

2012

## CHAPTER 3

An Act to amend *The Assessment Appraisers Act*, to make a related amendment to *The Agrologists Act, 1994* and to make a consequential amendment to *The Assessment Management Agency Act*

(Assented to May 16, 2012)

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 Appraisers Amendment Act, 2012*.

**S.S. 1995, c.A-28.01 amended**

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

**Section 2 amended**

**3 Section 2 is amended by adding the following clause after clause (b):**

“(b.1) ‘**business day**’ means a day other than a Saturday, Sunday or holiday”.

**New section 3.1**

**4 The following section is added after section 3:**

“**Duty and objects of the association**

**3.1(1)** It is the duty of the association at all times:

- (a) to serve and protect the public; and
- (b) to exercise its powers and discharge its responsibilities in the public interest.

(2) The objects of the association are:

- (a) to regulate the practice of the members and to govern the members in accordance with this Act, the regulations and the bylaws; and
- (b) to assure the public of the knowledge, skill, proficiency and competency of members in the practice of assessment appraisals”.

**Section 6 amended**

**5 Subsection 6(4) is amended by striking out “10 days” and substituting “10 business days”.**

**Section 8 amended**

**6 Subsection 8(10) is repealed and the following substituted:**

“(10) The minister shall remunerate and reimburse for expenses the members of the council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council”.

## Section 13 amended

**7 Subsection 13(5) is amended by striking out “14 days” and substituting “10 business days”.**

## Section 14 amended

**8(1) Subsection 14(1) is amended:**

**(a) in clause (g) by striking out “or election” and substituting “, election or removal”;**

**(b) by adding the following clause after clause (h):**

“(h.1) prescribing the remuneration and reimbursement for expenses for elected members of the council and committee members”;

**(c) by adding the following clause after clause (m):**

“(m.1) establishing and governing scholarships, bursaries and prizes”;  
**and**

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

“(o) establishing any committees that the council considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;

“(p) providing for any other thing that is necessary for the effective administration of the association”.

**(2) Subsection 14(2) is amended:**

**(a) by repealing subclause (e)(i) and substituting the following:**

“(i) the review, investigation, mediation and disposition by the professional conduct committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence”;

**(b) by repealing clause (f) and substituting the following:**

“(f) establishing categories of membership in the association and, subject to subsection 18(2), prescribing the requirements for admission to each of those categories and the rights and privileges associated with each category”;

**(c) by adding the following clause after clause (m):**

“(m.1) governing persons who practise pursuant to restricted licences issued pursuant to subsection 18(4)”;

**(d) by repealing clause (r); and**

**(e) by adding the following clauses before clause (s):**

“(r.1) establishing programs for the assessment of the competency of members;

“(r.2) defining activities that constitute a conflict of interest and prohibiting the participation of members in those activities”.

## New section 15.1

**9 The following section is added after section 15:****“Ministerial bylaws**

**15.1(1)** The minister may request the council to amend or revoke a regulatory bylaw or to make a new regulatory bylaw if the minister is satisfied that it is necessary or advisable.

(2) If the minister makes a request pursuant to subsection (1), the minister shall provide to the council the reasons for the request and, if the minister considers it appropriate, a draft of a bylaw to amend or revoke the regulatory bylaw or a draft of a new regulatory bylaw.

(3) The minister shall consult with the association before drafting a bylaw to amend or revoke the regulatory bylaw or to make a new regulatory bylaw.

(4) If the council does not comply with a request pursuant to subsection (1) within 90 days after the date of the request, the minister may amend or revoke the existing regulatory bylaw or make the new regulatory bylaw in accordance with that request.

(5) A regulatory bylaw made pursuant to this section or an amendment or revocation of a regulatory bylaw pursuant to this section comes into force on the day it is published in the Gazette.

(6) If the minister makes, amends or revokes a regulatory bylaw, the minister shall file with the Director of Corporations two copies of the regulatory bylaw, amendment or revocation”.

## Section 18 amended

**10(1) Clauses 18(1)(a) and (b) are repealed and the following substituted:**

“(a) meets the requirements for registration as a member prescribed in the regulations;

“(b) is of good character”.

**(2) Subsection 18(1.1) is amended by adding the following clause after clause (a):**

“(a.1) is of good character”.

**(3) Subsection 18(2) is repealed and the following substituted:**

“(2) The Lieutenant Governor in Council may make regulations prescribing requirements for registration as a member for the purposes of clause (1)(a)”.

**(4) The following subsections are added after subsection 18(3):**

“(4) The council may register as a member, and issue a restricted licence to practise to, a person who:

(a) does not fully meet the requirements of clause (1)(a);

(b) agrees to practise in accordance with the conditions or restrictions specified on the restricted licence, including any condition requiring registration as a member as soon as the person meets the requirements of clause (1)(a);

(c) has paid the prescribed fees; and

(d) has complied with the bylaws with respect to registration as a member with a restricted licence.

“(5) A member granted a restricted licence to practise shall comply with the bylaws governing restricted licences.

“(6) Registration as a member pursuant to subsection (1) or (1.1), or retention of membership, is not contingent on employment as an assessment appraiser”.

**Section 20 amended**

**11 Section 20 is amended by striking out “‘Accredited Assessment Appraiser of Saskatchewan’, the abbreviation ‘A.A.A.S.’” and substituting “‘Licensed Assessment Appraiser of Saskatchewan’, the abbreviation ‘L.A.A.S.’”.**

**New section 21**

**12 Section 21 is repealed and the following substituted:**

**“Professional conduct committee**

**21(1)** The professional conduct committee is established consisting of at least three persons appointed by the council, the majority of whom are to be licensed members.

**(2)** No member of the council or member of the discipline committee is eligible to be a member of the professional conduct committee”.

**Section 22 amended**

**13 Clause 22(1)(b) is amended by adding “or assessing the member’s competence” after “of the complaint”.**

**Section 23 amended**

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

**“(1)** The discipline committee is established consisting of at least five persons appointed by the council, the majority of whom are to be licensed members and one of whom is a member of the council appointed pursuant to section 8.

**“(2)** No member of the professional conduct committee and no elected member of the council is eligible to be a member of the discipline committee”.

**Section 24 amended**

**15 Subsection 24(1) is amended in the portion preceding clause (a) by striking out “14 days” and substituting “10 business days”.**

**Section 25 amended**

**16(1) Subsection 25(3) is repealed and the following substituted:**

**“(3)** After the conclusion of its hearing pursuant to section 24, the discipline committee shall:

(a) make its decision as soon as possible; and

(b) within 10 business days after the decision, send to the member whose conduct is the subject of the complaint and the person, if any, who made the complaint:

- (i) a copy of its decision; and
- (ii) if the discipline committee makes an order pursuant to this section, a copy of the order”.

**(2) The following subsection is added after subsection 25(4):**

“(5) The discipline committee may inform a member’s employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence”.

**Section 27 amended**

**17 Section 27 is amended in the portion preceding clause (a) by striking out “with” and substituting “within”.**

**Section 42 amended**

**18 Clause 42(a) is amended by striking out “December 31 in the preceding year” and substituting “January 1 of that year”.**

**Section 45 amended**

**19 Subsection 45(2) is amended by striking out “seventh day” and substituting “tenth business day”.**

**S.S. 1994, c.A-16.1, section 22 amended**

**20 The following subsection is added after subsection 22(3) of *The Agrologists Act, 1994*:**

- “(4) Clause (1)(a) does not apply to:
- (a) a member as defined in *The Assessment Appraisers Act* who evaluates agricultural land for tax base purposes; or
  - (b) a person certified pursuant to section 24.1 of *The Assessment Management Agency Act* who evaluates agricultural land for tax base purposes”.

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

**21(1) *The Assessment Management Agency Act* is amended in the manner set forth in this section.**

**(2) Subsection 22(6) is repealed and the following substituted:**

“(6) A person shall be certified by the SAAA pursuant to section 24.1 in order to carry out a valuation or revaluation for assessment purposes or for the purposes of subsection (5)”.

**(3) Section 24.1 is repealed and the following substituted:**

**“SAAA to certify persons**

**24.1(1)** The SAAA shall certify whether persons who propose to undertake valuations for assessment purposes meet the standards for competency and proficiency prescribed in the regulations made pursuant to subsection 18(2) of *The Assessment Appraisers Act*.

(2) The SAAA may certify a person pursuant to subsection (1) who produces evidence satisfactory to the council that the person meets the requirements for registration as a member of the SAAA prescribed in the regulations made pursuant to subsection 18(2) of *The Assessment Appraisers Act*.

(3) SAAA members are deemed to be certified for the purposes of this section.

(4) On or before February 1 in each year, the SAAA shall file with the agency a list, certified by the registrar to be a true list, showing the names of all persons certified pursuant to this section as at January 1 of that year”.

**Coming into force**

**22** This Act comes into force on proclamation.