

The Municipal Hail Insurance Act

being

Chapter M-29 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by *The Revised Statutes of Saskatchewan, 1978 (Supplement)*, c.45 and the *Statutes of Saskatchewan, 1979-80*, c.6 and 96; 1984-85-86, c.16; 1990-91, c.24; 1996, c.8; 1999, c.23; 2005, c.M-36.1; 2006, c.25; and 2007, c.30.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-29

An Act respecting Hail Insurance by Municipalities

SHORT TITLE

Short title

- 1 This Act may be cited as *The Municipal Hail Insurance Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) **“administrator”** means the administrator of a municipality;
- (a.1) **“association”** means the Saskatchewan Municipal Hail Insurance Association continued pursuant to section 3;
- (b) **“board”** means the board of directors elected by the association pursuant to this Act;
- (c) **“claimant”** means:
 - (i) an owner of; or
 - (ii) any other person who has an interest in;
a crop or a portion of a crop on land assessed and liable for rates;
- (d) **“council”** means the council of a municipality;
- (e) **“crops”** means:
 - (i) crops of wheat, oats, barley, flax, rye, triticale, speltz, safflower, field peas, lentils, faba beans, buckwheat, rape, canola, mustard, canary seed or potatoes;
 - (ii) crops of alfalfa, grass or clover grown for seed;
 - (iii) crops of field corn or sunflowers grown for seed or fodder;
 - (iv) any other field crop that the board may designate, by bylaw, in any year;
- (f) **“minister”** means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (g) **“municipality”** means a rural municipality;

(h) “**ratepayer**” means a person of the full age of eighteen years whose name appears on the last revised assessment roll of the municipality but does not include a person who is qualified only in respect of lands within a hamlet or lands held under lease from the Government of Canada, the province or The Director, the *Veterans’ Land Act* (Canada), as amended from time to time;

(h.1) “**reeve**” means the reeve of a municipality.

(i) **Repealed.** 1990, c.24, s.3.

R.S.S. 1978, c.M-29, s.2; 1979-80, c.6, s.3; 1990-91, c.24, s.3; 2005, c.M-36.1, s.444.

HAIL INSURANCE ASSOCIATION

Association continued

3(1) There shall continue to be an association comprised of all municipalities under the name of the Saskatchewan Municipal Hail Insurance Association.

(2) Each municipality shall be represented by one delegate appointed by resolution of its council.

(3) No person shall be appointed or continue to act as a delegate of a municipality unless that person is a ratepayer of that municipality and resides in Saskatchewan.

R.S.S. 1978, c.M-29, s.3; 1990-91, c.24, s.4.

Head office

4 The head office of the association shall be at Regina in the Province of Saskatchewan.

R.S.S. 1978, c.M-29, s.4.

Association a corporate body with power to borrow, etc.

5(1) The association is a body corporate and has power:

(a) to borrow money for the purpose of carrying out the objects of its incorporation, to hypothecate, pledge and mortgage its property, rights, assets and prospective revenues, and to sign bills, notes, contracts and other evidence of or securities for money so borrowed or to be so borrowed;

(b) to invest any reserve funds or surplus, from time to time accumulated, in such manner as may be approved by the Lieutenant Governor in Council;

(c) to undertake the payment of indemnity for loss occasioned by hail to crops on lands that are within a municipality and under the operation of this Act;

(c.1) to fix, on or before January 31 in each year, the period during which the undertaking to pay indemnity for loss to crops occasioned by hail is in force or to vary the period for crops of different kinds;

(d) with respect to a crop for which the association has undertaken to pay indemnity for loss occasioned by hail, to extend insurance coverage to indemnify against loss or damage to that crop through fire;

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(e) where the association extends insurance coverage pursuant to clause (d), to extend that insurance coverage beyond the period fixed pursuant to clause (c.1).

(1.1) The board shall cause to be published in the Gazette, not later than the last day of February in each year, notice of the period or periods fixed pursuant to clause (1)(c.1).

(1.2) If the board does not fix a period or periods pursuant to clause (1)(c.1) in any year:

(a) the period or periods fixed in the previous year are deemed to be the period or periods fixed in that year; and

(b) publication of the notice mentioned in subsection (1.1) is not required.

(2) The association may, when a resolution for the purpose has been heretofore or is hereafter approved by two-thirds of the delegates present and voting at any annual general meeting of the association:

(a) appropriate from its reserve funds sums not to exceed an amount prescribed in the regulations for the purpose of subscribing for capital stock in a limited company, all the stock of which belongs to or is controlled by the association and the company is authorized to enter into contracts to undertake the payment of indemnity for loss occasioned by hail to crops;

(b) reinsure the contracts, or any portion of the contracts, of insurance effected by Additional Municipal Hail Limited;

(c) appropriate from its reserve funds such sums as may be required for the purpose of extending, enlarging or replacing its office building, provided that the book value of the office building, including real property used in connection therewith, shall not exceed five per cent of the book value of the total assets of the association.

R.S.S. 1978, c.M-29, s.5; 1979-80, c.6, s.4; 1990-91, c.24, s.5; 1996, c.8, s.2; 1999, c.23, s.3.

Board of directors

6(1) The affairs of the association shall be administered by a board of nine directors who shall be elected by the association.

(2) A director shall hold office for a term of three years or until his successor is elected.

(3) Notwithstanding subsection (2), the persons who are the present directors of the association, shall continue to hold office as directors until the expiration of the respective terms for which they were elected or until their successors are elected.

(4) A director may be paid such remuneration as the association may from time to time determine.

(5) No person shall be elected as a director unless he is or has been a member of a rural municipal council.

R.S.S. 1978, c.M-29, s.6.

c. M-29**MUNICIPAL HAIL INSURANCE****Annual meeting**

7 The delegates of the municipalities comprising the association shall hold an annual general meeting for the election of directors, for the presentation and consideration of the reports of the officers of the association and for the transaction of such other business as may be authorized by the bylaws of the association.

R.S.S. 1978, c.M-29, s.7.

Persons entitled to vote at meetings

8 No person other than a delegate appointed under section 3 is entitled to vote at a general meeting of the association.

R.S.S. 1978, c.M-29, s.8.

Election of officers

9(1) The directors shall meet immediately after the annual general meeting of the association and organize by electing from their own number a president and a vice-president and appointing a secretary and a treasurer who may but need not be directors.

(2) The offices of secretary and treasurer may be held by one and the same person.

R.S.S. 1978, c.M-29, s.9.

Executive committee

10 The board shall appoint an executive committee consisting of the president, vice-president and one other member of the board, any two of whom shall constitute a quorum.

R.S.S. 1978, c.M-29, s.10.

Powers of committee

11 The executive committee has such powers as may be delegated to it from time to time by the board.

R.S.S. 1978, c.M-29, s.11.

Staff

12 The board may engage and fix the salaries or compensation of all officers, agents and employees of the association, and may define their duties, or it may delegate those powers to the executive committee or to such officer as it considers advisable.

R.S.S. 1978, c.M-29, s.12.

Superannuation of permanent employees

13(1) Subject to subsection (2), the board may provide for the superannuation of or payment of an annuity to any permanent office employee of the association upon his retirement.

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(2) No plan of superannuation or annuity payments shall be effective until approved by a majority of the delegates present and voting at an annual general meeting of the association.

(3) Expenditures required for the purpose of any plan so approved shall be paid out of the funds of the association.

R.S.S. 1978, c.M-29, s.13.

Vacancies in board

14 A vacancy in the board may be filled by the remaining directors, and the person appointed shall hold office until the next annual general meeting.

R.S.S. 1978, c.M-29, s.14.

Power to pass bylaws

15(1) The association may pass such bylaws, not contrary to law or inconsistent with this Act, as may be deemed expedient, for all or any of the following purposes:

- (a) providing for the administration, management and control of its property and business;
- (b) providing for the conduct in all particulars of its affairs, as may be considered necessary or expedient for carrying out the provisions of this Act according to their true intent.

(2) The board has all the powers to pass bylaws conferred upon the association by subsection (1), but no bylaw passed by the board shall be contrary to or inconsistent with a bylaw of the association, and any bylaw passed by the board may be amended or repealed by a bylaw passed by the association.

R.S.S. 1978, c.M-29, s.15.

Annual audit and report

16(1) The association shall close its books on or before the last day of February in each year, and immediately thereafter have a full and complete audit made of its books, records and accounts by one or more members in good standing of a recognized accounting profession that is regulated by an Act, and on completion of the audit shall prepare and publish a full and complete report of its operations during its last preceding fiscal year.

(2) A copy of the report shall be furnished to the minister and to the reeve and the administrator of each municipality.

R.S.S. 1978, c.M-29, s.16; 1984-85-86, c.16, s.19; 1990-91, c.24, s.6; 2006, c.25, s.5.

ASSESSMENT FOR HAIL INSURANCE

Liability to assessment

17(1) Subject to the provisions of this Act, every person is liable to be assessed, in respect of any interest for which he is assessable for municipal purposes, for the rate or rates imposed pursuant to section 23 upon all lands which come under the operation of this Act.

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- (2) Except as provided by section 18, any land held under lease from the Crown does not come under the operation of this Act.
- (3) Unless withdrawn from the operation of this Act in accordance with the provisions of section 19, 20 or 21 the lands that come under the operation of this Act are:
- (a) lands under the operation of *The Municipal Hail Insurance Act* that was in force immediately prior to the coming into force of this Act; and
 - (b) lands brought under the operation of the Act pursuant to section 18.
- (4) Where land is inadvertently assessed, there is no liability for payment of indemnity in respect thereof.

R.S.S. 1978, c.M-29, s.17; 1979-80, c.96, s.13.

Application to bring land under operation of Act

- 18(1) An owner of land that is in a municipality may apply in writing to the secretary of the association to have all, but not part, of the owner's cultivated land in the municipality brought under the operation of this Act.
- (2) A lessee of Crown land that is in a municipality may each year apply in writing to the secretary of the association to have the land brought under the operation of this Act for that calendar year.
- (3) The board may in its discretion accept or refuse an application under this section or accept an application subject to such reasonable terms and conditions as the board may impose.
- (4) Where the board accepts an application under this section the land shall be brought under the operation of this Act.
- (5) Notwithstanding any other provision of this Act or any provision of any other Act, the Crown is not liable to pay any rate levied under this Act against Crown land or against a lessee of Crown land.

R.S.S. 1978, c.M-29, s.18; 1990, c.24, s.7.

Power to withdraw land from operation of Act

- 19(1) Subject to section 20, an owner of land within a municipality may, prior to the first day of April in any year, by written notice to the secretary of the association, withdraw all his land, but not part thereof, from the operation of this Act; and land acquired by any such owner after the withdrawal has been approved under section 20 shall be deemed to be withdrawn from the operation of this Act.
- (2) Notwithstanding subsection (1), an owner of land within a municipality may, prior to the first day of April in any year, by written notice to the secretary of the association, withdraw from the operation of this Act one or more quarter sections of land in respect of which he is liable to assessment under this Act, upon satisfying the association and the council that the land is used for grazing and hay purposes only.

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(3) Where an application for withdrawal is made by an owner of land engaged in the operation of an industrial plant, in respect of which taxes are paid by him, the association may, if it deems fit, exempt from the operation of this Act the land upon which the plant is situated.

R.S.S. 1978, c.M-29, s.19.

Consideration of withdrawals

20(1) The secretary of the association shall, immediately after the first day of April in each year, transmit to the administrator of each municipality a list of all notices of withdrawal affecting land in the municipality that have not previously been considered by the council together with particulars thereof; and the council shall, during the months of April and May, consider each notice and, if satisfied that the lands specified therein may properly be withdrawn under section 19, approve the withdrawal.

(2) The administrator shall, forthwith after the council has considered the notices referred to in the list mentioned in subsection (1), prepare and forward to the association a detailed statement, verified by statutory declaration, of all the lands the withdrawal of which has not been approved by the council.

(3) Every withdrawal is subject to review at any time by the board, and if the board decides that a withdrawal is improperly made, or that a withdrawal does not at the time of review comply with section 19, or that a person withdrawing land is not then the owner, it may order that the withdrawal be cancelled and that the rate or rates be levied against the land; and, upon receipt by the administrator of a notice from the board to that effect, the administrator shall cancel the withdrawal in his records and assess the land described in the notice for all hail insurance rates as provided by sections 17 and 23.

(4) The board may order the addition of other land to that specified in a withdrawal, and where it does so the land added as well as the land specified in the withdrawal shall be relieved from assessment under this Act.

(5) Subject to subsection (3), land withdrawn from the operation of this Act shall, notwithstanding a change in ownership after the withdrawal, remain withdrawn until the board orders, pursuant to section 22, that the land is again under the operation of this Act; and while the land is withdrawn it shall be exempt from the rates levied under this Act.

R.S.S. 1978, c.M-29, s.20; 1990-91, c.24, s.8.

Power of board to withdraw land from operation of Act

21(1) The board may, by order, withdraw from the operation of this Act any land where for any reason it is of the opinion that the land should be withdrawn.

(2) A copy of an order made under subsection (1) shall be mailed forthwith by the secretary of the association to the owner of the land withdrawn by the order and to the administrator of the municipality in which the land is situated.

R.S.S. 1978, c.M-29, s.21; 1990-91, c.24, s.9.

Application to have withdrawn land again brought under Act

22(1) An owner of land that is withdrawn from the operation of this Act may apply in writing to the secretary of the association to have the land again brought under the operation of this Act.

(2) The board may in its discretion accept or refuse an application under subsection (1) or accept an application subject to such reasonable terms and conditions as the board may impose.

(3) Where the board accepts an application made under subsection (1) the land shall again be under the operation of this Act, and, upon receipt by the administrator of a notice from the board to that effect, the administrator shall cancel the withdrawal in his records and assess the land described in the notice for all hail insurance rates as provided by sections 17 and 23.

R.S.S. 1978, c.M-29, s.22; 1990-91, c.24, s.10.

Rate fixed by board

23(1) The board shall fix annually a rate or rates per acre to be levied on all land under crop.

(2) In fixing the rate or rates the board may make provision for the creation of a reserve fund.

(3) The board may, when fixing the rate or rates, define areas within which higher or lower rates shall be levied, and such higher or lower rates may be of different amounts in different areas.

R.S.S. 1978, c.M-29, s.23.

Report by persons liable to assessment

24(1) Every person liable to assessment under this Act shall, on or before the fifteenth day of June in each year make a report to the administrator of the municipality, in a form prescribed by the association, giving a legal description of the land in the municipality in respect of which he is assessable, together with the number of acres actually under crop or intended to be put under crop in the current year; and he is, for the purposes of assessment for the basic amount of indemnity fixed by the board under subsection (1) of section 35 and in case of loss by hail, bound by the statements contained in the report.

(2) Notwithstanding subsection (1), the administrator of the municipality may accept a report from any person acting on behalf of the person liable to assessment or from the tenant or occupant of the land or from any person having an interest in the crop thereon and such a report when made has the same force and effect as if made by the person liable to assessment.

(3) A person liable to assessment under this Act may, on or before a date fixed by the board, make a written request to the board for the additional amount of indemnity fixed under subsection (2) of section 35 in respect of all or part of the land described in the report made pursuant to subsection (1) or (2).

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(4) Where a person liable to assessment fails to make such a report in accordance with subsection (1), and no report is made by a person entitled under subsection (2) to make the report, the administrator, or such other official as the council may appoint, shall certify to the best of his knowledge and belief the name of the owner, the legal description of the land and the number of acres cropped; and in such case the owner is bound by the facts so certified; and the crop acreage in respect of which he is insured shall be the crop acreage so certified.

(5) Where a person liable to assessment fails to make the report required by subsection (1), and no report is made by a person entitled under subsection (2) to make the report, and a certificate is obtained pursuant to subsection (4), that person is liable to a penalty of \$20 or any lesser amount that may be fixed by the board for every quarter section in respect of which such a certificate is obtained; and the penalty shall be a charge upon the land, shall be added to the rates and shall be collected and recoverable in the same manner as the rates are collected and recoverable under section 26.

(6) Where a person liable to assessment fails to make the report required by subsection (1) and no report is made by a person entitled under subsection (2) to make the report, or if such report is made concurrently with or after the occurrence of loss through damage by hail to crops described in the report, and if, in either case, the certificate required by subsection (4) has not been obtained or is made concurrently with or after the occurrence of loss through damage by hail to crops described in the certificate, the board may in its discretion pay the whole or a part of any loss sustained through damage to such crops by hail but is not obliged to do so.

(7) The board may pay such remuneration for services rendered under this section as it deems fair and equitable to the administrator or to any official appointed under subsection (4).

R.S.S. 1978, c.M-29, s.24; 1979-80, c.6, s.5;
1984-85-86, c.16, s.19; 1990-91, c.24, s.11.

Exemption of crops

24.1(1) A person liable to assessment pursuant to this Act, by providing written notice to the board on or before April 30 in any year, may exempt the crop or crops mentioned in the notice from assessment.

(2) The exemption mentioned in subsection (1) continues to apply until the person mentioned in that subsection provides written notice to the board in the report required pursuant to subsection 24(1) that he or she intends to have the crop or crops brought under the operation of the Act.

1990-91, c.24, s.12.

Crops destroyed otherwise than by hail

25 Where a crop insured under this Act is destroyed in any other manner than by hail, the owner of the land on which the crop was grown may, by sending, by registered mail, a notice addressed to the secretary of the association at his office in Regina not later than the thirty-first day of July, giving the location of the crop and furnishing proof satisfactory to the board of the destruction, cancel the insurance on the crop and thereupon he shall be entitled to a proportionate rebate in respect of the annual rate or rates, as provided in the bylaw of the association; but no rebate shall be granted for any portion of the crop that in the opinion of the board is worth harvesting.

R.S.S. 1978, c.M-29, s.25.

COLLECTION OF RATES

Collection of rates

26(1) The administrator of each municipality shall cause to be entered upon the assessment roll of the municipality for the current year:

- (a) against all lands, and interests in lands, within the municipality, in respect of which persons are, under section 17, liable to be assessed; and
- (b) against the persons to be assessed in respect of those lands and interests;

the rates for the current year, for the purpose of raising a fund to carry out the purposes and provisions of this Act.

(2) Subject to sections 26.1 and 26.2, the rates mentioned in subsection (1) must be collected in the same manner and are subject to the same penalties as municipal taxes, and if unpaid when due, are recoverable in all respects as municipal taxes are recoverable pursuant to *The Municipalities Act*.

R.S.S. 1978, c.M-29, s.26; 1990-91, c.24, s.13;
2005, c.M-36.1, s.444; 2007, c.30, s.3.

Discount for prompt payment

26.1(1) In the year in which the rates are levied, the council shall allow a discount for prompt payment of the rates mentioned in subsection 26(1) of:

- (a) 5% if paid before October 1;
- (b) 4% if paid on or after October 1 but before November 1; and
- (c) 2% if paid on or after November 1 but before December 1.

(2) Before the mailing of tax notices in any year, the council may, by bylaw, provide for an additional discount for the prompt payment of the rates mentioned in subsection 26(1) of not more than 1% for each month before September in which the rates are paid in cases where the payment of the rates is made in the year in which the rates are levied.

(3) Notwithstanding anything in this or any other Act, the administrator shall charge back to the association any discounts granted pursuant to subsection (1) or a bylaw passed pursuant to subsection (2).

2007, c.30, s.3.

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Prepayment

26.2 Notwithstanding that the rates mentioned in subsection 26(1) for the year have not been levied, the council may authorize the administrator:

- (a) to receive, in any year, payments on account of rates for that year in advance of the day on which the rates are levied; and
- (b) to allow a discount on payments made in accordance with clause (a) at the applicable rate mentioned in subsection 26.1(1) or in a bylaw passed pursuant to subsection 26.1(2).

2007, c.30, s.3.

Transmission to association of statement of lands assessable

27(1) The administrator shall, on or before the thirtieth day of June in each year, forward to the secretary of the association a statement in the form prescribed by the board, showing the lands within the municipality assessable for the purposes of this Act and crop acreages and such other information as may be required by the form.

(2) Every municipality the administrator of which fails to comply with subsection (1) is liable to a penalty of \$5 for every day during which the failure continues; and the penalty shall be charged against any remuneration payable to the municipality by the association under section 31 and may be deducted by the association before the remuneration is paid.

(3) The association, on or before September 1 in each year, shall forward a written notice to the administrator detailing the corrections that are required to be made to the statement mentioned in subsection (1).

R.S.S. 1978, c.M-29, s.27; 1990-91, c.24, s.14.

Payments by municipality to association

28(1) Every administrator shall:

- (a) keep a separate and accurate account of all moneys received by the administrator in payment of rates levied pursuant to this Act; and
- (b) deposit to the credit of the municipality in a credit union or bank all moneys mentioned in clause (a):
 - (i) on the day that they are received; or
 - (ii) as soon as possible after the day that they are received.

(2) The council of a municipality may pay to the association the total amount of the rates levied under this Act, less the discounts provided for by subsection (2) of section 26 and the remuneration allowed pursuant to section 31; and any rates so paid that have not been collected by the municipality shall be added to and become part of municipal taxes owing to the municipality and in respect of those rates subsection (1) shall not apply.

R.S.S. 1978, c.M-29, s.28; 1990-91, c.24, s.15;
2007, c.30, s.3.

c. M-29**MUNICIPAL HAIL INSURANCE****Monthly statement**

29 On or before the tenth day of each month every administrator shall, unless payment has been made under subsection (2) of section 28, forward to the secretary of the association a statement showing the total amount of rates collected during the preceding month and shall attach thereto a cheque payable to the association in the amount so collected drawn on the account in the credit union or chartered bank in which the moneys have been deposited as required by subsection (1) of section 28.

R.S.S. 1978, c.M-29, s.29; 1990-91, c.24, s.16.

Annual statement by municipality to association

30 On or before the first day of April in each year every administrator shall forward to the secretary of the association, in such form as may be prescribed by the board, a complete statement certified correct by the auditor of the municipality of all hail rates levied, collected and their disposal for the immediately preceding year.

R.S.S. 1978, c.M-29, s.30; 1990-91, c.24, s.17.

Remuneration to municipality

31 The association may pay to a municipality such remuneration for services rendered by the municipality as may be fixed annually by the board.

R.S.S. 1978, c.M-29, s.31.

Continuance and extension of insurance

32 Notwithstanding anything in this Act, the board may provide:

- (a) for the continuance of the insurance on crop after it is cut and lying in swaths or in sheaves either on the ground or in stooks;
- (b) for the extension of the insurance on crop to indemnify against loss or damage to such crop through fire subject to such conditions and limitations as may be fixed by the board;

and the maximum amount of indemnity payable per acre in any year on standing crop and crop that is cut shall not exceed the maximum fixed by the board under section 35.

R.S.S. 1978, c.M-29, s.32.

CLAIMS FOR DAMAGE TO CROPS**Notice of damage**

33(1) A claimant who, in the period fixed by the board, suffers loss through damage by hail:

- (a) to standing crop;
- (b) to crop, by shattering, after it is cut and lying in swaths or in sheaves either on the ground or in stooks on the land;

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shall, within three days after the day on which the damage is sustained, give notice thereof to the secretary of the association by sending by registered mail a notice addressed to him at Regina.

- (2) A notice given pursuant to subsection (1) shall state:
 - (a) the name of the claimant, the section, township and range in which he resides, and his usual post office address;
 - (b) the date and time of the occurrence of the damage;
 - (c) the kind of crop and the number of acres damaged together with a full description of the land on which the damaged crop is situated;
 - (d) the estimated percentage of the damage;
 - (e) the interest of the claimant in the land;
 - (f) the interest of the claimant in the crop;
 - (g) the share of the hail insurance rates for which the claimant is responsible;
 - (h) the name and address of any other person interested in the land or the crop; and
 - (i) the name of any other insurer carrying insurance on the crop.
 - (3) Where the claimant is unavailable to accompany the inspector inquiring into the claim, the notice must contain the name, place of residence and telephone number of the claimant's representative, and the inspector shall recognize that person as the representative of the claimant for the purposes of the claim.
 - (4) Notwithstanding subsection (1), a claimant may give and the association may accept, the notice under that subsection:
 - (a) at any time after the expiration of the time specified thereunder but within thirty days after the day on which the damage is sustained; or
 - (b) at any time after the expiration of the time allowed by clause (a) but on or before October 31, in the year in which the damage is sustained;
- and each such notice shall be accompanied by proof of the damages sustained furnished by a statutory declaration of the claimant or by such other evidence that the board may require.
- (5) The association is not obliged to pay indemnity to a claimant who gives a notice pursuant to subsection (4); but where it decides to pay any part or all of the indemnity claimed, the cost of adjustments and such other costs or charges as may be imposed by the board shall be deducted from the indemnity payable to the claimant.
 - (6) The board's decision under subsection (5) is final.

Inquiry into claim by inspector and report to association

34(1) The secretary of the association shall, upon receipt of a claim of loss, deliver or forward it to an inspector appointed by the board, who shall inquire into the claim, estimate the loss and transmit a written report to the secretary of the association.

(2) Where the loss or damage by hail is less than five percent of the crop upon the hailed area at the time of damage the cost of the inquiry shall be paid by the claimant and the amount thereof shall, upon the request of the board, be added to the rates imposed under this Act.

R.S.S. 1978, c.M-29, s.34.

PAYMENT OF CLAIMS**Rate and basis of fixing indemnity**

35(1) The board shall, not later than the first day of May in each year, fix a basic amount of indemnity not exceeding an amount prescribed in the regulations to be paid in respect of loss in that year.

(2) In addition to the basic amount of indemnity fixed pursuant to subsection (1), the board may, not later than May 1 in any year, fix any further amounts of indemnity not exceeding an amount prescribed in the regulations to be paid in respect of loss in that year.

(3) A claimant is not entitled to indemnity under this Act for any damage less than five percent of the crop upon the hailed area at the time of damage.

(4) Damage by hail in the same year and upon the same area shall be treated as cumulative.

(5) A loss or damage by hail equal to or exceeding eighty-five percent of the crop shall be deemed to be a total loss.

R.S.S. 1978, c.M-29, s.35; 1979-80, c.6, s.7;
1990-91, c.24, s.18; 1999, c.23, s.5.

Time for payment of indemnity, determination of amount payable, etc.

36(1) Where the association decides to pay indemnity to a claimant pursuant to a notice received under section 33, it shall, subject to the other provisions of this section, pay the indemnity prior to but not later than the fifteenth day of December of the year in which the notice was received.

(2) On or before the fifteenth day of December in each year the board shall review the assets and liabilities of the association and shall thereupon determine and by resolution fix the amount of cash available for payment of the claims in the year in respect of which the review is taken.

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(3) Where the amount of cash available as determined under subsection (2) is not sufficient to pay all claims in full, a *pro rata* payment of the claims shall be made forthwith and the balances of the claims shall be paid by a further *pro rata* payment or payments if the board in its sole discretion considers that conditions and the assets of the association permit those payments.

(4) The administrator of a municipality shall when requested by the association to do so prepare and forward to the association a statement showing:

(a) all hail insurance rates assessed against each claimant and not collected by the municipality; and

(b) where a tax lien has been filed against the title to a claimant's land (whether or not an application for transmission of title has been made under *The Tax Enforcement Act*), all hail insurance rates included in the amount required to pay the arrears of taxes, penalties and costs secured by the tax lien;

and the amounts shown in the statement shall be retained by the association from moneys payable by it to the respective claimants.

(5) Where the money payable to any claimant is less than the amount shown in the statement as owing by him, the secretary of the association shall determine how the amount retained shall be applied; and all amounts retained shall be credited to the municipality on account of the hail insurance rates shown in the statement.

(6) The secretary of the association shall give to the administrator of the municipality written notice of the amounts credited pursuant to subsection (5) and the notice shall be accompanied by a statement showing how the moneys retained have been applied; and upon receipt of the notice the administrator shall forthwith issue and forward to the association one or more tax receipts prepared in accordance with the statement accompanying the notice.

R.S.S. 1978, c.M-29, s.36; 1990, c.24, s.19.

MISCELLANEOUS

Moneys collected a debt to the association

37 All moneys collected by a municipality under this Act are a debt due by the municipality to the association, and the association may recover such debt by action in any court of competent jurisdiction.

R.S.S. 1978, c.M-29, s.37.

Board's determination

38(1) Subject to subsection (2), where a claim for indemnity is made pursuant to this Act, the board:

- (a) shall determine how and to whom payment under the indemnity is to be made; and
 - (b) in making a determination pursuant to clause (a), shall take into consideration:
 - (i) the report of the inspector who investigated the claim;
 - (ii) where there is more than one claimant:
 - (A) the nature of the interest of each claimant in the crop with respect to which payment under the indemnity is to be made; and
 - (B) any agreement between the claimants that purports to apportion the right to payment under the indemnity between them; and
 - (iii) any other reports or evidence that the board considers relevant to the determination.
- (2) A determination made by the board pursuant to subsection (1) is final.

1990-91, c.24, s.20.

Expenses of association

39 The costs and expenses relating to the inspection and adjudication of claims for indemnity under this Act incurred by the association shall be paid from and out of the funds in the hands of the association.

R.S.S. 1978, c.M-29, s.39.

Suspension of certain sections of Act in case of default by municipality

40(1) Where a municipality fails or refuses to collect from the ratepayers in that municipality rates levied under this Act and at the beginning of any year the rates so uncollected amount to the total of the rates assessed in that municipality for the two immediately preceding years, the board may by resolution declare that sections 17, 33, 34 and 35 shall cease to apply to the ratepayers of that municipality.

(2) Notice of a resolution passed under subsection (1) shall be given to the administrator of the municipality and published in *The Saskatchewan Gazette* and in the newspaper published nearest to the centre of the municipality on or before the first day of March of the applicable year.

R.S.S. 1978, c.M-29, s.40; 1990-91, c.24, s.21.

Penalty for neglect of duty, etc.

41 A administrator or other officer or person who refuses or wilfully neglects to perform any duty required of him by this Act or by a bylaw of the association, or who wilfully makes a return that is false or misleading in any particular, or who does anything forbidden by this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

R.S.S. 1978, c.M-29, s.41; 1990-91, c.24, s.22.

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Extension of time for performance of acts

42(1) Where, under this Act, a person is required to perform or carry out any act or thing on a specific date or within a specified time and that person is unable or does not perform or carry out the act or thing on the specific date or within the specified time, he or any person on his behalf may apply to the minister and the minister may grant an order specifying another date or extending the time during which the act or thing may be performed or carried out.

(2) A thing done in accordance with an order of the minister under subsection (1) is as valid as if it had been done within the time or on a date fixed by or under this Act.

R.S.S. 1978, c.M-29, s.42; 1984-85-86, c.16,
s.19.

Exemption from garnishment

43 Moneys payable as indemnity to claimants under this Act are exempt from garnishment and attachment and incapable of being assigned.

R.S.S. 1978, c.M-29, s.43.

When right to indemnity ceases

44 The right to be indemnified for loss to crops by hail to which a claimant may be entitled under this Act shall cease when the crop is stacked or threshed or wholly destroyed by any agency other than hail, or when the crop is over-ripe, or when the crop or any portion thereof has been so injured by causes other than hail that in the opinion of the inspector the price likely to be obtained for the produce of the crop or portion thereof would not exceed the actual cost of harvesting it.

R.S.S. 1978, c.M-29, s.44.

Loans guaranteed by province

45(1) For the purpose of enabling the association to make full use of its assets in meeting claims accruing against it in any year, irrespective of the amount of its collections, the Lieutenant Governor in Council may enter into agreements with the association and with persons lending money to it, guaranteeing repayment of the sums advanced, either originally or upon renewal, with interest.

(2) The advances may be by way of continued and repeated transactions.

(3) The agreements may provide such terms and conditions, with regard to all or any advances, including extensions of time to the association and freedom of the lender from responsibility for the securities, as may be set forth in the orders in council authorizing the agreements.

(4) The association may secure the province against loss through a guarantee in the manner and form approved by the Lieutenant Governor in Council.

(5) Agreements may be signed on behalf of the province by the Minister of Finance or such other officer as may be designated by the Lieutenant Governor in Council for the purpose, and when an agreement is so signed the province upon default by the association shall become liable for payment of the principal and interest thereby secured.

(6) Every agreement so signed and purporting to be made under this Act is conclusive evidence in favour of the lender as against the Crown and the association that the terms of this Act with respect thereto have been complied with, that the obligations therein set forth are valid and binding obligations of the Crown and the association and that the terms and conditions therein contained are authorized by this Act.

R.S.S. 1978, c.M-29, s.45.

Regulations

46 For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) prescribing an amount for the purposes of clause 5(2)(a);
- (c) prescribing amounts for the purposes of subsections 35(1) and (2);
- (d) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1999, c.23, s.6.