

The Excess Moisture Program Regulations

being

[Chapter F-8.001 Reg 42](#) (effective July 30, 2010, expire and deemed to be repealed on March 31, 2013).

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.

Table of Contents

PART I		PART IV	
Title and Interpretation		General	
1	Title	11	Conditions of program
2	Interpretation	12	Reconsideration and revision by corporation
PART II		13	Overpayments
The Excess Moisture Program		PART V	
3	Program established	Financial Matters	
4	Account established	14	Fiscal year
5	Corporation appointed to administer account and program	15	Annual report
PART III		PART VI	
Support Payments		Repeal and Coming into Force	
6	Eligibility	16	R.R.S. c.F-8.001 Reg 15 repealed
7	Application for support payment	17	Coming into force and expiry
8	Approval of application		
9	Calculation of support payment		
10	Time of payment		

CHAPTER F-8.001 REG 42
The Farm Financial Stability Act

PART I
Title and Interpretation

Title

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

Interpretation

- 2** In these regulations:

- (a) **“account”** means the Excess Moisture Account established in the fund 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 Program established pursuant to section 3;
- (f) **“support payment”** means a support payment calculated pursuant to section 9.

13 Aug 2010 cF-8.001 Reg 42 s2.

PART II
The Excess Moisture Program

Program established

- 3(1)** The Excess Moisture 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, 2010 due to excessive spring moisture or whose cultivated acres that were seeded and destroyed by flooding on or before July 31, 2010.

13 Aug 2010 cF-8.001 Reg 42 s3.

Account established

- 4(1) The Excess Moisture Account is established in the fund for the purpose of administering the program pursuant to clause 24(2)(a) of the Act.
- (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.
- (4) All moneys payable to producers in accordance with these regulations are to be paid from the account.

13 Aug 2010 cF-8.001 Reg 42 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;

EXCESS MOISTURE PROGRAM

F-8.001 REG 42

- (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.

13 Aug 2010 cF-8.001 Reg 42 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, 2010 because of excessive spring moisture; or
 - (ii) because those cultivated acres that were seeded were destroyed by flooding on or before July 31, 2010.

13 Aug 2010 cF-8.001 Reg 42 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) solely 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, 2010.

13 Aug 2010 cF-8.001 Reg 42 s7.

F-8.001 REG 42**EXCESS MOISTURE PROGRAM****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.

13 Aug 2010 cF-8.001 Reg 42 s8.

Calculation of support payment

9(1) 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:

$$I = [EA - (SA + UA)] \times \$30$$

where:

EA is the producer's eligible acres calculated in accordance with subsection (2);

SA is the producer's seeded acres other than acres that, in the opinion of the corporation, were destroyed by flooding on or before July 31, 2010; and

UA is the producer's unseeded acres that, in the opinion of the corporation, were dry enough to seed on or before June 20, 2010.

(2) For the purposes of subsection (1), the number of the producer's eligible acres is the amount EA calculated in accordance with the following formula:

$$EA = CA \times SI$$

where:

CA is, subject to subsection (3), the number of the producer's cultivated acres available for crop production in 2010; and

SI is the producer's historical seeding intensity determined on the basis of:

- (a) the producer's historical seeding pattern; and
- (b) any information, in addition to that mentioned in clause (a), that the corporation considers relevant.

(3) Notwithstanding subsections (1) and (2), the support payment to a producer whose application has been approved pursuant to section 8 is to be not less than:

(a) in the case of a producer who also receives an unseeded acreage indemnity for 2010 pursuant to *The Crop Insurance Regulations*, the product of the number of acres that were used in determining the producer's unseeded acreage indemnity and \$30; or

(b) in the case of a producer who applies with respect to cultivated acres that were seeded and destroyed by flooding on or before July 31, 2010, the product of the number of acres that were reported to the corporation as seeded and destroyed by flooding on or before July 31, 2010 and \$30.

13 Aug 2010 cF-8.001 Reg 42 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.

13 Aug 2010 cF-8.001 Reg 42 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.

13 Aug 2010 cF-8.001 Reg 42 s11.

Reconsideration and revision by corporation

12(1) Within 30 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.

- (2) If the corporation receives a request pursuant to subsection (1), the corporation shall reconsider the determination and may confirm, reverse or vary that determination.
- (3) Nothing in these regulations entitles a producer to a hearing before the corporation.
- (4) Subject to subsection (5), 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.
- (5) 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.

13 Aug 2010 cF-8.001 Reg 42 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.

13 Aug 2010 cF-8.001 Reg 42 s13.

PART V Financial Matters

Fiscal year

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

13 Aug 2010 cF-8.001 Reg 42 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*.

13 Aug 2010 cF-8.001 Reg 42 s15.

PART VI Repeal and Coming into Force

R.R.S. c.F-8.001 Reg 15 repealed

16 *The Unseeded Acreage Benefit Program Regulations* are repealed.

13 Aug 2010 cF-8.001 Reg 42 s16.

Coming into force and expiry

17(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, 2013.

13 Aug 2010 cF-8.001 Reg 42 s17.