

Recent Legislation, Other Activities and Announcements by the Provincial Government

Community Charter (Bill 14)

The Hon. Ted Nebbeling, Minister of State for Community Charter, tabled Bill 14 on March 11, 2003. This is a major piece of legislation for local government particularly for municipalities (and at this time, for regional districts with respect to elements of Parts 4 and 5). An In The House summary can not cover all the elements of interest. For further information visit the MCAWS website (www.mcaws.gov.bc.ca/charter) for:

- newsletter and backgrounder
- Community Charter (Bill 14)
- content overview
- highlights
- questions and answers

Also visit the UBCM website (www.civicnet.bc.ca) for:

- summary of changes from the May 2002 consultation draft
- Part by Part Review – Content and Highlights
- *Local Government Act* amendments for municipalities (that describes the expected parts of the LGA to be repealed or to remain in the LGA). A Bill detailing the consequential amendments to the LGA affecting municipalities and regional districts is expected later in the spring legislative session.

Holiday Shopping Regulation Act Repealed

Municipalities should take note that the *Holiday Shopping Regulation Act* (RSBC 1996, c. 191) has been repealed. The government has agreed that municipalities will have six months grace in which to amend any bylaws that reference this statute or to replace any bylaws that rely on its provisions. An Order in Council will come into force on October 1, 2003, which will bring the repeal into full effect.

For those interested in the specific legislative reference, the repeal of this act was contained in Bill 11 (*Miscellaneous Statutes Amendment Act, 2003*), which received Royal Assent in the Legislature on March 12, 2003. That Bill also removed the reference to the act from sec. 654 of the *Local Government Act* and from sec. 279A(1.1) of the *Vancouver Charter*.

UBCM members endorsed resolutions on five occasions that requested the repeal or clarification of the *Holiday Shopping Regulation Act* as far back as 1984 and as recently as 2001. A court case in the 1980s made significant portions of the act inoperative, the effect of which was to leave the regulation of shop hours within local government's authority. The repeal of the old act reinforces existing practice and eliminates any confusion in the regulation of business hours.

Overview of Recent Bills

Bill #1 – An Act to Ensure the Supremacy of Parliament

This Bill asserts the right of the Legislative Assembly to give precedence to matters other than those expressed by the Sovereign. It is historical in application.

Bill #2 – Museum Act

When enacted this Bill will repeal and replace the Museum Act. The new Act will establish the Royal British Columbia Museum as a corporation.

Bill #3 – Small Business Venture Capital Amendment Act, 2003

This Bill will make a number of amendments to this Act, that will make it easier for small businesses to obtain investment capital.

A couple of these changes are:

- repeals and rewrites Section 9 "Additional Equity Capital Issues"
- adds a new Part 2 "Eligible Business Corporation Tax Credits". This part will allow the province to provide tax credits for investments made directly in qualifying small businesses registered as "eligible business corporations".
- allows for an examination of an eligible businesses financial records by the administrator or a person designated by the administrator.

Bill #4 – Agrologists Act

This Bill will repeal and replace the current "Agrologists Act". This Bill was originally introduced in the previous session of the Legislature but only received 1st reading.

Bill #5 – Foresters Act

This Bill was initially introduced in the previous session of the Legislature but did not proceed past 1st reading. When proclaimed this Act will repeal and replace "The Foresters Act", which has been in place since 1947, with up to date provisions.

Bill #6 – Budget Measures Implementation Act, 2003

This Bill makes the Legislative changes to statutes affected by the B.C. Budget. Some amendments of interest to Local Government are:

Local Government Act – to Section 339(1)(p) "General Exemptions from taxation" to clarify a recent court decision that the exemption for dust and particulate applies only to equipment that removes it and not to buildings and tanks. This amendment is also made to the "Vancouver Charter" and the "Taxation (Rural Area) Act".

Insurance Premium Tax Act – increases by .4% to 4.4% the tax paid on contracts of property and automobile insurance.

Motor Fuel Act – increases the fuel taxes including the 3¢ per gallon tax of fuel to raise revenue for the purpose of the B.C. Transportation Financing Authority.

Taxation (Rural Area) Act – allows the Surveyor of Taxes effective for the property tax year beginning January 1, 2003 to collect an administrative fee for Hospital Districts, MFA and B.C. Transit. There will be no increase in revenue; the wider base will allow a lower fee for those already paying.

Bill #7 – Income Tax Amendment Act, 2003

This Act includes amendments announced in the budget that will:

- extend the period to August 1, 2006 from August 1, 2003 for which a "qualified mining exploration expense" must be incurred.
- provides for the calculation of a mining tax credit.
- extends the film tax credit for five years to 2008; it also introduced a Regional Tax Credit if photography begins after March 31, 2003 as well as a digital animation or visual effects tax credit. It also introduces a new Part 8 for a Book Publishing Tax Credit.

Bill #8 – Employee Investment Amendment Act, 2003

The thrust of the amendments to this Act is to make it easier and more attractive for employee investors to take part in business succession investments. Some of the changes are:

- eliminating the \$10,000 lifetime tax credit
- expands the eligibility criteria for eligibility as a employee venture capital corporation
- removes the \$20 million limit on the equity capital of an employee venture capital corporation that is a reporting issuer.

Bill #9 – Auditor General Act

This Act when proclaimed will repeal the "Auditor General Act" and replace it continuing the position of "Auditor General". This Act updates the practices of the office since the passing of the first Act in 1979.

Bill #10 – Energy and Mines Statutes Amendment Act, 2003

This Bill amends a number of the statutes administered by the Ministry of Energy and Mines. Some of these are:

"Hydro and Power Authority Act" – allows the Lieutenant Governor in Council by order to designate any agreement entered into or to be entered into by the authority that the Lieutenant Governor in Council considers relates to the provision of support services to or on behalf of the authority.

"Mines Act" – Amendments to this Act give the Chief Inspector better compliance tools and authority to enforce for impact on the environment. There is a new section added, Section 9.1, which gives the Chief Inspector "Power to exempt sites from application of Act". This will be of interest to local government since exempted sites will fall under local bylaws. Discussion will continue on policy guidelines to ensure local government have advance notice of any exemptions.

"Utilities Commission Act" – clarified that anyone who enters into an agreement to supply support services to BC Hydro is not a utility under the *"Utilities Commission Act"*.

"Petroleum and Natural Gas Act" – have added a new Division to Part 12, Division 2.1 Water Source Well Authorizations. This division includes the power to suspend the operation of a water source well if the Commission (established under the *"Oil and Gas Commission Act"*) is satisfied that its continuing use will affect use of water source for domestic or other purposes.

Bill #11 – Miscellaneous Statutes Amendment Act, 2003

This Bill amends a number of Acts. Those of interest to local government are:

"Emergency Program Act" – it eliminates the *"Disaster Financial Assistance Appeal Board"*. This will make the Director solely responsible for Disaster Financial Assistance decisions.

- Gives municipalities the ability to recover emergency response costs if the emergency was caused by the acts or omissions of a person.
- distinguishing between search and rescue volunteers and non emergency volunteers by adding in the definition of volunteer, the words *"for the purpose of responding to a disaster or an emergency"*.

"Holiday Shopping Regulation Act" – has been repealed.

"Livestock Act" – adds a new section 11.1, Dogs causing injury or damage including the authority to kill the dog if it is running at large and attacking or viciously pursuing livestock. This was formerly under the *"Livestock Protection Act"* which is repealed under this Bill.

"Local Government Act" – removes references made necessary by the repeal of the *"Livestock Protection Act"*, and *"Holiday Shopping Regulation Act"*. Similar changes as necessary have been made to the *"Vancouver Charter"*.

"Motor Vehicle Act" – One of the amendments will allow for extended time beyond the 8:00 a.m. to 5:00 p.m. km/h speed zone on regular school days if the extended times are stated on the signs. This was a UBCM resolution endorsed at the 2000 UBCM Annual Convention.

Bill #12 – Police Amendment Act, 2003

This Bill introduces a new section 68.1 *"Requirement to use information management system"*. It establishes a computerized information management system for law enforcement agencies in B.C. to enhance law enforcement within the province.

Bill #13 – Freedom of Information and Protection of Privacy Amendment Act, 2003

The amendments in this Bill are the result of a review of the Act. Some of the changes are:

- a new section 60.1 will allow the commissioner to request an adjudicator designated under Section 60 to authorize the commissioner to disregard requests of a repetitious, frivolous, or vexatious nature.
- amends the definition of *"local government body"* to include the Vancouver Park Board.
- amends the Act to allow for expanding the commissioner's delegation powers while protecting sensitive law enforcement records.
- makes a number of amendments clarifying the collection, retention and disclosure of person information.

Bill #14 – Community Charter

See page 1 of this circular

Bill #15 – Unclaimed Property Amendment Act, 2003

This Bill when proclaimed will provide for the delivery of the *"Unclaimed Property Act"* by a private not for profit entity. It allows the minister to enter into an agreement for the purpose of the Act with a person that the minister is satisfied is a not for profit entity and may, under that agreement appoint that person as administrator. There is a consequential amendment to the *"Local Government Act"* providing that payments of unclaimed property under the amended act will be made to the administrator instead of the minister.

Bill #17 – Motor Vehicle Amendment Act, 2003

This Bill will transfer ICBC's compliance department which enforces standards for commercial vehicle carriers, vehicle inspection facilities and weigh scales, to the Ministry of Public Safety and Solicitor General.

***Bills currently in the Legislature,
as well as older bills and Hansard transcripts
can be viewed on the Legislative Assembly
web site at:***

www.legis.gov.bc.ca

Bill 6: Budget Measures Implementation Act

A floor amendment is proposed to add the *Local Government Act* and *Vancouver Charter* to the list of Acts where (in section 59) past practice for calculating interest on taxes in arrears will be confirmed.

A subsequent amendment to the *Local Government Act* is expected to address the method for calculating compound interest.

Reminder: Input being sought on Consumer Protection Act

UBCM members are reminded to submit any comments on a proposed new Consumer Protection Act that will replace the *Cemetery and Funeral Services Act* (among others).

The Town of Ladysmith has suggested:

- a) *"When a cemetery that is maintained by a municipality is decimated by vandalism or untimely deterioration, there should be a financial mechanism in place to assist with the restoration of damages to that cemetery. These unforeseen major repairs should not be a burden on the taxpayer/consumer of municipal services."*
- b) *"That publicly-owned cemetery operators be permitted to access a portion of the Cemetery Care Fund principal to assist in major cemetery upgrade projects, necessitated by vandalism or untimely deterioration."*

Submissions should be made to the Consumer Policy Branch, Ministry of Public Safety and Solicitor General.

Other Updates:

- new directions for the Motor Carrier Commission have been announced that will result in changes to regulations and legislation in the spring Session. (visit the News section of the Ministry of Transportation website).
- new program to provide opportunities for small business activities at selected highway rest areas has been announced (visit the News section of the Ministry of Transportation website).
- a summary of responses to the Attorney General's Civil Liability Review has been released (visit the Ministry of Attorney General's website for further information).
- comments are invited on a discussion paper to modernize the *Real Estate Act* that has been released by the Ministry of Finance (details available from the Ministry website).
- the Office of the Fire Commissioner (MCAWS) has begun consultations on possible changes to the *Fire Services Act*. The intent is to have the Act reflect the role and functions of the Office as outlined in their new Service Plan.

Ministry Service Plans

Updated Ministry, Crown corporation and agency three year Service Plans were tabled with the Provincial Budget. A summary of key ministry service plans will be published as part of the upcoming UBCM News (to be distributed in early April). Service plans are important to review because last year for instance, they indicated the Solicitor General's intention to reduce funding for keep of prisoners and to eliminate funding for criminal document service.

CHECK US OUT!!

UBCM Circulars are posted on our website:
www.civicnet.bc.ca

Recent circulars of interest:

- In the House (February 18) Budget Day
- Member Release (March5) Highlights of February Executive Meeting