

1977 BILL 27

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

**THE MOBILE EQUIPMENT LICENSING
AMENDMENT ACT, 1977**

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

Bill 27

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THE MOBILE EQUIPMENT LICENSING AMENDMENT ACT, 1977

(Assented to , 1977)

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

- 1. The Mobile Equipment Licensing Act is hereby amended.*

- 2. Section 2, clause (e) is amended by adding after the words "means a" the word "city,".*

- 3. Section 11 is amended by striking out subsection (1) and by substituting therefor the following:*
 - 11. (1)** Where a person acquires a licence for mobile equipment, he shall
 - (a) for the year in which the licence was issued, maintain a record of each municipality in which that mobile equipment was located during that entire year, and
 - (b) before February 1 immediately following the year in which the licence was issued, forward to the Minister, on the form prescribed by the Minister, a return stating the municipalities in which the mobile equipment was located in the year in which the licence was issued and the number of days that mobile equipment was located in each of those municipalities in that year.

Explanatory Notes

1. This Bill will amend chapter 241 of the Revised Statutes of Alberta 1970.

2. This amendment comes into force on January 1, 1978. Section 2, clause (e) presently reads:

(e) "municipality" means a town, village, municipal district, county, improvement district, special area, metis improvement district or forest reserve;

3. Section 11, subsection (1) presently reads:

11. (1) The owner of mobile equipment, either himself or through his agent in charge of the equipment,

(a) shall keep and maintain a complete record in each calendar year of the number of days each unit of equipment for which a licence has been issued at any time in that year, has been in each municipality in that year both before and after the issuance of the licence, whether or not such unit was in use or in storage in the municipality, and

(b) on or before the 31st day of December in each year, shall make a return to the Minister, in such form as he may prescribe, showing the number of days in that year a licensed unit of equipment was in each municipality, whether or not such unit was in actual use.

4. *Section 12 is amended*

- (a) *as to clause (b) by striking out the words “divide 95 per cent” and by substituting therefor the words “divide 90 per cent”, and*
- (b) *by striking out clause (d) and by substituting therefor the following:*
 - (d) *determine the amount that each municipality is entitled to receive by multiplying the result obtained under clause (b) by the number of days that the unit was in the municipality.*

5. *Section 13 is amended by striking out subsection (1) and by substituting therefor the following:*

13. (1) A municipality named on a permit issued under section 7 is entitled to 90 per cent of the fee paid to the Minister in respect of that permit.

6. *The following section is added after section 13:*

13.1 Where a municipality is entitled to a portion of a licence fee or permit fee, the Minister shall

- (a) pay that portion of the fee
 - (i) to the city, town, village, municipal district or county, as the case may be, or
 - (ii) in the case of a forest reserve, to the Minister of Energy and Natural Resources, or
 - (iii) in the case of a metis improvement district, to the Minister of Social Services and Community Health,

4. Section 12 presently reads:

12. As soon as possible in each year, the Minister shall assemble the returns made to him for the preceding year pursuant to section 11, subsection (1), clause (b), and according to the returns and in respect of each unit of mobile equipment, shall

- (a) determine the total number of days the unit was in all municipalities,*
- (b) divide 95 per cent of the amount of the licence fee received by him pursuant to section 6 by the total number of days the unit was in all municipalities,*
- (c) compute the number of days the unit was in each municipality, and*
- (d) pay*
 - (i) to each town, village, municipal district or county, or*
 - (ii) in the case of an improvement district or special area, to the Department of Municipal Affairs, or*
 - (iii) in the case of a forest reserve, to the Minister of Energy and Natural Resources, or*
 - (iv) in the case of a metis improvement district, to the Minister of Social Services and Community Health,*

the amount arrived at by multiplying the result obtained pursuant to clause (b) by the number of days the unit was in that municipality.

5. Section 13, subsection (1) presently reads:

13. (1) The Minister shall pay 95 per cent of the fee received for a permit or a renewal thereof to the municipality named on the face thereof.

6. Payment to municipalities.

or

- (b) in the case of an improvement district, deposit that portion of the fee in accordance with section 12 of *The Improvement Districts Act*, or
- (c) in the case of a special area, deposit that portion of the fee in accordance with section 8, clause 4 of *The Special Areas Act*.

7. (1) *This Act, except section 2, comes into force on the day upon which it is assented to.*

(2) *Section 2 comes into force on January 1, 1978.*

