

1997 BILL 23

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First Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 23

AGRICULTURAL SERVICE BOARD  
AMENDMENT ACT, 1997

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MR. MARZ

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 23  
Mr. Marz

## BILL 23

1997

### AGRICULTURAL SERVICE BOARD AMENDMENT ACT, 1997

(Assented to \_\_\_\_\_, 1997)

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

Amends RSA  
1980 cA-11

**1 The *Agricultural Service Board Act* is amended by this Act.**

**2 Section 1 is amended**

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

(b) "council" means the council of a municipal district or specialized municipality or, with respect to a special area, the Minister of Municipal Affairs;

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

(d.1) "Minister's representative" means a person designated as a Minister's representative under section 9;

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

(e) "municipality" means a municipal district, specialized municipality or special area;

**(d) by repealing clause (g).**

**3 Section 2 is amended**

## Explanatory Notes

**1** Amends chapter A-11 of the Revised Statutes of Alberta 1980.

**2** Section 1 presently reads:

*1 In this Act,*

- (a) "board" means an agricultural service board constituted under this Act;*
- (b) "council" means the council of a municipal district or, with respect to an improvement district or special area, the Minister of Municipal Affairs;*
- (c) "Department" means the Department of Agriculture, Food and Rural Development;*
- (d) "Minister" means the Minister of Agriculture, Food and Rural Development;*
- (e) "municipality" means a municipal district, improvement district or special area;*
- (f) "owner" means the registered owner;*
- (g) "special municipal district" means a municipal district that was formerly a county and, unless otherwise specified, a reference to municipal district in this Act or the regulations includes a special municipal district.*

**3** Section 2 presently reads:

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

(b) to advise on and to help organize and direct weed and pest control and soil and water conservation programs,

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

(d) to promote, enhance and protect viable and sustainable agriculture with a view to improving the economic viability of the agricultural producer, and

**4 Sections 3, 4 and 5 are repealed and the following is substituted:**

Boards  
established

**3(1)** A council may establish and appoint members to an agricultural service board and provide that the members of the board be paid reasonable allowances for travelling, subsistence and out-of-pocket expenses incurred in attending meetings of the board.

(2) The council is to determine the chair, the number of members, the voting status and the term of office of the members of the board.

(3) The membership of a board must include persons who are familiar with agricultural concerns and issues and who are qualified to develop policies consistent with this Act.

(4) A board has and must exercise on behalf of a council all the duties and powers that are conferred on it by the council, under this or any other enactment, with respect to agricultural matters.

(5) A person who is a member of a board ceases to be a member of the board if, without being authorized by a resolution of the board, the member is absent from 3 consecutive regular meetings of the board.

(6) A vacancy on the board does not impair the right of the remaining members to act as long as a majority of the members remain.

(7) A board constituted under this section with respect to a special area is a corporation consisting of the persons who are members of the board.

2 *The duties of an agricultural service board are*

- (a) *to act as an advisory body and to assist the council and the Minister of Agriculture, in matters of mutual concern,*
- (b) *to advise on the organizing and directing of weed control and soil and water conservation programs,*
- (c) *to assist in the control of livestock disease under the Livestock Diseases Act,*
- (d) *to advise with respect to and assist in proper land utilization with a view to improving the economic welfare of the farmer, and*
- (e) *to promote and develop agricultural policies to meet the needs of the municipality.*

4 Sections 3, 4 and 5 presently read:

3(1) *The council of a municipal district may establish an agricultural service board consisting of 3 or 5 members who hold office for a period of one year.*

(2) *When the board consists of 3 members,*

- (a) *one must be a member of the council,*
- (b) *one must be a ratepayer of the municipal district, and*
- (c) *one must be an officer of the Department nominated by the Minister.*

(3) *When the board consists of 5 members,*

- (a) *2 must be members of the council,*
- (b) *2 must be ratepayers of the municipal district, and*
- (c) *the 5th must be an officer of the Department nominated by the Minister.*

(4) *The council shall name the chairman of the board who must be one of the members representing the council on the board, and the council shall provide a secretary.*

(5) *If a board is constituted under this section, the council shall in each year as early as practicable appoint the members of the board.*

(6) *Retiring members of the board are, if otherwise qualified, eligible for re-appointment.*

(7) *A person who is a member of a board ceases to be a member of the board if, without being authorized by a resolution of the board to do so, he absents himself from 3 consecutive regular meetings of the board.*

**(8) A board that exists on the coming into force of this section continues as a board under this Act.**

(8) *A vacancy in the board does not impair the right of the remaining members to act as long as a majority of the members remains.*

(9) *In the event of a vacancy in the board the council may appoint a person to fill that vacancy.*

(10) *This section does not apply to a special municipal district.*

4(1) *The Minister of Municipal Affairs by order may establish*

*(a) an agricultural service board for one or more improvement districts or special areas, or*

*(b) one or more boards for an improvement district or special area,*

*and in the order he shall*

*(c) prescribe the number of members of the board, which must be not less than 5 or more than 7 members, and*

*(d) if more than one board is established for an improvement district or special area, prescribe the area within the improvement district or special area in which the board has jurisdiction.*

(2) *A board established under this section is a corporation consisting of the persons who are members of the board.*

(3) *The Minister of Municipal Affairs shall appoint the members of a board established under this section, and the members shall elect from among themselves a chairman and a vice-chairman of the board.*

(4) *A person is not eligible to be a member of a board unless*

*(a) he resides in the area for which the board is appointed, and*

*(b) his name appears on the assessment roll in respect of land that*

*(i) is located in the area for which the board is appointed, and*

*(ii) is liable to assessment and taxation.*

(5) *Subject to subsection (6), the members of a board hold office for a term of 3 years commencing on January 1 following their appointment to the board.*

(6) *When a vacancy occurs in the office of a member before that member's term expires, the Minister of Municipal Affairs may appoint a person as a member of the board for the unexpired portion of that term.*

Summary of  
activities

**5 Section 6 is repealed and the following is substituted:**

**6** A board must present a summary of its activities for the preceding year to the council in a form acceptable to the council containing the information required by the council.

**6 Section 7 is repealed.**



*(7) A majority of the members of a board holding office constitutes a quorum at a meeting of the board.*

*(8) In order to assist a board*

*(a) the Minister of Municipal Affairs may designate an officer of the Department of Municipal Affairs, and*

*(b) the Minister may designate an officer of the Department of Agriculture, Food and Rural Development,*

*who are entitled to attend and participate in the meetings of the board but not to vote on any matter before the board.*

*(9) If a person is designated under subsection (8)(a), that person shall act as the secretary to the board.*

*(10) The Minister of Municipal Affairs may, from taxes levied within the area for which the board is appointed, provide funds to the board in order to enable the board to carry out its functions.*

*5 The council of a municipal district, or the Minister of Municipal Affairs in the case of an improvement district or special area, shall notify the Minister in writing of the appointment of a board and of the names of its members.*

**5** Section 6 presently reads:

*6 A board formed by the council of a municipal district or the Minister of Municipal Affairs shall present a summary of its activities for the preceding year at a public meeting if directed to do so by the council or Minister.*

**6** Section 7 presently reads:

*7(1) A council of a special municipal district may constitute an agricultural committee consisting of not less than 5 members of the council who hold office on the committee for a period of 1 year.*

*(1.1) If an agricultural committee is constituted under this section, the council of the special municipal district in each year as early as practicable shall appoint the members of the agricultural committee.*

*(2) The agricultural committee of the council of a special municipal district is the agricultural service board of the special municipal district.*

*(3) An agricultural committee at its first meeting following the appointment of the members shall elect a chairman from among its number.*

*(3.1) A vacancy in the committee does not impair the right of the remaining members to act as long as a majority of the members remains.*

*(3.2) In the event of a vacancy in the committee the council may appoint a person to fill that vacancy.*

**7 Section 8 is amended**

- (a) in subsection (1) by striking out** “of a special municipal district”;
- (b) in subsection (2) by striking out** “agricultural committee of the special municipal district and the Minister” **and substituting** “board and council”;
- (c) in subsection (3) by striking out** “council of a special municipal district, by by-law,” **and substituting** “municipality”.

**8 Section 9 is repealed and the following is substituted:**

*(3.3) If the council does not fill a vacancy in the committee and a majority of the members has not been appointed the council is deemed to be the committee.*

*(4) An agricultural committee has and shall exercise on behalf of the council of a special municipal district all the duties and powers that are conferred on or exercised by a council, under this or any other Act, with respect to agricultural matters, except the powers*

*(a) to borrow money,*

*(b) to pass a by-law,*

*(c) to do any other things that by by-law are reserved to the council, and*

*(d) to do any other things specified by the Lieutenant Governor in Council.*

*(5) An agricultural committee may exercise or perform its powers and duties in like manner and with the same effect as if the powers were exercised or the duties were performed by the council of the special municipal district.*

*(6) Subject to the limitations and reservations mentioned in subsection (4), the chairman of an agricultural committee may exercise or perform the rights, duties, privileges and powers of the chief elected official of a council of a special municipal district, in like manner and with the same effect as if they were exercised or performed by the chief elected official of the council.*

*(7) The agricultural committee shall submit estimates to the council of the special municipal district in each year in the same manner and at the same time estimates are submitted by the other committees of the council.*

**7** Section 8 presently reads:

*8(1) A council of a special municipal district may appoint one or more advisory committees with respect to any matter related to agriculture.*

*(2) An advisory committee appointed under this section shall act in an advisory capacity to the agricultural committee of the special municipal district and the Minister.*

*(3) A council of a special municipal district, by by-law, may provide that reasonable allowances for travelling, subsistence and for out of pocket expenses incurred in attending meetings of an advisory committee appointed under this section may be paid to the members of the committee.*

**8** Section 9 presently reads:

*9(1) In a special municipal district, the person designated by the Minister for the purposes of this section shall*

Minister's  
representa-  
tives

**9** In order to assist a board the Minister may designate an employee under the administration of the Minister as a Minister's representative

- (a) to advise the board on government programs, agricultural problems and needs of the municipality, and
- (b) to assist the board, on the request of the board, in the discharge of its duties.

**9 Section 10 is repealed.**

**10 Section 11 is amended**

**(a) in subsection (1)(b) by striking out "noxious weeds," and substituting "weeds and pests,";**

**(b) in subsection (2)**

- (i) by repealing clause (a);**
- (ii) in clause (b) by adding "administration and" before "provision";**
- (iii) by adding "and" at the end of clause (c), striking out "and" at the end of clause (d) and repealing clause (e).**

- (a) *advise the agricultural committee concerning the agricultural problems and needs of the special municipal district,*
- (b) *assist the agricultural committee in the discharge of its duties, and*
- (c) *assist the agricultural fieldman of the special municipal district in technical matters in the discharge of his duties relating to agriculture.*

*(2) In the exercise of his duties, the person referred to in subsection (1) may attend all meetings of the council of the special municipal district and the agricultural committee.*

*(3) In a special municipal district, the person referred to in subsection (1) shall exercise the functions, duties and powers that under sections 15, 16 and 22 are exercised in other municipalities by the representative of the Minister on a board.*

**9** Section 10 presently reads:

*10 A council may out of the funds of the municipality pay, on the same basis as members of a council are paid, the expenses incurred by the members of the board when engaged on official business.*

**10** Section 11 presently reads:

*11(1) The Minister and a council or a number of councils may enter into an agreement*

- (a) for assistance in soil and water conservation,*
- (b) for control of noxious weeds,*
- (c) for the control of any livestock disease, and*
- (d) to implement any other agricultural policies considered necessary,*

*and may make any payments provided for in the agreement.*

*(2) An agreement under this section may provide for*

- (a) the payment of a portion of the cost of supervision and of the salary of the agricultural fieldman appointed on the recommendation of the board,*
- (b) assistance towards the provision of services, material, equipment and labour in conducting approved programs and policies,*
- (c) assistance towards conducting educational programs.*
- (d) payment of expenses necessary in the control of livestock disease under the Livestock Diseases Act, and*

**11 Section 12 is amended**

- (a) by repealing subsection (1) and substituting the following:**

Agricultural  
fieldman

**12(1)** If a council has established a board, the council, in consultation with the board, must appoint a qualified person as agricultural fieldman to implement agricultural policies and programs and to manage the agricultural resources of the municipality.

- (b) by repealing subsection (2);**

- (c) in subsection (3) by striking out “the administrative” and substituting “a designated”;**

- (d) in subsection (4)**

**(i) in clause (a) by striking out “the municipal” and substituting “a municipal”;**

**(ii) in clause (b) by striking out “the officer” and substituting “an inspector”;**

**(iii) in clause (c) by striking out “the soil conservation officer” and substituting “a soil conservation officer”.**

**12 Section 14 is amended**

- (a) in subsection (2) by striking out “by the records of the land titles office” and substituting “on the assessment roll of the municipality”;**

- (b) in subsection (2.1) by striking out “on file at the land titles office” and substituting “on the assessment roll of the municipality”.**

**13 Section 15 is amended**

- (a) in subsection (1) by striking out “representative of the Department on the board” and substituting “Minister’s representative”;**

- (b) in subsection (2)(b) by striking out “or Minister”.**

- (e) the construction of a seed cleaning plant at a place, within or outside the municipality, agreed on by the parties concerned and the Minister.*

**11** Section 12 presently reads:

*12(1) A council shall appoint a qualified person as agricultural fieldman for the municipality.*

*(2) The agricultural fieldman shall be employed on a full-time basis.*

*(3) The agricultural fieldman shall act as the administrative officer of the municipality*

*(a) in carrying out the functions, duties and powers of the municipality under any Act relating to agriculture, and*

*(b) in implementing projects respecting agriculture agreed on between the council and the Minister.*

*(4) An agricultural fieldman is, in the municipality employing him,*

*(a) the municipal inspector under the Weed Control Act,*

*(b) the officer of the municipality under the Agricultural Pests Act, and*

*(c) the soil conservation officer of the municipality under the Soil Conservation Act.*

**12** Section 14 presently reads in part:

*(2) Notice of the hearing shall be served at least 15 days prior to the date of the hearing on all persons shown by the records of the land titles office to have an interest in the land.*

*(2.1) Service under subsection (2) may be by personal service or by registered mail to the latest address of the person on file at the land titles office.*

**13** Section 15 presently reads in part:

*15(1) When land has been declared subject to supervision under section 13, the agricultural fieldman 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 work out a plan of proper farming practices which the owner or occupant shall undertake to follow over a specified period of years to restore the productivity of the land.*

*(2) If the board advises that the condition of land declared subject to supervision is such that, in addition to the measures specified by*

**14 Section 16 is amended**

- (a) in subsection (1)(b)(i) by striking out** “representative of the Department on the board” **and substituting** “Minister’s representative”;
- (b) in subsection (2) by striking out** “an improvement district or” **and substituting** “a”.

**15 Section 17(1) is amended**

- (a) in clause (a)(ii) by striking out** “on file at the land titles office” **and substituting** “on the assessment roll of the municipality”;
- (b) in clause (b) by striking out** “records of the land titles office” **and substituting** “assessment roll of the municipality”.

**16 Section 21 is repealed.**



*subsection (1), special payments should be made by the council for equipment, materials or labour, the council may*

- (b) enter into an agreement with the owner or occupant of the land or with both for repayment to the council or Minister of the money so paid.*

**14** Section 16 presently reads in part:

*16(1) When the board*

- (b) is satisfied that in a case where land has been declared subject to supervision under section 13*

- (i) the agricultural fieldman and the representative of the Department on the board were unable to work out a plan of proper farming practices that the owner or occupant would undertake to follow,*

*(2) On receipt of a recommendation under subsection (1), the council may by by-law or, in the case of an improvement district or special area, by order declare that possession and control of the land is vested in the council from the date of the by-law or order, and*

- (a) thereupon any plan determined or agreement entered into pursuant to section 15 is cancelled forthwith, and*

- (b) thereafter no person is entitled to be in possession of the land or any part of it without the authority and consent of the council.*

**15** Section 17(1) presently reads in part:

*17(1) The council or the board, as the case may be, shall serve a certified copy of the declaration, order or by-law*

- (a) on the registered owner of the land*

- (ii) by sending it by registered mail to his latest address on file at the land titles office,*

*and*

- (b) on all other persons shown on the records of the land titles office to have an interest in the land*

- (i) by means of personal service, or*

- (ii) by sending it by registered mail to those persons at their latest address on file at the land titles office.*

**16** Section 21 presently reads:

*21(1) The Minister may out of money voted by the Legislature for the purposes of this Act make a loan to any municipal district to assist in carrying out this Act, and particularly in carrying out sections 11 and 16.*

**17 Section 22 is repealed and the following is substituted:**

Entry on land

**22(1)** An agricultural fieldman and the Minister's representative or a member of the board accompanied by an agricultural fieldman may, at any reasonable time, enter on land in a municipality with respect to which a board is constituted

- (a) to carry out their functions, duties and powers under this Act and under an order or declaration under this Act,
- (b) to determine whether conditions described in section 13(1) exist, and
- (c) to inspect the land and agricultural practices on land subject to a declaration under section 13 or an order under section 16.

(2) The right to enter on land as permitted under this section does not, without the permission of the owner or occupier of the land, include the right to enter any building or structure that is situated on the land.

**18 The *Municipal Government Act* is amended by repealing section 362(p).**

*(2) A loan made under this section shall be secured by a promissory note payable at the times agreed on with interest at a rate not exceeding 5% per year.*

*(3) Each council is authorized to borrow money and to give security under this section.*

**17** Section 22 presently reads:

*22 To carry out any duties imposed on them by this Act, and generally to carry out the purposes of this Act, the agricultural fieldman and any member of the board may, at any reasonable time, and from time to time, enter on land in a municipality with respect to which the board has been constituted.*

**18** Consequential.