

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 59

**An Act to amend the Crop Insurance Act
and the Act respecting farm income
stabilization insurance**

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to consolidate the administration of crop insurance plans and farm income stabilization schemes. The "Régie des assurances agricoles du Québec", which is substituted for the "Régie de l'assurance-récolte du Québec", will be entrusted with the administration of both crop insurance and farm income stabilization schemes.

The bill increases the number of members of the Régie to not more than seven, of whom two are to be chosen from among the farmers.

Lastly, the bill allows the Régie to establish a collective insurance plan under which farmers will be able to insure their commercial crops.

Sec. 1. The purpose of the proposed amendment is to replace the title of Division II of the Crop Insurance Act.

Sec. 2. The purpose of the proposed amendment is to change the name of the Régie de l'assurance-récolte du Québec to "Régie des assurances agricoles du Québec".

A further purpose of this amendment is to entrust to the Régie the administration of the farm income stabilization schemes established under the Act respecting farm income stabilization insurance.

Sec. 3. The proposed amendment is for concordance with section 2 of the bill.

Sec. 4. The purpose of the proposed amendment is to replace section 5 of the act; section 5 presently reads as follows:

Bill 59

An Act to amend the Crop Insurance Act and the Act respecting farm income stabilization insurance

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

R.S.Q.,
c. A-30,
Div. II,
title,
replaced.

1. The Crop Insurance Act (R.S.Q., c. A-30) is amended by replacing the title of Division II by the following title:

“RÉGIE DES ASSURANCES AGRICOLES DU QUÉBEC”.

R.S.Q.,
c. A-30,
s. 2, am.

2. Section 2 of the said act is amended by replacing the second paragraph by the following paragraphs:

Name.

“From (*insert here the date of coming into force of Bill 59*), the body shall be designated under the name of “Régie des assurances agricoles du Québec”.

Object.

The object of the Régie is to administer the crop insurance contemplated by this act and, in accordance with the Act respecting farm income stabilization insurance (R.S.Q., c. A-31), to administer the farm income stabilization insurance schemes established under that act.”

Interpreta-
tion.

3. In any act other than the Crop Insurance Act, in any regulation, proclamation, order in council or other document, wherever the expression “Régie de l'assurance-récolte du Québec” appears, it is replaced by the expression “Régie des assurances agricoles du Québec”.

R.S.Q.,
c. A-30,
s. 5,
replaced.

4. Section 5 of the said act is replaced by the following section:

“5. The Régie is composed of five members including a president and a vice-president, appointed by the Government who shall fix the salary or, if necessary, the additional salary, fees and allowances of each of them.

The president and the vice-president are, respectively, general manager and assistant general manager of the Régie.

The president and vice-president shall be appointed for not more than ten years; the other controllers shall be appointed for three years: two shall be chosen among the representatives of the farmers' associations and the third shall be chosen among the representatives of para-agricultural undertakings.

Notwithstanding the expiry of their term, the members of the Régie shall remain in office until reappointed or replaced.”

Sec. 5. The purpose of the proposed amendment is to grant a casting vote to the president or, in certain cases, the vice-president of the Régie. It also allows a vice-president to replace the president if he is unable to act or if the post of president is vacant, and determines the procedure to be followed in such cases. It fixes a quorum of the Régie at a majority of the members, including the president.

Sec. 6. The proposed amendment is for concordance with section 4 of the bill.

Sec. 7. The proposed amendment is for concordance with section 2 of the bill and allows the advisory committee established under the Crop Insurance Act to study, at the request of the Régie, any problem relating to the application of the Act respecting farm income stabilization insurance.

5. The Régie is composed of not more than seven members, including a president and two vice-presidents, appointed by the Government.

The president and the two vice-presidents are appointed for a term of not over five years. The other members are appointed for a term of not over three years.

Two farmers. Two of the members of the Régie shall be chosen from among the farmers.

Salary. The Government shall fix the salary and if necessary, the additional salary and other conditions of employment of the members of the Régie.

General manager. The president is the general manager of the Régie and the vice-presidents are assistant general managers thereof.

Continuance in office. A member shall remain in office at the expiry of his term until he is reappointed or replaced."

R.S.Q., c. A-30, s. 6, replaced. **5.** Section 6 of the said act is replaced by the following section:

Quorum. **6.** A majority of the members of the Régie, including the president are a quorum. In the case of a tie-vote, the president or, in the case contemplated in the second paragraph of this section, the vice-president, has a casting vote.

Vacancy. If the post of president is vacant or if the president is unable to act, he shall be replaced, while he remains unable to act or until a new president is appointed, by the vice-president designated for that purpose by the Government and, if that vice-president is unable to act, by the other vice-president.

Temporary member. When another member is unable to act by reason of absence or illness, the Government may appoint a person to replace him temporarily, on the conditions and for the remuneration it determines."

R.S.Q., c. A-30, s. 9, replaced. **6.** Section 9 of the said act is replaced by the following section:

Full time employment. **9.** The president and the vice-presidents of the Régie hold office on a full-time basis."

R.S.Q., c. A-30, s. 21, am. **7.** Section 21 of the said act is amended by replacing paragraph *b* by the following paragraph:

"(b) to study at the request of the Régie any problem relating to the application of this act or the Act respecting farm income stabilization insurance and make the appropriate reports and recommendations to the Régie;"

Sec. 8. *The proposed amendment replaces section 45 of the act; section 45 presently reads as follows:*

“**45.** For his pastures, an insured is entitled to an indemnity equal to two-fifths of the indemnity granted for loss in yield of forage plants when such loss is due exclusively to drought.”

Sec. 9. *The purpose of the proposed amendment is to allow the Régie to establish a collective insurance plan for commercial crops.*

Sec. 10. *The proposed amendment is for concordance with section 9 of the bill and makes the provisions of the act that relate to individual and collective insurance plans for mixed farming crops applicable, with the appropriate changes, to commercial crops.*

Sec. 11. *The proposed amendment is for concordance with section 9 of the bill and grants the Régie the power to make regulations concerning both the eligibility of farm producers under a collective insurance plan for commercial crops and their participation in such a plan.*

R.S.Q.,
c. A-30,
s. 45,
replaced.

8. Section 45 of the said act is replaced by the following section:

Indemnity
for
pastures.

“45. A producer insured only for the feed required as winter fodder for his herd is entitled, for his pastures, to an indemnity equal to two-fifths of the indemnity granted for loss in yield of forage plants when such loss is due exclusively to drought.”

R.S.Q.,
c. A-30,
s. 59,
replaced.

9. Section 59 of the said act is replaced by the following section:

Insurance
of commercial
crops.

“59. The Régie may, by regulation, whenever it considers that it has the necessary data, allow the producers of one or more categories of commercial crops, in one or more zones or parts of one or more zones that it determines, to insure, under an individual plan or a collective plan, against the loss in yield of their commercial crops or against both such loss in yield and a reduction in quality due to the harmful effect, while the insurance is in force, of the forces of nature mentioned and defined in the regulations. The Régie may also, by regulation and subject to the provisions which follow, fix the conditions of participation of the producers who wish to insure.

Forces of
nature.

The forces of nature to which such insurance may apply are, in addition to those contemplated in section 24, excessive wind, excessive humidity and excessive heat.”

R.S.Q.,
c. A-30,
s. 60,
replaced.

10. Section 60 of the said act is replaced by the following section:

Applicable
provisions.

“60. Subject to this division, sections 24 to 26, 28 and 29 apply, *mutatis mutandis*, to commercial crops insured under an individual plan or a collective plan.

Applicable
provisions.

The third paragraph of section 47, sections 48 to 57 and the second paragraph of section 58 apply, *mutatis mutandis*, to commercial crops insured under an individual plan.

Applicable
provisions.

Sections 31, 32, 33, 37, 38, the second paragraph of section 39, the first paragraph of section 40, sections 41 and 43 and the first three paragraphs of section 44 apply, *mutatis mutandis*, to commercial crops insured under a collective plan.”

R.S.Q.,
c. A-30,
s. 74, am.

11. Section 74 of the said act is amended by replacing paragraph *e* by the following paragraphs:

“(e) determine the conditions of eligibility of a producer to an individual plan or to a collective plan;

“(e¹) prescribe the establishment of a collective insurance plan relating to a commercial crop and determine the conditions of participation in that plan by a producer;”

Sec. 12 and 13. *The proposed amendments are for concordance with section 2 of the bill.*

Sec. 14. *The proposed amendment is for concordance with section 2 of the bill. Its purpose is to dissolve the Commission administrative des régimes d'assurance-stabilisation des revenus agricoles.*

Sec. 15. *The proposed amendment is for concordance with section 14 of the bill. Section 44 of the Act presently reads as follows:*

“44. In addition to the regulations provided for by this act, the commission may make by-laws for its internal management.”

Sec. 16 to 21. *These provisions are transitional and for concordance with sections 2 and 14 of the bill.*

R.S.Q.,
c. A-31,
s. 1, am.

12. Section 1 of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31) is amended by replacing paragraph *h* by the following paragraph:

“Régie”.

“(h) “Régie” means the Régie des assurances agricoles du Québec, established by section 2 of the Crop Insurance Act (R.S.Q., c. A-30).”

R.S.Q.,
c. A-31,
“commis-
sion” re-
placed by
“Régie”.

13. The said act is amended by replacing the word “commission”, wherever it appears in the act, by the word “Régie”.

Interpreta-
tion.

In any other act, regulation, proclamation, order in council or other document, wherever the expression “Commission administrative des régimes d’assurance-stabilisation des revenus agricoles” or the word “commission” is used to designate the Commission administrative des régimes d’assurance-stabilisation des revenus agricoles, it is replaced by the expression “Régie des assurances agricoles du Québec” or the word “Régie”, respectively.

R.S.Q.,
c. A-31,
Div. IV,
replaced.

14. The said act is amended by striking out Division IV and replacing it by the following division:

“DIVISION IV

“ADMINISTRATION

Object.

“**12.** The Régie also has as its object the administration of the farm income stabilization insurance schemes established under section 2.”

R.S.Q.,
c. A-31,
s. 44,
repealed.

15. Section 44 of the said act is repealed.

Transfer
of funds.

16. The moneys allocated to the Commission administrative des régimes d’assurance-stabilisation des revenus agricoles for the application of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31) are transferred to the Régie des assurances agricoles du Québec.

Succession.

17. The Régie des assurances agricoles du Québec established by the Crop Insurance Act (R.S.Q., c. A-30) succeeds to the Commission administrative des régimes d’assurance-stabilisation des revenus agricoles established under the Act respecting farm income stabilisation insurance (R.S.Q., c. A-31) and it acquires the rights and assumes the liabilities of that body.

Substitution.

It becomes, without continuance of suit, a party to any proceedings instituted by or against that body before the coming into force of this act.

Effect of regulations.

18. The regulations made by the Commission administrative des régimes d'assurance-stabilisation des revenus agricoles under the Act respecting farm income stabilisation insurance (R.S.Q., c. A-31) remain in force until they are amended, replaced or repealed by regulations made by the Régie des assurances agricoles du Québec under the said act.

Members.

19. The members of the Régie de l'assurance-récolte du Québec whose mandate has not expired at the coming into force of this act, and the president of the Commission administrative des régimes d'assurance-stabilisation des revenus agricoles are members of the Régie des assurances agricoles du Québec for such time as may be fixed by the Government.

Transfer of employees.

20. The officers and employees of the Commission administrative des régimes d'assurance-stabilisation des revenus agricoles become officers and employees of the Régie des assurances agricoles du Québec.

R.S.Q.,
c. R-10,
s. 2, am.

21. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by striking out subparagraph 6 of the first paragraph.

Coming into force.

22. This act will come into force on the date fixed by proclamation of the Government.