

Bill No. 65 of 1937.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT.

NOTE.

The amendment made by section 2 relates to land acquired by a municipal district from the Crown and provides for the assessment thereof and the mode of disposition thereof.

Section 3 empowers the Minister to make such extension in the term of office of a councillor in the years 1937 and 1938 as may be necessary for the purpose of effecting the change in the term of office of councillors from two to three years.

Section 4 enables a council to provide for the payment of the expenses of councillors who are members of a committee appointed by the council to attend to matters affecting the municipal district.

Section 5 enables a council to acquire land for the purpose of constructing dams for the watering of live stock, and to construct any such dams.

Section 6 relates to the powers of the council in public health matters and makes the approval of the Minister essential to the validity of any public health by-law.

Section 7 relates to the powers of the council to make by-laws providing for grants to doctors, and makes the approval of the Minister essential to any such by-law.

The amendment made by section 8 is for the purpose of reconciling the provisions of section 174 with the provisions of section 19 of *The Tax Recovery Act, 1929*.

The amendments made by sections 9, 11 and 14 are necessitated by the new provisions of *The Grazing Lease Taxation Act*.

The amendment made by section 10 is consequential to the amendments to *The Alberta Municipal Assessment Commission Act*, which advances the date for the making of the first equalized assessment for an additional year.

II.

The amendment made by section 12 relates to the authorization of the rate levy and requires such authorization to be given by by-law instead of by resolution.

The amendment made by section 13 is consequential upon the new provisions of *The School Act, 1931* relating to school divisions.

Section 15 amends a reference to *The Tax Recovery Act, 1929*.

Section 16 empowers a council to impose a minimum tax of four dollars upon persons who are assessed upon the assessment roll who are gainfully employed and who have resided in the district for a period of one month or over and have not been so assessed. Further provision is made requiring employers to make a return of their employees and to deduct from their employees' wages the amount of any tax payable by them.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 65 of 1937.

An Act to amend The Municipal District Act.

(Assented to _____, 1937.)

HIS 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 District Act Amendment Act, 1937.*"

2. *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended as to section 20a by striking out subsection (2) thereof and by substituting therefor the following:

"(2) Any lands so acquired shall from the date of its acquisition continue to be assessed by the municipality, and the taxes payable to the municipality in respect thereof shall continue to be charged against the parcel and carried over from year to year, without collection, until such time as the amount of the taxes so charged become in excess of the assessed value of the land, and thereafter no taxes shall be levied thereon unless and until it is disposed of by the municipality, and in case the land is sold by the municipality the proceeds of sale shall be dealt with and distributed in the manner prescribed by section 23 of *The Tax Recovery Act, 1929.*

"(3) Any such lands may be disposed of in such manner and at such times as the council may by resolution from time to time prescribe."

3. The said Act is further amended as to section 35 by adding at the end thereof the following: "Provided that in the case of a council the members of which are elected by divisions, the Minister may in each of the years 1937 and 1938, by order, extend the term of office of not more than two members of a council heretofore elected for a term of two years by any division designated by him, for a term of one year, and thereupon the term of office of the member elected by a division so designated shall be three years instead of two years."

4. The said Act is further amended as to section 61 by striking out subsection (8) thereof and by substituting therefor the following:

“(8) The council may pass a resolution for paying the members of the council who are members of any committee appointed by resolution of the council to attend to matters affecting the municipal district, the necessary expenses incurred in attending to such matters and a sum not exceeding Five Dollars per diem for each day during which the member is necessarily engaged in attending to such matters.”

5. The said Act is further amended as to section 93 by adding at the end thereof the following new subsection:

“(4) The council may pass a by-law authorizing the purchase, lease or other acquisition of land, within or without a municipal district, for the purpose of constructing thereon a dam to provide public facilities for the watering of live stock, and authorizing the carrying out of all works necessary for the purpose of the construction of any such dam.”

6. The said Act is further amended as to section 145 by adding at the end thereof the following new subsection:

“(2) Any by-law passed pursuant to this section shall have no force or effect until the same has been approved by the Minister.”

7. The said Act is further amended as to section 160 by adding at the end of subsection (1) the following words: “and provided further that no such by-law shall have any force or effect until the same has been approved by the Minister.”

8. The said Act is further amended as to section 174 by striking out the same and by substituting therefor the following:

“**174.** Every by-law shall have three distinct and separate readings before it is finally passed, in the case of a by-law passed pursuant to section 19 of *The Tax Recovery Act, 1929*, not more than two readings shall be had at any one meeting; in the case of other by-laws not more than two readings of a by-law shall be had at any one meeting except by the unanimous vote of the members present.”

9. The said Act is further amended as to section 286 by striking out the words “but shall be subject to taxation as is hereinafter provided.” where the same occur in subsection (4) thereof.

10. The said Act is further amended as to section 287 by striking out the words “in the year one thousand nine

hundred and thirty-seven" where the same occur in subsection (1) and by substituting therefor the words "in the year one thousand nine hundred and thirty-eight."

11. The said Act is further amended as to section 289 by striking out subsection (6) thereof.

12. The said Act is further amended as to section 338 by striking out the word "resolution" where the same occurs therein and by substituting therefor the word "by-law."

13. The said Act is further amended as to section 340 by adding at the end thereof the following new subsection:
 "(3) None of the provisions of this section shall apply to any school district which is included in a school division pursuant to Part XVII of *The School Act, 1931*."

14. The said Act is further amended as to section 348 by striking out subsection (1a) thereof.

15. The said Act is further amended as to section 366 by striking out the words and figures "*The Tax Recovery Act, 1922*" and by substituting therefor the words and figures "*The Tax Recovery Act, 1929*".

16. The said Act is further amended by inserting therein immediately after section 367a the following new sections:

"**367b.** Subject to the approval of the Minister, the council may by by-law, fix the minimum tax in the sum of Four Dollars, to be paid by any person assessed upon the assessment roll, and may require that any person who is gainfully employed who has resided therein for a period of one month or over and has not been assessed on the assessment roll, shall pay an annual tax of Four Dollars for municipal purposes, to be collected at any time after the first day of January in each and every year, and such municipal tax shall be payable by such resident whether he has resided in the district before the date of the completing of the last revised assessment roll or not; but in the case of the collection of such tax the name of such resident so paying shall be added to the assessment roll.

"**367c.**—(1) Any person liable to pay any tax pursuant to section 367a or section 367b shall pay the same to the secretary-treasurer or to such person as is appointed by the council to collect the same, within three days after demand is made therefor, but in case of neglect or refusal to pay, levy may be made by distress and sale of goods and chattels of the person in default, as provided in this Act.

"(2) Every employer shall furnish from month to month, upon request of the secretary-treasurer, the names of all persons in his employment, and the secretary-treasurer by a notice in writing may require the employer or employers to deduct from the next payment made to any employee who

is named in the notice and has not paid any tax for the payment of which the employee is liable under the said sections, the amount of the tax, and to forward the same to the secretary-treasurer immediately after making the deduction hereinbefore directed.

“(3) Any employer who fails to furnish the information requested or to make the deduction hereinbefore directed to be made, and to forward the amount of such deduction as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding Fifty Dollars, and the amount of the fine shall be paid to the secretary-treasurer who, in the event of the same not being paid within two weeks of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition, or of enforcing the payment thereof, and all sums paid or recovered in respect of any fine so imposed, shall form part of the general funds of the municipal district.”

17. This Act shall come into force on the day upon which it is assented to.

No. 65.

THIRD SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1937

BILL
An Act to amend the Municipal
District Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1937