

Bill No. 53 of 1945.

A BILL TO PROVIDE FOR THE EXTENSION OF
AGRICULTURAL SERVICES IN ASSOCIATION
WITH MUNICIPAL AUTHORITIES.

NOTE.

The general purpose of this Bill through the co-operation between the Department of Agriculture and Municipal and Improvement Districts is to promote agricultural policies with a view to improve the economic welfare of the farmer including weed control and soil and water conservation programmes.

Section 3 of the Bill authorizes any Council of a Municipal District to constitute an advisory board known as "The Agricultural Service Board" and provides for representatives on the Board of the Council, the ratepayers of the District and the Department of Agriculture.

Section 4 makes similar provision for the setting up of a Board in one or more Improvement Districts.

Sections 5 to 8 give certain details as to procedure.

Section 9 prescribes the duties of the Board.

Section 10 authorizes the Minister of Agriculture to enter into an agreement with any Council or with the Minister of Municipal Affairs for the purpose of assisting in soil and water conservation, and authorizes him to provide for the payment of a portion of the cost of supervision and of the salary of a supervisor and for assistance towards conducting educational programmes and carrying out approved policies.

Section 11 authorizes the appointment in each Municipal District and Improvement District of a qualified Field Supervisor, approved by the Board, whose duty it will be to supervise and direct in conjunction with the representative of the Department of Agriculture the policies to be adopted.

Part II of the Act relates to lands which are debilitated or in the process of becoming debilitated through weed infestation, wind or water erosion, or other causes and are in such a condition that they may become a menace to the community.

Section 13 provides that when the Board, after investigation, has found this state of affairs to exist it shall report its findings to the Council or the Minister of Municipal Affairs where the land is in an Improvement District. The Council or the Minister may thus declare the land subject to reclamation.

Section 14 provides that, when such a declaration has been made, the Field Supervisor and the representative of the Department of Agriculture shall consult with and advise the occupant of the land and if possible agree with him as to proper farming practices. Subsection (2) provides that where the condition of any land declared subject to supervision requires expenditure by the Council or the Minister of Municipal Affairs for equipment, labour, etc. such expenditure may be made through an agreement with the owner, or occupant, or both, providing for repayment. Such advances if not repaid may be charged against the land as taxes.

Section 15 deals with cases where the land has got into such a state that the action provided for in the foregoing sections will be ineffective, the Board may recommend that the land should be taken from the control of the owner and occupant and in such a case the Council or Minister of Municipal Affairs may declare by by-law or order that the possession and control of the land be vested in the Council or Minister of Municipal Affairs. Such a by-law or order is to be registered in the Land Titles Office and a memorandum made on the title which shall have priority over existing encumbrances, etc. except taxes and irrigation rates. The Council or the Minister of Municipal Affairs may enter into possession and through their agent farm the land, or they may enter into an agreement with the owner or occupant as to farming the land with a view to its reclamation and rehabilitation under the general supervision of the Field Supervisor and with the advice of the Board. The expenses are to be paid by the Council or the Minister of Municipal Affairs who shall be entitled to the revenues which are to be applied in payment of sums expended and taxes, and any surplus is to be paid to the owner or other person entitled.

Provision is made in subsection (6) of section 15 for the return of the land to the owner upon the recommendation of the Board and for the cancellation of the by-law and registration.

Authority is given by section 16 to the Minister of Agriculture to make loans to Municipal Districts to assist them in carrying out the purposes of the Act.

Section 17 authorizes the Field Supervisor and members of the Board to enter upon lands for the purpose of carrying out his duties.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 53 of 1945.

An Act to Provide for the Extension of Agricultural Services
in Association with Municipal Authorities.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Agricultural Service Board Act.*"

INTERPRETATION.

- 2.** In this Act unless the context otherwise requires,—
- (a) "Board" means the Agricultural Service Board constituted by this Act;
 - (b) "Council" means the council of a municipal district;
 - (c) "Department" means the Department of Agriculture;
 - (d) "Minister" means the Minister of Agriculture;
 - (e) "Owner" means the registered owner.

PART I.

3.—(1) Any council may constitute an advisory board to be known as "The Agricultural Service Board" to consist of either three or five members, and who shall hold office for a period of one year and the council shall in each year as early in the year as practicable, appoint the members of the Board who shall be eligible for re-appointment.

(2) When the Board constituted by the council consists of three members, one shall be a member of the council, one shall be a ratepayer of the municipal district, and the third shall be an officer of the Department nominated by the Minister, and where the Board constituted hereunder consists of five members, two shall be members of the council, two shall be ratepayers of the municipal district, and the fifth shall be an officer of the Department nominated by the Minister.

4.—(1) In improvement districts, the Minister of Municipal Affairs may constitute an Advisory Service Board for and in respect of one or more improvement districts composed of three or five members who shall hold office for a period of one year, and the Minister of Municipal Affairs shall as early in the year as possible, appoint the members of the Board.

(2) Where the Board consists of three members, one shall be an officer of the Department of Municipal Affairs, one shall be a ratepayer of one of the improvement districts with respect to which the Board is constituted, and one shall be an officer of the Department of Agriculture nominated by the Minister, and where the Board consists of five members, two shall be officers of the Department of Municipal Affairs, two shall be ratepayers and one or more of the improvement districts with respect to which the Board is constituted, and the fifth shall be an officer of the Department of Agriculture nominated by the Minister.

5.—(1) In municipal districts, the council shall name the chairman of the Board who shall be one of the members representing the council on the Board, and the council shall provide a secretary.

(2) In improvement districts, the Minister of Municipal Affairs shall name the chairman of the Board and the secretary shall be a member of the Board representing the Department of Municipal Affairs.

6. It shall be the duty of the council of each municipality or of the Minister of Municipal Affairs in the case of improvement districts, to notify the Minister in writing of the appointment of an Agricultural Service Board and the names of its members.

7. The Board shall present at the annual meeting of the ratepayers of the municipal district, or in the case of an improvement district or improvement districts, at a public meeting when so directed by the Minister, a summary of its activities for the preceding year.

8. The council of each municipal district, or the Minister of Municipal Affairs in the case of improvement districts, is hereby empowered to expend out of the funds of the municipality or of the improvement district, as the case may be, such moneys as may be required to pay the expenses of the members of the Board on official business on the same basis as members of a council are paid under the provisions of *The Municipal District Act*.

9. The duties of the Board shall be,—

- (a) To act as an advisory body and to assist the council or the Minister of Municipal Affairs, as the case may be, and the Minister of Agriculture, in matters of mutual concern;

- (b) to advise with respect to the organizing and directing of weed control and soil and water conservation programmes;
- (c) to advise with respect to and assist in proper land utilization with a view to improving the economic welfare of the farmer;
- (d) to promote and develop any agricultural policies to meet the needs of the municipal district or improvement district, as the case may be.

10. The Minister may from time to time enter into and carry out the provisions of an agreement with any council or with the Minister of Municipal Affairs, as the case may be, for the purpose of assisting in soil and water conservation, control of noxious weeds, and for the purpose of implementing other agricultural policies which may be deemed necessary, and may provide for,—

- (a) the payment of a portion of the cost of supervision and of the salary of the supervisor appointed on the recommendation of the Board;
- (b) assistance towards providing services, material, equipment and labour in conducting approved programmes and policies;
- (c) assistance towards conducting educational programmes.

11. The council or the Minister of Municipal Affairs, as the case may be, upon the recommendation of the Board, shall appoint a qualified permanent Field Supervisor who shall supervise and direct in conjunction with the representative of the Department of Agriculture such programmes and policies as may be mutually agreed upon as between the Minister and the council or minister of Municipal Affairs, and the Field Supervisor shall upon appointment be an *ex officio* member of the Board.

12. Any council or the Minister of Municipal Affairs may and is hereby empowered to enter into and carry out the terms of an agreement entered into pursuant to section 10, including the payment of such expenditures as may be provided for by the agreement.

PART II.

13.—(1) Where the Board after investigation and inquiry has found that any farm lands in a municipal district or in an improvement district included in the area with respect to which a Board has been appointed is debilitated or in the process of becoming debilitated through weed infestation, wind or water erosion, or for any other cause which has seriously affected or may seriously affect the productivity of the land or the welfare of the owner or occupant of the land, and that the land may become a

menace to the community, it shall report its findings to the council or to the Minister of Municipal Affairs, as the case may be.

(2) Upon receipt of the report referred to in subsection (1) the council or the Minister of Municipal Affairs, as the case may be, may declare the land referred to in the report to be subject to supervision, rehabilitation or reclamation as hereinafter provided.

14.—(1) Where any land has been declared subject to supervision pursuant to section 13, the Field Supervisor and the representative of the Department on the Board shall consult with and advise the owner or occupant of the land, and so far as possible, they shall mutually agree upon proper farming practices over a specified period of years for the purpose of restoring the productivity of the land.

(2) Where, with respect to any land declared subject to supervision as aforesaid, the Board advises that the condition of the land is such that in addition to the remedy provided by subsection (1), expenditures should be made by the council or the Minister of Municipal Affairs for equipment, materials or labour, the council or the Minister of Municipal Affairs, as the case may be, may make such expenditures and may enter into an agreement with the owner or occupant of the land or with both providing for repayment to the council or Minister of the moneys so expended.

(3) If default is made in making any payment provided for in any agreement made pursuant to subsection (2), or of any part thereof, the council may by by-law declare that the amount then owing under the agreement shall be added to the taxes against the land, and that amount shall for the purposes of *The Tax Recovery Act* be deemed to be taxes and shall have the same priority as taxes.

(4) The provisions of subsection (3) shall not apply against the interest of the owner of the land unless he is a party to the agreement in default or has approved in writing the agreement between the council and the occupant.

15.—(1) Where any land has been under supervision pursuant to a declaration under the provisions of section 13 and the Board is of opinion that the results have been unsatisfactory, or where the Board is of opinion that owing to the condition of the land any such declaration would be ineffective to produce the desired results, it may recommend to the council or Minister of Municipal Affairs that the control of the land should be taken from the owner and occupant and that an order of reclamation of the land should be issued by the council or Minister of Municipal Affairs, as the case may be.

(2) Upon receipt of such recommendation, the council may by by-law or the Minister of Municipal Affairs may by order, declare that possession and control of the land shall

from the date of the by-law or order be vested in the council or Minister of Municipal Affairs, as the case may be, and thereafter no person shall be entitled to be in possession of the said land or any part thereof without the authority and consent of the council or Minister of Municipal Affairs, as the case may be.

(3) Forthwith after the passing of a by-law or the making of an order pursuant to subsection (2), the council or Minister of Municipal Affairs, as the case may be, shall forward to the Registrar of Land Titles for the Land Registration District in which the land is situated, a notice in Form A in the Schedule, and the Registrar shall make a memorandum thereof upon the certificate of title of the land affected by the order, and such memorandum shall have priority over all agreements of sale, caveats, mortgages, liens, charges and encumbrances of every description whatsoever, other than taxes and irrigation rates, and no certificate of title to the lands affected except under the provisions of *The Tax Recovery Act* shall thereafter be issued except subject to the said notice.

(4) From the date of the passing of a by-law or the making of an order, the council or the Minister of Municipal Affairs, as the case may be, may enter into possession of the said lands, and through their servants and agents or by agreement with the owner or occupant, cultivate the land and sow the harvest crops thereon to destroy weeds, and take such other steps as may be necessary or expedient for the purpose of reclamation and rehabilitation of the land under the general supervision of the Field Supervisor and with the advice of the Board to the end that the land shall be reclaimed and rehabilitated and eventually restored to the possession of the person entitled thereto.

(5) The council or the Minister of Municipal Affairs, as the case may be, may so long as the said by-law or order is in force, pay the expenses of rehabilitating the land and shall be entitled to the revenues derived from the said land which may be applied in repayment of sums expended and in payment of taxes upon the land and any surplus arising during the period while the by-law or agreement is in force shall be paid to the person other than a tenant entitled to the possession of the land at the time of the passing of the by-law or the making of the order.

(6) Where, in the opinion of the Board, the land has been rehabilitated and reclaimed sufficiently to justify its return to the person entitled thereto and so recommends to the council or the Minister of Municipal Affairs, the council or Minister of Municipal Affairs, as the case may be, shall rescind the by-law or order and shall forthwith forward to the proper Registrar of Land Titles a notice in Form B in the Schedule, who shall cancel the memorandum previously noted upon the certificate of title in so far as it affects the land described in the notice, and shall forward by registered mail notice of such cancellation to the following persons to their addresses as appearing on the register; registered owners, caveators and mortgagees.

GENERAL.

16.—(1) The Minister may, out of money acquired or appropriated by the Legislature for the purposes of this Act, make a loan to any municipal district to assist in carrying out the purposes of this Act, and particularly in carrying out the provisions of sections 12 and 15.

(2) Any loan made pursuant to subsection (1) shall be secured by a promissory note or notes payable at the time or times agreed upon with interest at a rate not exceeding five per cent per annum.

(3) Each council is authorized to make such loans and to give the security hereinbefore provided for.

17. The Field Supervisor and any member of the Board may, at all reasonable times and from time to time, enter upon any lands in a municipal district or improvement district with respect to which a Board has been constituted for the purpose of carrying out any duties imposed upon them by this Act, and generally for the purpose of properly carrying out the purposes of this Act.

18. The Minister may from time to time make regulations not inconsistent with the general purposes and to effect the general purposes for which this Act is passed.

19. This Act shall come into force on the day upon which it is assented to.

SCHEDULE.

FORM A.

(Section 15 (3).)

To the Registrar of Land Titles for the.....
Land Registration District.

Take notice that a by-law (or order, as the case may be) has been passed (or made) declaring that possession and control of the following land has been vested in the council of the municipal district of..... (or Minister of Municipal Affairs, as the case may be) under the authority of section 15 of *The Agricultural Service Board Act*.

(Insert description of lands)

Dated at..... the..... day
of, 19.....

Municipal District of.....

By
Secretary-Treasurer.

or

MINISTER OF MUNICIPAL AFFAIRS,

By
(as the case may be.)

FORM B.

(Section 15 (6).)

To the Registrar of Land Titles for the.....
Land Registration District.

Take notice that the by-law (or order, as the case may
be) declaring that possession and control of.....

.....
(here describe lands)

has been vested in the council of the Municipal District of
..... (or in the Minister of
Municipal Affairs, as the case may be), and has been re-
scinded in so far as it affects the following lands:

.....
(here describe lands)

Dated at..... the day
of....., 19.....

Municipal District of.....

By
Secretary-Treasurer.

or

MINISTER OF MUNICIPAL AFFAIRS,

By
(as the case may be.)

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

A Bill to Provide for the Extension of
Agricultural Services in Association
with Municipal Authorities.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Shnitka, King's Printer
1945