

BILL

No. 83 of 1938.

An Act to vest in the Crown in the right of the Province certain Agricultural Produce and for the Relief of the Land upon which the same is produced from Assessment and Taxation.

(Assented to _____, 1938.)

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 Agricultural Land Relief Act.*"

2. In this Act, unless the context otherwise requires,—

- (a) "Agricultural produce" means wheat, oats, rye, barley, flax, peas, beans, hay, alfalfa, sugar beets, potatoes, grass seed, clover seed, alfalfa seed, eggs, honey, horses, cattle, sheep, swine, poultry, geese, dairy produce and wool;
- (b) "Minister" means the Minister of Municipal Affairs;
- (c) "Municipality" means every municipal district, improvement district and every school district which collects its own taxes other than a village school district;
- (d) "Primary dealer" means any person who in the course of and as a part of his business purchases agricultural produce from the producer thereof or deals in or handles or processes any agricultural produce for the producer thereof;
- (e) "Producer" means every person who, being the registered owner or the purchaser under an agreement of sale or the lessee of any land in a municipality, occupies and uses such land for the purpose of the production of any agricultural produce.

3. On, from and after the first day of the month next following the month in which this Act is proclaimed to be in force, seven undivided one-hundredth parts of all agricultural produce shall, as and from the moment upon which the same comes into being, be vested in His Majesty, in the right of the Province, to be used in such manner and for such purposes as are hereinafter provided.

4. Whenever any such agricultural produce is sold by or on behalf of the producer thereof, so much of such produce as is by this Act vested in His Majesty shall be delivered to the Minister on behalf of His Majesty.

5. Every primary dealer in the Province is hereby authorized and empowered as the agent for His Majesty, to receive out of all agricultural produce which is delivered to him upon the purchase thereof or which is delivered to him for the purpose of being dealt in, handled or processed, and upon the delivery of any such produce to a primary dealer such dealer shall as such agent as aforesaid,—

- (a) obtain from the person so delivering any such produce, a statement in writing signed by such person setting out the name of the producer thereof and the legal description of the land of which he is the occupier;
- (b) make out in triplicate and sign a statement setting out the date and place of the purchase, the name of the vendor and purchaser, the kind, quality or grade of the produce purchased, and the purchase price thereof;
- (c) retain on behalf of His Majesty the portion thereof by this Act vested in His Majesty, namely one-twelfth part thereof, and dispose of the portion so retained in such manner as he may be directed by the Minister;
- (d) forthwith remit to the Minister the statement referred to in paragraph (a) and one of the triplicate statements referred to in paragraph (b) of this section;
- (e) deliver to the vendor one of the triplicate statements referred to in paragraph (b) and retain the remaining statement.

6.—(1) In case any producer of agricultural produce desires to ship such produce to any point outside the Province, he shall first give notice in writing to the Minister setting out the kind and amount of the produce which he proposes to ship, the company or person by whom the proposed shipment is to be made, the date upon which it is proposed to make the shipment, and the legal description of the land occupied by the producer.

(2) Such notice shall be delivered to the Minister not later than the tenth day before the date of the proposed shipment; the notice may be sent by mail and in such case shall be mailed so that it will be in the ordinary course of the mail delivered to the Minister not later than the tenth day before the proposed date of shipment.

(3) The Minister shall then proceed to give such directions as he may deem proper as to the delivery to the Minister

of the part thereof belonging to the Crown in the right of the Province, and to issue a permit for the shipment, subject to the compliance by the producer with such directions which shall be set out therein.

(4) No producer shall ship, move or send or cause to be shipped, moved or sent out of the Province any agricultural produce unless he has a permit under this section authorizing the shipment and has complied with all the directions set out therein.

(5) No person whatsoever shall ship or transport or accept any agricultural produce from a producer for shipment or transportation out of the Province unless he receives at the time of the receipt of the produce for shipment the permit of the Minister for such shipment and satisfies himself that the directions set out therein have been complied with.

(6) Every person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction in the case of a corporation to a fine of not less than twenty dollars and not more than five hundred dollars and costs, and in the case of any other person to a fine of not less than ten dollars and not more than two hundred dollars and costs, and in default of payment to imprisonment for a term of not more than three months.

7.—(1) The proper officer of every municipality shall make such enquiries as he may consider necessary for the purpose of ascertaining all the parcels of land in the municipality which are exempt from taxation under *The Wild Land Tax Act, 1938*, and are in the occupation of agricultural producers and which are actually used for the purpose of agricultural production, and shall make or cause to be made an entry on the assessment roll as to every such parcel, and every such entry shall be initialled by the person making the same and shall set out the date of the making thereof.

(2) Not later than the first day of September in each year, the proper officer of every municipality shall forward to the Minister a return setting out the legal description of every parcel which is upon the assessment roll against which an entry has been made pursuant to this section.

(3) Any person whose name appears on the assessment roll as the owner or occupant of any land in respect of which an entry has not been made pursuant to this section, may appeal in the case of a municipal district to the council, and in the case of an improvement district to the Supervisor of Improvement Districts.

(4) Any such person who desires to appeal shall give notice in writing of his appeal not later than the first day of August, and such notice shall be sent if the land to which the appeal relates is in an improvement district, to the Supervisor of Improvement Districts, and if such land is in a municipal district to the secretary-treasurer thereof.

(5) Every notice of appeal shall set out the name and post office address of the appellant and the legal description of the land to which the appeal relates.

(6) In the case of municipal districts, the secretary-treasurer shall notify the appellant of the time and place of the meeting of the council to deal with appeals under this section, and such appeals shall be determined by the council sitting as a court of revision with an appeal to the Alberta Assessment Commission, and all the provisions of *The Assessment Act* relating to complaints to the council and to appeals therefrom to the Alberta Assessment Commission and of *The Alberta Municipal Assessment Commission Act* relating to the Alberta Assessment Commission, shall *mutatis mutandis* apply to all such appeals.

(7) In the case of improvement districts, appeals shall be dealt with, heard and determined in the manner prescribed by *The Assessment Act*.

8. In case it is made to appear to the Minister that any parcel of land in respect of which an entry appears upon the assessment roll made pursuant to section 7, is not being used for the purpose of agricultural production, or that the producer who is the owner or the purchaser of any such parcel of land under an agreement of sale, or the lessee thereof, has sold or otherwise disposed of the agricultural produce of which he is the producer without delivery being made of the portion thereof which is the property of His Majesty, then and in any such case the Minister may, after making or causing to be made such enquiries as he may think proper, by order direct the proper officer of the municipality to cancel the entry upon the assessment roll made pursuant to section 7 in respect of any parcels mentioned in such order; and immediately upon the receipt of any such order the proper officer shall cancel the said entry.

9. Where an entry has been made pursuant to section 7 in any year in respect of any parcel of land and so long as that entry remains uncanceled, no levy shall be made by any municipality in respect of such parcel for any taxes of the municipality levied in the year in which the entry is so made.

10. The Minister is hereby authorized and empowered,—

- (a) to take delivery of and store so much of the agricultural produce receivable by him pursuant to this Act as he deems requisite for furnishing any relief in kind, the furnishing whereof is authorized by any Act of the Legislature of the Province;
- (b) to sell any of such produce and to place the proceeds of sale in a Special Trust Account to the credit of the Provincial Treasurer.

11. The money for the time being to the credit of the Special Trust Account shall be available,—

Firstly, for the payment to municipal districts and improvement districts of the amounts payable to them pursuant to section 12;

Secondly, to provide for crop loss insurance in the nature of grants of seed to farmers who have lost grain crops through drought, hail, frost, cutworms or grasshoppers, in such manner, subject to such conditions and to such extent as may be from time to time prescribed by the Lieutenant Governor in Council.

12.—(1) Every municipality shall not later than the first day of May in the year 1939, and in each subsequent year, deliver to the Minister a statement setting out an estimate of all its expenditures for the current year and all its receipts, excluding from such receipts any thing on account of taxes for the current year on land which is in the actual occupation of a producer of agricultural produce.

(2) Upon the receipt of any such statement the Minister may, after making such investigations or inquiry as he deems sufficient, either approve the statement or may refer the same back to the municipal district or improvement district to which it relates with directions for the revision and amendment thereof, and may approve the statement so revised and amended.

(3) Upon any such statement being approved by the Minister, the municipal district or improvement district to which the statement relates, shall be entitled to receive out of any money for the time being standing to the credit of the Special Trust Fund, the amount of the difference between the estimated expenditures and the estimated receipts set out in such statement, by four equal quarterly instalments on the first day of the months of July, October, January and April.

13. Wherever by this Act any act or thing is required to be done by a municipality, such act or thing shall be done by the council in the case of a municipal district, the Deputy Minister of Municipal Affairs in the case of an improvement district, and the Board of Trustees in the case of a school district; and wherever any act or thing is so required to be done by the proper officer of a municipality, such act or thing shall be done by such officer of the Department of Municipal Affairs appointed for that purpose or if there is no such officer, by the Deputy Minister of Municipal Affairs, and in the case of any other municipality such act or thing shall be done by the secretary-treasurer.

14. When the entry has been made on the assessment roll as to any parcel of land pursuant to section 7, the same shall not be cancelled, removed or altered except in pursuance of a decision given on an appeal taken pursuant to section 7 or in compliance with an order of the Minister made pursuant to section 8.

15. Any person who, being a proper officer of a municipality, knowingly makes any false entry upon the assessment roll pursuant to section 7 or who cancels or alters or erases any such entry in contravention of section 14, shall be guilty of an offence and liable on summary conviction to a penalty of not less than fifty dollars nor more than five hundred dollars and costs and in default of payment to imprisonment for a term of not more than six months.

16. Every producer who upon the sale in the Province of any agricultural produce produced by him makes any untrue statement in any statement which he is required by this Act to make, shall be guilty of an offence under this Act and liable on summary conviction to a fine of not less than twenty dollars and not more than five hundred dollars and costs, and in default of payment to imprisonment for a term of not less than ten days and not more than six months.

17. Every producer of agricultural produce in the Province who sells any of the agricultural produce produced by him in any manner so as to deprive His Majesty of his interest therein, shall in addition to any other penalties to which he may be liable, pay and forfeit to His Majesty treble the amount of the value of any interest which His Majesty has been so deprived.

18. Every person who fails to comply with any of the provisions of this Act, for the non-compliance with which no penalty is otherwise by this Act expressly provided, shall be guilty of an offence and liable upon summary conviction therefor to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term of not more than two months and in addition shall forfeit and pay to His Majesty double the amount of the value of any interest of His Majesty in any agricultural produce of which His Majesty has been deprived as a result of such failure to comply with the provisions of this Act.

19. At any time at which the amount of the credit of the Special Trust Fund is not sufficient to meet the amounts of all requisitions which are payable thereout, the Provincial Treasurer is hereby authorized with the approval of the Lieutenant Governor in Council, to make advances from time to time out of the General Revenue Fund and to place the amounts so advanced to the credit of the Special Trust Fund upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

20. The Lieutenant Governor in Council may from time to time, upon the recommendation of the Minister, by order,—

- (a) make rules and regulations as to the disposition by the Minister of any agricultural produce received by him under this Act, for the purpose of furnishing relief in kind;

- (b) adopt any scheme or arrangement having for its object the provision, out of the Special Trust Fund, of crop loss insurance and providing for the grants of seed to farmers who have lost grain crops through drought, hail, frost, cutworms or grasshoppers, and prescribing the manner, conditions and extent thereof;
- (c) prescribe regulations as to the manner in which any matter or thing authorized or required to be done by this Act shall be done, and the forms to be used in connection therewith.

21. Nothing in this Act shall,—

- (a) affect any power conferred upon any municipality by any Act to borrow money either upon the credit of the municipality or upon the security of its uncollected current taxes;
- (b) affect any security given by any municipality to a lender in conformity with the provisions of any other Act, whether such security is given before or after the coming into force of this Act;
- (c) affect any right which any lender has for enforcing any security taken by him from any municipality in conformity to any other Act;
- (d) affect any of the powers conferred by an Act upon any municipality for the collection of any arrears of taxes in respect of any land, or any proceedings under any Act for the recovery of taxes, whether such proceedings are commenced before or after the coming into force of this Act.

22. Where by any Act a municipality is empowered to borrow on the security of its uncollected current taxes, for the purposes of such Act any sum payable in any year to that municipality pursuant to this Act shall be deemed to be current taxes of that municipality.

23. This Act shall come into force on a day fixed for that purpose by Proclamation of the Lieutenant Governor in Council, but no such Proclamation shall be made until after the question of the validity of this Act has been referred to the Supreme Court of Alberta pursuant to the provisions of *The Constitutional Questions Act*, and it is certified upon any such reference by the Supreme Court of Alberta or upon appeal respecting such reference, that this Act is valid, and if no appeal is for the time being pending, until the time for giving any notice of any such appeal has elapsed.

No. 83.

SIXTH SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1938

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An Act to vest in the Crown in the right of the Province certain Agricultural Produce and for the Relief of the Land upon which the same is produced from Assessment and Taxation.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1938