

BILL

No. 71 of 1921.

An Act to amend The Municipal Hail Insurance Act.

(Assented to _____, 1921.)

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

1. Section 2 of *The Municipal Hail Insurance Act*, being chapter 20 of the Statutes of Alberta, 1918, is amended by adding as paragraph (k) thereof the following:

“(k) ‘Parcel of land’ shall mean any quarter section or smaller parcel of land, separately assessed on the assessment roll of a municipal district.”

2. Section 6 of the said Act is amended—

- (a) As to subsection 1 thereof by adding after the words “under the operation of this Act” the words “and within the hail insurance district”;
- (b) As to subsection 2 thereof by adding thereto the words “and within the hail insurance district”;
- (c) As to subsection 3 thereof by striking out the first two lines thereof and inserting: “The council of any municipal district not then within the hail insurance district”; and by adding to the subsection the words “and within the hail insurance district”;
- (d) As to subsection 4 thereof—
 - (i) By striking out all words therein down to and including the words “hail insurance district,” and inserting in lieu thereof: “Any owner or occupant of land lying in a municipal district not within the hail insurance district”;
 - (ii) By adding to the subsection after the words “subject to the provisions of this Act,” the words “and to come within the hail insurance district.”

3. Section 8a is added to the said Act as follows:

“8a. Subject to the provisions of this Act as to withdrawals and as to the non-inclusion of certain crops in the crop report hereinafter provided for and the other provisions of this Act, all owners and occupants of land within the hail insur-

ance district shall be insured against loss or damage by hail in respect of all crops grown thereon, and shall be liable to assessment per acre of all land upon which any crop is sown.

“(2) Where any person other than the owner or occupant of land whereon insured crop is grown has an interest in such crop, such person shall be insured against loss or damage by hail in accordance with the provisions of this Act.”

4. Section 12 of the said Act is amended by striking out in the second line thereof “\$4.00,” and substituting therefor “\$8.00.”

5. Section 14 of the said Act is amended by adding thereto clause (d) as follows:

“(d) To re-insure any portion of the risk carried under the provisions of this Act in any company or corporation approved for this purpose by the Provincial Treasurer or Minister.”

6. Section 24 of the said Act is hereby struck out, and the following substituted in lieu thereof:

“24. Every owner or occupant of land within the hail insurance district whereon any crop is sown shall, on or before the fifteenth day of June in each year, forward to the secretary-treasurer of the municipal district within which such land is situated a crop report in the form prescribed by the board, showing—

“(a) The name and address of the person making the same;

“(b) A correct description of every parcel of land owned or occupied by him within the area of the municipal district, except—

“(i) Subdivided lots and blocks registered in the Land Titles Office;

“(ii) Raw or unbroken parcels of land;

“(iii) Lands withdrawn from the operation of this Act under the provisions thereof;

(c) The location, acreage and kind of the crop with regard to which he desires to be insured;

(d) The amount of the maximum indemnity to be payable per acre in respect of loss, *i.e.*, \$6.00, \$8.00 or \$10.00 per acre, as the case may be.

“(2) Where lands are leased the lessee may make a crop report in the form hereinbefore referred to at any time before the fifteenth day of June of any year, which may be accepted by the secre-

tary-treasurer of the municipal district as correct in lieu of the crop report of the owner or occupant of land, if any.

“(3) In case any owner or occupant neglects or refuses to make the crop report, or makes an insufficient crop report, the secretary-treasurer of the municipal district within which any such land is situated shall after proper and reasonable investigation fill up the crop report as accurately as possible and any costs or charges that he may incur in obtaining accurate information shall become immediately due and payable by the owner or occupant of the land to the secretary-treasurer, and if not paid shall be charged against the owner or occupant as a portion of the hail insurance tax for that year.”

7. Section 25 of the said Act is hereby struck out, and the following substituted therefor:

“25. The secretary-treasurer of each municipal district within the hail insurance district shall, on or before the first day of July in each year, prepare and forward to the Hail Insurance Board a statement in a schedule form to be prescribed and furnished by the board, setting forth the information given in the crop reports made by the owners or occupants or filled in by the secretary-treasurer, and such other information as may be required by the board.

“(2) All information set out in such statement shall, for the purposes of taxation and the payment of indemnities hereunder be deemed to be correct.”

8. Section 26 of the said Act is amended—

(a) As to subsection 1 thereof—

“(i) By inserting after the word ‘Act’ in the second line thereof the words ‘in respect of any land’;

“(ii) By inserting after the word ‘Act’ where it occurs for the second time therein the words ‘save in so far as liability for unpaid taxes is concerned’;

“(iii) By striking out the words ‘that that in’ where they occur therein, and substituting therefor the words ‘that in’;

“(iv) By striking out the proviso at the end thereof;

“(v) By adding at the end thereof the words ‘Every such application shall be sent forthwith by the secretary-treasurer of the municipal district to the board by registered mail, but in no case will the insurance

be considered to be in force until such time as the application is received by the board at its office in the city of Calgary”;

(b) By adding as subsection 2 thereof the following:

“(2) All raw or unbroken lands if not withdrawn from the operation of this Act under the provisions of this section shall be liable to assessment as if a crop were sown thereon”;

(c) As to subsection 2 thereof—

“(i) By changing the number thereof to 3;

“(ii) By striking out the words ‘twentieth day of July’ where they occur therein, and substituting therefor ‘first day of August’;

“(iii) By striking out all words after the words ‘such destruction,’ and inserting in lieu thereof ‘may cancel the insurance for the current year with respect to the crop destroyed and thereupon shall be entitled to a rebate of the hail insurance tax, or such portion thereof as, upon taking into consideration the amount of the crop destroyed and the time during which such destroyed crop was insured, seems just to the board.’ ”

9. Section 27 of the said Act is amended—

(a) As to subsection 1 thereof by striking out the words “fifteenth day of September” wherever they occur therein, and inserting in lieu thereof the words “thirtieth day of September”;

(b) By adding as subsections 3, 4 and 5 thereof the following:

“(3) If for any reason notice of loss is not given within thirty days from the date of such damage, the claimant shall furnish proof of the damage sustained by him by statutory declaration or otherwise, as the board may direct.

“(4) Any claim for an indemnity, notice of which is not given to the board on or before the first day of November of the year in which such damage occurs, shall be absolutely barred.

“(5) All claims for indemnity for loss occurring during the years 1919 and 1920 of which no notice has been given to the board are hereby absolutely barred.”

10. Section 29 of the said Act is amended by renumbering subsections 2 and 3 thereof, making them 3 and 4 respectively and by adding as subsection 2 thereof the following:

“(2) Any owner or occupant on application in writing to the secretary-treasurer of the muni-

municipal district in which his land lies, may after being insured and before his crop is destroyed or damaged by hail have his insurance increased from \$6.00 to \$8.00, from \$6.00 to \$10.00 or from \$8.00 to \$10.00 per acre. Such application shall be sent forthwith by the secretary-treasurer of the municipal district to the board by registered mail, but in no case will the additional insurance be considered to be in force until such time as the said application shall have been received by the board at its office in the city of Calgary."

11. Section 33 of the said Act is amended by striking out the words at the beginning thereof down to and including the word "sufficient," and by inserting in lieu thereof the following:

"The board shall after the fifteenth day of September but not later than the third day of October in each year fix the rates per acre of land upon which any crop is sown at which the hail insurance tax is to be levied upon each owner or occupant of any parcel of land within the municipal district.

"(2) The rates so fixed shall vary in accordance with the maximum amount of indemnity per acre desired by the owner or occupant of the parcel of land concerned.

"(3) The rates shall be of such an amount that the tax when levied at those rates shall be sufficient."

12. Section 34 of the said Act is amended by striking out the words "rate has been fixed," and inserting in lieu thereof the words "rates have been fixed."

13. Section 36 of the said Act is amended—

- (a) By striking out the word "rate" where it occurs therein, and inserting in lieu thereof the word "rates";
- (b) By inserting the words "and occupants" after the word "owners" therein;
- (c) By striking out all the words after the word "levied" where it last occurs therein, and inserting in lieu thereof the words "and be chargeable against the land and recoverable in the same manner as municipal taxes and the persons charged therewith shall be subject to the same penalties for non-payment as for the non-payment of municipal taxes."

14. Section 36a is added to the said Act as follows:

“36a. Where crops growing on leased land are insured the owner or occupant shall have a first charge upon all the insured crops as security for the payment of the tax or so much thereof as is not payable with respect to crop payable to the lessor.

“(2) The lessor may—

“(a) Give notice of his intention to enforce his charge upon a sufficient quantity of grain or seed to discharge the said tax, or part thereof;

“(b) Upon giving such notice, separate such grain or seed from the bulk and remove the same from the premises of the lessee at any time within thirty days.

“(3) If, at the expiration of fifteen days from such notice, such tax or part of the tax is not paid to the lessor he may sell the grain or seed at a fair market price and retain thereout the amount of such tax, together with an allowance for haulage at the following rate: four cents per hundred pounds for six miles or less and three quarters of a cent per hundred pounds for each additional mile, provided that the total charge for haulage shall not exceed twenty cents per hundred pounds.

“(4) The lessor shall not separate, remove or sell any greater quantity of grain or seed than will approximately when computed at the fair market value thereof at the nearest market, be sufficient to satisfy the amounts set out in the preceding subsection.

“(5) All grain or seed separated or removed under the provisions of this Act shall be sold within thirty days after notice of intention to enforce the charge is given, unless the lessee consents in writing to a postponement of the sale.

“(6) If the proceeds of any such sale exceed the amount required to satisfy the amounts set out in subsection 3 hereof, the surplus shall be paid to the lessee.”

No. 71.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to amend The Municipal
Hail Insurance Act.

Received and read the

First time

Second time

Third time

HON. MR. MITCHELL.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921