railway initiated an even larger project near Bassano that was designed to irrigate nearly 400,000 acres.



Irrigation canal southwest of Lethbridge, 1911.

Seeing the success of what was occurring, the Alberta government created Irrigation Districts that allowed landowners to organize themselves and sell bonds to finance development.

Interestingly, while southern Alberta was taking on irrigation development, the east-central part

of the province was being devastated by multi-year droughts. Thousands fled our region. Nearly 40 municipalities and improvement districts were terminated or went bankrupt.

In the early 1940s, when Oliver Longman (the father of the Special Areas) was serving as Deputy Minister of Agriculture, another important farm leader emerged. Larry Helmer was the first supervisor of the new Hanna-Coronation PFRA District. Like Longman, he was an advocate of better water management and irrigation.

Helmer knew that without irrigation, the Taber region would look much like the Special Areas. Consequently, his vision was to see up to 900,000 acres come under new irrigation. He and the local water advocacy group wanted irrigation to start immediately east of Hanna, extend 70 miles southwest to the Red Deer River, run south and southeast of Coronation to Sounding Creek, and then beyond to Acadia Valley.

Birth Pangs of the Special Areas

Longman Calls for Local Government

In the early thirties, Oliver Longman wrote a report known as the Berry Creek Report. Interestingly, he never anticipated that existing municipal authorities would be affected, though he did anticipate that several municipalities would have to go back to being Local Improvement Districts (LIDs).

In his book, *A Land Reclaimed*, Jack Gorman says that by April of 1932, Longman had carefully reviewed 72 full townships representing more than 2 million acres. Longman followed municipal boundaries as closely as possible because he thought “it would better facilitate the adjustment procedures within the governmental department.”



The Special Areas Board was designed to depopulate the area, see the region through crisis, and work to stabilize farming and ranching units. Severe droughts and the lowest prices for farm products in Canadian history had decimated the area. Ranchers and farmers had been forced to abandon the land.

About fifteen years after the Special Areas Act was ratified, Longman chaired a government commission that evaluated the region. The commission said that people in the region deserved a locally elected municipal government they could control. It stated: “It is in the interests of good citizenship that the residents of the Special Areas assume responsibility of self-government.”

The Longman Commission was the first, but not the last, government commission to call for the re-establishment of locally elected municipal government in the Special Areas.

The Minister Has Authority to Tell You How to Farm

Due to the Special Areas Act, the Special Areas Board and the Special Areas region are controlled by the Minister of Municipal Affairs, Shaye Anderson. Anderson is originally from B.C., and worked as a telephone/telecommunications technician and union representative prior to his election. He controls not just the Special Areas, but private land in the Special Areas.

Many people don't realize that the Special Areas Act not only gives the Minister the power to control the Special Areas region, it grants him the legal right to tell farmers and ranchers how they must farm or ranch, including how they must operate on privately owned land. For example, Section 7(e) of the Special



Areas Act says the Minister can “order and require any owner or occupant of land to adopt any methods of farming or grazing, or farming and grazing, that the Minister considers necessary. . . .”



Municipal Affairs
Minister Shaye
Anderson controls
the Special Areas.

Section 7(h) of the Act grants the Minister power to “classify all lands within the special area” in whatever way he wants, in order to ensure that all land in the Special Areas is utilized “for the purpose” that the Minister considers best for you.

Section 7(i) grants the Minister power to “promote measures for the development and conservation of any and all available natural resources within any special area. . . .”

Section 7(l) grants the Minister power to “carry out and execute any scheme or plans” for the Special

Areas, which includes the ability to declare that private land is the property of the Crown.

Section 11: Minister Can Control Private Land

Section 11(1) Any surveyors, engineers, agents and workers employed by the Government may enter on and occupy any land in a special area . . .

(a) to carry out any work or undertaking approved by the Lieutenant Governor . . . as a work or undertaking for the rehabilitation or betterment of the special area, and

(b) to construct on it dams, ditches, weirs, spillways, roads, and any other buildings, structures, or erections necessary or incidental to the carrying out or maintenance of the work or undertaking.

(2) Any land forming the site of the work or undertaking, or that is used or occupied in connection with it, is deemed to be the property of the Crown so long as it is required for the . . . work or undertaking.



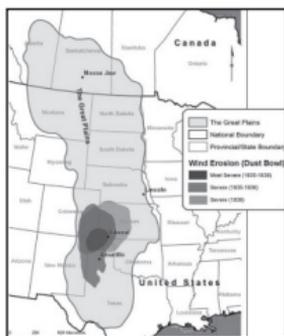
Special Areas Board Should Be Phased Out

Says Second Government Commission

Twenty-three years after the Special Areas Board was created, a formal commission (known as the 1961 Hanson Commission) was established. It set out to see—among other things—if rehabilitation had been achieved. After much study, it called for the Special Areas Board to be completely phased out and eliminated, replaced by locally elected municipal government. It stated that by doing so, people in the Special Areas would again be equal with other Albertans.

Similarly, not ten years earlier, the Longman Commission had studied the matter, and had also called for municipal government to be re-established.

The simple fact is that conditions in southern and southeastern Alberta during the 1930s were not exclusive or unique. To be sure, there were distinctions. Yet devastating circumstances existed from the Canadian Prairie all the way down to Oklahoma and Texas.



All the Great Plains was affected by drought. The most wind occurred in the U.S. south.

Oklahoma and Texas.

The biggest difference is that, in Alberta, we eliminated local governments and established a government management corporation with far-reaching powers. Since then, it has become entrenched, and the idea that people in our region are un-

able to manage our own local government has been turned into something permanent.

Many people even believe that the Special Areas Board is a genuine form of local government. It's not, and anyone who reads the Special Areas Act will see why it's not. The Special Areas Board

was designed to export people, to lease government-owned land to tenant farmers, and to be accountable not to local citizens or to a duly-elected municipal council, but to a single cabinet minister in Edmonton.

The fact that the Special Areas Board has celebrated 75 years of operations means, in effect, that the region has been in receivership for 75 years.

PROBLEMS EXPERIENCED IN THE SPECIAL AREAS WERE COMMON

“Other parts of Alberta [and elsewhere] suffer the same trouble as the Special Areas. Probably the only unique thing about the Special Areas is that settlement, on a half-section basis, breaking up of the land, and establishment of municipalities had been completed before it was realized the area was unsuited to small grain farms.”

Report of the Special Areas Investigation Committee, 1961
(Hanson Commission, Page 3)

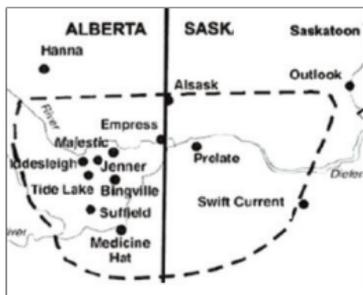
Local Governments Were Eliminated in Alberta

The Special Areas was created in the 1930s at a time when the entire Great Plains of North America was overwhelmed by drought. In Saskatchewan, Manitoba, the Dakotas, and in each of the tiered states of the U.S. Great Plains (all the way south to Texas), horrendous conditions existed.

In areas of Oklahoma, Texas, and Kansas, some conditions were even more severe than in Alberta. The dust and sandstorms in these regions would last for days or even weeks, leading to an epidemic of what was called “dust pneumonia.” According to the *Denver Post*, about 7,000 people—mostly the young and elderly—died from dust pneumonia. In these regions, dust masks became mandatory. But there were no



such masks for livestock. Cattle suffocated and died, their nasal passages filled with dust that turned to mud.



Climate scientist Jack Villmow studied 25-35 years of rainfall data to determine the borders of the dry belt.

Severe drought blanketed the Great Plains of North America. Crop failure was everywhere. Yet it was only the most severe areas of the southern states that were referred to as the Dust Bowl. Statistically, the

wind blew the longest and the hardest in Oklahoma, Kansas, and the Texas panhandle.

In these dust storm regions of the U.S., static electricity would build up in the air from the dry dust particles being whipped around, causing sparks and bolts of lightning to shoot off barbed wire fences. People shaking hands could generate a spark so powerful it would knock an adult to the ground. And since such heavy electricity

could short out vehicle engines, those who did have vehicles were forced to drag iron chains in order to ground their vehicles.

At the time, even big urban municipalities were going broke, including cities like Burnaby, North Vancouver, and Prince Rupert. In 1928, net farm income in Saskatchewan had been \$363 million; by 1933, it had dropped to \$11 million. A few years later, in 1937 (just prior to the creation of the Special Areas in Alberta), two-thirds of Saskatchewan's farm population was destitute and on government relief (welfare). Local governments were penniless, yet not eliminated.

In Alberta, however, we did see numerous democratically elected governments swept aside. To create the Special Areas, almost 40 municipal governments and Improvement Districts were eliminated.

Thousands of homesteaders affected by drought moved away. This also occurred in Saskatchewan.

In fact, population in the Special Areas (based on statistics from Alberta Census Divisions 1, 3, and 5) declined by 6,528 people during 1931-1941, while the corresponding Saskatchewan side of what is called the dry belt region (based on statistics from Saskatchewan Census Divisions 4 and 8) registered a more significant loss of 12,342 people during the same period.

Even so, Saskatchewan never eliminated locally elected municipal governments, believing the dilemma was related to economics and drought.

SPECIAL AREAS POPULATION



The Way Forward: Local Government and Land Tenure

By Richard Bailey

If there are changes made in the Special Areas, it is important that any new arrangement be viable and workable for the residents. The liquidation of local municipalities in the 1930s was carried out under a very different set of circumstances from what exists today.

At one time, there were nearly 30,000 people in the Special Areas. Today there are just over 4,000. Any changes to the region should include the following:

Administration. Administration of the area by the province was not meant to be permanent. When conditions improved, it was anticipated that local municipal government would be restored.



Two separate government commissions (Longman and Hanson) called for locally elected municipal government to be re-established. Those recommendations should be implemented. The current administrative structure is now, if anything, an impediment to growth.

Viability. It is necessary to ensure that any newly established local government is viable. Unique circumstances are a feature of the area, and any new structure must reflect that reality. It is necessary to have a tax base sufficient to support basic services. There is a strong preference to maintain the current external boundaries. The area has been under the current arrangement for nearly eighty years, so there is some tradition of being together.

Economic Development. The Special Areas Act gave the Special Areas Board responsibility for economic development. Liquidating local government proved counterproductive for economic

development because secure property rights, local control, and local initiatives must be a key part of the process. The system of command and control in the Special Areas Act entrenches the factors that hinder local initiatives and security of tenure. Elsewhere the term “Special Areas” described the need for a more senior government to financially assist a specific region at a time of economic difficulty. In effect, our region has been disadvantaged by the Act.

Agricultural Dispositions. Local control of dispositions is critical to the area. A permanent and well-defined program that facilitates the privatization of land is essential to a viable municipality. This would be preferable to piecemeal or ad hoc programs that make only small amounts of tax recovery land available.

It is essential that such a process be within reach of existing leaseholders. In former regions of the Special Areas where local municipal govern-

ment has been restored, tax recovery lands have been made available to existing holders under the authority and administration of the new locally elected municipal authority.

The Case for Change

Due to initiatives by farmers and ranchers, protection and improvement of land and water resources in the Special Areas has resulted in both economic and environmental benefits.

Landowners and disposition holders treat the land as an asset and manage it for the long term.

It was recognized from the beginning that the best way to rehabilitate and protect the land was to put it into the hands of people who had a vested interest in it on a day-to-day basis.

Attention to range management, re-grassing, and better farming techniques have had a major beneficial impact on the land and on wildlife. This stewardship has added value and should be rec-

ognized as input by disposition holders.

Greater security and stability through privatizing land would benefit all residents. At present the risk, however small, of having any assets confiscated by government without compensation is having a chilling effect on investment. Security of land tenure is one reason for the need to eliminate the Special Areas Act and re-establish locally elected municipal government.

The original problems in the Special Areas were largely the result of mistakes by government. Rather than support for economic activity, we have had government preside over depopulation and stagnation.

Farms and ranches in the area have long since been rehabilitated. Perhaps it is time to help ourselves.



Security of Tenure

By Pat Rutledge

Few people would argue with the fact that good stewardship practices, whether on tilled land or pasture, will be enhanced by secure titles.

Every person has a greater incentive to look after private property than rented property, which explains why no one ever washes a rental car. It isn't that people are lazy or irresponsible. It's simply that all human beings respond to incentives, and one of the greatest incentives is private ownership. It enhances stewardship and encourages development.

We want our region of the province to share the same legal rights and privileges as the rest of Alberta, which is why it's time for a change of governance.

Most people realize that the Special Areas Board wasn't intended to be a permanent form of government, but rather, a temporary measure until things improved. Oliver Longman, the man considered responsible for the birth of the Special Areas Act, early on suggested that lessees should be allowed to pay into a type of annuity that would accumulate until the lease matured when the lessee turned 65.¹

Longman calculated that if a lessee paid twice the annual taxes each year, with half that money going to an interest earning account, there would be sufficient money at the lease's maturity for the lessee to acquire ownership apart from involving a bank or mortgage company. If the leaseholder chose not to acquire ownership at age 65, he or she could withdraw all the cash accumulated over the life of the lease, and use it as a retirement fund.

These are some of the reasons so many people recognize that the sale of tax recovery land to the

present lessees (on workable and reasonable terms) will result in more stable economic units in the region, plus additional and expanded development.

We would also encourage a discussion regarding the sale of some Crown lands to current lessees under similar terms as originally suggested by Longman, perhaps involving some consideration for conservation easements or voluntary set-aside agreements for conservation.

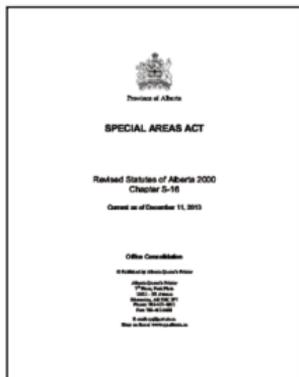
¹ See: Jack Gorman, *A Land Reclaimed*, pp. 111-112.

LOCAL GOVERNMENT IS IN THE INTEREST OF GOOD CITIZENSHIP

"It is in the interests of good citizenship that residents of the Special Areas assume responsibility of self-government. . . . [We recommend that] local government is extended to the maximum area of the Special Areas, firstly by annexation to adjacent municipalities and secondly by erection of a local governing unit within the Special Areas."

Longman Commission, November 4, 1953 (Page 14)

The Special Areas Act



Here we present several key sections of the Special Areas Act.

The full text can be reviewed on-line at the website of the Queen's Printer: <http://www.qp.alberta.ca/>

Definitions

1 In this Act,

- (a) “Board” means the Special Areas Board;
- (b) “land” does not include mines and minerals;
- (c) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;
- (d) “public land” means land belonging to the Crown in right of Alberta and under the administration of the Minister;
- (e) “special area” means a special area constituted under this Act.

Powers of the Minister

7 The Minister may in respect of special areas generally

or in respect of any specified special area or any part of it

(a) direct that any public land, or interests in it, within a special area be dealt with in a manner that seems to the Minister to be for the benefit of the residents of the special area, or prohibit the dealing in it in a manner that seems to the Minister to be detrimental to the residents;

(b) lease public land within a special area at rentals that seem fair and equitable;

(c) set aside land for community purposes such as grazing reserves, hay reserves, water reserves, and irrigation, and make any provisions for the administration of it that the Minister considers advisable;

(d) receive the money payable in respect of any lease or any interest in public land or in respect of taxes or other revenues in a special area, deposit the money in a treasury branch or bank or other similar institution in a trust account to be called “The Special Areas Trust Account,” and expend that money, or any part of it, as the Minister considers advisable for the following purposes or any of them:

(i) meeting any of the expenditures required or authorized under Part 15 of the Municipal Government Act;

- (ii) the costs of administration;
- (iii) the development of natural resources;
- (iv) the carrying out of improvements within any special area;
- (v) the rehabilitation of settlers within any special area;
- (vi) meeting the requirements of the special areas;
- (e) order and require any owner or occupant of land to adopt any methods of farming or grazing, or farming and grazing, that the Minister considers necessary to prevent soil drifting, water erosion, overgrazing, or any hazard that might jeopardize the economic security of residents of the special area;
- (f) exchange any public land within a special area for any other land situated within any special area;
- (g) promote approved farm cultural practices and efficient range management and any community effort and enterprise that might contribute to greater economic security of residents of the special area;
- (h) classify all lands within the special area for the purpose of utilizing them for the purpose to which they are considered by the Minister to be most adaptable;

- (i) promote measures for the development and conservation of any and all available natural resources within any special area for the purpose of giving greater stability of income to the residents of the special area;
- (j) promote greater stability and diversity of sources of income for residents of any special area to the end that they may become self-supporting;
- (k) acquire, by purchase or otherwise, any property whether real or personal that is requisite or incidental to the exercise of any powers conferred by this Act;
- (l) carry out and execute any scheme or plans for the rehabilitation or betterment of any special area and the residents of it;
- (m) dispose of, by public tender or otherwise, any real or personal property acquired by the Minister and no longer required for the purpose of or incidental to the exercise of any powers of administration in the special area;
- (n) enter into agreements with physicians for the supplying of medical care and attention to the residents of a special area;
- (o) do all other things that are requisite or incidental to the exercise of any power conferred by this Act.

Enforcement of Order Re Farming Methods

8(1) A copy of any order made under section 7(e)

- (a) shall be published in *The Alberta Gazette*,
- (b) shall be filed in the land titles office, and
- (c) shall be served on the owner and occupant of any land affected by the order.

(2) On the filing of a copy of the order, the Registrar of Land Titles shall endorse a notification of the order on the certificate of title of every parcel of land that is affected by the order.

(3) If the owner or occupant of any land affected by the order fails to comply with the terms of the order, the Minister may carry out the terms of the order and the cost of so doing is payable on demand by the owner or occupant, as the case may be.

(4) Any sum owing to the Crown by an owner or an occupant pursuant to subsection (3)

- (a) is recoverable by action, or
- (b) is recoverable by distress on the goods and chattels of the person or persons liable, and any sum or part of it that is not recovered by December 15 next following the date

the costs were incurred shall be added to and form part of the ordinary taxes levied against the parcel of land.

Surveys, etc.

11(1) Any surveyors, engineers, agents, and workers employed by the Government may enter on and occupy any land in a special area for the purpose of making examinations and surveys

(a) to carry 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, and

(b) to construct on it dams, ditches, weirs, spillways, roads, and any other buildings, structures, or erections necessary or incidental to the carrying out or maintenance of the work or undertaking.

(2) Any land forming the site of the work or undertaking, or that is used or occupied in connection with it, is deemed to be the property of the Crown so long as it is required for the purpose of the work or undertaking.

(3) When it is made to appear to the Minister that any right or property of any person has been detrimentally affected

(a) by reason of any act or thing done pursuant to this section, or

(b) by the use or occupation of any land used or occupied in the exercise of any power conferred by this section, the Minister may, after making the inquiries the Minister considers necessary, allow the person compensation in any amount that the Minister in the Minister's discretion thinks proper, and any compensation so allowed shall be paid out of money voted by the Legislature for the administration of this Act.

Penalties

24(1) A person who is required to comply with an order made pursuant to section 7(e) and who fails to comply with the order is guilty of an offence and liable to a fine of not more than \$25 for every day during which the offence continues.

(2) A person who contravenes any provision of this Act or the orders or regulations hereunder for the contravention of which no penalty is specifically provided is guilty of an offence and liable to a fine of not more than \$100 and in default of payment to a term of imprisonment for not more than 2 months.

(3) All money accruing from fines or penalties under this Act belongs to and forms part of the general revenue of the special areas.

Prevalence of the Act

27 If any conflict arises between this Act and any other Act, this Act prevails.

For the full text of the Special Areas Act, visit the website of the Queen's Printer: <http://www.qp.alberta.ca/>

RESTORATION OF TAX RECOVERY STATUS

Over the years, various land parcels have been changed from Crown to tax recovery, and from tax recovery to Crown. At times, leased land has had tax recovery status removed from one leaseholder and given to another. The leaseholders who lost tax recovery status were not informed of the change, nor given the opportunity to explain their own plans for their operations. It would be appropriate to restore tax recovery status to those land parcels from which it was removed.

Special Areas Points to Ponder

- Due to the Special Areas Act, landowners in the Special Areas do not have the same legal rights as other Albertans. The Act grants a single Cabinet Minister the power to tell Special Areas landowners (on private land) which crops to grow, and what kind of grazing patterns to follow.
- The Special Areas Act's legal provisions supersede every other piece of legislation in Alberta.
- When the Special Areas Board was created in the 1930s, one of its primary purposes was to reduce the number of people and farms in the area. (Overall, since the 1920s, the region's population has gone from nearly 30,000 to just over 4,000.)
- The Special Areas Board was designed to facilitate stability in the midst of crisis, not to encourage long-term economic development in a 21st-century economy.

Special Areas Points to Ponder

- The Special Areas Act grants the Minister of Municipal Affairs the power to declare private land to be the property of the Crown. The landowner has no right to legal recourse and no legal right to compensation.
- Control of local land is essential to the area and must, therefore, be controlled by the region's own locally elected government.
- Re-establishing locally elected government would ensure the elimination of the restrictive provisions of the Special Areas Act, which currently deny security of property and land tenure.
- Residents themselves must have the ability to shape what is acceptable and not acceptable in changing from a Special Areas system to a locally elected municipal government. They deserve local control and local accountability.

Special Areas Points to Ponder

- Oliver Longman, considered to be the father of the Special Areas, originally thought that lifelong leases should culminate with the leaseholder having an option to obtain title at age 65.
- The purchase plan advanced by Oliver Longman several years before the creation of the Special Areas called for a stable situation that gave the purchase option to the leaseholder under terms that were well within reach.
- Private ownership is essential to future economic development and growth. At present, individuals who lease tax recovery land can incur a cost (a disincentive) if they improve or add value to a tax recovery lease.
- Unlike the Special Areas Board, locally elected governments don't have to submit an annual budget to the Minister for approval.

Looking Ahead

- Albertans in the Special Areas deserve to enjoy the same legal rights as people in other parts of the province. Changing our governance structure from the Special Areas Act to the Municipal Act will give landowners the same rights and opportunities as other Albertans.
- The present lack of security over private land and other land holdings has a chilling effect on economic activity.
- Wishing and hoping for someone else to come along and fix our economic development problems is not a good strategy for the future. Support for economic development in the area and an environment that encourages investment and business development has to be a priority. This includes locally elected self-government and tipping remaining tax recovery lands into private ownership.



The Hard Grass Municipality?

We Need Your Help and Financial Support!

Dear Hard Grass Landowners Council:

I want to support your efforts to promote property rights and locally elected government for Albertans living in the Special Areas.

Name: _____

Address: _____

Town: _____ Postal Code: _____

Email: _____

I am enclosing a one-time contribution of \$ _____

Make your cheque payable/mail to: **Hard Grass Landowners Council**
P.O. Box 40
New Brigden, AB T0J 2G0

Hard Grass Landowners Council

P.O. Box 40

New Brigden, AB T0J 2G0

HardGrassLandowners@gmail.com

Providing individuals and agribusiness with information about the limitations that currently define the Special Areas, and considering options that will result in greater land tenure and security for the region, and a more prosperous future for its people.