

BILL

No. 44 of 1916.

An Act to amend the Municipal Co-operative Hail Insurance Act.

(Assented to _____, 1916.)

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

1. *The Municipal Co-operative Hail Insurance Act* is amended as follows:

1. Section 5: By adding thereto the following subsections:

“(3) The council of any municipality not in the hail insurance district may at any time pass a by-law in the form and according to the procedure prescribed in subsection 1 of this section, empowering the municipality to unite with the hail insurance district and in the event of the by-law being finally passed shall cause the secretary-treasurer to prepare, certify and forward to the Minister within thirty days a copy of the said by-law, together with a certified statement of the returning officer of the votes cast for and against the by-law.

“(4) The council of any municipality upon receipt before the first day of October in any year of a petition to that effect signed by not less than twenty-five per cent. of the resident ratepayers of the municipality, shall submit to be voted upon at the then next ensuing annual election a by-law empowering the municipality to unite with the hail insurance district.

“(5) Such by-law shall receive its first and second reading as soon as possible after the receipt of such petition.

“(6) In the event of any such by-law receiving the assent of the majority of the electors voting thereon the council shall on or before the tenth day of January next after such voting, finally pass the said by-law and shall cause the secretary-treasurer to prepare, certify and forward to the Minister during the same month a copy of the said by-law, together with a certified statement by the returning officer of the votes cast for and against the by-law.”

2. Section 6, subsection 8: By repealing the same and substituting therefor the following:

“(8) The board may on resolution authorize its chairman and treasurer to borrow from any person, bank or corporation, such sum or sums of money as the board deem necessary for the purpose of carrying on the business of the district other than the payment of indemnities for losses by hail, and such loan shall be a debt owing by the hail insurance district repayable in accordance with the terms of the resolution authorizing the same. Such loan may be secured by a promissory note or notes of the chairman and treasurer given on behalf of the board.”

3. Section 7, subsection 1: By adding thereto immediately at the end of subsection 1 thereof the following words “and any of such officials may be appointed a member of the board”.

4. Section 9: By striking out the word "first" in the third line thereof and substituting therefor the word "fifteenth".

5. Section 10: By inserting after the word "inclusive" in the fourth line thereof the words "and in the case of fall wheat and rye between the first day of June and the fifteenth day of September, both inclusive", and by repealing subsection 3 thereof and substituting the following:

"(3) It shall be the duty of every inspector employed by the board to appraise and adjust claims for indemnity under this Act, to make every effort to personally see the claimant or in the absence of the claimant his resident representative, and upon the completion of the inspection to secure his written concurrence in the award made by the inspector, and every such statement of concurrence, or the reason for failure on the part of the inspector to secure such concurrence shall be forwarded to the board by the inspector with his report."

And by adding to subsection 4 the following proviso:

"Provided, however, that no claimant shall be entitled to indemnity under this Act for any damage unless the damage exceeds five per cent. of"

6. Section 12, subsection 1: By repealing the same and substituting therefor the following:

"12. In any year if it is found by the board that the taxes levied in accordance with section 13 together with any surplus that may be on hand from previous years will not be sufficient to pay all the costs of administration and the losses in full the board may on or before the fifteenth day of September levy an additional rate to enable the board to pay the losses in full and the costs of administration in full to the end of the then current year:

"Provided, however, that the rate levied in accordance with section 13 together with the additional rate provided for in this subsection shall not in any year exceed ten cents per acre and in case the said ten cents per acre together with any surplus that may be on hand will not be sufficient to pay all the costs of administration and the losses in full, the board shall on or before the fifteenth day of November, after deducting from the total amount of moneys available from the taxes levied and the surplus, if any, an amount sufficient to pay the cost of administration to the end of the then current fiscal year, apportion the balance of the among the claimants *pro rata*, and this shall be considered a final settlement of the claims for indemnity for that year."

And by amending subsection 3 of section 12, by striking out the words "claim for indemnity" in the first and the ninth lines thereof and substituting therefor the word "award".

And by adding the following new subsection:

"(4) Moneys due as indemnity for losses by hail shall be exempt from garnishment or attachment and shall be incapable of being assigned."

7. Section 13, subsection 1: By striking out the words "fifteenth day of February" in the twelfth line thereof and substituting therefor the words "first day of March".

Section 13, subsection 2: By adding immediately after the word "levied" in the ninth line thereof the following:

"And if the above named five per centum amount be not paid on the date mentioned it shall bear interest at the rate of eight per centum until paid,"

And by striking out the proviso at the end of subsection 2.

Section 13, subsection 4: By striking out the word "thirty-first" in the sixth and seventh lines thereof and substituting the word "fifteenth" therefor.

Section 13, subsection 5: By inserting after the word "shall" in the second line thereof the words "along with the notice provided for by section 298 of *The Rural Municipality Act*."

8. Section 14, subsection 1: By repealing the same and substituting therefor the following:

"14. Any person who is liable for assessment and who is a resident and owner or occupant of land within a municipality within the hail insurance district may on or before the first day of June in any year by written notice to the secretary-treasurer of such municipality withdraw from the operation of this Act any quarter section as the same may in such notice be described by him of land in respect of which he is liable to assessment hereunder upon satisfying the council and the hail insurance board as hereinafter provided that the same is an unpatented quarter section held by him under homestead, pre-emption or purchased homestead entry from the Dominion of Canada upon which there are less than twenty-five acres under cultivation and such land so described shall be exempt from taxation for hail insurance purposes for the then current year."

Section 14, subsection 2: By substituting for the word "May" in the second line thereof the word "June" and for the word "June" in the eighth line thereof the word "July". And by adding thereto the following new subsection:

"(3) The council of any municipality in the hail insurance district may at any time not later than the first day of September in any year submit to the board a list of lands in the municipality on the assessment roll for hail insurance purposes for the then current year in respect to which the title is in doubt or the right of the municipality to tax is in dispute.

"(4) The board shall on or before the first day of November provide, under terms to be prescribed by them, that the secretary-treasurer of the municipality may withdraw from the report of the total acreage of lands assessable for hail insurance purposes, as provided for in subsection (7) of section 13, for the then current year all lands on which, in the opinion of the board the municipality, on account of the reasons mentioned in the next preceding subsection shall not be able to collect the hail insurance tax during the then current year and shall notify the secretary-treasurer of the municipality to that effect.

"(5) The total amount of the taxes levied on lands withdrawn in accordance with the next three preceding subsections shall be deducted from the total amount due from the municipality for hail insurance taxes for the then current year as provided for in subsection (1) of section 13."

9. Section 16: By substituting for the word "or" in the tenth line of subsection 1 the word "and".

By repealing the proviso to said subsection 1.

And by repealing subsection 3 thereof.

No. 44.

FOURTH SESSION
THIRD LEGISLATURE
6 GEORGE V
1916

BILL

An Act to amend the Municipal
Co-operative Hail Insurance Act.

Received and read the

First time

Second time

Third time

HON. MR. GARIEPY.

EDMONTON:
J. W. JEFFERY, GOVERNMENT PRINTER,
A.D. 1916