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2002 BILLS

The following Bills have been introduced into the legislative assembly up to April 18, 2002.

Bill #1 – An Act to Ensure the Supremacy of Parliament is historical. It simply asserts the right of the Legislative Assembly to give precedence to matters other than those expressed by the Sovereign.

Bill #2 – Budget Measures Implementation Act, 2002 - Those of interest to Local Government are:

-Emergency Program Act – Amends Section 16 (1) (Expenditures) to limit the expenditures from appropriation provided by the section to respond to and recover from imminent and actual emergencies and disasters.

-Financial Administration Act – Transfers to line ministers the authority to make prepaid capital advances. The Bill also repeals a number of statutes such as Fisheries Renewal Act, Forest Renewal Act, Grazing Enhancement Act, Industrial Development Incentive

Civil Liability Review Underway

The Ministry of Attorney General has released a consultation paper and is inviting comment on a review of civil liability laws.

The consultation paper looks at:

- Limitation laws, which impose time limits on how long a person can wait before launching a civil suit.
- Joint and several liability, which looks at the shared rights and responsibilities of plaintiffs and co-defendants.
- Costs in class action suits.
- Vicarious liability, which holds employers responsible for the actions of their employees.
- Alternatives to the traditional “lump sum” damage awards.

The civic liability review consultation paper, questionnaire and contact information are available online at www.ag.gov.bc.ca/liability-review/index.htm. The deadline for responses is June 15.

Joint and several liability and limitation periods have been longstanding concerns of UBCM and its members. The UBCM/MIA Joint Task Force is meeting to develop a submission to government.

Bill #21 - AGRICULTURAL LAND COMMISSION ACT AND REGULATIONS

Bill 21 *Agricultural Land Commission (ALC) Act* was introduced on April 15, 2002 and includes on-going regulatory reform.

This Bill repeals the *Agricultural Land Reserve Act*, the *Land Reserve Commission Act* and the *Soil Conservation Act*, and replaces them with a new Act that incorporates many of the provisions from the repealed Acts. When proclaimed (we are told late June at earliest), it will establish the Provincial Agricultural Land Commission - ALC (currently the Land Reserve Commission – LRC). Bill 21 also amends the land use provisions of the *Forest Land Reserve Act* and phases out the LRC's responsibility for the Forest Land Reserve by April 2003. UBCM staff have been briefed regularly by the LRC during development of the bill and on the final product.

Notable changes to current legislation found in the new Act are:

1. Changes to Commission structure

This implements Cabinet direction approved in January. A memo from the LRC was sent to all local governments on January 29, 2002 explaining these structural changes including: six regional panels (up from three, with one panel per geographic region of the province), no appeal from regional panels to entire board. We have been told that Commissioners (20) will likely be appointed by the end of April.

2. Expansion of Delegation

The new Act gives the ALC power to delegate authority to decide applications for non-farm use or subdivisions for lands in ALR not only to local governments but now also to public agencies (e.g., Land and Water BC, Oil and Gas Commission).

Not being proposed is local government and public body control of the ALR boundaries – only what can happen inside in relation to subdivision and non-farm uses. Once the power is delegated, the local government/public body will wear the Commission's 'hat'. The Land Commission emphasizes that since this is voluntary it is not offloading. An agreement between the Land Commission and a local government and/or public body has to be in place prior to delegation (one such agreement has been negotiated with Fraser-Fort George Regional

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Act, Natural Resource Community Fund Act, Science and Technology Fund Act, and Small Business Development Fund Act, it also makes consequential amendments to a number of statutes made necessary by the repeal of these Acts.

Bill #3 – Taxation Statutes Amendment Act, 2002 - Those amended of interest to Local Government are:

-Assessment Authority Act and Hospital District Act - Amends a reference to the School Act to ensure consistency of exemptions throughout all taxing authorities which use the Hospital base.

-Greater Vancouver Transportation Authority Act – Allows the G.V.T. A. to set a rate of tax that does not exceed 21% of the purchase price of the parking right. In respect of the method by which the tax is paid, the tax can only take effect at least 2 months after the date which the bylaw is passed and the first day of a calendar month.

-Home Owner Grant Act – Amends the HOG to confirm the use of the supplementary form for the years 1997-2001 for persons with disabilities and the criteria that must be met to determine eligibility. For 2002, changes will be made to eliminate the form and replace it with a simplified one. The applicant and not the physician will be responsible to confirm substantial costs for assistance or modifications to home were necessary in order to qualify. Regulations will be retroactive to April 11, 1997.

-Motor Fuel Tax Act – Increased by 2 cents a litre the tax payable on gasoline and fuel purchased inside the G.V.T.A. service region.

-School Act – Allows the government to set different rates for each school district and different rates for different parts of a school district.

-Social Services Tax Act – There are a number of amendments to this Act, of particular note is an exemption for boats and travel trailers brought into the province by non-residents for non commercial use.

-Income Tax Act – There are numerous amendments to this Act. Of note is an increase from \$200,000 to \$300,000 for income eligible for small business tax rate.

Bill #4 – Corporation Capital Tax Amendment Act, 2002 – This Bill makes numerous changes to the Act that will streamline the Act to reflect the phase-out of capital tax on non-financial corporations. The Bill expands the investment allowances currently available to Credit Unions to include all financial corporations. It also amends the formula for calculating paid up capital of foreign banks to ensure it is consistent with domestic banks.

Bill #5 -Vancouver Island Natural Gas Pipeline Amendment Act, 2002 - This Bill has been amended to allow the minister to enter into agreements with a company which has acquired shares of the current operator. These agreements deal with the funding, construction and operation of the pipeline, the granting of service areas and any other matter relating to this Act. A further amendment is also made which removes the need for amendments should ownership change.

Bill #6 – Gaming Control Act - This Act brings all gambling under one piece of legislation. The Act continues the Lottery Corporation and spells out its mandate. The Act also expands the Lottery Corporation's role, which will include Horse Racing. It also continues the Gaming Policy and Enforcement Branch which will be responsible for policy, standards and regulatory issues. (Reported on in March News and In the House March 13.)

Bill #7 – Freedom of Information and Protection of Privacy Amendment Act, 2002 - This Bill is a result of a review by a special

Bill #21 - Continued from page 1

District in January 2001 and another three party agreement between the LRC, the Oil and Gas Commission and Peace River RD is currently being negotiated). We have been assured that the LRC's intent is to consult fully with local governments before delegating this authority to a public body.

Delegation is one of the ways the Land Commission plans to meet its Service Plan targets for reduction of applications handled directly by them. The LRC has set targets as follows: sixty percent of local governments with ALR to receive some sort of delegation over three years [about seventy] translating to a sixty percent reduction in applications to LRC.

3. Enforcement

The new Act enhances enforcement and compliance powers, including the ability to assess and collect penalties for serious infractions, (including by local governments who have a delegation agreement with LRC).

4. Dispute Resolution through Facilitation

The Act establishes a dispute resolution process to resolve disagreements between the commission and local governments over "community issues" related to agricultural land (including OCPs and regional growth strategies). It prescribes a process for appointing a facilitator to make an assessment and recommendation to resolve a dispute.

Finally, we are told that there are only minor wording changes to the section on provincial interests, despite some misinterpretation in the media.

The LRC is also reactivating the regulatory reform initiative begun more than a year ago (UBCM was consulted at that time and is continuing to provide input). The plan is to bring the new regulations into effect around the same time as the Act is proclaimed. The goal is to streamline procedures, expand the range of permitted uses in the ALR and make regulations more flexible.

The LRC has extensive plans for communicating changes in the new Act and regulations to UBCM members. These plans include information packages to elected representatives and staff and meetings with as many local governments as possible to explain the changes and answer questions.

committee of the Legislature and makes a number of amendments to the Act. Some of the changes include:

-Section 7 amended to exclude certain periods from the calculation of 30 days within which a public body must respond and may permit an extension.

-Increases from 10 to 20 days the time limit in Section 11, a "head of a public body" has to transfer the request to another "public body".

-Section 43 is amended to allow the commissioner, on the request from the head of a public body to authorize the head not to respond to a request for information if the request is frivolous and vexatious, or repetitious under Section 5 or 29.

-Section 80 is amended so that at least once every 6 years a special committee of the Legislative Assembly must begin a comprehensive review of this Act and submit a report respecting this Act to the legislative assembly within one year. The 1st six-year period begins Oct 4, 1997. (Reported on in March News and In the House March 13.)

Bill #8 – Deregulation Statutes Amendment Act, 2002 - This Bill removes several statutes that have been deemed unnecessary and a number of the regulations that go along with them as part of the deregulation process announced by the government. (Reported in In the House March 13.)

Bill #9 – Medical Services Arbitration Act - This Bill cancels the arbitration agreement between the B.C Medical Association and Provincial Government.

Bill #10 – McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement Amendment Act, 2002 - This Bill removes a requirement under Section 70 of the Land Act and allows the Province to fulfill its land transfer obligation under the agreement.

Bill #11 – Miscellaneous Statutes Amendment Act, 2002 - This Bill amends a number of statutes, those of interest to municipalities are:

-Assessment Act - adds the words "broadcasting, rebroadcasting" to expand definition of "improvements" in Section 1(2)(k) to clarify towers continue to be assessable regardless of the class of improvements by which they are to be assessed.

-Municipalities Enabling and Validating Act (No. 3) – Designations of certain lands by the Provincial Secretary in 1971 are deemed to have been a designation of protected heritage property by bylaw under Section 593 of the Vancouver Charter.

-Strata Property Act – Amended to include the Nisga'a government and laws.

-Taxation (Rural Area) Act – Adds a definition which will allow the Surveyor of taxes to issue copy of original tax notice and provides that the copy is subject to the same terms and conditions as the original. Some of the other Acts included in this Bill are:

Family Relations Act, Health Authorities Act, Industry Training and Apprenticeship Act, Protected Areas of BC Act, Public Service Act and Vancouver Charter.

Bill #12 – Supply Act 2001-2002 (Supplementary) - Taking from the Consolidated Revenue Fund an amount of \$570 million in total. \$230 million for Ministry of Health Services – Supplementary Estimates and \$340 million after appropriations – Supplementary Estimates (Skeena Cellulose Inc.).

Bill #13 – Supply Act (No. 1), 2002 - Voted Expenses appropriation of \$4.2 billion approximately 2/12 of the votes of the main estimates for the fiscal year ending March 31, 2002. Voted capital loans, investment and other financing transactions appropriation of \$702 million towards disbursements for prepaid capital advances, capital expenditures and disbursements for loan, investment and other requirements which are included in schedules to the main estimates.

Bill #14 - Supply Act, 2001-2002 (Supplementary No. 2) - From the consolidated revenue fund \$95 million for other appropriations – Minister of Finance – Supplementary Estimates (No.2) – Government Restructuring (all ministries).

Bill #15 – Degree Authorization Act - This Act will establish the evaluation process to determine which institutions may grant degrees in B.C. It will include private and public institutions located outside the province. It provides for the appointment of inspectors and the suspension or revocation of consent.

Bill #16 – Community Care Facility Act - This Bill will modernize the existing legislation. It is being introduced as a 1st reading Bill to allow for public input and consideration before it is put forward for debate in the fall. The new Act will allow that:

-The provincial director of licensing will ensure consistent provincial standards are set and enforced by the regional health authorities.

-Local medical health officers will be given increased decision making authority.

-Decision making processes will be streamlined to ensure timely resolutions to appeals and exemptions.

Bill #17 – Child, Family and Community Service Amendment Act, 2002 - The general thrust of this Bill is to amend the Act to increase the tools available to the child protection workers and courts when faced with a child at risk at home. It does this by allowing use of extended family and communities. It also adds a new section 54.1 "transfer of custody to a person who is not a parent", which will allow the director to apply to the court to permanently transfer the custody of a child who's in the custody of the director under a continuing custody order, to a person other than the child's parent.

Bill #18 – Health Services Statutes Amendment Act, 2002 - This Bill makes minor amendments to several statutes such as:

-Hospital Insurance Act-Re-enacts the definitions of "beneficiary" and "resident" adopting the definition of the Medicare Protection Act thereby making the definition consistent between the two statutes and removes redundant processes and provisions no longer necessary.

-Medicare Protection Act – Repeals Sect. 13.1 which will now allow enrollment of medical practitioners 75 years and older.

-Section 37 adds sections 1.1 to 1.6 which will require a person who received money from the Medical Services Commission for services they did not provide or should not have provided to pay a surcharge or interest on the money received.

Bill #19 - Health Planning Statutes Amendment Act, 2002 - This Bill amends a number of the health planning statutes. Some of these Amendments are:

-Health Emergency Act - The amendments to this Act will repeal references to the “Emergency Medical Assistants Licensing Board” which will allow the Emergency Medical Assistants to regulate their own profession.

-Health Profession Act - The main thrust of the amendments to this Act are to repeal references to the Health Profession Council and move the remaining duties to the Minister.

-Repeals the Hearing Aid Act and Seniors Advisory Council Act.

-Name Act - Amended to allow for those applying for a change to provide documentation of a criminal record check.

Bill #20 - Registry Statutes Amendment Act - The amendments to the Acts contained in this Bill will allow them to move towards electronic service delivery of registry services. The Acts contained in this statute are: Company Act, Manufactured Home Act, and Personal Property Security Act.

Bill #21

See sidebar article (page 1).

Bill #22 - Sustainable Resource Management Statutes Amendment Act, 2002 - This Bill amends the following Statutes:

-Forest Practices Code - Repeals and re-enacts Section 4 “Landscape Units and Objectives” of the Code giving the Minister (and not the District Manager) authority “in accordance with the regulations and by written order, [to] establish an area of Crown Land or an area of private land in a tree farm license or wood lot as a landscape unit and vary the boundaries or cancel the unit”. It will also allow the Minister to delegate this authority.

-Muskewa - Kechika Management Area Act - Makes the Minister of Sustainable Resources responsible for oil and gas pretension plans and recreation management plans. The Ministry for Water, Food and Air Protection is responsible for Wildlife and Park management plans.

-Water Act – The amendments to this Act will decrease turnaround time for water licensing decisions. It does this by streamlining notice provisions. It also adds regulations regarding the continuation or diversion of the short term use of water.

Bill #24 – Criminal Injury Compensation Amendment Act, 2002 - Amendments to this Act will prohibit awards of Pain and Suffering if application is received after April 16, 2002.

Bill #25 – Transportation Statutes Amendment Act, 2002 - This Act amends several Transportation statutes:

-Repeals the Ferry Act

-Ferry Corporation Act repeals and re-enacts Section 24 ensuring Part 4 of Ministry of Transportation and Highways Act “Inland Ferry Administration” does not apply to the corporation.

-Ministry of Transportation and Highways Act – puts the administration of Inland Ferries under this Act instead of the Ferry Act. It gives extensive power to Lieutenant Governor in Council to make regulations, including the power to prescribe tolls.

Bill #26 – Employment and Assistance Act - This Act will require that, in order for a family unit to be eligible for income assistance or hardship assistance, each applicant or recipient in the family unit when required to do so by the Minister, must:

-enter into an employment plan

-comply with the conditions in the employment plan.

These plans are intended to focus job search and any need for ministry support. This Act does not apply to persons with disabilities.

Bill #27 – Employment and Assistance for Persons with Disabilities Act - This Bill provides the same services as Bill #26 through the drafting of employment plans and programs but deals specifically with persons with disabilities and their specific problems. Section 2 of the Act outlines the designation of “persons with disabilities”.

Bill #29 – Securities Amendment Act, 2002 - This Bill makes a number of amendments to the Act which provide investor protection measures and increases fines or penalties.

Bill #34 – School Amendment Act, 2002 - This Bill makes many amendments to the School Act. Some of these:

- it increases the involvement of parents through the establishment of school planning councils, and district parents advisory council.
- it provides for open enrollment in any school in the province for a student provided the school selected has room.
- it allows school boards to create companies to sell services (certain provisions of the Company Act apply).
- A board must prepare an accountability contract with respect to improving student achievement in the school district and any other matters ordered by the minister. It must submit these to the minister on or before October 31 in each year and they must be available to both residents of the district and parents of students attending school in the district.

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