

1978 BILL 69

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 69

THE MUNICIPAL TAXATION
AMENDMENT ACT, 1978 (NO. 2)

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 69

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1978

THE MUNICIPAL TAXATION AMENDMENT ACT, 1978 (NO.2)

(Assented to _____, 1978)

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

1 The Municipal Taxation Act is amended by this Act.

2(1) Section 85 is repealed and the following is substituted:

85 If a by-law has been passed under section 80 for the payment of a tax on businesses assessed otherwise than on a rental basis, the council shall in each year by by-law

(a) authorize the levy of a business tax at such uniform rate on the dollar as the council considers sufficient, and

(b) prescribe the purposes mentioned in section 93(1) for which the business tax shall be levied in that year,

but in no case shall the rate of tax be greater than the combined rates of tax levied under section 93 for the same year on the assessed value of the land forming the site of the business.

(2) This section and section 3 apply to business assessment and taxation under The Municipal Taxation Act for 1978 and subsequent years.

(3) A by-law made under section 93(9) of The Municipal Taxation Act in 1978 shall be deemed to have been made under section 85 of that Act as re-enacted by this section.

3 Section 93(9) is repealed.

Explanatory Notes

1 This Bill will amend chapter 251 of the Revised Statutes of Alberta 1970.

2 Section 85 presently reads:

85 The business tax payable in respect of any business that is not assessed on a rental basis shall be calculated and levied annually, and the rate applicable shall not exceed the rate of levy made by the municipality upon the land therein and as authorized under this Act.

See also section 3 of this Bill which will repeal section 93(9).

The proposed re-enactment of section 85 will replace both the existing section 85 and section 93(9) in order to remove apparent inconsistencies between them and also to remove an apparent conflict between section 93(9) and section 82(3) in relation to taxation of businesses assessed on a rental basis. The latter provision reads:

(3) The business tax payable in respect of any business assessed on a rental basis shall be such percentage of the assessed value, not in excess of a total of 25 per cent, as may be specified by the by-law.

3 Section 93(9) presently reads:

(9) When a by-law has been passed providing for a business tax in accordance with this Act, the council shall in each year by by-law authorize the levy at such uniform rate on the dollar as the council considers sufficient, a business tax for

4 Section 93.11 is repealed and the following is substituted:

93.11(1) In this section,

- (a) “requisitioning authority” means
 - (i) the board of trustees of a school division or school district,
 - (ii) the board of a hospital district, or
 - (iii) the Government of Alberta in respect of a requisition made by it under *The School Act*;
- (b) “requisition mill rate”, with respect to a requisitioning authority, means the rate of tax in respect of the tax levy to meet the requisition of that requisitioning authority;
- (c) “tax collection allowances” means the allowances referred to in section 93(8) (b) and (c).

(2) A council, in determining the amount of the levy of taxes under section 93(1) for a year to meet the requisition of a requisitioning authority for that year, shall deduct from that amount the amount by which

- (a) the aggregate of
 - (i) the taxes levied by the council in the preceding year to meet the requisition of that requisitioning authority for the preceding year, and
 - (ii) that portion of any money received as grants in lieu of taxes for the preceding year that, if the money had been collected as taxes, would have been attributable to the requisition mill rate for the preceding year,

exceeds

- (b) the aggregate of
 - (i) the requisition of the requisitioning authority for the preceding year, and
 - (ii) the portion of the tax collection allowances for the preceding year attributable to that requisition.

any of the purposes mentioned in this section or any one or more of them, as specified in the business tax by-law, but in no case shall the rate be greater than the combined rates levied on the assessed value of the land forming the site of the business.

See the note to section 2 of this Bill.

4 Section 93.11 presently reads:

93.11(1) In this section, "requisitioning authority" means

(a) the board of a school division or school district;

(b) the board of a hospital district;

(c) the Government of Alberta in respect of a requisition made by it under The School Act.

(2) Where

(a) a council in a year imposes a levy attributed to a requisitioning authority, and

(b) the amount of that levy and the amount of revenue received from grants in lieu of taxes is in excess of the amount requisitioned for that year by that requisitioning authority,

the Council shall in the following year, in determining the amount of the levy to be attributed to that requisitioning authority, deduct from that levy the excess amount referred to in clause (b).

The section is re-enacted to state more precisely the method of calculating the excess amount to be carried over from one year in determining the tax levy to meet a requisition in the following year.

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