

Bill No. 39 of 1950.

A BILL TO AMEND THE ASSESSMENT ACT.

NOTE.

This Bill amends *The Assessment Act*, being chapter 157 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by defining three additional terms. The term "motor vehicle" is defined as excluding unlicensed motorized vehicles used for industrial or commercial purposes. Motor vehicles are presently exempt from assessment and taxation. By reason of this amendment this exemption will not extend to unlicensed motorized vehicles used for industrial or commercial purposes which are excluded from the definition. The terms "roadway" and "superstructure" are also defined. The roadway and superstructure of the roadway of a railway is assessable and the purpose of the definitions is to define precisely what is meant to be covered by these two terms.

Section 5 (1) (II) is amended to provide that the exemption of minerals from assessment and taxation applies only to minerals contained in land which are in their natural state and which have not been severed or produced and to minerals which are being gathered in, transported or stored pending processing or treatment. This will make it clear that minerals which have been produced and which do not require further processing or treatment before use may be assessed as personal property or stock-in-trade, as the case may be.

Section 7 is amended. Subsection (1) is amended to make it applicable to every municipality rather than to just towns or villages. The effect of this is that lands, buildings and improvements will be assessed at their fair actual value in municipal districts and in improvement districts.

Subsection (2) of section 7 is struck out and is replaced by two new subsections. The new subsection (1a) provides that the secretary-treasurer of every municipality which is included in whole or in part within a school district or division shall furnish to the secretary-treasurer of the school district or division a certificate setting out the total assessed value of all lands, buildings and improvements and personal property as shown on the assessment roll as at the thirty-first day of December of the preceding year. The new subsection (2) provides for the case where lands, buildings and improvements in a municipality are assessed on a different index of value from that used in other municipalities in the same school district or division. In such a case

the total assessed value shown on the certificate furnished to the school district or division under subsection (1a) may be varied by order of the Director of Assessments for the purpose of equitably apportioning the requisition upon municipalities within the school district or division. This provision is necessary as new assessments have been made in some municipalities which are approximately thirty per cent higher than the old assessments in other municipalities within the same school division. As these assessments become the basis of school requisitions power to vary them is necessary in order to obtain equality. It is desired to have these two new subsections applicable to the current year so they are accordingly made retroactive to the thirty-first day of December, 1949.

Subsections (2a) and (3) of section 7 are struck out. When lands, buildings and improvements are assessed at their fair actual value in every municipality as provided for in the amendment to subsection (1) these two subsections will no longer be necessary or applicable. The amendment to subsection (1) and the striking out of subsections (2a) and (3) are to be effective during the taxation year 1951 so these amendments come into force on the thirty-first day of December, 1950.

Subsection (5) of section 7 is amended by changing the reference from subsection (3) to subsection (1). Subsection (3) has been struck out and the provisions of subsection (1) as amended are now applicable. This amendment also comes into force on the thirty-first day of December, 1950.

Section 8 is amended. Subsection (3) is reworded to provide that where a personal property by-law is passed it is mandatory to use the personal property assessment for school purposes and it may be used in addition for municipal and hospital purposes or either of them. Subsection (6) is amended by changing the period from sixty days to thirty days. The effect of this is that personal property will be liable to assessment by any municipality when it has been situate within the municipality for thirty days.

A new subsection (9a) is added which provides that twenty-five per cent of the value of stock-in-trade as determined by the assessor under subsection (9) shall be used as the assessed value. Stock-in-trade assessments at full inventory value have worked severe hardship on many merchants particularly where the stock is large and there is a slow turnover. The proposed amendment gives relief from this hardship.

Section 18 is amended by the addition of a new subsection (2a). This subsection enables a newly organized village to adopt the assessment made in the previous year by the municipal district, improvement district or special area in which the village was previously contained. However, the assessment so adopted cannot be adopted again in any

succeeding year. In the case of some newly formed villages it is difficult, if not impossible, for the new village to have an assessment made during the first year it is in operation.

Section 18 (3) is amended to include a reference to the new subsection (2a). The amendments made to section 18 are retroactive to the thirty-first day of December, 1949, so that the amended provisions can be applied during the year 1950.

Section 37 (5) is amended. This subsection provides that where a member of the court of revision is ineligible to sit and the court consists of three members two of the members shall constitute a quorum. The amendment makes this provision applicable also in the case where a member is unable to attend. At present in the case of a village with a three-man council all members must be present to constitute a court of revision. The effect of the amendment is that if one member is unable to attend the remaining members can proceed to hold the court of revision.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 39 of 1950.

An Act to amend The Assessment Act.

(Assented to _____, 1950.)

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

1. *The Assessment Act*, being chapter 157 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2,—

(a) by adding immediately after clause (l) the following new clause:

“(ll) ‘motor vehicle’ means any motorized vehicle used to convey goods, passengers or equipment which the Province requires to be licensed but does not include unlicensed motorized vehicles used for industrial or commercial purposes;”;

(b) by adding immediately after clause (s) the following new clause:

“(ss) ‘roadway’ means the continuing strip of land owned or occupied by the railway company as a right-of-way for its railway leading from place to place within the Province but does not include the land outside the limits of the said right-of-way which is owned or occupied by the company for station grounds, extra right-of-way for sidings, spur tracks, wyes or other trackage;”;

(c) by adding immediately after clause (u) the following new clause:

“(uu) ‘superstructure’ includes grading, ballast, ties, rails, switches and other track appurtenances, bridges, tunnels, culverts, signals and grade crossing protective appliances, telephone and telegraph lines, fencing on the right-of-way and station platforms, but does not include railway stations, office buildings, water tanks, coal docks, wells, pipe lines, pump houses and equipment, warehouses, dwellings, roundhouses, turntables, shops and tool houses, stock yards, loading platforms or things of a like nature;”.

2. The said Act is further amended as to section 5, subsection (1), clause (ll) by adding immediately after the

word "minerals" the words "contained within, upon or under land which are in their natural state and which have not been severed or produced and all minerals which are being gathered in, transported or stored pending processing or treatment".

3. The said Act is further amended as to section 7,—

- (a) by striking out the words "In the case of a town or village," where they occur in subsection (1) and by substituting the words "In every municipality,";
- (b) by striking out subsection (2), and by substituting the following:

"(1a) In every municipality which is included in whole or in part within a school district or division, the secretary-treasurer of the municipality shall furnish to the secretary-treasurer of the school district or division a certificate under section 289 of *The School Act* or section 28 of *The School Taxation Act*, as the case may be, setting out,—

"(a) the total assessed value of all land, buildings and improvements; and

"(b) the total assessed value of all personal property;

as shown on the assessment roll as at the thirty-first day of December of the preceding year.

"(2) Notwithstanding subsection (1a), where land, buildings and improvements in a municipality are assessed on a different index of value from that used in other municipalities in the same school district or division, the total assessed value of land, buildings and improvements shown on the certificate furnished to the school district or division shall be the total assessed value thereof as shown on the assessment roll as at the thirty-first day of December of the preceding year, or shall be such amount as may be determined and ordered by the Director of Assessments for the purpose of equitably apportioning the requisition upon municipalities within the school district or division.";

- (c) by striking out subsections (2a) and (3);
- (d) by striking out the figure "(3)", where it occurs in subsection (5) and by substituting the figure "(1)".

4. The said Act is further amended as to section 8,—

- (a) by striking out the words "for municipal, hospital or school purposes, or for any one or more of them", where they occur in subsection (3) and by substituting the words "for school purposes and may specify that it shall be for municipal purposes and hospital purposes or either of them";
- (b) by striking out the words "sixty days", where they occur in subsection (6) and by substituting the words "thirty days in any year";

(c) by adding immediately after subsection (9) the following new subsection:

“(9a) Twenty-five per cent of the value of stock-in-trade as determined by the assessor pursuant to subsection (9) shall be used as the assessed value.”.

5. The said Act is further amended as to section 18,—

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

“(2a) In the case of a village which has been newly organized the council of the village, by resolution, may adopt the assessment of land including buildings and improvements made in the previous year by the municipal district, improvement district or special area within which the village was previously contained, but the assessment so adopted shall not be adopted again under the provisions of subsection (2) in any succeeding year.”;

(b) by striking out the words “or subsection (2),”, where they occur in subsection (3) and by substituting the words “, subsection (2) or subsection (2a),”.

6. The said Act is further amended as to section 37, subsection (5) by adding immediately after the words “provisions of subsection (4)” the words “or is unable to attend”.

7.—(1) Except as otherwise provided in subsections (2) and (3) this Act shall come into force on the day upon which it is assented to.

(2) Upon so coming into force clause (b) of section 3 and section 5 shall be deemed to have been in force at all times on and after the thirty-first day of December, 1949.

(3) Clauses (a), (c) and (d) of section 3 shall come into force on the thirty-first day of December, 1950.

No. 39

THIRD SESSION
ELEVENTH LEGISLATURE

14 GEORGE VI

1950

BILL

An Act to amend The Assessment Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
