The following is a summary of provincial legislation introduced in 2010 that will affect, or is of interest, to local government.

Bill 2 - Budget Measures Implementation Act received Royal Assent on March 31.

Assessment Act

- clarifies that the actual value of designated port land is the actual value as determined in accordance with the regulations;
- clarifies that a designation of eligible port land is to be by assessment roll number as at the date specified in the designation regulation;
- provides for the timing of the effective date of designations and rescissions of designations in specified circumstances.

Ports Property Tax Act

- provides that if a regulation is made under section 2 or 4 of the Act that applies to the 2010 taxation year, a municipality may at any time during that year amend its municipal property value tax rates for that taxation year in order to comply with section 3 or 4, or both, of the Act.

Community Charter

- provides that a regulation may be made under section 223 of the Act in relation to eligible port property as defined in the Ports Property Tax Act applicable for the purposes of the 2010 taxation year, provided the regulation is made on or before December 31, 2010.

School Act

- adds a requirement that the notice sent by the minister to the collector of a municipality must include the total amount of the provincial farm land tax credits to which owners in the municipality are entitled.
- adds a requirement that the tax notice must set out the amount of the provincial farm land tax credit and the net amount of school taxes payable after the deduction of the provincial farm land tax credit.
- increases the provincial industrial property tax credit to 60% of the school taxes levied in the 2011 and subsequent taxation years.
- for owners of land in class 9, establishes a tax credit of 50% of the school taxes levied in the 2011 and subsequent taxation years.

Land Tax Deferment Act

- adds provisions permitting an owner who is providing financial support for a child under the age of 18 years to request that the minister enter into an agreement to defer payment of property taxes, provided certain requirements are met, beginning in the 2010 taxation year.

The legislative change means that beginning May 10 homeowners financially supporting children under the age of 18, and who have at least 15% equity in their principal residence, will be able to defer taxes until they sell their home. The Province will fully compensate local government for this program.

Home Owner Grant Act

- adds a definition for “northern and rural area” as the area of the Province outside the boundaries of the Greater Vancouver, Capital and Fraser Valley Regional Districts.
- increases the amount of the home owner grant that a qualifying owner of an eligible residence in the northern and rural area is entitled to receive.

The legislative change means that starting in 2011 homeowners, outside the Greater Vancouver, Capital and Fraser Valley Regional Districts, will be entitled to an additional benefit of up to $200 over and above the Home Owner Grant.
Bill 4 - *Miscellaneous Statutes Amendment Act* received Royal Assent on March 31. The amendments affect a range of statutes as noted below:

**Water Act**
- extends from 12 months to 24 months the maximum term of a short term diversion or use of water approval
- reduces from 20 to 6 the number of parcels above which notice of a proposed cancellation of a water licence appurtenant to land may be given by publication in a local newspaper rather than individually
- authorizes the Lieutenant Governor in Council to make regulations requiring ground water sampling and analysis
- authorizes an officer to examine water works and find that they are unfit or unsuitable for use or that there is no evidence of recent beneficial use of water in accordance with the licence
- harmonizes the time limit for starting a prosecution for an offence under the Act to be consistent with other environmental statutes

**Assessment Act**
Requires the assessment authority to provide information to regional hospital district boards for the purposes of specific sections of the *Hospital District Act*.

**Hospital District Act**
Repeals the minister’s duty to provide annual tax assessment notices to regional district hospital boards.

**Health Authorities Act**
Authorizes the minister to permit a board to provide a health service, locate a facility or provide for a program of health service delivery outside the region designated for the board.

**Coroners Act**
Authorizes a coroner to recommend whether an inquest should be held, and provides exceptions to the general requirement to hold an inquest into the death of a person detained by, or in the custody of, a peace officer.

Bill 5 - *Zero Net Deforestation Act* was introduced on March 22 and had third reading on May 6. It sets the goal of achieving zero net deforestation within BC by December 31, 2015. The minister would report on BC’s net deforestation in 2012, and again in each even-numbered year would report on the Province’s progress, actions and future plans for achieving the goal of zero net deforestation.

Bill 7 - *Forests & Range Statutes Amendment Act* was introduced on March 29 and had third reading on May 18. Amendments of interest affecting the *Forest Act* and the *Wildfire Act* are noted below.

**Forest Act**
- authorizes the Lieutenant Governor to set the maximum term of innovative forestry practices agreements
- incorporates several amendments consequential to the *Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act*
- ensures that the stumpage amount payable is based on the stumpage rate applicable to the affected timber regardless of when that stumpage rate is finally established
- recognizes that the policies and procedures approved by the minister are not targeted at any one forest region
- provides that the determination, re-determination or variation of a stumpage rate for stumpage paid or payable under a cutting authority issued after July 31, 2005 is effective at any date established by the policies and procedures
- requires publication of the policies and procedures rather than filing them with the regional manager

**Wildfire Act**
- prohibits a person from starting a fire and from risking starting a fire on forest or grass land
- requires a person who receives government compensation for fire control costs to repay the government if the minister determines that the person caused or contributed to the cause of the fire

Bill 8 - *Energy, Mines & Petroleum Resources Statutes Amendment Act* was introduced on March 29 and received third reading on May 6. Selected amendments affecting the *Oil & Gas Activities Act* and the *Petroleum & Natural Gas Act* are noted below.

**Oil & Gas Activities Act**
- clarifies that permit applicants may be required to both carry out consultations and provide notifications
requires consideration of the government's environmental objectives, when issuing permits
clarifies the obligations of permit holders and authorizes certain permit holders to expropriate land in order to construct and operate a pipeline other than a flow line
authorizes designation of certain areas as orphan sites
expands the list of subjects about which environmental measures may be taken and provides regulation-making authority respecting the government's environmental objectives

Petroleum & Natural Gas Act

- provides for entry on restricted land, unoccupied Crown land, or private land
- Mediation and Arbitration Board becomes the Surface Rights Board
- expands the board’s authority to deal with issues relating to access to the surface of land for the purpose of carrying out specified activities under the Oil & Gas Activities Act

Bill 9 - Consumption Tax Rebate & Transition Act was introduced on March 30 and received Royal Assent on April 29. This legislation would repeal the Social Service Tax Act (PST) and establish a provincial component to the tax imposed under the Excise Tax Act (Canada).

Rebates

Rebates would remain in place for the provincial component of the tax for books, motor fuels, and selected consumer items for children and women; and in addition a credit or tax rebate for energy products purchased for residential use.

Hotel Room Tax

The tax currently imposed and paid to municipalities, regional districts and eligible entities, under the Hotel Room Tax Act would be part of the provincial component to the tax imposed under the Excise Tax Act (Canada);

Additional Taxation

Effective July 1, 2010, a tax rate of 12% would apply to:
- the purchase of a vehicle, boat or aircraft; and
- on a vehicle, boat or aircraft that is brought or sent into British Columbia or delivered in British Columbia

Reporting

The finance minister would present to the Legislative Assembly with the main estimates a health funding plan for the next 3 fiscal years and a health funding report covering the 2 fiscal years before the first fiscal year of the plan, with respect to health-related revenues and health spending.

Bill 11 - 2010 Miscellaneous Statutes Amendment Act (No. 2) was introduced on April 21 and was given Third Reading on May 4. The amendments affect a range of statutes as noted below:

Land Act

(a) provides that the minister may, under the Act, sell or otherwise dispose of fossils located on Crown land and permit fossils to be removed from Crown land,
(b) clarifies that the minister may set the amount of compensation that must be paid for a disposition of Crown land, and
(c) clarifies that the authority of the minister to set conditions in a disposition of Crown land does not apply to a disposition under section 51 (1) of the Act or a land exchange under section 95 of the Act.

Land Title Act

- permits the director to designate electronic forms and make directions requiring that only an electronic form be submitted to a land title office;
- permits a registrar to decide that a direction that only electronic forms be submitted to a land title office does not apply in a specific case because of the circumstance;
- requires a person to comply with a direction under subsection (1) (b) to submit only electronic forms to a land title office unless the direction does not apply due to a decision of the registrar under subsection (3).

Local Government Act

Local Government Act, section 857
- changes the acceptance period of a regional growth strategy from 120 days to 60 days;
- provides that a local government is deemed to have accepted a provision of a regional growth strategy to which it does not object in a resolution.

Local Government Act, section 859
- provides that the minister may set a time when a resolution process must be concluded;
· provides that an affected local government is deemed to have accepted provisions of a regional growth strategy that were not changed in a resolution process and that the local government may not object to provisions that it is deemed to have accepted.

Local Government Act, section 867
· requires the establishment of an intergovernmental advisory committee if there is a proposed amendment to the regional growth strategy that is not a minor amendment.

Local Government Act, section 905.1
· adds a definition of “specified subdivision servicing bylaw provision”;
· requires that specified subdivision servicing bylaw provisions in a phased development agreement must be identified;
· sets out percentages of the amount of park land to be provided in subdivisions that are on land subject to a phased development agreement;
· sets out certain matters that an approving officer must or must not consider with regard to applications for subdivisions under section 85 of the Land Title Act.

Local Government Act, section 905.4
· provides that specified subdivision bylaw provisions may not be dealt with as a minor amendment to a phased development agreement.

Local Government Act, section 905.6
· requires that notices of phased development agreements are filed at the land title office.

Bill 12 - Gunshot and Stab Wound Disclosure Act was introduced on April 26 and was given Third Reading on May 4. This Bill establishes requirements for health care facilities and emergency medical assistants to report to the police gunshot wounds and stab wounds, except those stab wounds that are self-inflicted, and provides protection from liability for those who report such injuries in good faith.

Bill 13 - Forests and Range (First Nations Woodland Licence) Statutes Amendment Act was introduced on April 26 and was given Third Reading on May 19. This Bill provides the following:
· adds a new Division 7.11 to create an area-based tenure for first nations, modeled on community forest agreements, that may be entered into to further an agreement with the government respecting treaty-related measures, interim measures or economic measures.
· adds regulation making powers to prescribe requirements respecting first nations woodland licences, including prescribing provisions that apply to first nations woodland licences in addition to the provisions of Division 7.11 of Part 3 of the Act as added by this Bill.
· specifies that first nations woodland licences are to be treated either like community forest agreements or woodlot licences, depending on the size and location of Crown land in the first nations woodland licence area.

Bill 14 - Motor Vehicle Amendment Act was introduced on April 27 and given Third Reading on May 20. The Bill is intended to increase road safety and introduces stricter drinking driving measures in the province.
· allows the minister to make regulations specifying the models of motorcycles that a class of persons such as learner motorcyclists may drive.
· permits ICBC to refuse to issue a driver’s licence, permit, or licence and licence plates to a person who fails to pay a monetary penalty or on direction of the superintendent under section 255 (11) (b) as added to the Act by this Bill.
· permits ICBC to cancel the driver’s licence of a person who fails to pay a monetary penalty.
· permits a person, whose ability to drive a peace officer believes to be affected by a drug other than alcohol, to request the peace officer to administer a physical coordination test, and provides that if the person satisfies the peace officer that his or her ability to drive is not affected, his or her prohibition from driving is terminated;
· adds authority to prescribe physical coordination tests for the purposes of the section.
· adds new graduated driving prohibitions of 3, 7, 30 or 90 days in circumstances where a person operates a motor vehicle with a blood alcohol concentration equal to or greater than .05;
· provides for monetary penalties, impoundment of vehicles and the requirement to enroll in a remedial program as additional consequences in association with these new driving prohibitions;
· provides for reviews of such driving prohibitions by the superintendent;
· adds authority for the Lieutenant Governor in
Council to make regulations prescribing hearing fees, the proposed monetary penalties, and approved screening devices in relation to the proposed graduated driving prohibitions.

- permits a person who has been convicted of an alcohol-related driving offence and is subject to a driving prohibition under the Criminal Code to have a period of licence suspension shortened after completing a specified portion of the suspension if the person registers in a remedial program and, during the balance of the period of suspension, participates in an ignition interlock program, only driving a vehicle that is equipped with an ignition interlock device;
- clarifies that in determining the sequence of convictions, only the convictions themselves may be considered, and not the sequence of the commission of the offences leading to the convictions;
- clarifies the time periods used for determining the appropriate length of driving suspensions, depending on when a previous conviction occurred.

Bill 16 - Armoured Vehicle and After-Compartment Control Act was introduced on April 28 and received Third Reading on May 5. The Bill establishes the requirement that a person who operates an armoured vehicle hold an armoured vehicle permit authorizing the person to operate an armoured vehicle or be exempt from that requirement. This Bill prohibits after-market compartments in vehicles unless the vehicle owner is exempt from the prohibition, and requires that persons who install after-market compartments report each installation to the police.

Bill 17 - Clean Energy Act was introduced on April 28. This Bill sets out British Columbia’s energy objectives, requires the British Columbia Hydro and Power Authority to submit an integrated resource plan describing what it plans to do in response to those objectives, and requires the authority to achieve electricity self-sufficiency by the year 2016. The Bill also prohibits certain projects from proceeding, ensures that the benefits of the heritage assets are preserved for British Columbians, provides for the establishment of energy efficiency measures and establishes the First Nations Clean Energy Business Fund. The Transmission Corporation and the British Columbia Hydro and Power Authority are also to be unified under this Bill.

The new Act specifically addresses the following:

- sets out 16 specific energy objectives, including specific greenhouse gas reduction targets; confirms no nuclear power; affirms that 93% of the electricity generated must come from clean or renewable energy; and "encourage(s) communities to reduce greenhouse gas emissions and use energy efficiently."
- establishes new structure and roles for BC Hydro:
  - submit its integrated resource plan to the Minister of Energy, Mines and Petroleum Resources;
  - actively market clean power and spearhead long-term export contracts with neighbours in Canada and the US;
  - consolidate transmission function back into BC Hydro - previously the BC Transmission Corporation was a stand-alone body;
  - leverage new opportunities for growth in clean power technologies such as wind, solar and run of river across BC
- strengthen Environmental Assessment Act process to specifically provide for assessments of potential cumulative environmental impacts.
- prohibits the development, or proposal, of energy projects in parks, protected areas and conservancies.
- restricts operation of Burrard Thermal to only emergency situations and supporting transmission reliability.
- with the exception of Site C, prohibits future development of large scale hydroelectric storage projects on all river systems in BC, including the 9 sites previously considered by BC Hydro.
- establishes a $5 million First Nations Clean Energy Business Fund to enable First Nations investments and partnerships in renewable power production.
- exempts the following hydro projects from BC Utilities Commission reviews / processes:
  - Northwest Transmission Line
  - Mica units 5 and 6
  - Revelstoke unit 6
  - Site C
  - Bioenergy Phase 2 Call for Power
  - The Clean Power Call
  - The Standing Offer program
  - The Feed-In Tariff Program
  - BC Hydro’s Smart Metering and Grid Program
- exempts export contracts from BC Utilities Commission review, but these projects will be subject to provincial environmental, First Nations and community consultation requirements.
Bill 19 - Financial Statutes Amendment Act (No. 2) was introduced on April 29.

**Income Tax Act**

- requires the producer of an eligible production to meet specified requirements for a corporation to be eligible for the basic tax credit in respect of the production.
- provides a refundable tax credit for corporations in relation to interactive digital media products.

**South Coast British Columbia Transportation Authority Act**

- authorizes the authority to set the rate of tax payable under Part 7.1 of the Act;
- provides for a continuation of the tax imposed under Division 8 of Part 2 of the Social Service Tax Act on the purchase of a right to park a motor vehicle at a location in the transportation service region under the South Coast British Columbia Transportation Authority Act;
- establishes an administrative scheme for the imposition and collection of tax by the South Coast British Columbia Transportation Authority and an appeal mechanism that is similar to administrative schemes established under other taxation Acts.

Bill 20 - Miscellaneous Statutes Amendment Act (No. 3) was introduced on April 29.

**Evidence Act**

- provides that officers and employees of the specified bodies are not required to pay a fee prior to being appointed as commissioners;
- authorizes the Lieutenant Governor in Council to make regulations designating additional persons or prescribing classes of persons who are not required to pay a fee prior to being appointed as commissioners - means that local government officials will not be required to pay a fee prior to being appointed as a commissioner.

**Municipalities Enabling and Validating Act**

- deems the Official Community Plan for Part of Electoral Area `A` to be the land use plan for the Point Grey campus of The University of British Columbia;
- provides the minister with the authority to require that The University of British Columbia develop a land use plan, to establish requirements for the development of the plan and to adopt that plan;
- provides that instruments of the Greater Vancouver Regional District, except those continuing regional district planning and services, have no effect in respect to the Point Grey campus lands;
- provides that land development undertaken by and certain instruments of The University of British Columbia must not be inconsistent with a land use plan;
- authorizes the Lieutenant Governor in Council to make interim regulations in relation to land use plans and the continuation of regional district and planning services.

**Vancouver Charter**

- provides that the Director of Finance must, in reports to the Council, set out objectives and policies for each year in relation to the use of tax exemptions for eligible not for profit properties under section 396F of the Act, added by this Bill;
- provides that specified real property of an incorporated charitable institution is entitled to an exemption from real property taxation only if the exemption is provided by a by-law under section 396F of the Act, added by this Bill;
- authorizes the Council, by by-law in accordance with the section, to grant real property taxation exemptions for land or improvements, or both, that are owned or held by the Royal Canadian Legion or by other charitable, philanthropic or other not for profit corporations either directly or through trustees, and that the Council considers are used for a purpose that is directly related to the purposes of the corporation.

**Liquor Control and Licensing Act**

Makes changes in relation to special occasion licences:
- adds a discretion to issue a special occasion licence;
- allows the general manager to consider whether the applicant is a fit and proper person;
- allows the refusal to issue a special occasion licence and cancellation of the licence for reasons set out in the provision;
- gives the general manager authority to determine how frequently a licence
- may be issued to an applicant or in respect of a location;
- allows enforcement provisions of the Act to be used in relation to special occasion licensees and individuals who once held a special occasion licence, provided that, in the latter case, the general manager
takes prompt enforcement action.
  - allows care facilities to serve liquor to guests of residents and to charge for the liquor.
  - deletes the requirement for consultation with local governments or first nations on renewal of a prescribed class or category of licence.
  - allows regulations to exempt certain classes of licences, establishments or licensed establishments from requirements to consult with local governments and first nations and allows for regulations to provide an alternative process for the consultation in that case.
  - refines the ability of the general manager to decide whether an applicant is a fit and proper person, allows the general manager to determine whether an existing licensee is fit and proper and adds an investigation power for these purposes.
  - clarifies that a hearing is not required in relation to the current ability of the general manager to suspend a licence for up to 24 hours and allows the general manager to suspend a licence without a hearing for up to 14 days if extraordinary circumstances make this in the public interest.
  - stipulates that most of the usual rules about minors and licensed establishments do not apply to a minor who is hired to test the compliance of licensees with those rules.
  - allows liquor to be donated to a special occasion licensee that is a registered charity and allows that licensee to sell the donated liquor.
  - clarifies that a person must not possess open liquor in a public place.

**Police Act**

- gives the Director of Police Services the function of establishing standards respecting specified matters and evaluating compliance with those standards;
- provides for ministerial approval of and public access to the director's standards.
- imposes an obligation on the commissioner of the provincial police force to ensure compliance with the director's standards established under proposed section 40 (1) (a.1);
- imposes an obligation on a chief constable of a municipal police department to ensure compliance with the director's standards established under proposed section 40 (1) (a.1);
- provides for review and reporting by a special committee of the Legislative Assembly on specified matters relating to a 2009 report of the Thomas R. Braidwood, Q.C., Commission of Inquiry.

**South Coast British Columbia Transportation Authority Act**

- reduces from 10 years to 3 years the period to be covered by base plans or supplements prepared after 2009, and adds a definition of “outlook”.
- requires the authority to provide outlooks with each new base plan or supplement to demonstrate the effect of the proposals contained in that plan.
- removes the requirement that supplements be provided to the commissioner and the mayors' council on regional transportation on the same date on which base plans are required to be provided.
- establishes a 90 day period within which the mayors' council on regional transportation is to provide a resolution approving or rejecting a supplement.

**Transportation Act**

- amends the definition of “arterial highway” to reflect the amendments made to the Act by this Bill that allow an arterial highway to be created by the deposit of a plan with an appropriate certification and that allow the Lieutenant Governor in Council to order that land, an improvement or a highway cease to be an arterial highway.
- provides that an arterial highway may be created by the deposit of a plan if the signing land surveyor certifies that he or she is authorized by the minister to show the designated land as an arterial highway.
- clarifies that nothing in section 45 impedes the operation of proposed section 44.1, and authorizes the Lieutenant Governor in Council to order that land, an improvement or a highway cease to be an arterial highway.
- ensures that the minister's powers relating to arterial highways are the same whether the land on which the arterial highway is located was previously a highway or not.

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**Bill 21 - Forestry Service Providers Protection Act**

was introduced on April 29 and received second reading on May 18. This Bill repeals the Woodworker Lien Act, provides contractors with liens against forest products and provides contractors and subcontractors with charges on all accounts due to forest products owners and contractors respectively. The Bill establishes priorities for the liens and charges and sets out the powers and duties of a sheriff when enforcing a lien. The Bill also provides for the establishment of the Forestry Service Providers Compensation Fund.