

The Municipal Revenue Sharing Act

Repealed

by the *Statutes of Saskatchewan, 2009*, c.M-28.1
(effective April 1, 2009).

Formerly

Chapter M-32.1 of the *Revised Statutes of Saskatchewan, 1978 (Supplement)* (effective January 1, 1978) as amended by the *Statutes of Saskatchewan, 1983*, c.12, 52 and 77; 1984-85-86, c.52; 1986, c.16; 1986-87-88, c.25; 1988-89, c.48; 1989-90, c.47; 1990-91, c.25; 1991, c.9; 1992, c.10; 1993, c.33; 1994, c.41; 1995, c.26; 1996, c.53; 1997, c.42; 1998, c.27; 1999, c.24; 2000, c.41; 2002, c.C-11.1 and 36; 2003, c.32; 2004, c.18; 2005, c.M-36.1; 2006, c.28; 2007, c.30 and 33; and 2008, c.17.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-32.1

An Act respecting Provincial-Municipal Revenue Sharing

Short title

1 This Act may be cited as *The Municipal Revenue Sharing Act*.

Interpretation

2 In this Act:

- (a) **“assessment”** means an equalized assessment determined by the minister;
- (b) **“escalator index”** means the weighted average, as determined in accordance with the regulations, of the increases and the decreases in the value of:
 - (i) the corporate income tax base;
 - (ii) *The Provincial Sales Tax* base;
 - (iii) the fuel petroleum products use tax base;
 - (iv) the personal income tax base; and
 - (v) any other tax bases or revenue sources that may be prescribed in the regulations;
- (c) **“fiscal year”** means the period commencing on April 1 in one calendar year and ending on March 31 in the next calendar year, both dates inclusive;
- (d) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **“municipality”** means an urban or rural municipality;
- (f) **Repealed.** 2006, c.28, s.3.
- (g) **Repealed.** 2005, c.M-36.1, s.446.
- (h) **“urban municipality”** means a municipality other than a rural municipality or northern municipality, and includes the City of Lloydminster.

R.S.S. 1978 (Supp.), c.37, s.2; 1983, c.77, s.51;
1986, c.16, s.3; 1997, c.42, s.3; 2000, c.41, s.16;
2002, c.C-11.1, s.396; 2005, c.M-36.1, s.446;
2006, c.28, s.3.

Revenue sharing base and escalator index

3(1) The minister may make grants to municipalities for any of the purposes authorized by this Act.

(2) Grants payable pursuant to subsection (1) with respect to each fiscal year shall be paid out of the general revenue fund, but, subject to section 4, the total amount that may be paid in grants shall be the amount determined by multiplying the total amount available for the payment of those grants at the beginning of the immediately preceding fiscal year by the escalator index.

R.S.S. 1978 (Supp.), c.37, s.3; 1988-89, c.48, s.3;
1997, c.42, s.4.

3.1 Repealed. 1988-89, c.48, s.4.

3.2 Repealed. 1990-91, c.25, s.2.

3.3 Repealed. 1990-91, c.25, s.2.

3.4 Repealed. 1991, c.9, s.3.

3.5 Repealed. 1993, c.33, s.3.

3.6 Repealed. 1995, c.26, s.3.

3.7 Repealed. 1995, c.26, s.3.

3.8 Repealed. 1996, c.53, s.3.

3.9 Repealed. 1997, c.42, s.5.

3.91 Repealed. 1998, c.27, s.3.

3.92 Repealed. 1999, c.24, s.3.

3.93 Repealed. 2002, c.36, s.3.

3.94 Repealed. 2002, c.36, s.3.

3.95 Repealed. 2003, c.32, s.3.

3.96 Repealed. 2004, c.18, s.3.

3.97 Repealed. 2006, c.28, s.4.

Amount of grant for the 2008-2009 fiscal year and subsequent fiscal years

3.971 Notwithstanding subsection 3(2), grants payable pursuant to subsection 3(1) with respect to the 2008-2009 fiscal year and subsequent fiscal years are to be paid out of the general revenue fund but, subject to sections 3.98 and 4, the maximum amount that may be paid in grants for any fiscal year:

- (a) to cities, including the City of Lloydminster, is \$54,110,160;
- (b) to towns, villages and resort villages is \$23,830,840; and
- (c) to rural municipalities is \$51,577,000.

2008, c.17, s.2.

Adjustments when changes in municipal status

3.98(1) Notwithstanding the maximum amounts established pursuant to section 3.971, for any fiscal year the minister may make any adjustment and reallocation among those amounts that the minister considers appropriate to accommodate any change in the status of a municipality pursuant to *The Cities Act* or *The Municipalities Act*.

(2) If the minister so specifies, any adjustment and reallocation of amounts made by the minister pursuant to subsection (1) may continue to apply for subsequent fiscal years.

2004, c.18, s.4; 2005, c.M-36.1, s.446; 2006, c.28, s.6.

Provision for larger revenue sharing amount

4 The Legislative Assembly may, at any time, appropriate additional amounts for the purposes of this Act with respect to any particular fiscal year, and any such amounts shall be added to the amount available for grants at the beginning of that fiscal year and the resulting sum shall constitute, as the case requires:

- (a) the amount by which the escalator index shall be multiplied in accordance with subsection 3(2); or
- (b) the maximum amount that may be paid in grants for any fiscal year pursuant to section 3.971.

2006, c.28, s.7.

Grants to urban municipalities

5 In each fiscal year there may be paid to each urban municipality:

- (a) a basic grant as provided for in the regulations;
- (b) a per capita grant as provided for in the regulations;
- (c) a foundation grant as provided for in section 6; and
- (d) any other grants as provided for in section 7.

R.S.S. 1978 (Supp.), c.37, s.5; 1997, c.42, s.7.

Foundation grant

6(1) For the purpose of calculating the foundation grant to be paid to an urban municipality, the minister shall determine:

- (a) an amount, hereinafter called the “**recognized local expenditure**”, consisting of:
 - (i) any amounts for the provision of police services, if applicable, and any other municipal services that may be determined in the regulations; and
 - (ii) any other amounts in addition to, or for services other than, those mentioned in subclause (i), that may be recognized by the minister or prescribed in the regulations; and

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- (b) an amount, hereinafter called the “**recognized local revenue**”, consisting of:
 - (i) the product obtained when the property assessment of the urban municipality is multiplied by a computational mill rate prescribed in the regulations; and
 - (ii) any other local revenue that may be recognized by the minister or prescribed in the regulations.
- (2) The foundation grant payable to an urban municipality is the product obtained when the amount by which the recognized local expenditure exceeds the recognized local revenue is multiplied by a factor prescribed in the regulations.
- (3) Where the recognized local revenue of an urban municipality exceeds its recognized local expenditure, no foundation grant is payable.

R.S.S. 1978 (Supp.), c.37, s.6; 1997, c.42, s.8.

General grants

7 The minister may make grants to any municipality:

- (a) **Repealed.** 1983, c.12, s.3.
- (b) for any programs involving co-operation between two or more municipalities that may be provided for in the regulations;
- (c) for any conditional grant programs that may be provided for in the regulations.

R.S.S. 1978 (Supp.), c.37, s.7; 1983, c.12, s.3;
1999, c.24, s.6.

Grants to rural municipalities

8 In each fiscal year there may be paid to each rural municipality:

- (a) a grant that:
 - (i) is to be calculated using a formula prescribed in the regulations;
 - (ii) is to include:
 - (A) a transportation component based on roads in each rural municipality that are in rural road class 2, 3, 4, 5 or 6 as defined in the regulations; and
 - (B) a services component based on a three-year rolling average of the actual net expenditures of each rural municipality, as determined by the minister, for protective services, environmental health services, environmental development services, recreational and cultural services and public health and welfare services; and
 - (iii) is to be subject to or include any terms and conditions that are prescribed in the regulations;

- (b) any grants prescribed in the regulations for:
 - (i) the construction of heavy haul and high volume roads;
 - (ii) the construction and repair of bridges on roads in each rural municipality that are in rural road class 2, 3, 4, 5, 6 or 7 as defined in the regulations; and
 - (iii) the provision of any other services that may be prescribed in the regulations; and
- (c) any other grant as provided for in section 7.

2003, c.32, s.5.

9 Repealed. 2003, c.32, s.6.

10 Repealed. 2006, c.28, s.8.

Minimum and maximum grants

11 Notwithstanding any other provision of this Act, the Lieutenant Governor in Council may prescribe the minimum or maximum amount of any grant or grants payable pursuant to this Act.

R.S.S. 1978 (Supp.), c.37, s.11.

Hold back of grants

11.1(1) The minister may refuse to pay a grant for a fiscal year, or may suspend or adjust a grant for a fiscal year, if the minister is satisfied that:

- (a) in that fiscal year, the municipality has failed to comply with this Act, the regulations, any other Act or regulations to which the municipality is subject or the terms and conditions of a grant made pursuant to clause 7(b) or (c); or
- (b) it is in the public interest to do so.

(2) Before refusing to pay a grant, or suspending or adjusting a grant, pursuant to this section, the minister shall:

- (a) provide the municipality with written notice of the minister's intention to act pursuant to this section together with reasons; and
- (b) provide the municipality with an opportunity to make written representations to the minister as to why the minister should not take that action.

(3) If the minister refuses to pay a grant, or suspends or adjusts a grant, pursuant to this section, the minister may establish conditions that the municipality must meet in order for the minister to pay the grant or remove the suspension or adjustment of the grant.

2007, c.30, s.4.

Overpayments of grants

11.2(1) The minister may declare any or all grant payments made to a municipality in a fiscal year pursuant to this Act to be an overpayment if the minister is satisfied that:

- (a) in that fiscal year, the municipality has failed to comply with this Act, the regulations, any other Act or regulations to which the municipality is subject or the terms and conditions of a grant made pursuant to clause 7(b) or (c); or
 - (b) it is in the public interest to do so.
- (2) Before declaring a payment to be an overpayment pursuant to this section, the minister shall:
- (a) provide the municipality with written notice of the minister's intention to act pursuant to this section together with reasons; and
 - (b) provide the municipality with an opportunity to make written representations to the minister as to why the declaration should not be made.
- (3) If the minister declares a payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Crown in right of Saskatchewan and may be recovered from the municipality in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

2007, c.30, s.4.

Annual report

12(1) The minister shall, in each fiscal year, in accordance with *The Tabling of Documents Act, 1991* submit to the Lieutenant Governor in Council a report respecting the disbursement of funds pursuant to this Act.

(2) The minister shall, in accordance with *The Tabling of Documents Act, 1991*, lay before the Legislative Assembly each report submitted to the Lieutenant Governor in Council pursuant to subsection (1).

R.S.S. 1978 (Supp.), c.37, s.12; 1997, c.42, s.11.

Regulations

13(1) For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations that are ancillary to and are not inconsistent with this Act, and every regulation made under this section has the force of law and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) prescribing additional tax bases or revenue sources for the purposes of calculating the escalator index;
- (c) defining the tax base for any tax mentioned in this Act or the regulations;

- (d) prescribing the basic grant and the per capita grant to be made available to each urban municipality pursuant to section 5;
 - (e) prescribing the amount to be used in calculating the recognized local expenditure for an urban municipality;
 - (f) prescribing computational mill rates and types of local revenue for the purposes of calculating the recognized local revenue for a municipality;
 - (g) prescribing a factor for the purposes of subsection 6(2);
 - (h) **Repealed.** 1983, c.12, s.4.
 - (i) prescribing the terms and conditions under which payments may be made to any municipality for any of the purposes described in clauses 7(b) and (c);
 - (j) for the purposes of section 8:
 - (i) prescribing a formula for the calculation of a grant pursuant to that section and respecting how the formula is to be applied;
 - (ii) respecting how a grant pursuant to that section is to be paid;
 - (iii) respecting terms and conditions that are to govern or to be included in a grant made pursuant to that section and authorizing the minister to prescribe any additional terms and conditions that are not inconsistent with the terms and conditions prescribed in the regulations;
 - (k) **Repealed.** 2003, c.32, s.7.
 - (k.1) **Repealed.** 1997, c.42, s.12.
 - (l) prescribing the minimum or maximum amount of any grant payable pursuant to this Act;
 - (m) prescribing any other matter or thing relating to grants payable to municipalities that is authorized or required by this Act to be prescribed in the regulations;
 - (n) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) Any regulation made pursuant to this Act may be made retroactive to a day not earlier than April 1, 1997.

R.S.S. 1978 (Supp.), c. 37, s. 13; 1983, c.12, s.4;
 1993, c.33, s.6; 1997, c.42, s.12; 1998, c.27, s.7;
 1999, c.24, s.7; 2003, c.32, s.7.

