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## PART II/PARTIE II

### REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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## REVISED REGULATIONS OF SASKATCHEWAN

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### CHAPTER A-15.21 REG 9

#### *The Agri-Food Act, 2004*

Sections 7, 8 and 43

Order in Council 141/2009, dated March 4, 2009

(Filed March 5, 2009)

### PART 1

#### Title and Interpretation

##### Title

- 1** These regulations may be cited as *The Alfalfa Seed Development Plan Regulations*.

##### Interpretation

- 2** In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“alfalfa seed”** means the seed produced from any alfalfa plant, including *medicago sativa*, *medicago media* and *medicago falcata*;
- (c) **“assemble”** means to gather alfalfa seed in one place for the purpose of transporting it or selling it to a processor;
- (d) **“assembler”** means any person who, either directly or on behalf of a producer:
  - (i) transports alfalfa seed;
  - (ii) assembles alfalfa seed;
  - (iii) arranges for assembly of alfalfa seed; or
  - (iv) brokers a sale of alfalfa seed;
- (e) **“buyer”** means any person who buys or contracts to buy alfalfa seed produced in Saskatchewan;
- (f) **“clean seed”** means the amount of clean seed based on an estimate of the dockage and shrinkage;
- (g) **“commission”** means the Saskatchewan Alfalfa Seed Producers Development Commission continued pursuant to section 7;
- (h) **“leafcutting bee”** means the insect *megachile rotundata*;
- (i) **“plan”** means the Saskatchewan Alfalfa Seed Producers Development Plan continued pursuant to section 3;
- (j) **“processing”** means changing the nature, size, quality or condition of alfalfa seed crops;
- (k) **“processor”** means any person engaged in the business of processing alfalfa seed crops;

- (l) **“producer”** means:
- (i) any person operating a farm who is engaged in the production, marketing, or production and marketing of alfalfa seed crops, and includes the employer of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the alfalfa seed raised or the proceeds of its sale;
  - (iii) a person who takes possession of any alfalfa seed under any form of security or legal proceeding for a debt;
- (m) **“registered producer”** means a producer who:
- (i) is registered with the commission pursuant to section 21;
  - (ii) has paid a levy pursuant to subsection 24(1) in each of the last two years for which he or she has not received a refund pursuant to section 25.

## PART II

### Plan

#### Plan continued

**3** The Saskatchewan Alfalfa Seed Producers Development Plan is continued.

#### Application

**4** Subject to any exemptions made by order of the commission, the plan and the orders of the commission made pursuant to the plan apply:

- (a) throughout Saskatchewan;
- (b) to all grades, classes or varieties of alfalfa seed; and
- (c) to all persons engaged in the production, marketing or production and marketing of alfalfa seed in Saskatchewan.

#### Purposes

**5(1)** The general purpose and intent of the plan is to provide for the orderly and effective development of the alfalfa seed industry in Saskatchewan.

(2) Without limiting the generality of subsection (1), the specific purposes of the plan are:

- (a) to promote and develop the alfalfa seed and leafcutting bee industries in Saskatchewan;
- (b) to develop procedures to maximize returns to producers;
- (c) to encourage the production of a uniform high-quality product;
- (d) to gather, compile and distribute information related to the production, processing, consumption and marketing of alfalfa seed and the management of leafcutting bees;

- (e) to conduct or encourage research on the production, marketing, processing and consumption of alfalfa seed and the management of leafcutting bees;
- (f) to promote and improve understanding among individuals and organizations within the alfalfa seed and leafcutting bee industries;
- (g) to establish a system of levies on alfalfa seed crops for carrying out the purposes of the plan; and
- (h) to represent and lobby on behalf of registered producers in matters relating to the development of the alfalfa seed and leafcutting bee industries.

**Duration of the plan**

- 6** The plan remains in effect until these regulations are repealed.

**PART III****Commission****Commission**

- 7(1)** The Saskatchewan Alfalfa Seed Producers Development Commission is continued as a development commission pursuant to the Act.
- (2) The commission consists of six directors elected in accordance with Part VII.
- (3) If fewer than six directors are elected pursuant to Part VII, the commission may appoint registered producers as directors as it considers necessary to fill those positions.
- (4) The commission shall administer the plan.
- (5) On the coming into force of these regulations, the commission is to consist of the directors of the commission who held office pursuant to *The Saskatchewan Alfalfa Seed Producers Development Plan Regulations* on the day before these regulations came into force, who continue to hold office as if they had been elected pursuant to these regulations until their successors are elected pursuant to these regulations.

**Powers of commission**

- 8(1)** Subject to the other provisions of these regulations, the commission may exercise the following powers that are set out in subsection 8(1) of the Act:
- (a) the power to carry out educational, research and developmental programs related to alfalfa seed and leafcutting bees;
  - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of alfalfa seed to register with the commission;
  - (c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of alfalfa seed;
  - (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of alfalfa seed;

- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of alfalfa seed for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of alfalfa seed; and
  - (ii) contravenes an order of the commission;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of alfalfa seed to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (i) the power to market, grade or insure alfalfa seed, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the commission to carry out the purposes of the plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of money in any manner that the commission considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the plan;

- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, and to insure, sell or otherwise dispose of any of its property;
  - (r) the power to grant a mortgage or security interest in any of the commission's real or personal property;
  - (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the commission in relation to the plan;
  - (t) the power to:
    - (i) require any person who owes money to a registered producer with respect to the sale by the registered producer of alfalfa seed to pay the money to the commission; and
    - (ii) distribute the money paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the registered producer to whom the money is owing;
  - (u) the power to:
    - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
    - (ii) hold membership in any corporation;
  - (v) the power to:
    - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
    - (ii) exercise any rights, including the right to vote, as:
      - (A) an owner of the securities mentioned in clause (u); or
      - (B) a member;
  - (w) the power to register a business name pursuant to *The Business Names Registration Act*;
  - (x) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of alfalfa seed.
- (3) Neither the sum of the grants and loans mentioned in clause (1)(o), nor the sum of the financial guarantees mentioned in clause (1)(p), shall exceed 10% each of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the grant, loan or financial guarantee is made or given.

**Books and records****9(1)** The commission shall:

- (a) maintain any books and records that may be required for the administration of the plan; and
  - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
  - (b) a description of:
    - (i) the state of the industry; and
    - (ii) the activities of the commission for its previous fiscal year; and
  - (c) a list of the names and addresses of the directors of the commission.
- (4) The commission shall make the annual report available:
- (a) to the council;
  - (b) at the annual general meeting of registered producers; and
  - (c) on request to:
    - (i) any registered producer;
    - (ii) any registered buyer; or
    - (iii) any other interested person.

**Appointment of auditor****10(1)** The registered producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year; and
  - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year.
- (2) If the registered producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the commission for that fiscal year.



- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
    - (i) the commission; and
    - (ii) the directors and officers of the commission; and
  - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

**Committees**

**11(1)** The commission may appoint any committee that it considers necessary or desirable for the proper operation of the plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the commission may determine.

**Chairperson and vice-chairperson**

**12(1)** The commission shall elect a chairperson and vice-chairperson from among the directors of the commission at their first meeting in each year after new directors have been elected.

(2) The chairperson and vice-chairperson hold office at the pleasure of the commission.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the commission.

**Quorum**

**13** For the transaction of business at a duly called meeting of the commission:

- (a) a majority of the commission constitutes a quorum; and
- (b) a decision of a majority of those directors comprising a quorum is a decision of the commission.

**Policies re conflict of interest and code of conduct**

**14** Within 18 months after the coming into force of these regulations, the commission shall prepare and submit to the council:

- (a) a conflict of interest policy for the directors; and
- (b) a policy respecting a code of conduct for the directors.

**Conflicts of interest**

**15(1)** No director shall:

- (a) fail to disclose to the commission any conflict of interest that the director may have; or
- (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 14.

**Bank accounts**

**16** The commission may open accounts in the name of the commission in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

**Investments**

**17** The commission may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the commission considers expedient.

**Fiscal year**

**18** The fiscal year of the commission is the period commencing on August 1 in one year and ending on July 31 in the following year.

**Financial plan**

**19** The commission shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

**Meetings of registered producers**

**20(1)** An annual general meeting of registered producers:

- (a) is to be held on or before December 1 in each year; and
- (b) is to be held at a place and time determined by the commission.

(2) The commission:

- (a) may call a special general meeting of registered producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 15 registered producers.

(3) The commission shall notify all registered producers, in writing:

- (a) for an annual general meeting of registered producers, of the date, time and location and agenda not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(4) The notice mentioned in subsection (3) may be sent:

- (a) by ordinary or registered mail; or
- (b) at the request of a registered producer, by facsimile or electronic mail.

(5) If a notice is sent pursuant to clause (4)(b), it is deemed to be received on the day after it was sent.

- (6) The quorum at an annual or special general meeting of registered producers is 25 registered producers.
- (7) The commission shall present to the annual general meeting:
  - (a) the financial plan it has approved for the current fiscal year; and
  - (b) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors of the commission is to be determined by motion of the commission and approved by a vote of registered producers at the next annual general meeting or special general meeting.
- (9) At an annual or special general meeting, registered producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.

## PART IV

### Registration

#### Registration of producers

- 21(1)** Every producer shall register with the commission at the time and in the manner determined by order of the commission.
- (2) The commission shall keep and maintain at its head office a register containing the name and address of every registered producer.

#### Registration of buyers

- 22(1)** Every buyer shall register with the commission at the time and in the manner determined by order of the commission.
- (2) The commission shall keep and maintain at its head office a register containing the name and address of every registered buyer.

#### Suspension and cancellation of registrations

- 23(1)** The commission may cancel or suspend a registration if the registered producer has contravened:
  - (a) the Act;
  - (b) the plan;
  - (c) these regulations; or
  - (d) an order or direction of the commission.
- (2) The commission shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.
- (3) If the commission suspends or cancels a registration pursuant to this section, the commission must advise the registered producer in writing of its decision.

## PART V

### Levies

#### Collection of levies

**24(1)** Every producer engaged in the production, marketing or production and marketing of alfalfa seed shall pay to the commission, at the times and in the manner determined by the commission, a levy calculated in accordance with this section.

- (2) Subject to subsection (3), the levy mentioned in subsection (1):
  - (a) is to be determined by order of the commission; and
  - (b) is to be based on a fixed rate for every pound of alfalfa seed marketed or processed by a producer on a clean seed basis.
- (3) The commission shall provide registered producers:
  - (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
  - (b) at least 30 days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (4) The commission may require any processor, buyer or assembler of alfalfa seed to:
  - (a) deduct the levy mentioned in subsection (1), and other fees and charges on alfalfa seed levied pursuant to these regulations, from any payment made to a producer; and
  - (b) forward the levy and other fees and charges to the commission.
- (5) The commission may require any producer of alfalfa seed to:
  - (a) deduct the levy mentioned in subsection (1), and other fees and charges on alfalfa seed levied pursuant to these regulations, from any payment from another producer; and
  - (b) forward the levy and other fees and charges to the commission.
- (6) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers, processors, buyers and assemblers.

**Refund of levies**

**25(1)** The commission shall make a refund of levies only if:

- (a) the commission receives a written request for the refund from the producer:
    - (i) with respect to levies paid between February 1 and July 31 in any year, not later than August 31 of that year; and
    - (ii) with respect to levies paid between August 1 in any year and January 31 in the following year, not later than February 28 of that year; and
  - (b) the request has been verified by the commission.
- (2) If the commission receives and verifies a written request for a refund of levies that were paid to the commission by the producer:
- (a) between February 1 and July 31 in any year, the commission shall make the refund of those levies to the producer not later than October 31 of that year; and
  - (b) between August 1 in any year and January 31 in the following year, the commission shall make the refund of those levies to the producer not later than April 30 of that year.

**Required notification**

**26** If, for any one fiscal year, 35% or more of the producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 25(1), the commission shall immediately notify the council.

**PART VI****Commission Orders****Commission orders**

- 27(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the commission pursuant to section 12 of the Act.
- (2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any registered producer, registered buyer or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.
- (3) The commission shall:
- (a) cause all orders of the commission to be published in the Gazette and in any other media it considers appropriate; and
  - (b) annually review the orders of the commission and consolidate them.

## PART VII

### Elections

#### Eligibility

**28(1)** Every registered producer is eligible to hold office as a director of the commission.

(2) Subject to subsection (5), a registered producer that is a corporation, association, society or other designation is entitled to vote or hold office:

- (a) only through a designated representative appointed in writing; and
- (b) only if notice of that appointment has been filed with the commission in a form and manner acceptable to the commission.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Subject to subsection (5), every registered producer is entitled to one vote.

(5) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual registered producer or as a designated representative of a registered producer.

#### Nominations

**29(1)** Any registered producer is eligible to be nominated for election as a director of the commission.

(2) The commission shall, at least 30 days before the date of the annual general meeting of registered producers at which the election will take place, send to each registered producer a notice that states that nominations will be accepted for the election of directors from registered producers attending the annual general meeting.

(3) The commission shall receive nominations from registered producers at the annual general meeting.

(4) Every nomination is to be:

- (a) in the form required by the commission;
- (b) seconded by one registered producer or the representative of a registered producer appointed pursuant to subsection 28(2).

#### Returning officer and scrutineer

**30(1)** Subject to subsection (2), the commission shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 31.

(2) Registered producers, alfalfa seed producers, buyers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).

(3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures related to conducting an election.

(4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

**Conduct of elections**

**31(1)** The commission shall arrange for the conduct of elections in conjunction with the annual general meeting.

(2) If not more than the required number of candidates is nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.

(3) If more than the required number of candidates are nominated pursuant to section 29, the commission shall conduct a vote.

(4) All voting is to be by ballot.

(5) The returning officer shall declare those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.

(6) The ballot of a registered producer is not valid if:

(a) the registered producer votes for more than the specified number of candidates;

(b) it is defaced;

(c) it is marked in any way other than to vote for candidates;

(d) it is not the original ballot provided by the commission; or

(e) the individual who voted for the registered producer voted more than once.

(7) Ties are to be decided by the drawing of lots.

**Validity of election**

**32** A registered producer is deemed to have received any document that is mailed to the last address provided by him or her to the commission, and the failure of any registered producer to receive that document does not invalidate the election.

**Election results**

**33** The returning officer shall announce the names of the persons elected as directors at the close of the annual general meeting of registered producers at which the election was held.

**Term of office, vacancy, etc.**

**34(1)** Subject to subsection (4), a director of the commission holds office:

(a) for a term of three years:

(i) commencing with the announcement of the director's election by the returning officer; or

(ii) in the case of an appointed director, after he or she is appointed; and

(b) until the director's successor is elected or appointed, as the case may be.

(2) Subject to subsection (3), a director is eligible for re-election or reappointment.

(3) If a director has completed two consecutive terms, he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's second consecutive term.

- (4) The office of a director becomes vacant if a director:
- (a) ceases to qualify as a registered producer;
  - (b) resigns, dies or is unable to act;
  - (c) is absent from two consecutive meetings of the commission without being excused by a resolution of the commission; or
  - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (5) Notwithstanding subsection 7(2), if the office of a director becomes vacant, the commission may appoint a registered producer as a director to fill the vacancy until the next election.

**Retention of ballots**

**35** The returning officer shall:

- (a) retain all ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors until 90 days after the annual general meeting of registered producers at which the returning officer announced the results of the election.

**PART VIII**

**Repeal, Transitional and Coming into Force**

**R.R.S. c.A-15.2 Reg 6 repealed**

**36** *The Saskatchewan Alfalfa Seed Producers Development Plan Regulations* are repealed.

**Transitional - term of office**

**37** Notwithstanding any other provision of these regulations, the directors of the commission who hold office on the day before the day on which *The Alfalfa Seed Development Plan Regulations* come into force continue to hold office as follows:

- (a) the two directors who were elected at the annual general meeting of registered producers held in 2007 hold office until the director's successor is elected or appointed, as the case may be, at the annual general meeting of registered producers held after January 2009 and before December 1, 2009;
- (b) the two directors who were elected at the annual general meeting of registered producers held in 2008 hold office until the director's successor is elected or appointed, as the case may be, at the annual general meeting of registered producers held in 2010; and
- (c) the two directors who were elected at the annual general meeting of registered producers held in January 2009 hold office until the director's successor is elected or appointed, as the case may be, at the annual general meeting of registered producers held in 2011.

**Coming into force**

**38** These regulations come into force on the day on which they are filed with the Registrar of Regulations.



**SASKATCHEWAN REGULATIONS 19/2009***The Farm Financial Stability Act*

Sections 22, 24, 26, 33 and 84

Order in Council 142/2009, dated March 4, 2009

(Filed March 5, 2009)

**Title**

**1** These regulations may be cited as *The Wildlife Damage Compensation Program Amendment Regulations, 2009*.

**R.R.S. c.F-8.001 Reg 33 amended**

**2** *The Wildlife Damage Compensation Program Regulations* are amended in the manner set forth in these regulations.

**Section 2 amended**

**3** Clause 2(1)(f) is repealed.

**Section 8 amended**

**4(1)** Subsection 8(1) is amended:

(a) in the portion preceding clause (a) by striking out “80%” and substituting “100%”; and

(b) by repealing clause (b) and substituting the following:

“(b) the market value of the grade of that commercial agricultural product, as determined by the corporation, for the crop year in which the loss occurred”.

**(2)** Subsection 8(2) is amended by striking out “80%” and substituting “100%”.

**(3)** Subsection 8(3) is amended by striking out “80%” and substituting “100%”.

**(4)** Subsection 8(5) is amended by striking out “80%” and substituting “100%”.

**(5)** Subsection 8(6) is amended by striking out “\$100” and substituting “\$150”.

**Section 13 amended**

**5(1)** Subsection 13(3) is amended by striking out “80%” and substituting “100%”.

**(2)** Subsection 13(4) is amended by striking out “\$100” and substituting “\$150”.

**Coming into force**

**6** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

