

*The
Excess Moisture
Program
Regulations, 2011*

being

Chapter F-8.001 Reg 45 (effective August 12, 2011; expired
March 31, 2014).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER F-8.001 REG 45
The Farm Financial Stability Act

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Excess Moisture Program Regulations, 2011*.

Interpretation

2 In these regulations:

- (a) **“account”** means the Excess Moisture Account continued pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“corporation”** means the corporation appointed pursuant to section 5 to administer the program and the account;
- (d) **“producer”** means a producer of a commercial agricultural product in Saskatchewan;
- (e) **“program”** means the Excess Moisture 2011 Program established pursuant to section 3;
- (f) **“support payment”** means a support payment calculated pursuant to section 9.

19 Aug 2011 cF-8.001 Reg 45 s2.

PART II
The Excess Moisture 2011 Program

Program established

3(1) The Excess Moisture 2011 Program is established for the purposes of subsection 22(1) of the Act.

(2) The purpose of the program is to provide financial assistance to producers who were unable to seed land on or before June 20, 2011 due to excessive spring moisture or whose cultivated acres that were seeded were destroyed by flooding on or before July 31, 2011.

19 Aug 2011 cF-8.001 Reg 45 s3.

Account continued

4(1) The Excess Moisture Account in the fund that was established pursuant to *The Excess Moisture Program Regulations* is continued for the purpose of administering the program pursuant to clause 24(2)(a) of the Act in addition to administering the program established pursuant to *The Excess Moisture Program Regulations*.

- (2) The Minister of Finance is authorized to deposit into the account:
- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
 - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (3) The account consists of:
- (a) all contributions mentioned in subsection (2);
 - (b) all other contributions from the Government of Canada that are directed to the account for the purposes of the program;
 - (c) all other moneys appropriated by the Legislature for the purposes of the program;
 - (d) all earnings on investments of the account; and
 - (e) all other moneys received in the account for the purposes of the program or *The Excess Moisture Program Regulations*.
- (4) All moneys payable to producers in accordance with these regulations are to be paid from the account.

19 Aug 2011 cF-8.001 Reg 45 s4.

Corporation appointed to administer account and program

5(1) The Saskatchewan Crop Insurance Corporation is appointed, pursuant to clause 26(1)(b) of the Act, to:

- (a) administer the program; and
 - (b) administer the account for the purposes of the program.
- (2) For the purpose of administering the program and the account, the corporation has:
- (a) all the powers given to it pursuant to *The Crop Insurance Act*; and
 - (b) any other power necessary to administer the program and the account.

- (3) Without limiting the generality of subsection (2), for the purpose of administering the program and the account, the corporation may:
- (a) appoint or engage any professional and technical personnel that may be required and determine their salaries and other remuneration;
 - (b) employ any officers and other employees that the corporation considers necessary for its purposes;
 - (c) make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;
 - (d) police and audit program compliance;
 - (e) enter into any agreement with any person, agency, organization, association, institution or body that the corporation considers advisable;
 - (f) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
 - (g) use any moneys received in the account for the purposes of the program:
 - (i) to pay the expenses incurred by the corporation in administering the program and the account; and
 - (ii) to make support payments to producers pursuant to the program;
 - (h) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
 - (i) dispose of any investment made pursuant to clause (h), subject to the terms of the investment, in any manner, on any terms and in any amount that the corporation considers advisable.

19 Aug 2011 cF-8.001 Reg 45 s5.

PART III Support Payments

Eligibility

- 6 To be eligible to apply for a support payment, an applicant must:
- (a) be a producer with respect to the cultivated acres that are the subject of the application; and
 - (b) have sustained losses:
 - (i) because of the applicant's inability to seed any of those cultivated acres on or before June 20, 2011 because of excessive spring moisture; or
 - (ii) because those cultivated acres that were seeded were destroyed by flooding on or before July 31, 2011.

19 Aug 2011 cF-8.001 Reg 45 s6.

Application for support payment

7(1) A producer who is eligible to apply for compensation pursuant to these regulations and who intends to obtain a support payment shall:

- (a) apply to the corporation on a form provided by the corporation;
- (b) solemnly declare that the contents of the form mentioned in clause (a) are true; and
- (c) at the time the application is submitted or at any subsequent time, supply the corporation with any information the corporation may require in order to determine the producer's eligibility for compensation.

(2) All applications must be received by the corporation on or before September 30, 2011.

19 Aug 2011 cF-8.001 Reg 45 s7.

Approval of application

8 If the corporation is satisfied that a producer meets the requirements set out in these regulations and has complied with the regulations, the corporation may approve the producer's application and approve payment of a support payment to that producer.

19 Aug 2011 cF-8.001 Reg 45 s8.

Calculation of support payment

9 The support payment payable by the corporation to a producer pursuant to the program is the amount I calculated in accordance with the following formula:

$$I = (FA + UA) \times 95\% \times \$30$$

where:

FA is the number of the producer's acres that were seeded in 2011 and that, in the opinion of the corporation, were destroyed by flooding on or before July 31, 2011; and

UA is the number of the producer's cultivated acres, other than acres of established perennial crops, that were not seeded in 2011 and that, in the opinion of the corporation, were too wet to seed by June 20, 2011.

19 Aug 2011 cF-8.001 Reg 45 s9.

Time of payment

10 The corporation may pay support payments pursuant to the program in the manner and at the time determined by the corporation.

19 Aug 2011 cF-8.001 Reg 45 s10.

PART IV
General

Conditions of program

11(1) As a condition of participating in the program and receiving a support payment, a producer shall:

- (a) grant access, at any reasonable time, to land on which the producer conducts the producer's farming operations to any persons designated by the corporation to verify information required to substantiate the producer's eligibility or the amount of a support payment that may be paid to the producer or to verify the producer's compliance with these regulations;
 - (b) consent to any other person, agency, organization, association, institution or body releasing information to the corporation respecting the producer's farming operations; and
 - (c) provide to the corporation, on the corporation's request and within the period set by the corporation, any other information that the corporation may require, to verify the producer's eligibility or the amount of a support payment that may be paid to the producer or to verify the producer's compliance with these regulations.
- (2) No producer shall fail to comply with any condition set out in subsection (1).
- (3) No person shall supply any false or misleading information to the corporation on any application or in response to any request for information from the corporation.

19 Aug 2011 cF-8.001 Reg 45 s11.

Reconsideration and revision by corporation

12(1) In this section, "**business day**" means a day other than a Saturday, Sunday or holiday.

- (2) Subject to subsection (3), within 20 business days after a determination of a support payment by the corporation pursuant to these regulations, a producer may request, in writing, that the corporation reconsider the determination.
- (3) The corporation may accept a written request by a producer that is submitted 20 or more business days after a determination if the producer provides the corporation with evidence satisfactory to the corporation to show that there are extenuating circumstances for submitting the request after the expiry of the 20-business day period and that the producer submitted the request as soon the producer was able to do so.
- (4) If the corporation receives a request pursuant to this section, the corporation shall reconsider the determination and may confirm, reverse or vary that determination.
- (5) Nothing in these regulations entitles a producer to a hearing before the corporation.

(6) Subject to subsection (7), the corporation may revise a determination of a support payment made pursuant to these regulations:

- (a) after reinspecting the acreage to which the determination relates; or
- (b) after receiving information that the initial determination was incorrect.

(7) The corporation must complete any revision of a determination of a support payment made pursuant to these regulations within one year after the date of the original determination.

19 Aug 2011 cF-8.001 Reg 45 s12.

Overpayments

13(1) The corporation may declare all or any portion of a support payment made to an eligible producer pursuant to these regulations to be an overpayment if the corporation is satisfied that:

- (a) the producer has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the corporation pursuant to these regulations;
- (b) the producer has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or
- (c) the producer has failed to comply with these regulations.

(2) If the corporation declares all or any portion of a support payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the producer in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

19 Aug 2011 cF-8.001 Reg 45 s13.

PART V Financial Matters

Fiscal year

14 The fiscal year for the program and the account is the fiscal year of the fund.

19 Aug 2011 cF-8.001 Reg 45 s14.

Annual report

15 The corporation shall report on the activities of the program and the account in its annual report prepared pursuant to *The Crop Insurance Act*.

19 Aug 2011 cF-8.001 Reg 45 s15.

PART VI
Coming into Force

Coming into force and expiry

16(1) These regulations come into force on the day on which they are filed with the Registrar of Regulations.

(2) These regulations expire and are deemed to be repealed on March 31, 2014.

