

**2010**

## **CHAPTER 3**

An Act to amend *The Assessment Management Agency Act* and to make consequential amendments to certain Acts

(Assented to May 20, 2010)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

**Short title**

**1** This Act may be cited as *The Assessment Management Agency Amendment Act, 2010*.

**S.S. 1986, c.A-28.1 amended**

**2** *The Assessment Management Agency Act* is amended in the manner set forth in this Act.

**Section 2 amended**

**3 Section 2 is amended:**

**(a) by repealing clause (c) and substituting the following:**

“(c) ‘**assessment appraiser**’ means a person appointed pursuant to subsection 13(2) to carry out valuations and includes:

(i) a person appointed by a municipality to carry out valuations;  
and

(ii) a person who is an employee of a firm that the municipality has engaged to carry out valuations on its behalf”;

**(b) in clause (e.1) by striking out “the date established by the agency in accordance with the regulations” and substituting “, subject to the regulations, the date that is established, by order, by the agency and that is approved by the minister”;**

**(c) by repealing clause (g);**

**(d) by repealing clause (h.2) and substituting the following:**

“(h.2) ‘**equivalency assessment**’, with respect to the City of Lloydminster, means an assessment based on an aggregated value for the city created from individual property assessments that are calculated pursuant to clause 12(1)(l.1)”;

**(e) by adding the following clause after clause (i):**

“(i.1) ‘**Indian band**’ means a band as defined in the *Indian Act* (Canada) and includes the council of a band”; **and**

**(f) by repealing clause (q).**

**Section 6 amended****4(1) Subsection 6(1) is amended:**

- (a) by repealing clause (c);
- (b) in clause (d) by striking out “SARM, SUMA and SSBA” and substituting “SARM and SUMA”;
- (c) by adding “and” after clause (d);
- (d) by repealing clause (e);
- (e) by striking out “and” before clause (f); and
- (f) in clause (f) by striking out “three” and substituting “two”.

(2) Subsection 6(3) is amended in the portion preceding clause (a) by striking out “subsections (4), (5) and (11)” and substituting “subsections (4) and (5)”.

**(3) Subsection 6(4) is amended:**

- (a) by adding “and” after clause (b);
- (b) by striking out “and” after clause (c); and
- (c) by repealing clause (c).

**(4) Clause 6(5)(b) is amended:**

- (a) by adding “or” after subclause (ii);
- (b) by striking out “or” after subclause (iii);
- (c) by repealing subclause (iii); and
- (d) in subclause (iv) by striking out “, (e)”.

**(5) Subsection 6(11) is repealed.****New section 7****5 Section 7 is repealed and the following substituted:****“SARM and SUMA nominees**

7(1) Of the two persons appointed to the board pursuant to clause 6(1)(b):

- (a) one must be nominated to represent cities with a population exceeding 30,000; and
- (b) one must be nominated to represent cities with a population of 30,000 or less, towns, villages, resort villages and northern municipalities.

(2) The persons appointed to the board pursuant to clause 6(1)(a) or (b) or subsection 6(4) shall annually prepare and submit to SARM or SUMA, as the case may be, at that association’s annual meeting, a written report on the activities of the agency for the preceding year”.

**Section 8 amended****6 Subsection 8(2) is repealed and the following substituted:**

“(2) Notwithstanding any other Act, where a member of the council of any municipality is appointed as a member of the board, he or she is not, by reason of the appointment or any payment made to him or her pursuant to subsection 6(10), disqualified from being a member of or voting in the council of the municipality”.

**Section 11 amended****7(1) Subsection 11(2.1) is repealed and the following substituted:**

“(2.1) A committee mentioned in subsection (2) consists of the chairperson of the board and:

(a) in the case of the committee responsible for cities with a population exceeding 30,000, the member of the board mentioned in clause 7(1)(a), one other member of the board, any other person or persons the board may appoint and not more than two persons nominated by the council of each of the following cities:

- (i) Moose Jaw;
- (ii) Prince Albert;
- (iii) Regina;
- (iv) Saskatoon;

(b) in the case of the committee responsible for rural municipalities, the members of the board mentioned in clause 6(1)(a), one other member of the board, and any other person or persons the board may appoint; and

(c) in the case of the committee responsible for the municipalities mentioned in clause (2)(c), the member of the board mentioned in clause 7(1)(b), one other member of the board, and any other person or persons the board may appoint”.

**(2) Subsection 11(5) is amended:**

- (a) in clause (a) by striking out “SSBA,”; and**
- (b) by repealing clause (d).**

**Section 11.1 amended****8(1) Subsection 11.1(1) is amended in the portion preceding clause (a) by striking out “and boards of education”.****(2) Subsection 11.1(2) is amended:**

- (a) in clause (a) by striking out “and boards of education”; and**
- (b) in clause (b) by striking out “and the board of education”.**

## Section 12 amended

**9(1) Subsection 12(1) is amended:**

- (a) in clause (c) by adding “subject to section 12.1,” before “determine”;
- (b) in clause (d) by adding “subject to section 12.1,” before “prepare”;
- (c) in clause (f) in the portion preceding subclause (i) by striking out “, boards of education” wherever it appears;
- (d) in clause (g) in the portion preceding subclause (i) by striking out “boards of education,”;
- (e) by repealing clause (l.1) and substituting the following:

“(l.1) at the times requested by the minister responsible for the administration of *The Education Act, 1995*, prepare and provide to the minister responsible for the administration of *The Education Act, 1995* equivalency assessments for properties located in the City of Lloydminster:

- (i) in the manner and containing the information requested by the minister responsible for the administration of *The Education Act, 1995*; and
- (ii) subject to section 12.1, using the method for calculating, preparing and maintaining equivalency assessments as determined by order of the board”; and

(f) in subclause (n)(i) by striking out “the Saskatchewan portion of”.

- (2) Subsection 12(1.1) is amended by striking out “For” and substituting “Subject to section 12.1, for”.
- (3) Subsection 12(3) is amended by striking out “An order” and substituting “Subject to section 12.1, an order”.

## New sections 12.1 and 12.2

**10 The following sections are added after section 12:****“Minister to approve certain orders**

**12.1(1)** The agency shall apply to the minister to have the following orders approved by the minister:

- (a) an order to establish a base date pursuant to clause 2(e.1);
- (b) an order to determine methods of valuation pursuant to clause 12(1)(c);
- (c) an order to establish any assessment manuals, guidelines, handbooks and other materials pursuant to clause 12(1)(d);
- (d) an order to determine the method for calculating, preparing and maintaining equivalency assessments pursuant to subclause 12(1)(l.1)(ii);
- (e) an order respecting codes, standards, manuals or other reference materials pursuant to subsection 12(1.1).

- (2) No order mentioned in subsection (1) has any effect until the minister approves the order pursuant to this section.
- (3) When submitting an order for the minister's approval, the agency shall include:
- (a) a report on the proposed order, including an analysis of the expected effect of the proposed order; and
  - (b) any other information required by the minister.
- (4) The minister may, by order:
- (a) if the minister is satisfied that the order is in the public interest, approve the order in whole, in part or with amendments as directed by the minister; or
  - (b) reject the order.
- (5) If the minister directs amendments to an order pursuant to clause (4)(a), the agency shall amend the order in accordance with the direction and provide the minister with the amendment within any period that the minister may require.
- (6) The minister shall cause notice of any orders that are approved pursuant to this section to be published in the Gazette.

**“Transitional – orders requiring approval of minister**

**12.2 Notwithstanding section 12.1:**

- (a) any base date established pursuant to clause 2(e.1), as that clause existed before the coming into force of this section, is continued in force until it is amended or repealed in accordance with this Act; and
- (b) any order made pursuant to clause 12(1)(c) or (d), subclause 12(1)(l.1)(ii) or subsection 12(1.1), as those provisions existed before the coming into force of this section, is continued in force until it is amended or repealed in accordance with this Act”.

**Section 18 amended**

**11(1) Subsection 18(1) is repealed and the following substituted:**

“(1) In this section and in section 18.01, ‘**parties**’ means the minister, SARM and SUMA”.

**(2) Clause 18(3)(d) is amended by striking out “, municipalities and school divisions” and substituting “and municipalities”.**

**Section 18.01 amended****12(1) Clauses 18.01(1)(a) to (c) are repealed and the following substituted:**

“(a) the Government of Saskatchewan, 65%;

“(b) municipalities, 35%”.

**(2) Subsection 18.01(3) is amended:**

**(a) in the portion preceding clause (a) by striking out “40%” and substituting “65%”;**

**(b) by striking out “and” after clause (c);**

**(c) by adding “and” after clause (d); and**

**(d) by adding the following clause after clause (d):**

“(e) funding education”.

**(3) Clause 18.01(4)(a) is amended by striking out “and subsection 18.02(6)”.****(4) Subsection 18.01(5) is amended:**

**(a) by adding “and” after clause (a);**

**(b) by striking out “and” after clause (b); and**

**(c) by repealing clause (b).**

**Section 18.02 repealed****13 Section 18.02 is repealed.****Section 18.03 amended****14(1) Subsection 18.03(1) is repealed and the following substituted:**

“(1) Subject to section 18.05, in any fiscal year, the board shall determine the amount that is required to fund the municipal share pursuant to section 18.01”.

**(2) Subsection 18.03(2) is amended:**

**(a) in clause (a) by striking out “additional”; and**

**(b) in subclause (b)(i) by striking out “Revenue Sharing” and substituting “Municipal”.**

**New section 18.031****15 The following section is added after section 18.03:****“Additional amounts**

**18.031(1)** Notwithstanding any other provision of this Act, in addition to the funding provided to the agency pursuant to sections 18.01 and 18.03, the board may:

(a) requisition from Regina, Saskatoon, Prince Albert and Moose Jaw an amount determined by the agency in consultation with those municipalities to provide for the carrying out of valuations and revaluations in those municipalities by the agency pursuant to clause 12(2)(a);

- (b) requisition an additional fee or amount from a municipality for providing an additional service requested by that municipality in accordance with subsection (2);
  - (c) collect an additional fee or amount from a ministry, an Indian band or any other person for providing an additional service requested by that ministry, Indian band or other person; and
  - (d) requisition from a municipality start-up fees and requisition fees in accordance with subsection 22(8.2).
- (2) For the purposes of clause (1)(b), if a municipality requests an additional service and the agency provides that additional service:
- (a) the agency may requisition an amount from the municipality that the agency considers necessary to cover its reasonable costs in providing that service even if it results in the agency requisitioning an amount from municipalities in a fiscal year that is in excess of the maximum amount mentioned in section 18.05; and
  - (b) municipalities that are required to pay the amounts determined by the board pursuant to section 18.03 in a fiscal year continue to be required to pay those amounts”.

**Section 18.04 amended**

**16(1) Subsection 18.04(1) is amended by striking out “, the Minister of Learning” wherever it appears.**

**(2) Subsection 18.04(6) is repealed.**

**Section 18.05 amended**

**17 Section 18.05 is amended by striking out “the Minister of Learning, SARM, SUMA, SSBA” and substituting “SARM, SUMA”.**

**Section 19 amended**

**18(1) Clause 19(2)(b) is amended by striking out “the Minister of Learning, SARM, SUMA and SSBA” and substituting “SARM and SUMA”.**

**(2) Subsection 19(5) is amended by striking out “the Minister of Learning, SARM, SUMA and SSBA” and substituting “SARM and SUMA”.**

**Section 20 amended**

**19 Subsection 20(1) is amended in the portion preceding clause (a) by striking out “the Minister of Learning, SARM, SUMA and SSBA” and substituting “SARM and SUMA”.**

**Section 22 amended**

**20(1) Subsection 22(3) is amended by striking out “all boards of education on behalf of which a council authorizes levies” and substituting “the minister responsible for the administration of *The Education Act, 1995*”.**

**(2) Subsection 22(7) is amended by striking out “all boards of education on behalf of which the council authorizes levies” and substituting “the minister responsible for the administration of *The Education Act, 1995*”.**

**(3) Subsection 22(8) is amended:**

**(a) in clause (a) by striking out** “all boards of education on behalf of which the council authorizes levies” **and substituting** “the minister responsible for the administration of *The Education Act, 1995*”;

**(b) by striking out “and” after clause (c); and**

**(c) by repealing clause (d) and substituting the following:**

“(d) in the first fiscal year for which the agency reassumes responsibility for carrying out the valuations and revaluations, paying a start-up fee in an amount that the agency considers necessary to facilitate reassuming responsibility for carrying out the municipality’s valuations and revaluations; and

“(e) in the first fiscal year for which the agency reassumes responsibility for carrying out the valuations and revaluations and in each subsequent fiscal year, paying a requisition fee required by the agency”.

**(4) The following subsections are added after subsection 22(8):**

“(8.1) The agency shall determine the requisition fee to be paid by a municipality pursuant to clause (8)(e) having regard to the factors mentioned in subsection 18.03(3).

“(8.2) For the purposes of clause 18.031(1)(d):

(a) in the case of a municipality mentioned in subsection (8):

(i) the agency may requisition the fees mentioned in clauses (8)(d) and (e), even if it results in the agency requisitioning an amount from municipalities in a fiscal year that is in excess of the maximum amount mentioned in section 18.05;

(ii) if the council of the municipality decides pursuant to subsection (3) to again carry out its own valuations and revaluations and complies with the requirements of this section respecting that decision, the municipality is no longer required to pay the requisition fee mentioned in clause (8)(e) for the fiscal years in which it again carries out its own valuations and revaluations; and

(b) municipalities that are required to pay the amounts determined by the board pursuant to section 18.03 in a fiscal year continue to be required to pay those amounts”.



**(5) The following subsection is added after subsection 22(12):**

“(12.1) If the appeal board has issued a decision with respect to a property, an assessment appraiser:

- (a) shall apply the decision of the appeal board in subsequent valuations and revaluations of that property; and
- (b) in applying the decision pursuant to clause (a), may make any necessary modification to reflect any change in the facts of the decision, in the conditions or circumstances of the property or in market value as defined in the municipal Act”.

**(6) Subsection 22(18) is repealed.**

**Section 23 amended**

**21(1) Subsections 23(1) and (2) are repealed and the following substituted:**

“(1) An assessment appraiser may, after making reasonable efforts to notify the owner or occupier of any property to be entered for the purpose of carrying out a valuation, enter that property at any reasonable time and carry out the valuation.

“(1.1) The assessment appraiser shall display or produce on request identification showing that he or she is authorized to make the entry.

“(2) If a person refuses to allow or interferes with a valuation, or if a person fails to respond to an assessment appraiser’s reasonable requests for access to a property for the purposes mentioned in subsection (1), the assessment appraiser may apply *ex parte* to a justice of the peace or a provincial court judge for a warrant authorizing a person named in the warrant to enter the property and to carry out the valuation.

“(2.1) On an application pursuant to subsection (2), the justice of the peace or provincial court judge may issue the warrant sought, on any terms and conditions that the justice of the peace or the provincial court judge considers appropriate”.

**(2) The following subsection is added after subsection 23(3):**

“(4) Notwithstanding subsections (1) to (3), an assessment appraiser shall not enter any place that is a private dwelling without:

- (a) the consent of the owner or occupier of the private dwelling; or
- (b) a warrant issued pursuant to subsection (2.1) from a justice of the peace or a provincial court judge authorizing the entry”.

## New section 24.2

**22 The following section is added after section 24.1:****“Immunity**

**24.2** No action lies or shall be commenced against the agency, a member of the board or an employee or agent of the agency for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act, the regulations, the municipal Acts or the regulations made pursuant to those Acts”.

## Section 38 amended

**23(1) Subsection 38(1) is amended:**

- (a) by repealing clause (g.1); and
- (b) by repealing clause (h).

**(2) Subsection 38(2) is amended by striking out “clauses (1)(g) and (g.1)” and substituting “clause (1)(g)”.**

## S.S. 2002, c.C-11.1 amended

**24(1)** *The Cities Act* is amended in the manner set forth in this section.

**(2) The following subsection is added after subsection 165(3.1):**

“(3.2) Subject to any modification made pursuant to subsection 22(12.1) of *The Assessment Management Agency Act*, each assessment must reflect any decision of the appeal board that has been issued with respect to the property that is the subject of the assessment, unless the decision has been appealed pursuant to section 33.1 of *The Municipal Board Act*”.

**(3) Clause 200(4)(b) is repealed and the following substituted:**

- “(b) a written explanation of how the assessment was determined, including:
- (i) a statement indicating whether the assessor considered any decisions of the appeal board pursuant to subsection 165(3.2) in determining the assessment; and
  - (ii) if the assessor did consider one or more decisions of the appeal board in determining the assessment, a statement indicating whether the assessor decided to apply, to apply in part, to apply with modification or not to apply the decision of the appeal board to the assessment and the reasons for that decision”.

## S.S. 2005, c.M-36.1 amended

**25(1)** *The Municipalities Act* is amended in the manner set forth in this section.

**(2) The following subsection is added after subsection 195(4):**

“(4.1) Subject to any modification made pursuant to subsection 22(12.1) of *The Assessment Management Agency Act*, each assessment must reflect any decision of the appeal board that has been issued with respect to the property that is the subject of the assessment, unless the decision has been appealed pursuant to section 33.1 of *The Municipal Board Act*”.

**(3) Clause 230(4)(b) is repealed and the following substituted:**

- “(b) a written explanation of how the assessment was determined, including:
- (i) a statement indicating whether the assessor considered any decisions of the appeal board pursuant to subsection 195(4.1) in determining the assessment; and
  - (ii) if the assessor did consider one or more decisions of the appeal board in determining the assessment, a statement indicating whether the assessor decided to apply, to apply in part, to apply with modification or not to apply the decision of the appeal board to the assessment and the reasons for that decision”.

**S.S. 1983, c.N-5.1 amended**

**26(1)** *The Northern Municipalities Act* is amended in the manner set forth in this section.

**(2) The following subsection is added after subsection 193(4):**

“(4.1) Subject to any modification made pursuant to subsection 22(12.1) of *The Assessment Management Agency Act*, each assessment must reflect any decision of the appeal board that has been issued with respect to the property that is the subject of the assessment, unless the decision has been appealed pursuant to section 33.1 of *The Municipal Board Act*”.

**(3) Clause 226(5)(b) is repealed and the following substituted:**

- “(b) a written explanation of how the assessment was determined, including:
- (i) a statement indicating whether the assessor considered any decisions of the appeal board pursuant to subsection 193(4.1) in determining the assessment; and
  - (ii) if the assessor did consider one or more decisions of the appeal board in determining the assessment, a statement indicating whether the assessor decided to apply, to apply in part, to apply with modification or not to apply the decision of the appeal board to the assessment and the reasons for that decision”.

**Coming into force**

**27(1)** Subject to subsections (2) and (3), this Act comes into force on assent.

(2) Subject to subsection (3), clause 3(e), sections 11 to 17, clauses 20(3)(b) and (c), subsection 20(4), clause 23(1)(a) and subsection 23(2) of this Act come into force on January 1, 2010.

(3) If this Act is assented to after January 1, 2010, clause 3(e), sections 11 to 17, clauses 20(3)(b) and (c), subsection 20(4), clause 23(1)(a) and subsection 23(2) of this Act come into force on assent but are retroactive and are deemed to have been in force on and from January 1, 2010.

