

The Saskatchewan Alfalfa Seed Producers Development Plan Regulations

Repealed

by Chapter A-15.21 Reg 9 (effective March 5, 2009).

Formerly

Chapter A-15.2 Reg 6 (effective July 24, 1997).

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 A-15.2 REG 6

The Agri-Food Act

Title

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

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act*;
- (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 established pursuant to section 6, and, except in subsections 10(1) and 13(7), includes the interim commission;
- (h) **“interim commission”** means the interim commission established pursuant to section 6;
- (i) **“leafcutting bee”** means the insect *megachile rotundata*;
- (j) **“order of the commission”** means an order of the commission made pursuant to clause 7(k), (l) or (m) or section 15;
- (k) **“plan”** means the Saskatchewan Alfalfa Seed Producers Development Plan established pursuant to section 3;
- (l) **“processing”** means changing the nature, size, quality or condition of alfalfa seed crops;
- (m) **“processor”** means any person engaged in the business of processing alfalfa seed crops;

(n) “**producer**” means:

- (i) any person operating a farm who is engaged in the production 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;

(o) “**registered producer**” means a producer who is registered with the commission and whose registration is in good standing.

1 Aug 97 cA-15.2 Reg 6 s2.

Establishment of plan

3(1) The Saskatchewan Alfalfa Seed Producers Development Plan is established.

(2) The plan continues until these regulations are repealed.

1 Aug 97 cA-15.2 Reg 6 s3.

Application

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

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

1 Aug 97 cA-15.2 Reg 6 s4.

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.

1 Aug 97 cA-15.2 Reg 6 s5.

Administration of plan

6(1) The Saskatchewan Alfalfa Seed Producers Development Commission is established as a development commission pursuant to section 5 of the Act.

(2) The commission shall administer the plan.

(3) Subject to subsection (4), the commission consists of a board of directors of six registered producers elected in accordance with sections 18 and 19.

(4) An interim commission consisting of the persons listed in the Appendix shall administer the plan until a board of directors is elected in accordance with sections 18 and 19.

(5) The members of the interim commission are to be remunerated at the rate set out in the Appendix.

1 Aug 97 cA-15.2 Reg 6 s6.

Powers of commission

7 The commission is vested with the power:

(a) to require any or all persons engaged in the production or marketing of alfalfa seed to register with the commission;

(b) to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production or marketing of alfalfa seed;

(c) subject to section 15, to set and collect check-offs from any person engaged in the production or marketing of alfalfa seed;

(d) to categorize into groups persons engaged in the production or marketing of alfalfa seed for the purpose of setting and collecting:

(i) the registration fees and charges mentioned in clause (b); and

(ii) the check-offs mentioned in clause (c);

(e) to recover:

(i) the registration fees and charges mentioned in clause (b); or

(ii) the check-offs mentioned in clause (c);

by suit in a court of competent jurisdiction;

(f) to require any person engaged in the production or marketing of alfalfa seed to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;

(g) to employ any officers and other employees that the commission considers necessary to administer the plan and to determine their respective:

(i) duties;

(ii) conditions of employment; and

(iii) remuneration;

(h) to establish or support:

- (i) a group insurance plan; and
- (ii) any other pension or employee benefit program;

for the benefit of the officers and employees mentioned in clause (g) and their dependants;

(i) to use any moneys received by the commission:

- (i) to carry out the purposes of the plan; and
- (ii) to pay the expenses of the commission;

(j) to carry out educational, research and developmental programs relating to alfalfa seed and leafcutting bees;

(k) to make any orders that the commission considers necessary or advisable to carry out the purposes of the plan;

(l) to amend or revoke any orders of the commission;

(m) to exempt from the plan and from any order of the commission any category of persons engaged in the production or marketing of alfalfa seed crops or any class, variety or grade of alfalfa seed;

(n) to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange and other negotiable or transferable instruments;

(o) to purchase, take on lease or in exchange or otherwise acquire real or personal property for the purposes of the business of the commission;

(p) to sell or otherwise dispose of any real or personal property acquired by the commission;

(q) to borrow, raise or secure the payment of moneys in any manner that the commission considers appropriate for the purpose of administering the plan;

(r) to grant:

- (i) a mortgage against real property; or
- (ii) a security interest in personal property;

acquired by the commission;

(s) to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to:

- (i) the exercise of any of the powers; or
- (ii) the carrying out of any of the duties;

of the commission in relation to the plan;

(t) to purchase or acquire by any other means, in the open market or otherwise, shares, bonds, debentures or other securities of any incorporated company;

(u) to hold, sell, transfer, or otherwise deal with any of the shares, bonds, debentures or other securities mentioned in clause (t) and to exercise any rights as owner of those shares, bonds, debentures or other securities, including the right to vote.

1 Aug 97 cA-15.2 Reg 6 s7.

Books and records

8(1) The commission shall maintain any books and records that may be required for the proper administration of the plan and keep those books and records open for inspection by the council at any reasonable time.

(2) The commission shall maintain a 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 the activities of the commission for its previous fiscal year; and

(c) a list of the names and addresses of the members of the board of directors.

(4) The commission shall submit the annual report to the council and make it available at the annual general meeting of registered producers and, on request, to any registered producer, buyer or other interested person.

(5) The commission shall appoint an auditor on the day on which the first elected members of the commission assume office and thereafter at the annual general meetings of the registered producers, and the auditor shall audit the books and records of the commission.

1 Aug 97 cA-15.2 Reg 6 s8.

Committees

9 The commission may appoint any committees that it considers necessary or desirable for the proper operation of the plan.

1 Aug 97 cA-15.2 Reg 6 s9.

Chairperson and vice-chairperson

10(1) The commission shall elect a chairperson and vice-chairperson from among its members.

(2) The commission may appoint or hire a manager and any other staff or agents necessary to carry out the objectives of the plan.

(3) A majority of the commission constitutes a quorum at any meeting of the commission.

(4) The chairperson or, in his or her absence, the vice-chairperson shall preside at all meetings of the commission.

1 Aug 97 cA-15.2 Reg 6 s10.

A-15.2 REG 6 SASKATCHEWAN ALFALFA SEED
PRODUCERS DEVELOPMENT PLAN

Financial provisions

11(1) The commission may open accounts in a bank, credit union or trust corporation in the name of the commission and appoint signing officers.

(2) The commission may invest any money in its possession or control that is not immediately required for the purposes of its operations in securities approved for the investment of the general revenue fund pursuant to *The Financial Administration Act, 1993* and may sell any securities so acquired by it and reinvest any of the proceeds of those securities in a similar manner.

(3) The fiscal year of the commission is the crop year from August 1 to July 31.

(4) Where the plan is to be discontinued, any assets of the commission remaining after all of the liabilities of the commission have been settled are to be distributed to a research institute that, in the opinion of the commission, will use those assets to contribute to the development of the alfalfa industry in Saskatchewan.

1 Aug 97 cA-15.2 Reg 6 s11.

Registration of producers

12(1) Every producer shall register with the commission at the time and in the manner required by the commission.

(2) The commission shall maintain at its head office a register containing the name and address of each producer.

(3) The commission shall remove from the register of producers the name of any person who fails to pay any fees and charges required to be paid pursuant to an order of the commission or who ceases to be a producer of alfalfa seed for two consecutive years.

1 Aug 97 cA-15.2 Reg 6 s12.

Meetings of producers

13(1) An annual general meeting of registered producers must be held on or before March 1 in each year at a time and place to be determined by the commission.

(2) Special general meetings of registered producers may be called by the commission at any time and must be called by the commission within 30 days of having received a written request of 15 or more registered producers.

(3) The quorum at a general meeting of registered producers is 25 registered producers.

(4) The commission must give notice of a general meeting of registered producers by sending a notice, by ordinary mail, to each registered producer at least 30 days before the date of the meeting.

(5) The commission shall prepare and submit to the annual general meeting of registered producers:

(a) a proposed budget outlining the collection and expenditure of funds during the next fiscal year; and

(b) an outline of proposed programs and activities for the next fiscal year.

(6) Registered producers may debate and take a vote at meetings on any question or resolution related to alfalfa seed.

(7) The remuneration to be paid to the commission is to be fixed by the registered producers at the annual general meeting.

1 Aug 97 cA-15.2 Reg 6 s13.

Registration of buyers, etc.

14(1) Buyers, processors and assemblers of alfalfa seed crops shall register with the commission at the time and in the manner determined by the commission.

(2) The commission shall maintain at its head office a register containing the names and addresses of registered buyers, processors and assemblers of alfalfa seed crops.

1 Aug 97 cA-15.2 Reg 6 s14.

Collection of check-offs

15(1) Every registered producer engaged in the marketing of alfalfa seed shall pay to the commission, at the times determined by the commission, a check-off calculated in accordance with this section.

(2) The check-off mentioned in subsection (1):

(a) until the first annual general meeting of registered producers, is fixed at a rate of \$0.0075 per pound of alfalfa seed marketed; and

(b) after the period mentioned in clause (a):

(i) subject to subsection (3), is to be determined, by order of the commission, at the annual general meeting of the registered producers; and

(ii) is to be based on a fixed rate for every pound of alfalfa seed marketed or processed on a clean seed basis.

(3) Where it is anticipated that the rate of check-offs will be determined by order of the commission at an annual general meeting of the registered producers, the commission shall provide at least 30 days' notice to registered producers that the rate of check-offs is to be determined at that meeting.

(4) The commission shall make a refund of check-offs pursuant to section 6 of the Act only where:

(a) the producer submits the written request for the refund to the commission:

(i) with respect to check-offs paid between February 1 and July 31 in any year, not later than August 31 of that year; and

(ii) with respect to check-offs 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.

(5) Where the commission receives from a producer a written request in compliance with these regulations for a refund of check-offs:

(a) paid to the commission by the producer between February 1 and July 31 in any year, the commission shall make the refund of those check-offs to the producer not later than October 31 of that year; and

(b) paid to the commission by the producer between August 1 in any year and January 31 in the following year, the commission shall make the refund of those check-offs to the producer not later than April 30 of that year.

- (6) The commission may require any processor, buyer or assembler of alfalfa seed to:
 - (a) deduct check-offs and other fees and charges on alfalfa seed levied pursuant to these regulations from any payments made to producers; and
 - (b) forward those check-offs, fees and charges to the commission.
- (7) The commission may recover check-offs, fees and charges by suit in any court of competent jurisdiction.

1 Aug 97 cA-15.2 Reg 6 s15.

Orders of commission generally

16(1) Every order of the commission is required:

- (a) to clearly describe the program or policy established by the order;
 - (b) to be signed by the chairperson or, in his or her absence, the vice-chairperson;
 - (c) to be published in *The Saskatchewan Gazette*; and
 - (d) to be open for inspection by any producer or person designated by the council.
- (2) The commission shall annually review all orders issued by it.

1 Aug 97 cA-15.2 Reg 6 s16.

Eligible voters

17(1) Every registered producer is eligible to vote for any purpose under the plan and to hold any office on the commission.

- (2) A registered producer that is a corporation, co-operative, partnership, association, society or person carrying on business under a corporate name, trade name, farm name or other designation is entitled to vote or hold office only through a designated representative appointed in writing, and the written appointment must be filed with the commission at the time of registration.
- (3) Except as provided in subsection (2), voting by proxy is prohibited and each registered producer is entitled to one vote.

1 Aug 97 cA-15.2 Reg 6 s17.

Election of first board of directors

18(1) The interim commission shall conduct a vote among registered producers to elect a first board of directors in accordance with the other provisions of this section and section 19.

- (2) The interim commission shall conduct the vote mentioned in subsection (1) within 18 months after these regulations come into force.
- (3) The term of office of each member of the first board of directors commences when the returning officer, pursuant to subsection 19(11), announces the name of the person elected as a director.

(4) The term of office of each member of the first board of directors ends when the returning officer, pursuant to subsection 19(11), announces the names of the persons elected as directors at the annual general meeting:

- (a) in the case of the two registered producers receiving the largest numbers of votes, in the third year following the year in which the election is held;
- (b) in the case of the two registered producers receiving the next largest numbers of votes, in the second year following the year in which the election is held; and
- (c) in the case of the two registered producers receiving the next largest numbers of votes, in the first year following the year in which the election is held.

1 Aug 97 cA-15.2 Reg 6 s18.

Conduct of elections

19(1) The commission shall:

- (a) arrange for the conduct of elections in conjunction with the annual general meeting; and
 - (b) at least 30 days before the date of the annual general meeting, send to each registered producer a notice of the meeting that states that nominations will be accepted for the election of directors from registered producers attending the annual general meeting.
- (2) The commission shall appoint a returning officer and a scrutineer who are not producers or employees of the commission.
- (3) The commission shall receive nominations from registered producers at the annual general meeting.
- (4) Nominations must be in the form prescribed by the commission and must be seconded by one registered producer or the representative of a registered producer.
- (5) If the number of candidates nominated is not more than the maximum number of directors' positions to be filled, the candidates nominated are elected by acclamation.
- (6) If more than the required number of candidates are nominated, the commission shall conduct a vote.
- (7) All voting is to be by ballot.
- (8) No qualified voter shall vote for more than the specified number of candidates required to fill the vacancies.
- (9) Those candidates receiving the most votes, up to the number of directors' positions to be filled, are elected as directors.
- (10) Ties are to be decided by the drawing of lots.
- (11) 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.
- (12) A registered producer is deemed to have received any notice posted to the registered producer at his or her last address registered with the commission, and the failure of any person to receive that notice does not invalidate the election.

(13) If any delay or irregularity occurs in any election, or if any doubt arises as to the validity of the election, the council shall determine who the directors of the commission are, fix their terms of office and, if the council considers it advisable, direct the holding of a special election of directors.

1 Aug 97 cA-15.2 Reg 6 s19.

Term of office, vacancy, etc.

20(1) Subject to section 18, a director holds office for a term of three years, commencing with the announcement of the director's election by the returning officer.

(2) Where a director has completed two consecutive three-year terms, the director is not eligible for re-election until one year has passed since the completion of the director's second consecutive term.

(3) If a vacancy occurs on the board, the remaining directors may appoint a registered producer to fill the vacancy until the next election.

1 Aug 97 cA-15.2 Reg 6 s20.

Appendix

[Section 6]

Members of Interim Commission and Remuneration

1 The members of the interim commission are:

Sandy Shaw, Kelvington – Chairperson
Alice Boden, Prince Albert – Vice-chairperson
Clem LaLonde, Zenon Park
Richard Swenson, Moose Jaw
Bill Wayhill, Carrot River
Miles Wendell, Regina

2 While performing their duties, the members of the interim commission are entitled to be remunerated at the rate approved by Treasury Board for members of boards, commissions and committees operating at a medium level of responsibility.

3 Members of the interim commission are entitled to be reimbursed for expenses incurred in performing their duties at the rates established for members of the Public Service.

1 Aug 97 cA-15.2 Reg 6.