

*The
Bison Feeder
Associations Loan
Guarantee
Regulations*

being

Chapter F-8.001 Reg 13 (effective May 5, 1999) as amended by Saskatchewan Regulations [97/2001](#), [77/2002](#), [117/2002](#), [21/2006](#), [93/2008](#) and [56/2013](#).

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.

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CHAPTER F-8.001 REG 13
The Farm Financial Stability Act

Title

1 These regulations may be cited as *The Bison Feeder Associations Loan Guarantee Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Farm Financial Stability Act*;
- (b) **“bison”** means animals of the genus species *Bison bison* under the age of two years, but does not include animals acquired for breeding or calving purposes;
- (c) **“custom feeder”** means a custom operator who is authorized by the provincial supervisor to grow or finish bison on a fee-for-service basis in a custom feedlot;
- (d) **“feeder”** means:
 - (i) a producer who is a member of a feeder association; and
 - (ii) in the case of a producer that is a corporation, a producer whose majority of shareholders are residents of Saskatchewan;
- (e) **“feeder agreement”** means a producer agreement between a feeder and a feeder association regarding the growing or finishing of bison;
- (f) **“feeder association”** means a producer association that:
 - (i) is formed for the purpose of growing and finishing bison; and
 - (ii) either:
 - (A) at any time during the association’s fiscal year, has 10 or more members who are parties to a feeder agreement; or
 - (B) has the prior written approval of the provincial supervisor to conduct business with fewer than 10 members who are parties to a feeder agreement;
- (g) **“licensed dealer”** means a dealer who holds a valid livestock dealer’s licence issued pursuant to *The Animal Products Act*;
- (h) **Repealed.** 24 Oct 2008 SR 93/2008 s3.

(2) In subsection 46(1) of the Act and subsection 6(1) of these regulations, **“loan”** means all unpaid advances by a lender to a feeder association made pursuant to an agreement between the feeder association, the lender and the Government of Saskatchewan, and includes all unpaid interest on those advances.

Commodity prescribed

3 Bison are prescribed as a commodity for the purposes of clause 41(c) and subsection 59.1(6) of the Act.

6 Sep 2002 SR 77/2002 s3.

Additional lenders prescribed

4 For the purposes of clause 41(f) of the Act, the following are prescribed as lending institutions:

- (a) Farm Credit Canada;
- (b) Peace Hills Trust Company.

24 Oct 2008 SR 93/2008 s4.

Information required

5(1) A feeder association that applies for a guarantee pursuant to section 45 of the Act shall provide the provincial supervisor with:

- (a) a list of the names and addresses of the feeders who are members of the feeder association, the date of the first advance to the feeder association on behalf of each feeder and evidence, satisfactory to the minister, of age and Saskatchewan residency for each feeder;
- (b) a declaration of whether a loan guaranteed pursuant to the Act has been taken on behalf of a member of the feeder association; and
- (c) the name and address of the lender that will be used by the feeder association for the purpose of obtaining loans on behalf of its members.

(2) **Repealed.** 6 Sep 2002 SR 77/2002 s4.

(3) **Repealed.** 6 Sep 2002 SR 77/2002 s4.

14 May 99 cF-8.001 Reg 13 s5; 6 Sep 2002 SR 77/2002 s4; 24 Oct 2008 SR 93/2008 s5.

Loan guarantee

6(1) For the purposes of subsection 46(1) of the Act, the prescribed maximum amount of a loan that may be guaranteed is an amount equal to 25% of the least of:

- (a) the amount outstanding on the loan at the time of a first default on any advance following the issuance of the guarantee with respect to the loan, plus accrued interest as of the time that payment is to be made on the guarantee;
- (b) the amount allowed by subsection (3); and
- (c) the amount provided for by clause 46(2)(b) of the Act.

(1.1) For the purposes of subsection (1), the time of a first default is a date determined by the provincial supervisor and the lender, when:

- (a) there are unresolved arrears;
- (b) part or all of the inventory is missing and no payment is made; or
- (c) inventory is sold and there will be a shortfall in payment.

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- (2) The loan on which a guarantee is provided shall be used by the feeder association only for the purchase of bison to be grown or finished by its members:
- (a) on member farms; or
 - (b) with custom feeders.
- (3) Subject to subsection (5), for the purposes of subsections 46(1) and (2) of the Act, no feeder association shall borrow in excess of:
- (a) \$100,000 with respect to any individual feeder and \$300,000 with respect to any feeder that is a corporation if that feeder:
 - (i) has not previously had a loan guaranteed pursuant to the Act taken on that feeder's behalf by the feeder association; and
 - (ii) has been a member of the feeder association for less than one year;
 - (b) \$300,000 with respect to any individual feeder and \$900,000 with respect to any feeder that is a corporation if that feeder:
 - (i) has been a member of the feeder association for at least one year but less than two years; and
 - (ii) has grown or finished bison during the period of membership;
 - (c) \$400,000 with respect to any individual feeder and \$1,200,000 with respect to any feeder that is a corporation if that feeder:
 - (i) has been a member of the feeder association for at least two years but less than three years; and
 - (ii) has grown or finished bison during each year of membership;
 - (d) \$500,000 with respect to any individual feeder and \$1,500,000 with respect to any feeder that is a corporation if that feeder:
 - (i) has been a member of the feeder association for at least three years; and
 - (ii) has grown or finished bison during each year of membership; and
 - (e) a total of \$6,000,000 with respect to all feeders.
- (4) Notwithstanding clauses (3)(a) to (d), but subject to subsection (5), for the purposes of subsections 46(1) and (2) of the Act, the provincial supervisor may approve up to \$500,000 for any individual feeder or up to \$1,500,000 for any feeder that is a corporation.
- (5) If a feeder belongs to both a bison feeder association and a bison breeder association, the maximum amount that the associations may borrow on behalf of:
- (a) an individual feeder is \$500,000; and
 - (b) a feeder that is a corporation is \$1,500,000.

Repayment of advances

7(1) Where a feeder association purchases bison for a feeder, the feeder association shall repay the advance for the purchase of bison on behalf of that feeder within 18 months after the day on which the advance was made if any part of the advance then remains outstanding.

(2) Where the provincial supervisor is satisfied that compliance with subsection (1) would result in reduced returns for a feeder association due to insufficient finishing or current market conditions, the provincial supervisor may extend the period within which repayment is to be made by not more than three months.

14 May 99 cF-8.001 Reg 13 s7.

Purchase through licensed dealers

8(1) For the purpose of subsection 50(1) of the Act, bison are prescribed as a commodity that is required to be purchased through a licensed dealer.

(2) The provincial supervisor may authorize a feeder association to purchase bison from a person who is not a licensed dealer.

14 May 99 cF-8.001 Reg 13 s8.

Purchases from member producers

9(1) In this section, “**market price**” means the market price for that kind of bison in that part of Saskatchewan, as set by the minister.

(2) In setting the market price pursuant to subsection (1), the minister shall consider information respecting market values as provided to the minister by the feeder association wishing to purchase bison from a member producer.

(3) **Repealed.** 31 Mar 2006 SR 21/2006 s3.

(4) For the purposes of section 51 of the Act, a feeder association may purchase bison from a member producer to be fed by that producer only if the price of the bison does not exceed 100% of their market price.

14 May 99 cF-8.001 Reg 13 s9; 31 Mar 2006 SR 21/2006 s3.

Purchase and sale by feeder in name of feeder association

10(1) Before a feeder purchases bison on behalf of a feeder association, the feeder shall:

(a) notify the feeder association of the intended purchase in the manner designated by the feeder association; and

(b) provide the feeder association with a completed authorization, in the form provided by the provincial supervisor:

(i) stating the anticipated location of the future sale of the bison; and

(ii) authorizing the future purchasers of the bison to pay for the bison by way of cheque or other process of payment that is made payable to the feeder association on account of that feeder.

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- (2) On receipt of an authorization mentioned in clause (1)(b), the feeder association shall provide copies of the authorization to the lender, the provincial supervisor and to any potential purchasers specified by the provincial supervisor.
- (3) Where a feeder purchases bison on behalf of a feeder association, the feeder shall ensure that the purchase documents for the bison name the feeder association as owner of the bison and identify the name of the feeder.
- (4) Before a feeder sells bison purchased on behalf of a feeder association, the feeder shall notify the feeder association of the intended sale in the manner designated by the feeder association.
- (5) Where a feeder sells bison purchased on behalf of a feeder association, the feeder shall ensure that the following conditions are complied with:
- (a) the sales documents for the bison must be in the name of the feeder association and identify the feeder;
 - (b) the purchaser shall pay for the bison by way of a cheque or other process of payment that is made payable to the feeder association and that identifies the feeder.
- (6) Where a feeder sells bison purchased on behalf of a feeder association, the proceeds from the sale are to be applied in priority of payment:
- (a) first to any advance used to purchase the bison; and
 - (b) second to the feeder in accordance with any feeder agreement.
- (7) Where a feeder sells bison purchased on behalf of a feeder association, the feeder association, the lender or the provincial supervisor may require that a feeder provide an inventory, to be carried out by the feeder association, of the remaining bison kept by the feeder on behalf of the feeder association before the feeder association releases any proceeds of sale to the feeder in accordance with clause (6)(b).
- (8) Subsections (4) to (7) do not apply to bison if the feeder association has transferred ownership of the bison to the feeder and issued a signed transfer of ownership form respecting that transfer to the feeder.
- (9) A feeder association may deduct from any payment made to a feeder pursuant to clause (6)(b):
- (a) any amount owing to the feeder association by the feeder, including any amount owing to the association by the feeder pursuant to:
 - (i) a bison breeder agreement, as defined in *The Bison Breeder Associations Loan Guarantee Regulations*;
 - (ii) a cattle breeder agreement, as defined in *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*; or
 - (iii) a cattle feeder agreement, as defined in *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*;
 - (b) any costs, fees or expenses incurred by the feeder association with respect to that feeder.

Time of sale of bison

11 Where a feeder association purchases bison for a feeder, the feeder association shall cause those bison to be sold:

- (a) within 18 months after the day on which it purchased the bison, if any part of the advance made to purchase those bison remains outstanding; or
- (b) within a greater period authorized by the provincial supervisor, but not more than 21 months after the day on which it purchased the bison.

14 May 99 cF-8.001 Reg 13 s11.

Identification of bison

12(1) All bison purchased by a feeder association must be identified by:

- (a) a radio frequency identification ear tag issued by the Canadian Bison Association;
- (b) a metal ear tag issued by the Saskatchewan Bison Association; and
- (c) one additional tag that:
 - (i) distinguishes the bison purchased for a member from all other bison; and
 - (ii) is approved by the provincial supervisor.

(2) Before completing a feeder agreement, a local supervisor shall inspect the bison to ensure that the bison have been tagged in accordance with subsection (1).

14 May 99 cF-8.001 Reg 13 s12; 21 Dec 2001
SR 97/2001 s4; 24 Oct 2008 SR 93/2008 s8.

Record of movement

13 Where a feeder moves bison that were purchased by a feeder association for that feeder, within one week after the move the feeder must provide to the feeder association copies of all record of movement forms, as provided by the Canadian Bison Association.

14 May 99 cF-8.001 Reg 13 s13.

Reports by feeder association

14 For the purposes of section 56 of the Act, every feeder association shall include in the report required pursuant to that section a record of:

- (a) the bison currently owned by the feeder association;
- (b) the transactions, including sale and purchase, of the bison owned by the feeder association;
- (c) the bison lost by the feeder association; and
- (d) with respect to each member of the feeder association:
 - (i) the bison placed with a custom feeder;
 - (ii) the name and location of the custom feeder with whom the bison are placed;

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- (iii) payment of custom feeding bills;
- (iv) an annual physical inventory, when required by the provincial supervisor; and
- (v) the amount of the member's deposit in the association's feeder assurance fund.

14 May 99 cF-8.001 Reg 13 s14.

Reports by lender

15 For the purposes of section 56 of the Act, every lender shall include in the report required pursuant to that section a record of:

- (a) all advances made to feeder associations;
- (b) the names of the feeder associations to which the advances were made and the dates of those advances;
- (c) the loan balance outstanding with respect to each feeder association that has received an advance;
- (d) the accrued interest on those advances;
- (e) with respect to each member for which a feeder association has received an advance from that lender, the amount of the loans authorized to be guaranteed pursuant to these regulations with respect to that member; and
- (f) the total amount of assurance funds on deposit for each feeder association.

14 May 99 cF-8.001 Reg 13 s15.

Deposits to feeder assurance fund

16(1) For the purposes of section 59 of the Act but subject to subsection (2) of this section, when a feeder association borrows money for the purchase of bison for a feeder, the feeder shall deposit with the association's feeder assurance fund an amount equal to 5% of the money borrowed.

(2) Subject to subsection (4), if, at the time the feeder association borrows money on behalf of a feeder, any amount stands to the credit of the feeder in the association's feeder assurance fund in excess of 5% of the advances outstanding for that feeder, including interest, that amount may be applied to the 5% deposit required pursuant to subsection (1).

(3) Before entering into any new feeder agreements after a payment is made out of the association's feeder assurance fund for the purpose mentioned in clause 59(2)(b) of the Act, the feeder association shall require all of its feeder members to deposit sufficient funds with the association's feeder assurance fund to replenish the assurance fund to 5% of all outstanding advances for all feeder members.

(4) Subsection (2) does not apply where:

- (a) a feeder wishes to enter into new feeder agreements with the feeder association after a payment is made out of the association's feeder assurance fund for the purpose mentioned in clause 59(2)(b) of the Act; and

(b) the feeder association or the lender requires the feeder to make a deposit to the association's feeder assurance fund in accordance with subsection (1) with respect to all new advances for the feeder, until all advances outstanding at the time the feeder association recommences operations have been paid.

14 May 99 cF-8.001 Reg 13 s16.

Refund of deposits

17(1) For the purposes of this section, "**prorated share**" means an amount based on the amount of a feeder's deposit in the association's feeder assurance fund:

- (a) as a proportion of the total deposits to the assurance fund; and
- (b) calculated at the time the claim against the assurance fund is made.

(2) For the purposes of subsection 59(4) of the Act but subject to subsections (3) and (4) of this section, where a feeder resigns from a feeder association and is not in default with respect to any advance, the feeder association shall refund to the feeder, within the period prescribed in subsection (6), the deposits made by the feeder pursuant to subsection 16(1) less any amount deducted pursuant to subsection (7).

(3) No feeder association that has a due or an overdue account with a lender shall refund to the feeder the deposits made by the feeder pursuant to subsection 16(1).

(4) Where a feeder who is not in default with respect to any advance resigns from a feeder association that has paid a due or an overdue account to a lender out of the association's feeder assurance fund, the feeder association shall refund to the feeder, within the period prescribed in subsection (6), an amount equal to that feeder's prorated share at the time of resignation, less any amount deducted pursuant to subsection (7).

(5) Subject to subsections (3) and (4), where a feeder who is not in default with respect to any advance remains a member of a feeder association but has been inactive in the affairs of the feeder association for 90 days or more, the feeder association may refund to that feeder the deposits made by that feeder pursuant to subsection 16(1), less any amount deducted pursuant to subsection (7), any time after the expiration of the 90-day period.

(6) Subject to subsections (6.1) and (6.2), if a feeder association makes a refund pursuant to subsection (2) or (4), the feeder association shall make the refund not less than 90 days after nor more than 105 days after the day on which the feeder resigns.

(6.1) Subject to subsection (6.2), if a feeder was inactive in the feeder association immediately before resigning, the feeder association must reduce the number of days mentioned in subsection (6) by the number of days that the feeder was inactive.

(6.2) Any reduction in the number of days pursuant to subsection (6.1) must not:

- (a) result in a negative number of days; or
- (b) give the feeder association less than 15 days from the day the feeder resigns to make the refund.

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(7) Where a feeder association makes a refund pursuant to this section, the feeder association may deduct from the refund:

- (a) any amount owing to the feeder association by the feeder, including any amount owing to the association by the feeder pursuant to:
 - (i) a bison breeder agreement, as defined in *The Bison Breeder Associations Loan Guarantee Regulations*;
 - (ii) a cattle breeder agreement, as defined in *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*; or
 - (iii) a cattle feeder agreement, as defined in *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*;
- (b) any costs, fees or expenses incurred by the feeder association with respect to that feeder.

14 May 99 cF-8.001 Reg 13 s17; 10 Jan 2003 SR
117/2002 s5; 31 Mar 2006 SR 21/2006 s4; 24
Oct 2008 SR 93/2008 s9.

Prorating among agreements

18(1) In this section:

- (a) **“breeding stock”** means breeding stock as defined in *The Bison Breeder Associations Loan Guarantee Regulations*;
 - (b) **“breeder agreement”** means a breeder agreement as defined in *The Bison Breeder Associations Loan Guarantee Regulations*.
- (2) A feeder association may prorate bison, or the proceeds of the sale of bison, among different feeder agreements and breeder agreements if the bison that are the subject of a feeder agreement:
- (a) have been kept with bison that are the subject of other feeder agreements or breeder agreements with the feeder association; and
 - (b) in the feeder association’s opinion, are not uniquely identified to any particular feeder agreement or breeder agreement.

24 Oct 2008 SR 93/2008 s10.

