

BILL

No. 51 of 1927.

An Act to amend The Drainage Districts Act.

(Assented to _____, 1927.)

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

1. This Act may be cited as "*The Drainage Districts Act Amendment Act, 1927.*"

2. Section 28*a* of *The Drainage Districts Act*, being chapter 46 of the Revised Statutes of Alberta, 1922, is amended—

- (*a*) as to subsection (1) thereof, by striking out the words "at least two weeks prior to the last day of January in each year" where they occur therein; and by striking out the word "registered" where it occurs therein;
- (*b*) as to subsection (2) thereof, by adding at the end thereof, the words "which shall be held not later than the thirty-first day of January."

3. Section 48 of the said Act is hereby struck out and the following substituted therefor:

"**48.**—(1) The board shall, not later than the first day of February in each year, make an estimate of the amount required to pay—

"(*a*) The drainage service charge, being all the expenses connected with the administration of the district and the operation and maintenance of the drainage works, including payments into a reserve fund to provide for the preservation of the said works in a proper state of efficiency, and any payment for new expenditure, whether capital or otherwise, up to the expiration of such year.

"(*b*) The drainage debenture payment, being the principal and interest payable under the terms of all district debentures.

"(2) If such payments and expenses are not otherwise provided for and if such estimate is approved by the council, the board shall forthwith pass a by-law imposing a separate rate with respect to each of the items (*a*) and (*b*) aforesaid (being called the drainage service charge and the drainage debenture payment respectively, and which to—

gether shall comprise the drainage rate) upon each parcel of land within the district in proportion to the benefit as the same is shown by the last revised assessment roll of the district.

“(3) Any rate imposed shall be sufficient to bring in the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement for losses which may occur in the collection of the drainage rate.

“(4) Any reserve fund created under this section shall be expended for the benefit of the district in accordance with the directions of the council from time to time.”

4. Section 52c is added to the said Act as follows:

“52c.—(1) In any district the owner of any parcel upon which no arrears of drainage rates remain unpaid may in the manner hereinafter provided commute the whole or any part of the unpaid drainage debenture payments levied and to be levied against the said parcel for the payment of the interest and principal of the debentures of the district then outstanding.

“(2) The amount required to be paid in cash in any year in commutation as aforesaid of the said drainage debenture payments shall be determined per dollar of benefit assessed against the land (as shown by the last revised assessment roll of the district) in the following manner:

“The present worth (computed at the rate of interest for the time being fixed by the Lieutenant Governor in Council) of all annual payments necessary to be made under the terms of the said debentures to meet the interest thereon and to provide for the repayment of the principal sum or sums at maturity, from and including the year in which the commutation is made, shall be divided by the total amount of the benefit assessed against all the parcels in the district as shown by the last revised assessment roll.

“(3) Upon receipt by the secretary-treasurer of any sum paid pursuant to the provisions of this section he shall ascertain in the manner hereinbefore set out the amount of benefit with respect to which the said sum may be accepted in commutation of the said drainage debenture payments, and shall thereupon note the same upon the assessment roll against the parcel in respect of which the payment is made.

“(4) Upon payment of the said sum the drainage debenture payment levied against the said parcel with respect to the amount of benefit ascertained as aforesaid shall be paid annually by the board and shall not be chargeable against the person or persons ordinarily chargeable with rates levied against the said parcel:

“Provided that in the case of a district whose debentures are guaranteed by the Province the treasurer shall forthwith remit the said sum to the Provincial Treasurer with a statement describing the said parcel and stating the amount of the benefit ascertained as aforesaid to which the payment is applicable, and after certification by the Provincial Audi-

tor as to the correctness of the said statement the drainage debenture payment levied against the said parcel with respect to the amount of benefit ascertained as aforesaid shall be paid annually by the Provincial Treasurer out of the funds which have come into his possession under the provisions of this section, and shall not be chargeable against the person or persons ordinarily chargeable with rates levied against the said parcel.

“(5) Where any payment is made under the provisions of this section, the whole of the parcel with respect to which the payment is made and the owner thereof shall continue to be subject to all the provisions of this Act regarding the enforcement of rates payable otherwise than by the Provincial Treasurer or the board of trustees, as the case may be, under the provisions of this section.

“(6) Wherever the word ‘debentures’ is used in this section it shall include every form of security which may have been given for the repayment of moneys borrowed for capital expenditure in the district.”

5. Section 108 of the said Act is amended by adding as subsection 3 thereof the following:

“(3) The secretary may at any time correct the assessment roll as to the names of the owners or occupants appearing thereon.”

6. Section 155*e* of the said Act is amended by adding thereto the following proviso:

“Provided, however, that where a seizure is made of a growing crop, or of grain which is unthreshed, the treasurer may cause the same to be cut, harvested and threshed as may be necessary, and may add to the amount of the levy the cost thereby incurred and the estimated cost of hauling such grain to a convenient elevator or place of storage:

“Provided further, that he may sell any grain seized at the current market price.”

7. Section 155*ff* is added to the said Act immediately after 155*f* as follows:

“**155ff.** Where personal property liable to seizure for rates as hereinbefore provided is under seizure or attachment, or has been seized by the sheriff, or by a bailiff of any court, or is claimed by or in possession of any assignee for the benefit of creditor or liquidator or of any trustee or authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the secretary-treasurer to, and he shall, give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for rates, and in such case the sheriff, bailiff, assignee or liquidator, or trustee or authorized trustee in bankruptcy shall pay the amount of the same to the secretary-treasurer in preference and priority to any other and all fees, charges, liens or claims whatsoever.”

8. Section 155*g* of the said Act is amended as to subsection (1) thereof as follows:

- (a) By striking out the word "October" where it occurs therein and substituting therefor the word "December."
- (b) By striking out the words "and the value thereof" at the end of paragraph (b).

9. Section 155*j* of the said Act is amended by striking out the word "November" where it occurs therein, and substituting therefor the word "January."

10. Section 155*o* of the said Act is amended by striking out the word "January" where it occurs therein and substituting therefor the word "March."

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

No. 51.

FIRST SESSION
SIXTH LEGISLATURE
17 GEORGE V
1927

BILL

An Act to amend The Drainage
Districts Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. SMITH

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1927