

No. 106

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 106

A Bill respecting the Assessment and Taxation by
Municipalities of Certain Utilities

HON. MR. HOOKE

Explanatory Note

General. This Bill enacts a new Act respecting the method of assessment and taxation of certain works and properties of certain utilities. Henceforth, the assessment of pipe lines and electrical power works and transmission lines will be carried out as directed by this Act, not under the governing municipal Act or Acts.

2. Definitions.

BILL

No. 106 of 1960

An Act respecting the Assessment and Taxation by
Municipalities of Certain Utilities

(Assented to _____, 1960)

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 Utilities Municipal
Taxation Act*".

Interpretation

2. In this Act,

- (a) "Board" means the Alberta Assessment Appeal Board appointed pursuant to *The Assessment Appeal Board Act*;
- (b) "municipality" means a city, town, new town, village, municipal district, county, improvement district, special area or school district in a national park;
- (c) "pipe line" means a line of pipe including loops, bypasses and the valves, cleanouts, measuring devices, fastenings and appurtenances thereto situate in, on or under a continuous strip of land, pipe line right of way or easement and used for or that forms part of any system for the conveyance or transmission of gas or oil or both or any product or by-product thereof and includes
 - (i) flare lines,
 - (ii) flow lines,
 - (iii) gathering lines,
 - (iv) distribution lines,
 - (v) transportation lines,
 - (vi) any pipe for the conveyance or disposal of any water, salt water or gas used in or incidental to the production of gas or oil or both,
 - (vii) any pipe in any gas well, oil well or gas and oil well, water source and injection wells, gas and liquid petroleum injection wells and salt water disposal wells, and
 - (viii) pipe line rights of way or easements, but does not include
 - (ix) well control head installations,

3. Certain other Acts to have application hereto in certain matters incidental to assessment and taxation.

4. Assessment of pipe line and works and transmission lines.

- (x) the intake valve or outlet valve or any installations, materials, devices, fittings, apparatus, appliances, pipe, equipment or plant machinery between such valves in any oil or gas processing, refining, manufacturing, marketing, pumping, treating, separating, or storage facilities, or
- (xi) buildings used to house plant machinery, or as offices or dwelling houses of employees or the land on which such buildings are situated;
- (d) "prescribed" means prescribed by the regulations;
- (e) "secretary-treasurer" means a city assessor or tax collector, the secretary-treasurer of a town, new town, village, municipal district, county or school district in a national park and the Deputy Minister of Municipal Affairs in the case of an improvement district or special area;
- (f) "Supervisor of Assessments" means the Supervisor of Assessments appointed pursuant to *The Municipalities Assessment and Equalization Act*;
- (g) "works and transmission lines" means
 - (i) the installations, materials, devices, fittings, apparatus, appliances, equipment, plant machinery, or ways and easements, constructed or acquired for or used in the generation, transformation, transmission, distribution, delivery, sale or use of electricity, but
 - (ii) does not include buildings used to house plant machinery, or as offices or dwelling houses of employees or the land on which such buildings are situate.

Application of Other Acts

3. The provisions of the following Acts, namely,

- (a) *The City Act*,
- (b) *The Town and Village Act*,
- (c) *The Municipal District Act*,
- (d) *The Improvement Districts Act*,
- (e) *The School Act*, and
- (f) *The Tax Recovery Act*,

so far as any such Act governs the municipality imposing the tax and so far as any such Act relates to the collection and recovery of taxes, the imposition of penalties and the giving of discounts, are applicable in the case of a tax imposed in accordance with this Act.

Assessment

4. (1) A pipe line, or part thereof, and works and transmission lines, or part thereof, situated in any municipality in the Province and liable to taxation by the municipality shall be assessed in accordance with the provisions of this Act and not otherwise.

5. Assessment to be made by Supervisor of Assessments.

6. Information to be furnished Supervisor of Assessments.

7. Appeal to the Alberta Assessment Appeal Board.

8. Assessment as made to form assessment for municipal tax.

(2) Nothing in this Act affects the power of a municipality to assess and tax by way of local improvement or frontage assessment in the case of a pipe line, or part thereof, or works and transmission lines, or part thereof, situated in the municipality and subject to local improvement or frontage tax.

5. (1) Not later than the thirty-first day of December in each year the Supervisor of Assessments shall make an assessment of all pipe lines and all works and transmission lines in the Province for the purposes of taxation in the succeeding year.

(2) On or before the first day of February in the year following the year in which an assessment has been completed pursuant to subsection (1), the Supervisor of Assessments shall send by mail to each municipality affected by such assessment and to each person liable to payment of tax under this Act, an assessment notice which shall be in the form prescribed.

(3) No assessment shall be held invalid by reason of non-receipt of the assessment notice by the person to whom it was addressed.

(4) In making an assessment under this Act, the Supervisor of Assessments shall determine all assessments at fair actual value in accordance with the standards and methods prescribed by regulation under this Act.

6. (1) A person who is the owner of or has control of a pipe line or works and transmission lines, that is or may be liable to assessment under this Act, shall, annually on or before the first day of April in every year, transmit to the Supervisor of Assessments a signed statement furnishing such information, in such manner, as the Supervisor of Assessments may require for the purpose of making an assessment under this Act.

(2) A person mentioned in subsection (1) who fails or refuses to furnish the information required or knowingly makes any false statement in respect thereof is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding three months.

7. A municipality or a person mentioned in subsection (1) of section 6 who is dissatisfied with any assessment made by the Supervisor of Assessments pursuant to section 5, may, within thirty days after the date of mailing of the notice of assessment, appeal therefrom to the Board by serving upon or sending by registered mail to the Board and the Supervisor, a notice thereof in writing.

8. (1) Unless an appeal is taken therefrom within the time limited for the purpose, the assessment made by the Supervisor of Assessments shall be the value upon which the tax payable is determined.

9. The amount of the assessment to be entered in the municipal assessment and tax roll.

10. Statement of assessment.

11. Tax to be paid on pipe line and works and transmission lines.

12. Rate of levy.

13. Business tax.

(2) When an appeal is taken the assessment as confirmed, varied, modified or altered by the Board, shall be the value upon which the tax imposed by the municipality is determined.

9. (1) The secretary-treasurer shall enter in the assessment and tax roll the amount of the assessment as furnished to him by the Supervisor of Assessments.

(2) The secretary-treasurer shall report the assessment in the appropriate forms used for requisition purposes under *The School Act*, *The Municipal Hospitals Act* and *The Hospitalization Benefits Act, 1959*.

10. The amount of the assessment as furnished to the secretary-treasurer by the Supervisor of Assessments shall be included in the assessed value of lands and improvements mentioned in

- (a) section 630 of *The City Act*,
- (b) section 421 of *The Town and Village Act*,
- (c) section 382 of *The Municipal District Act*,
- (d) section 21 of *The Municipalities Assessment and Equalization Act*,
- (e) sections 284 and 297 of *The School Act*,
- (f) section 110 of *The Municipal Hospitals Act*, and
- (g) section 12 of *The Hospitalization Benefits Act, 1959*.

The Municipal Tax

11. Every person whose business is

- (a) the operating of a pipe line, or
- (b) the generation or transmission of electrical power or electrical energy,

shall pay a tax annually upon the assessed value, as determined pursuant to this Act, of his pipe line or works and transmission lines, as the case may be, to the municipalities wherein the pipe lines or works and transmission lines, or any portion thereof, is or are situated.

12. The tax payable pursuant to section 5 shall be levied by the secretary-treasurer at such rate on the dollar as may from time to time be fixed by the Lieutenant Governor in Council, upon the assessed value of the pipe line or works and transmission lines, as the case may be, within the municipality, as determined by the Supervisor of Assessments under this Act.

Miscellaneous

13. Where any pipe line or any works and transmission lines are assessable under this Act, no business assessment or business tax shall be levied against the owner or occupier of the premises used by him for the purpose of the pipe line or works and transmission lines, as the case may be.

14. Limitation of time.

15. Supervisor may inspect premises.

16. Offence and penalty.

17. Regulations.

18. Rate of taxation to be prescribed by Lieutenant Governor in Council.

19. The Electric Power Taxation Act and The Pipe Line Taxation Act may be repealed by proclamation.

20. Act to be proclaimed with regard to taxing sections.

14. (1) If any thing that is to be done within a number of days or at a time fixed by this Act cannot be or is not so done, the Minister of Municipal Affairs may by order from time to time appoint a further or other time for doing it, whether the time at or within which it ought to have been done, has or has not arrived or expired, as the case may be.

(2) A thing done at or within the time specified in the order is as valid as if it had been done at or within the time fixed by or under this Act.

15. The Supervisor of Assessments, or any person designated by him for the purpose, shall be permitted to inspect and examine any pipe line and any works and transmission lines at any time during the ordinary operating hours of the pipe line or works and transmission lines, and for that purpose has a right of access over any lands upon which any part of the pipe line or works and transmission lines are situated.

16. A person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction, when no express penalty is elsewhere provided in this Act, to a fine of not more than one hundred dollars and in default of payment thereof to imprisonment for a term of not more than two months.

17. The Minister of Municipal Affairs may make regulations

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

18. (1) The Lieutenant Governor in Council may from time to time provide the rate which shall apply in each year for the purpose of taxation under this Act.

(2) In a school district in a national park the rate provided by the Lieutenant Governor in Council or the rate levied by the school district, whichever is the lesser, shall apply.

19. *The Electric Power Taxation Act*, being chapter 98 of the Revised Statutes and *The Pipe Line Taxation Act*, being chapter 235 of the Revised Statutes, may be repealed by proclamation of the Lieutenant Governor in Council.

20. This Act comes into force on the day upon which it is assented to, excepting sections 3, 4, 11, 12, 13 and 18 which come into force on the day or days to be fixed by proclamation.

No. 106

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act respecting the Assessment
and Taxation by Municipalities
of Certain Utilities

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
