

2000

CHAPTER 44

*An Act to amend *The Farm Financial Stability Act**

(Assented to June 27, 2000)

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, 2000*.

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.

Section 41 amended

3 **Clause 41(j) is amended by striking out “between a producer” and substituting “between one or more producers”.**

Section 46 amended

4 **Subsection 46(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

“The Minister of Finance may guarantee loans from lenders to producer associations.”.

Section 50 amended

5 **Subsection 50(3) is amended:**

(a) in subclause (a)(i) by adding “for that same commodity” after “loan”; and

(b) in subclause (b)(i) by adding “for that same commodity” after “loan”.

Section 52 amended

6 **The following subsection is added after subsection 52(5):**

“(6) No producer who has entered into a producer agreement with a producer association shall sell a commodity belonging to the producer association other than in the name of the producer association”.

Section 54 amended

7(1) **Subsection 54(3) is amended by striking out “carrying out his or her duties as a provincial supervisor” and substituting “inspecting or removing a commodity with respect to which a producer association has obtained a guaranteed loan, or for any other purpose related to the duties of the provincial supervisor pursuant to this Act or the regulations”.**

(2) Subsection 54(4) is amended by striking out “the place or premises mentioned in subsection (1)” and substituting “and search the place or premises mentioned in subsection (1) for the purpose of inspecting or removing a commodity with respect to which a producer association has obtained a guaranteed loan, or for any other purpose related to the duties of the provincial supervisor pursuant to this Act or the regulations”.

Section 57 amended

8 Clause 57(1)(f) is amended by adding “or any other person” after “member producers”.

New section 60.1

9 The following section is added after section 60:

“Provincial supervisor may act where guarantee unduly at risk

60.1(1) Where a producer association that has received a guaranteed loan is inactive, and where, in the opinion of the provincial supervisor, the guarantee on the guaranteed loan is unduly at risk, the provincial supervisor may exercise any or all of the following powers or functions of the producer association:

- (a) marking commodities;
- (b) confirming inventory;
- (c) removing or selling commodities pursuant to a producer agreement;
- (d) recovering commodities from third parties;
- (e) doing any other act or thing necessary, incidental or conducive to exercising the powers and functions mentioned in clauses (a) to (d).

(2) For the purpose of exercising any power or function mentioned in subsection (1), the provincial supervisor may apply to a judge of the Court of Queen’s Bench for any order mentioned in subsection (3).

(3) On hearing an application pursuant to subsection (2), the judge may make any order that he or she considers appropriate, including:

- (a) an order prohibiting a person in possession of a commodity from selling or otherwise disposing of that commodity;
- (b) an order directing the sale of a commodity and the payment of the proceeds from the sale of that commodity into court, pending the issuance of an order pursuant to clause (c);
- (c) an order determining the entitlement to a commodity or to the proceeds from the sale of the commodity”.

Section 61 amended

10 Section 61 is amended:

(a) by adding the following clause after clause (a):

“(a.01) governing producer agreements between two or more member producers and a producer association”;

(b) by adding the following clause after clause (j):

“(j.1) prescribing pursuant to section 53 the method of replacing or identifying commodities that are the subject of a producer agreement”;

(c) by adding the following clauses after clause (n):

“(n.1) authorizing producer associations to deduct any amount owing to the association by a producer or any expenses incurred by the association with respect to the producer from:

- (i) the proceeds of sale of a commodity; or
- (ii) a refund of the producer’s contributions to the assurance fund;

“(n.2) prescribing the circumstances under which a producer association may prorate commodities, or the proceeds from the sale of commodities, among different producer agreements;

“(n.3) designating the expenses that lenders may:

- (i) deduct from the proceeds of sale of a commodity; or
- (ii) claim against a guarantee”; **and**

(d) by adding the following clause after clause (o):

“(p) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part”.

Section 85 amended

11 Subsection 85(8) is repealed.

Coming into force

12 This Act comes into force on assent.

