

Bill No. 97 of 1952.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT.

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NOTE.

This Bill amends *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942.

Section 40 is amended. Prior to 1951 a voter was required to vote in his own polling division. He may now vote in any polling place in his electoral division. This amendment is for the purpose of making section 40 conform with the amendment of 1951 with respect to electoral divisions.

Section 133 is amended to provide for the qualification of a councillor at a first election in a newly organized municipal district. The Act did not make provision for such qualification previously.

Section 186 is amended to refer to the proper Act.

Section 186*a* is added to provide for the newly constituted Highways Department.

Sections 196 and 197 are amended to refer to the proper Minister.

Section 200 is amended to extend the limitations on expenditures which may be undertaken by the council without reference to the electors and is made necessary by the increased cost of labour and materials.

Section 235 is amended to remove the limitation of two and one-half cents per acre with respect to the destruction of gophers. The result of the amendment is that gophers will be destroyed as, and at the costs allowed for, any other pests dangerous to grain.

Section 289 is amended and provides for the basing of school and hospital requisitions partly upon an estimated nominal value of lands leased on a crop share basis under *The Public Lands Act*. The assessed lands as a result will not be required to bear the amount of the requisition to that extent. The general revenue fund of the municipal district will bear the amount of the requisition which may be based upon the estimated nominal value of the crop share lease lands leased under *The Public Lands Act*.

Section 322 is amended to provide that where a man and wife are joint owners of property they shall not each be required to pay the minimum hospital tax, but only one of them need pay it.

Section 326 is amended to refer to the proper Act.

This Bill comes into force upon assent except for sections 10 and 12 which come into force on the 1st day of July, 1952.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 97 of 1952.

An Act to amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1952.)

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

1. *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 40 is amended,—

Section 40  
amended

(a) by striking out clause (c) of subsection (1) and by substituting the following:

“(c) provide for polling places in each electoral division and assign a name or number for each polling place;”;

(b) by striking out the words “The polling place for a polling division” where they occur in subsection (4) and by substituting the words “A polling place for an electoral division”.

3. Section 133 is amended by striking out clause (f) and by substituting the following:

Section 133  
amended

“(f) his name appears upon the last revised assessment roll of the municipal district as the owner, conditional owner or purchaser of land which is not exempted from taxation; or in the case of a first election he has been for a period of at least two months prior to the date of his nomination the owner, conditional owner or purchaser of assessable land included in the municipal district;”.

4. Section 186 is amended by striking out the words “*The Public Works Act*” and by substituting the words “*The Surveys and Expropriation Act*”.

Section 186  
amended

5. The following new section is added immediately after section 186:

New section  
186a

“186a. The Minister of Highways, at all times shall have the right to enter a municipal district for the purpose of constructing, erecting, maintaining or repairing a highway as defined in *The Highways Department Act*.”.

Right of  
entry

6. Section 196, subsection (1) is amended by striking out the words “Public Works” and by substituting the word “Highways”.

Section 196  
amended

- Section 197 amended      **7.** Section 197, subsection (1) is amended by striking out the words "Public Works" and by substituting the word "Highways".
- Section 200 amended      **8.** Section 200, subsection (2) is amended by striking out the words "Two Thousand" and by substituting the words "Five Thousand".
- Section 235 amended      **9.** Section 235 is amended by striking out the words "two and one-half cents per acre for the extermination of gophers or more than twenty-five cents per acre for the extermination of any other pest" and by substituting the words "twenty-five cents per acre for the extermination of any pest".
- Section 289 amended      **10.** Section 289 is amended,—
- (a) by striking out subsection (1) and by substituting the following:
- "289.** (1) Upon receipt of the annual requisition from the board of a school division, school district or municipal hospital district the secretary-treasurer shall deduct the proportionate amount of the requisition which is attributable to the estimated nominal value of crop share lease lands, if any, shown on the certificate required pursuant to *The School Act, 1952*, or *The Municipal Hospitals Act*, and the council, by by-law, shall authorize the secretary-treasurer to levy a tax at such uniform rates on the dollar as may be sufficient to produce the amount of the balance of the requisition after the deduction, or, if there be no such deduction necessary, the full amount of the requisition, upon the assessed value of all lands, improvements and personal property set out in the assessment roll which are situate in the part of the municipal district within the school division, school district or municipal hospital district, as the case may be."
- (b) by striking out the words "this section," where they occur in subsection (4) and by substituting the words "subsection (1),";
- (c) by adding immediately after subsection (5) the following new subsection:
- "(6) Where the requisition received from the board of a school division, school district or municipal hospital district contains an amount attributable to the estimated nominal value of crop share lease lands the proportionate amount of the requisition so attributable shall be paid out of the general revenue fund of the municipal district."
- Authoriza-  
tion of  
levy by  
by-law
- Section 322 amended      **11.** Section 322 is amended,—
- (a) by renumbering the section as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:

“(2) Notwithstanding the provisions of subsection (1) where the names of two persons appear upon the assessment and tax roll as joint owners of real property and each of such persons is the spouse of the other, one only of such persons shall be liable to pay the minimum tax for the purposes of the hospital agreement.”.

- 12.** Section 326, subsection (1) is amended,— Section 326  
amended
- (a) by striking out the words “*The School Taxation Act* or”;
  - (b) by adding immediately after the words “*The School Act*” the figures “, 1952”.

**13.** This Act shall come into force on the day upon which it is assented to except for sections 10 and 12 which shall Coming  
into force come into force on the first day of July, 1952.

No. 97.

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FIFTH SESSION  
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

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**BILL**

An Act to amend The Municipal  
District Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. GERHART.

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