

No. 84

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 84

A Bill respecting the Assessment of Certain Electric
Power and Pipe Lines

HON. MR. HOOKE

Explanatory Note

General. This Act will provide for the assessment of pipe lines and electric works and transmission lines by the Supervisor of Assessments of the Department of Municipal Affairs and for the taxation thereof by the municipalities through which they run at the mill rate fixed by each municipality.

2. Definition of terms used in the Act.

BILL

No. 84 of 1961

An Act respecting the Assessment of Certain Electric
Power and Pipe Lines

(Assented to _____, 1961)

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 Electric Power and
Pipe Line Assessment Act*".

Interpretation

2. In this Act

- (a) "Board" means the Alberta Assessment Appeal Board appointed pursuant to *The Assessment Appeal Board Act*;
- (b) "Minister" means the Minister of Municipal Affairs;
- (c) "municipality" means a city, town, new town, village, municipal district, county, improvement district, special area or school district in a national park;
- (d) "pipe line" means a line of pipe including loops, bypasses and the valves, cleanouts, fastenings and appurtenances thereto situated in, on or under a continuous strip of land, 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) flow lines,
 - (ii) gathering lines,
 - (iii) distribution lines,
 - (iv) transportation lines,
 - (v) 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,
 - (vi) any pipe in any gas well, oil well or gas and oil well, water source and injection well, gas and liquid petroleum injection well and salt water disposal well, and
 - (vii) pipe line rights of way or easements,
but does not include

3. Liability to assessment.

- (viii) well control head installations,
- (ix) 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 between such valves in a gas regulating or metering station, or
- (x) buildings used to house plant machinery, or used as offices, or used as dwelling houses of employees or the land on which such buildings are situated;
- (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" means the Supervisor of Assessments appointed pursuant to *The Municipalities Assessment and Equalization Act*;
- (g) "works and transmission lines"
 - (i) means the installations, structures, materials, devices, fittings, apparatus, appliances, equipment, plant machinery, ways and easements, constructed or acquired for and used in the generation, transformation, transmission, distribution, delivery or sale of electricity by a person or corporation whose rates are controlled or set by the Public Utilities Board or by a municipality, 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.

Assessment

3. (1) A pipe line, or part thereof, and works and transmission lines, or part thereof, situated in a municipality and liable to taxation by the municipality shall be assessed in accordance with this Act and not under any other Act.

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

(3) That portion of a municipally owned pipe line or works and transmission lines situated within and operated by that municipality, is exempt from assessment under this Act.

4. Exemption from assessment.

5. Duty of Supervisor of Assessments to assess pipe lines and works and transmission lines and to give notice of assessment to the owner and the municipality affected.

6. Return of assessment to municipality.

7. Assessment under this Act to be entered upon assessment roll of municipality.

4. The following property is exempt from assessment under this or any other Act:

- (a) the works and transmission lines of a rural electrification association established under *The Co-operative Associations Act*;
- (b) flare lines;
- (c) dams and the structures, dykes, weirs, floodgates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, penstocks, aqueducts, devices and contrivances located at the dam and used in the operation of any such installations or to control water necessary for the generation or production of electric power.

Duties of Supervisor

5. (1) Not later than the thirty-first day of December in each year the Supervisor shall make, or cause to be made on his behalf, an assessment of all pipe lines and all works and transmission lines that are assessable under this Act for the purposes of taxation in the following year.

(2) The Supervisor shall determine fair actual value for such assessment in accordance with standards and methods prescribed by regulations under this Act.

(3) Generating and main substation equipment shall be assessed at thirty per cent of fair actual value.

(4) Property assessable under this Act, other than generating and main substation equipment, shall be assessed at sixty per cent of fair actual value.

(5) Any pipe in any gas well, oil well or gas and oil well, water source and injection well, gas and liquid petroleum injection well and salt water disposal well shall be assessed by applying such rates as may be adopted by the Supervisor to the average depth of wells in the pool in which the well is situated.

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

6. Upon the completion of an assessment under this Act the Supervisor shall send to the secretary-treasurer of each municipality a return showing the amounts of the assessments of pipe lines and works and transmission lines within the municipality.

7. (1) The secretary-treasurer shall enter upon the assessment roll of the municipality

8. Self-explanatory.

9. Duty of owner or operator to provide information for assessment purposes.

10. Right of appeal.

- (a) a brief description of the works and transmission lines or pipe line liable to assessment under this Act,
 - (b) the name and post office address of the owner or operator of the works and transmission lines or pipe line, and
 - (c) the assessed value of works and transmission lines and pipe line as furnished to him by the Supervisor,
- in the same manner as other assessments are entered upon the assessment roll.

(2) Where a pipe line is operated under a lease, agreement or licence from or on behalf of the owners of the pipe line, it shall be assessed in the name of the operator as if he were the owner thereof.

8. Where any property that should have been assessed not later than the thirty-first day of December is not assessed, the Supervisor shall assess the property forthwith as it should have been assessed under this Act and shall include the assessment in a return to the secretary-treasurer and shall direct the secretary-treasurer to place such assessments on the assessment roll.

9. (1) A person who is the owner or operator of a pipe line or works and transmission lines, that is or may be liable to assessment under this Act, shall, on or before the first day of October in every year, transmit to the Supervisor such information and in such manner, as the Supervisor 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.

Appeals

10. A municipality or a person mentioned in subsection (1) of section 9 may, in respect of

- (a) an error or omission alleged in respect of the assessment of property,
- (b) an assessment alleged to be too high or too low,
- (c) any property in any way wrongly assessed, or
- (d) the name of a person alleged to be wrongfully entered upon or omitted from the assessment roll,

and within thirty days after the date of mailing of the assessment notice by the Supervisor, appeal to the Board by serving upon or sending by registered mail to the Board and the Supervisor, a notice thereof in writing.

11. Procedure on appeal.

12. Basis of taxation to be assessment established under this Act.

13. Alteration of assessment roll to conform to decision of Appeal Board.

14. Effect of error, omission or misdescription on an assessment slip.

15. Exemption from business tax.

16. Remedial provision.

17. Right of access for inspection purposes.

11. The Board in hearing appeals is governed by this Act and *The Assessment Appeal Board Act*.

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

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

13. As soon as the Board gives its decision upon an appeal the secretary-treasurer shall amend the assessment roll in accordance with the decision and shall initial the amendment.

14. (1) An error, omission or misdescription on an assessment slip or the non-receipt of an assessment slip

(a) by the person to whom it is addressed or mailed, or

(b) by a person named on the assessment roll whose address is not known,

does not invalidate the assessment or confer any right to exemption from taxation.

(2) Where an error, omission or misdescription on an assessment slip has influenced a person to whom the assessment slip is directed to refrain from appealing against the assessment within the time allowed, that person is entitled to receive a corrected assessment slip and he may appeal to the Board against the assessment as shown on the corrected assessment slip within thirty days of the mailing of the corrected assessment slip.

Miscellaneous

15. 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 on which any pipe line or any works and transmission lines liable to assessment, are situated.

16. (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 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.

17. The Supervisor, 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

18. Penalty section.

19. Provisions of The Assessment Act and The City Act relating to notices of assessment and appeals are made inapplicable in order to avoid duplication of the provisions of this Act.

20. Power to make regulations.

21. Transitional provisions.

during the ordinary operating hours of the pipe line or works and transmission lines, and for that purpose has a right of access over the lands upon which any part of the pipe line or works and transmission lines are situated.

18. 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 for 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.

19. Sections 28 to 53 of *The Assessment Act, 1960*, and sections 493 to 520 of *The City Act* do not apply with respect to

- (a) an assessment of works and transmission lines or pipe line, or
- (b) an entry made on the assessment roll of a municipality,

pursuant to this Act, or to any matter arising therefrom.

20. The Minister may make regulations

- (a) approving forms for use under this Act,
- (b) prescribing standards and methods of assessment to be used in making assessments under this Act,
- (c) governing matters relating to the administration of this Act, and
- (d) 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.

Transitional Provisions

21. (1) The assessment of any property assessable under this Act that has been assessed by the assessor of the municipality for taxation purposes for the year 1961, including any business assessment, is hereby declared to be null and void and the secretary-treasurer shall remove the assessment from the assessment and tax roll and shall substitute therefor the assessment made by the Supervisor.

(2) Where standards and methods of assessment have not been prescribed under this Act, the Supervisor shall for the taxation year 1961, determine assessments on the same basis of assessment as applies to other assessable improvements in the municipality, but subject to subsection (3) of section 5.

(3) Notwithstanding section 5, any assessment that is to be used for taxation purposes for the year 1961 may be made at any time prior to the thirtieth day of April, 1961, and immediately after the completion of the assessment the Supervisor shall send by mail to the secretary-treasurer of each municipality affected by such assessment and to each person

liable to payment of tax in respect of property assessed under this Act, an assessment notice which shall be in the approved form.

(4) In the 1961 taxation year, a municipality may levy

(a) on any works and transmission lines, and

(b) on any pipe line not within a city, town or village, only fifty per cent of the tax that it could, but for this subsection, levy on such works and transmission lines or pipe line.

22. *The Industries and Utilities Assessment Act*, being chapter 48 of the Statutes of Alberta, 1960, is hereby repealed.

23. This Act comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the thirty-first day of December, 1960.

No. 84

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act respecting the Assessment
of Certain Electric Power and
Pipe Lines

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
