

## Funding Announcements and New Legislation

### Province Maintains Grants Again in 2004

The Provincial government has announced that three local government grant programs would be maintained in 2004. A total of \$36.5 million will be allocated as follows:

- Small community grants - \$24.3 million for small and medium-sized municipalities to fund services for residents such as road and parks maintenance, recreation facilities and services and community planning.
- Regional district grants - \$2.2 million in regional district grant funding, based on local population.
- Fine revenues - \$10 million for municipalities providing police services, allocated on the basis of their policing costs.

UBCM President Frank Leonard commented that the announcement confirmed the commitment made by the Premier to protect grants to local government.

The Provincial Government has indicated in the recent budget how the traffic fine revenue component would grow to meet the commitment to share 75% of traffic fine revenues.

### Premier Announces New Funding programs at AVICC

Premier Gordon Campbell announced to delegates at the Association of Vancouver Island and Coastal Communities conference two new funding initiatives to assist local governments. The first is an initiative to assist local governments to plan for an aging population. The provincial government will allocate \$2 million to UBCM for communities and other designated partners to help develop innovative local solutions and strategies for local governments to better meet the needs of an aging population throughout BC communities. The emphasis of this program will be on seniors housing.

The second is an initiative outlined in the Throne Speech called Picture BC. The province is allocating \$1.5 million to UBCM to allow for local government to promote and showcase the image of BC communities.

Further details will be made available to members in the near future.

### Water, Land and Air Protection Statutes Amendment Act (2004) Bill #16

The province has introduced some changes through the Water, Land and Air Protection Statutes Amendment Act in order to clarify the performance of conservation officers, and the provisions around prosecution functions under the Ecological Reserve Act, the Environmental Management Act, the Integrated Pest Management Act, the Park Act and the Wildlife Act. The province characterizes these changes as 'modernizing powers' that should result in a decrease of administrative overlap and reduction of risk of legal challenges in relation to search and seizure tasks in support of prosecutions.

Specifics include:

- *Ecological Reserve Act* - clarifying time limits for laying an information for an offence under the Act
- *Environmental Management Act* - clarifies the definition of conservation officer, how powers are provided to them and at what times an auxiliary or special conservation officer may act. Also clarifies that different procedures apply when items are seized after an offence is reasonably suspected rather than in the course of an inspection.
- *Integrated Pest Management Act* - clarifies that different procedures apply when items are seized after an offence is reasonably suspected rather than in the course of an inspection and establishes time limit for prosecuting an offence under the Act.
- *Park Act* - establishes time limit for prosecuting an offence under the Act.
- *Wildlife Act* - clarifies a time limit for prosecuting an offence under the Act. Clarifies that a reporting requirement to report accidental killing of wildlife does not authorize any authority to kill or wound wildlife, and amends the definition of 'resident' to clarify that the person must be physically present in the province for the applicable time period.

**Please make copies of this Circular and distribute them to Council/Board Members and Staff**

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### **Bill #1 - An Act to Ensure the Supremacy of Parliament**

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This Bill has historical significance in that it asserts the right of the Legislative Assembly to give precedence to matters other than those expressed by the Sovereign.

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### **Bill #2 - Business Practices and Consumer Protection Act**

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When proclaimed, this Bill will repeal and replace the *Consumer Protection Act*, *Cost of Consumer Credit Disclosure Act*, *Credit Reporting Act*, *Debt Collection Act*, *Trade Practices Act* and *Travel Services Act*. The Bill also incorporates Federal-Provincial harmonization relating to internet sales and debt collection practices. This Act will be administered by the Business Practices and Consumer Protection Authority established under Bill #4.

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### **Bill #3 - Cremation, Interment and Funeral Services Act**

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When proclaimed this Bill will repeal and replace the *Cemetery and Funeral Services Act*. Under Part 11 of this Act, certain provisions of Bill #2, *Business Practices and Consumer Protection Act*, apply. This Act also establishes rules relating to the operation of cemeteries, mausoleums, columbarium, and crematorium, as well as land issues and disposition and disinterment of remains and activities that cannot be carried out on the land of a cemetery, mausoleum or columbarium.

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### **Bill #4 - Business Practices and Consumer Protection Authority Act**

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This Bill will establish the Business Practices and Consumer Protection Authority as a not for profit corporation. The authority will administer the "Business Practices and Consumer Protection Act" and will regulate the travel, cemetery and funeral industries, and debt collectors.

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### **Bill #5 - Budget Measures Implementation Act, 2004**

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This Bill implements a number of the measures announced in the Budget for 2004/05. Some of these measures are:

**Budget Transparency and Accountability Act** – allows the government to go to full compliance with Generally Accepted Accounting Principles (GAAP), by including schools,

universities, colleges/institutes, Health Authorities and hospital societies.

**Financial Administration Act** – changes provisions to allow ministries to spend excess credits, recoveries and receipts without seeking approval from the Treasury Board unless otherwise directed. It also repeals a number of Acts such as, *Medical and Health Care Services Special Account Act*, *Home Conversion and Leasehold Loan Act* (and Supplement), Home Mortgage Assistance Program, etc.

**Special Accounts Appropriation and Control Act** – this Act is amended to establish the Provincial Home Acquisition Wind Up Special Account with a balance of \$15 million.

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### **Bill #6 - Taxation Statutes Amendment Act, 2004-03-14**

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Taxation Acts amended by this Bill of interest to local government are:

**Home Owner Grant Act** – increases the threshold to begin phasing out the homeowner grant to \$585,000 from \$525,000.

**Motor Fuel Tax Act** – expands the definition of "family farm", and increases the maximum refund for fuel tax paid by persons with disabilities from \$400 to \$500.

**Property Transfer Tax Act** – expands the definition of "family farm" and extends the exemption of transfers of "family farm" to siblings and spouses, exempts for certain transfers of "family farm" by a trustee to a family farm corporation and creates a new exemption for transfers from related individuals to a minor when those transfers involve the province's Public Guardian and Trustee.

**Community Charter** – grandparents the tax exemption for improvements determined to be dust and particulate matter eliminators in the 2003 tax year.

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### **Bill #7 - Social Services Tax Amendment Act, 2004**

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This Bill makes a number of amendments to the Act to implement the 2004/05 Budget. Some of these are:

- makes the application of tax to new mobile and modular homes constitutionally valid by placing the liability to pay the tax on the final purchaser of the mobile or modular home;
- expands and clarifies the eligibility requirements for the newspaper sales tax exemption by reducing the percentage requirement for qualifying content to 20% from 25%;
- clarifies the definition of "sale" where the provision of tangible personal property is incidental to the provision of a service that is not subject to tax; and

- excludes interest charges from tax under conditional sale contracts if the charges are shown separately on the invoice or are billed to the purchaser and the charges are payable over the term of the contract.

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### **Bill #8 - Ports Property Tax Act, 2004**

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This Bill provides for a cap on municipal tax rates applying to designated Port property and, in relation to this, compensation to municipalities that are affected by this cap. The Bill has designated seven municipalities for the purposes of this Bill; and provides a lower cap for municipal tax rates in relation to new investment in designated port property.

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### **Bill #9 - Supply Act, 2003-2004 (Supplementary Estimates No.3)**

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The supplementary estimate of \$27.3 million dollars in this Bill for the Ministry of Agriculture Food and Fisheries is to assist with income loss to the cattle industry due to the BSE crisis.

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### **Bill #10 - Ministerial Accountability Bases Act, 2003-2004**

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This Bill provides for increases in bases for the Ministry of Agriculture Food and Fisheries under Bill 9 Supply Act (Supplementary Estimates Number 3) due to the BSE crisis in the livestock industry. As well, increases are also provided to the Ministry of Forests and the Ministry of Public Safety for forest fire suppression and flood disaster relief.

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### **Bill #12 - Education Statutes Amendment Act, 2004**

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The main thrust of the amendments in this Bill are changes that allow school districts to implement Generally Accepted Accounting Principles (GAAP) by changing and removing terminology and practices that are inconsistent or redundant in relation to GAAP.

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### **Bill #13 - Environmental Management Amendment Act, 2004**

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This Bill makes a number of amendments to this Act, some of which are:

- Adds a new subsection 19(1.1) to allow the Minister to

issue a variance order if the minister considers that a person should have a temporary variance from a code of practice;

- Section 22 adds to the minister's regulation making authority for reporting and monitoring;

- Section 40 is repealed and rewritten to move to the minister's regulations the specific circumstances in which a site profile is required;

- Adds new section 61.1 "Land Remediation Fund", which provides for funding for the purposes of government programs in relation to the following: brownfield development, orphan site remediation, domestic and commercial underground tank remediation; and

- Adds new section 63.1 "Director's Interim Standards", which allows a director to make regulations for the purposes of the definition of "contaminated site" on an interim basis. The director regulation will cease to have effect one year after it is made.

There are consequential amendments to the *Local Government Act* sections 946.1(2)(b) and 946.2(2).

School Districts will receive \$35 million a year to help with the implementation of GAAP.

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### **Bill #15 - Sustainable Resource Management Amendment Act, 2004**

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Some of the Acts amended, administered by this ministry, of interest to local government are:

**Assessment Act** – on completion of the assessment roll, the assessor must certify in writing that the role was completed in accordance with the requirements of this Act. Previously one had to attach an oath or affirmation. It clarifies that the fee for assessment information does not apply to a charge holder of the property.

**Land Act** – expands the methods by which the government may dispose of Crown land.

**Land Title Act** – facilitates the filing of documents by electronic methods, which allows the registrar to accept documents for registration that do not meet the usual requirements if the land is being transferred to a prescribed person for a public purpose.

**Local Government Act** – corrects a section reference in Section 946(5) and (8).

This Bill also repeals the *Commissioner on Resources and Environment Act*, and the *Kootenay Canal Land Acquisition Act*.