

Bill No. 9 of 1953

A BILL TO PROVIDE FOR ASSISTANCE TO
MUNICIPALITIES

NOTE

This Bill enacts a new Act to be known as "*The Municipal Assistance Act, 1953*", which repeals and replaces *The Municipal Assistance Act*, being chapter 54 of the Statutes of Alberta, 1951.

By this Bill a fund to be known as the "Municipal Assistance Fund" is established. It derives its sums from a portion of the fuel oil tax. It is divided into two parts to be known, respectively, as the urban municipalities fund and the rural municipalities fund. The division is made upon the basis of the proportion of rural to urban population in the Province as computed by the Canadian Government census returns of 1951.

The urban fund is distributed each year to the urban municipalities in accordance with the ratio each such municipality bears to the total urban population. The population is determined from municipal census, taken before the 10th of May in the year the grant is made, from a municipal census taken in any year following the year 1951, if no census is taken in the year in which the grant is made, or from the Dominion figures of 1951, as the case may be. If there is thought to be a decline in the population, the Provincial Treasurer can direct that an urban municipality take a census.

In the case of rural municipalities, twenty per cent of their fund is distributed on a basis of need computed from a formula based on certain factors and prepared by the Provincial Treasurer.

In addition, the remaining fund is distributed to the rural municipalities in proportion to the ratio which a municipality's assessment of rateable property bears to the total rateable property of all rural municipalities. Certain provisions provide for a determination of the basis of assessment values of lands, buildings and improvements in the rural municipalities.

Matters may be referred to the Board of Public Utility Commissioners for a finding.

The Lieutenant Governor in Council is authorized to make regulations to facilitate the carrying out of the intent of the Bill.

This Bill comes into force upon assent.

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. 9 of 1953

An Act to Provide for Assistance to Municipalities

(Assented to , 1953)

HER 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 Municipal Assistance Act, 1953*".

2. In this Act, unless the context otherwise requires,
- (a) "fund" means the Municipal Assistance Fund established under this Act; Interpretation
"fund"
 - (b) "municipality" means a city, town, village, municipal district, county, improvement district or special area; "municipality"
 - (c) "rural municipality" means a municipal district, county, improvement district or special area; "rural municipality"
 - (d) "urban municipality" means a city, town or village, and includes each school district which is situate in a national park. "urban municipality"

3. (1) The Provincial Treasurer shall establish a fund to be known as the Municipal Assistance Fund. Municipal Assistance Fund

(2) In each year the Provincial Treasurer shall pay into the fund a portion of the fuel oil tax imposed under *The Fuel Oil Tax Act* equivalent to one-half of the net receipts of taxes from each gallon of fuel oil, other than fuel oil used for industrial or agricultural purposes, on which tax was collected during the immediately preceding calendar year.

4. The fund shall be divided into two parts and such division shall be made according to the Dominion census returns of 1951 respecting the ratio of the total population of all cities, towns and villages and that of rural municipalities to the total population of all municipalities in the Province. Division of fund

5. The parts of the fund, when divided under section 4, shall be known as

- (a) the urban municipalities fund, and
- (b) the rural municipalities fund.

Urban and rural municipalities funds

Distribu-
tion of urban
municipalities fund

6. (1) Subject to subsection (3), in each year the urban municipalities fund shall be distributed among the urban municipalities in the ratio that the population of each urban municipality bears to the total population of all urban municipalities in the Province.

(2) For the purpose of this section the population of an urban municipality shall be the population figure specified upon the census return obtained by the Department of Municipal Affairs pursuant to section 7.

(3) In the case of a school district which is situate in a national park the amount of the fund distributed to it shall be one-half the amount which is produced by the ratio of its population to the total population of all urban municipalities.

Census re-
turn

7. (1) On or before the fifteenth day of May in each year the proper officer of each urban municipality shall forward by registered mail to the Deputy Minister of Municipal Affairs a census return showing the population of the municipality.

(2) The census return shall contain therein a sworn affidavit of the proper municipal officer that the population figure contained in the census return has been obtained as the result of an actual census having been taken of the persons *bona fide* residing in the municipality.

Complia-
tion of cen-
sus return

(3) The census return of a municipality shall be compiled from population figures obtained by any one of the following methods:

- (a) by the taking of an actual census of the municipality before the tenth day of May in the year in which the census return is submitted to the Department of Municipal Affairs, or
- (b) by stating the population figure obtained as the result of an actual census having been taken by the municipality in any year following the year 1951, and before the year in which the census return is submitted, or
- (c) by adopting the population figure of the municipality according to the Dominion census of 1951.

(4) If in any year an urban municipality neglects or refuses to submit to the Department of Municipal Affairs a census return before the fifteenth day of May, the population of that municipality shall be deemed to be the population as shown in the Dominion census of 1951 for the purpose of the distribution of the urban municipalities fund.

Decline in
population

(5) The provisions of clauses (b) and (c) of subsection (3) and of subsection (4) shall not be applied to any urban municipality in respect of which the Provincial Treasurer has reason to believe that an appreciable decline in population has occurred at any time after the taking of the

Dominion census of 1951, and in any such case, not later than the fifteenth day of April in any year, the Provincial Treasurer shall notify the municipality that

- (a) the provisions of clause (a) of subsection (3) shall apply, and further
- (b) that if the provisions of clause (a) of subsection (3) are not complied with, the municipality shall not be entitled to participate in the distribution of grants under this Act.

(6) Where an urban municipality has been incorporated subsequent to the taking of the Dominion census of 1951, and where the population figures for such municipality do not appear in the said Dominion census, then, in that case, the municipality shall comply with the provisions of clause (a) of subsection (3) in order to qualify for a grant under this Act.

8. (1) In each year the Provincial Treasurer shall pay out of the rural municipalities fund twenty per cent thereof for the purpose of distributing equalization grants to all rural municipalities.

Equaliza-
tion grants
to rural
municipalities

(2) For the purpose of calculating the amount of the equalization grant payable to each rural municipality, the Provincial Treasurer shall prepare a formula based on such factors as may be necessary to establish in an equitable manner the need of each rural municipality for economic assistance and for this purpose, but not so as to limit the generality of the foregoing, may take into consideration

Calculating
equaliza-
tion grant

- (a) area,
- (b) population,
- (c) average assessment per acre,
- (d) real property industrial assessment,
- (e) personal property assessment,
- (f) real property assessment
- (g) total assessment,
- (h) such other factors as may be relevant.

(3) The equalization grant to a rural municipality in any year shall be in the amount determined by the formula prepared pursuant to subsection (2) for that municipality.

Amount of
equaliza-
tion grant

9. (1) In each year the balance remaining in the rural municipalities fund, after making provision for the payment of the equalization grant in that year, shall be distributed among the rural municipalities in the proportion that the assessment of the land, buildings and improvements in each rural municipality bears to the total assessment of land, buildings and improvements of all rural municipalities in the Province.

Distribu-
tion of bal-
ance in rural
municipalities fund

(2) For the purpose of calculating the grants to be distributed under subsection (1), the lands, buildings and im-

provements therein referred to are the lands, buildings and improvements which were listed in the assessment roll as at the thirty-first day of December of the preceding year.

(3) In determining the total assessment of the land, buildings and improvements

- (a) land value shall be the value shown on the roll for assessment purposes, and
- (b) buildings and improvements shall be computed on the 1942 index value for assessment purposes.

Certified
statement re
assessment

10. The proper officer of each rural municipality shall submit to the Deputy Minister of Municipal Affairs not later than the thirtieth day of April in each year a certified statement showing

- (a) the total assessment of land in that municipality as at the thirty-first day of December of the preceding year,
- (b) the total assessment of buildings and improvements in that municipality as at the thirty-first day of December of the preceding year,
- (c) the year in which the last general assessment was completed,
- (d) the index year on which the assessment of buildings and improvements was based.

Reference of
question to
Board of
Public
Utility Com-
missioners
Regulations

11. The Provincial Treasurer may refer to the Board of Public Utility Commissioners for its finding any question, matter or thing arising in the administration of this Act.

12. The Lieutenant Governor in Council may make regulations

- (a) governing matters relating to the administration of this Act,
- (b) providing for any matter or thing deemed necessary or advisable to facilitate the carrying out of the provisions of this Act according to their true intent.

Grant un-
conditional

13. A grant made pursuant to this Act is unconditional as to its use and the council of the municipality, in its discretion,

- (a) may utilize it for the reduction of municipal, school or hospital taxes, or
- (b) may expend it for any other purpose within the powers of the municipality.

Repeal

14. *The Municipal Assistance Act*, being chapter 54 of the Statutes of Alberta, 1951, is hereby repealed.

Coming into
force

15. This Act comes into force on the day upon which it is assented to.

No. 9

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to Provide for Assistance to
Municipalities

Received and read the

First time

Second time

Third time

HON. MR. MANNING
