

BILL

No. 121 of 2004-05

An Act to amend *The Farm Financial Stability Act*

(Assented to _____, 2005)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Farm Financial Stability Amendment Act, 2005*.

S.S. 1989-90, c.F-8.001 amended

2 *The Farm Financial Stability Act* is amended in the manner set forth in this Act.

New section 41.1

3 The following section is added after section 41:

“Exemption

41.1 Notwithstanding section 110 of *The Saskatchewan Farm Security Act*, no provision of a producer agreement, including a producer agreement entered into prior to the coming into force of this section, shall be considered a guarantee for the purposes of section 31 of that Act”.

Section 57 amended

4 The following subsection is added after subsection 57(3):

“(4) Notwithstanding subsections (1) and (2), if the Minister of Finance considers it in the public interest and a guarantee payment has been or will be made for a producer association, the Minister of Finance may enter into an agreement with that producer association to provide:

(a) that the producer association may pursue against one or more of its member producers any rights or action mentioned in clause (1)(e) or (f); and

(b) any other terms or conditions”.

Section 59 amended

5 Section 59 is amended:

(a) by adding the following subsection after subsection (2):

“(2.1) Notwithstanding any other Act or law but subject to subsection (9), the assurance fund maintained pursuant to this section is not subject to seizure, garnishment, attachment or claim by any person, except as prescribed in the regulations”;

(b) in subsection (4) by striking out “subsection (3)” and substituting “subsections (3) and (9)”;

(c) in subsection (5) by striking out “subsection (3)” and substituting “subsections (3) and (9)”; and

(d) by repealing subsection (6) and substituting the following:

“(6) Subject to subsections (3) and (9), if a producer remains a member producer but has been inactive in the affairs of the producer association for a prescribed period, the producer association may:

(a) refund the contribution mentioned in subsection (1) to the producer in the prescribed manner; or

(b) allow the producer to elect not to receive a refund of his or her contribution mentioned in subsection (1) and retain it in the assurance fund.

“(7) Any contribution retained in the assurance fund pursuant to clause (6)(b) must not be applied to any account that becomes due or overdue after the period prescribed pursuant to subsection (6).

“(8) Subject to subsections (3) and (9), if a member producer has made all required payments on an advance, the producer association may refund the contribution mentioned in subsection (1) with respect to that particular advance to the producer in the prescribed manner and after the prescribed period.

“(9) If a member producer is entitled to a refund of a contribution or elects to have the producer association retain his or her contribution in the assurance fund, the amount refundable or retained is subject to enforcement of any maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*”.

Section 61 amended

6 Section 61 is amended:

(a) by repealing subclause (l)(iii) and substituting the following:

“(iii) the period for which:

(A) a producer must remain inactive in the affairs of a producer association before he or she is eligible:

(I) for a refund of the contribution mentioned in subsection 59(1); or

(II) to elect not to receive a refund of his or her contribution mentioned in subsection 59(1); or

(B) a producer who has made all required payments on an advance must wait before he or she is eligible for a refund of his or her contribution mentioned in subsection 59(1) with respect to that particular advance”;

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(b) by adding the following clause after clause (l.1):

“(l.2) respecting any other matters involving assurance funds that the Lieutenant Governor in Council considers necessary or appropriate”;
and

(c) in clause (n):

(i) by striking out “or” after subclause (ii);

(ii) by adding “or” after subclause (iii); and

(iii) by adding the following subclause after subclause (iii):

“(iv) make all required payments for an advance to”.

Coming into force

7 This Act comes into force on assent.

