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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

CHAPTER F-8.001 REG 41*The Farm Financial Stability Act*

Sections 22, 24, 26, 33 and 84

Order in Council 543/2010, dated September 2, 2010

(Filed September 3, 2010)

Title

1 These regulations may be cited as *The Wildlife Damage and Livestock Predation Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“account”** means the Wildlife Damage Compensation and Livestock Predation Prevention Account established in the fund pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“commercial agricultural products”** means annual seeded field crops, perennial field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees, leafcutter bee shelters, honey bees and honey bee hives;
- (d) **“corporation”** means the corporation appointed pursuant to section 5 to administer the program and the account;
- (e) **“crop year”** means the period commencing on August 1 in one year and ending on July 31 in the following year;
- (f) **“eligible livestock”** means cattle, sheep, goats, bison, horses, hogs, elk, fallow deer, llamas, donkeys, ostriches, emu, ducks, geese, chickens, turkeys and any other species raised domestically for agricultural production except wild boars;
- (g) **“fund”** means fund as defined in section 21 of the Act;
- (h) **“honey bee hive”** includes associated equipment and brood;
- (i) **“leafcutter bee shelter”** includes associated equipment and larvae;
- (j) **“predator animal”** means any wild animal that causes injury or death to eligible livestock;
- (k) **“producer”** includes a producer of commercial agricultural products and eligible livestock;
- (l) **“program”** means the Wildlife Damage Compensation and Livestock Predation Prevention Program established pursuant to section 3;
- (m) **“wildlife”** means ducks, geese, sandhill cranes, white-tailed deer, mule deer, antelope, elk, moose, bison, wild boars or bears, that have not been held in captivity.

- (2) For the purposes of Part IV of the Act:
- (a) the following are prescribed as commodities:
 - (i) commercial agricultural products;
 - (ii) eligible livestock; and
 - (b) the following persons are prescribed as producers:
 - (i) producers of commercial agricultural products;
 - (ii) producers of eligible livestock.

PART II

The Wildlife Damage Compensation and Livestock Predation Prevention Program

Program established

3 The Wildlife Damage Compensation and Livestock Predation Prevention Program is established pursuant to subsection 22(1) of the Act.

Account established

4(1) The Wildlife Damage Compensation and Livestock Predation Prevention Account is established in the fund for the purpose of administering the program pursuant to clause 24(2)(a) of the Act.

- (2) The Minister of Finance is authorized to deposit into the account:
- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
 - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (3) The Minister of Finance is authorized to make loans out of the general revenue fund to the corporation, to be deposited into the account, for the purposes of the program.
- (4) The account consists of:
- (a) all contributions mentioned in subsection (2);
 - (b) all loans mentioned in subsection (3);
 - (c) all other contributions from the Government of Canada that are directed to the account for the purposes of the program;
 - (d) all other moneys appropriated by the Legislature for the purposes of the program;

- (e) all moneys received from the minister responsible for the administration of *The Wildlife Act, 1998* for the purposes of the program;
 - (f) all earnings on investments of the account; and
 - (g) all moneys donated to the account for the purposes of the program.
- (5) All compensation payable to producers in accordance with these regulations is to be paid from the account.

Corporation appointed to administer account and program

5(1) The Saskatchewan Crop Insurance Corporation is appointed, pursuant to clause 26(1)(b) of the Act, to:

- (a) administer the program; and
 - (b) administer the account for the purposes of the program.
- (2) For the purpose of administering the program and the account, the corporation has:
- (a) all the powers given to it pursuant to *The Crop Insurance Act*; and
 - (b) any other power necessary to administer the program and the account.
- (3) Without limiting the generality of subsection (2), for the purpose of administering the program and the account, the corporation may:
- (a) appoint or engage any professional and technical personnel that may be required and determine their salaries and other remuneration;
 - (b) employ any officers and other employees that the corporation considers necessary for its purposes;
 - (c) make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;
 - (d) police and audit program compliance;
 - (e) enter into any agreement with any person, agency, organization, association, institution or body that the corporation considers advisable;
 - (f) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
 - (g) use any moneys received in the account:
 - (i) to pay the expenses incurred by the corporation in administering the program and the account; and
 - (ii) to make payments to producers pursuant to the program;
 - (h) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
 - (i) dispose of any investment made pursuant to clause (h), subject to the terms of the investment, in any manner, on any terms and in any amount that the corporation considers advisable.

Livestock predation prevention

6 Without limiting the generality of section 5, for the purposes of the program the corporation may undertake any measures it considers appropriate to control or reduce the impact of predator animals on eligible livestock, including:

- (a) engaging persons to hunt or trap predator animals; and
- (b) undertaking any educational programs the corporation considers appropriate to control or reduce the impact of predator animals on eligible livestock.

**PART III
Compensation**

**DIVISION 1
Compensation for Losses to Commercial Agricultural Products**

Producer eligible for compensation

7 A producer is eligible for compensation in accordance with these regulations for losses to commercial agricultural products resulting from damage caused by wildlife.

Determination of loss

8 The corporation, after inspecting the damaged commercial agricultural product before it is harvested, shall determine the loss eligible for compensation by estimating:

- (a) in the case of annual seeded field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees and honey bees, the harvestable production lost as a result of the damage caused by wildlife;
- (b) in the case of perennial field crops:
 - (i) the cost of replacing the plants damaged by wildlife if the plants are completely destroyed; or
 - (ii) an amount based on the damage by wildlife to the plants if the plants are not completely destroyed;
- (c) in the case of leafcutter bee shelters damaged by wildlife, the cost of repairing or replacing those shelters;
- (d) in the case of honey bee hives damaged by wildlife, the cost of replacing those hives; or
- (e) in the case of annual seeded field crops contaminated by the excreta of wildlife, the cost of cleaning the crops to remove the excreta.

Determination of compensation

9(1) Subject to subsections (4) and (6), in the case of damage to annual seeded field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees and honey bees, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 8(a), calculated by the corporation based on:

- (a) the grade of that commercial agricultural product, as determined by the corporation, at the time the damage is adjusted; and
 - (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) Subject to subsections (4) and (6), in the case of damage to perennial field crops, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 8(b).
- (3) Subject to subsection (6), in the case of damage to leafcutter bee shelters or honey bee hives, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 8(c) or 8(d), as the case may be.
- (4) An amount payable by the corporation pursuant to subsection (1) or (2) may be reduced by an amount the corporation considers appropriate if, in the corporation's opinion, it is agronomically feasible to produce another crop of that commercial agricultural product in the same growing season on the area damaged by wildlife.
- (5) Subject to subsection (6), in the case of harvested field crops contaminated by wildlife excreta, the corporation shall pay to the producer 100% of the cost, as determined by the corporation, of cleaning to remove the excreta pursuant to clause 8(e).
- (6) No payment shall be made for a commercial agricultural product pursuant to this section if, in the opinion of the corporation, the amount of compensation is less than \$150 for that commercial agricultural product.

Restrictions on payment

10(1) The corporation shall not make any payment pursuant to section 9 if, in the corporation's opinion:

- (a) any portion of the damaged commercial agricultural product is harvested before an inspection by the corporation;
- (b) subject to subsection (2), the producer has not made every reasonable effort to harvest the commercial agricultural product to avoid winter damage by wildlife;
- (c) the producer has not made every reasonable effort to use prevention measures to control damage caused by wildlife to the commercial agricultural products, including prevention measures offered by any ministry of the Government of Saskatchewan;

(d) a payment has been made in the same crop year under the unseeded acreage provisions of *The Crop Insurance Regulations* with respect to the same acres for which compensation for damage to the commercial agricultural products is requested; or

(e) the commercial agricultural products have been seeded too late to be reasonably expected to mature.

(2) The restriction on payment set out in clause (1)(b) does not apply if the producer has not harvested the commercial agricultural product in order to provide feed for domestic livestock as part of a recognized alternative feeding system, as determined by the corporation.

No payment if access by hunters has been unduly restricted

11(1) The corporation shall not make any payment pursuant to section 9 if access to the land by hunters licensed pursuant to *The Wildlife Act, 1998* or the regulations made pursuant to that Act has been unduly restricted by the producer.

(2) A restriction on access is not undue if the intent of the restriction is to:

- (a) protect persons, buildings or property;
- (b) protect livestock in a manner consistent with the producer's normal livestock operations;
- (c) control or restrict vehicular travel; or
- (d) manage or limit the number of hunters.

DIVISION 2

Compensation for Losses to Certain Commodities

Producer eligible for compensation

12 A producer is eligible for compensation in accordance with these regulations for losses to the following commodities resulting from damage caused by wildlife:

- (a) stacked hay;
- (b) silage bales;
- (c) honey or associated equipment and brood.

Determination of loss

13 The corporation, after inspecting the stacked hay, silage bales, or honey or associated equipment and brood damaged by wildlife, shall determine the loss eligible for compensation by estimating the volume of the stacked hay, silage bales, or honey or associated equipment and brood damaged by wildlife.

Determination of compensation

14(1) In this section, “**storage yard site**” means a site where stacked hay, silage bales or honey or associated equipment and brood is stored by a producer.

(2) If there is more than one storage yard site on a quarter-section of land or a river lot, the combination of storage yard sites on that quarter-section or river lot is deemed to be one storage yard site.

(3) Subject to subsection (4), the corporation shall pay to the producer 100% of the loss determined pursuant to section 13 at a price that reflects the value of the damaged commodity, as determined by the corporation.

(4) No payment shall be made pursuant to this section if, in the opinion of the corporation, the amount of compensation is less than \$150 per storage yard site.

Restrictions on payment

15 The corporation shall not make any payment pursuant to section 14 if the producer has not made every reasonable effort to use prevention measures to control damage caused by wildlife to stacked hay, silage bales, or honey or associated equipment and brood, including prevention measures offered by any ministry of the Government of Saskatchewan.

DIVISION 3

Compensation for Losses to Eligible Livestock**Producer eligible for compensation**

16 A producer is eligible for compensation in accordance with these regulations for losses to eligible livestock injured or killed by a predator animal.

Determination of loss

17 The corporation:

(a) after inspecting the eligible livestock injured by a predator animal, shall determine the loss eligible for compensation by establishing the actual veterinary costs incurred as a result of the injury; and

(b) after inspecting the eligible livestock killed by a predator animal, shall determine the loss eligible for compensation by establishing the number of eligible livestock killed by a predator animal.

Determination of compensation

18(1) In the case of eligible livestock injured by a predator animal, the corporation shall pay to the producer 100% of the loss determined pursuant to clause 17(a), to a maximum of 80% of the value of the injured eligible livestock, as determined by the corporation.

(2) Subject to subsection (3), in the case of eligible livestock killed by a predator animal, the corporation shall pay to the producer 100% of the loss determined pursuant to clause 17(b) at a price that reflects the value of the killed eligible livestock, as determined by the corporation.

- (3) If it cannot be conclusively determined that the death of eligible livestock was as a result of a predator animal, the maximum compensation payable is 50% of the value of the eligible livestock, as determined by the corporation.

Restrictions on payment

19 The corporation shall not make any payment pursuant to section 18 if the producer has not made every reasonable effort to use prevention measures to control damage caused by predator animals to eligible livestock, including the prevention measures set out in section 6 and any prevention measures offered by any ministry of the Government of Saskatchewan.

**PART IV
General**

Application for compensation

20 A producer who is eligible for compensation pursuant to these regulations and who wishes to obtain compensation shall:

- (a) apply to the corporation on a form provided by the corporation and within a period determined by the corporation;
- (b) solemnly declare that the contents of the form mentioned in clause (a) are true; and
- (c) at the time the application is submitted or at any subsequent time, supply the corporation with any information the corporation may require in order to determine the producer's eligibility for compensation.

Reconsideration and revision by corporation

21(1) Within 30 days after a determination by the corporation pursuant to these regulations, an applicant may request, in writing, that the corporation reconsider the determination.

(2) If the corporation receives a request pursuant to subsection (1), the corporation shall reconsider the determination and may confirm, reverse or vary that determination.

(3) Nothing in these regulations entitles an applicant to a hearing before the corporation.

(4) Subject to subsection (5), the corporation may revise a determination of compensation made pursuant to these regulations:

- (a) after reinspecting the damaged commercial agricultural product, commodity or eligible livestock to which the determination relates; or
- (b) after receiving information that the initial determination was incorrect.

(5) The corporation must complete any revision of a determination made pursuant to these regulations:

- (a) in the case of an application relating to Division 1 or 2 of Part III, within six years after the last day of the crop year with respect to which the determination relates; and
- (b) in the case of an application relating to Division 3 of Part III, within six years after the day on which the damage to the eligible livestock took place.

PART V
Financial Matters

Fiscal year

22 The fiscal year for the program and the account is the fiscal year of the corporation.

Annual report

23 The corporation shall report on the activities of the program and the account in its annual report prepared pursuant to *The Crop Insurance Act*.

PART VI
Repeal and Coming into Force

R.R.S. c.F-8.001 Reg 39 repealed

24 *The Wildlife Damage Compensation Program Regulations, 2010* are repealed.

Coming into force

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

SASKATCHEWAN REGULATIONS 94/2010

The Tobacco Control Act

Section 30

Order in Council 538/2010, dated September 2, 2010

(Filed September 3, 2010)

Title

1 These regulations may be cited as *The Tobacco Control Amendment Regulations, 2010 (No. 2)*.

R.R.S. c.T-14.1 Reg 1 amended

2 *The Tobacco Control Regulations* are amended in the manner set forth in these regulations.

New sections 3.1 and 3.2

3 The following sections are added after section 3:

“Signs listing products and prices

3.1(1) For the purposes of subsection 6(6) of the Act, a sign that lists the tobacco or tobacco-related products offered for sale and the prices of the tobacco and the tobacco-related products in a place or premises mentioned in subsection 6(1) of the Act must meet the following requirements:

- (a) the maximum size of the sign is 605 square centimetres;
- (b) the sign must be white, except for its text, which must be black;
- (c) the maximum height of a letter in the sign’s text is 13 millimetres;
- (d) the text size and style must be consistent in all parts of the sign, and the text must not contain italics, bold type or underlining;

(e) the sign must not identify or reflect a brand name, logo or visual identity related to any tobacco or tobacco-related product;

(f) the text of a sign must not contain any words, phrases or figures other than those set out in the form of sign in Appendix A.

(2) In addition to the requirements of subsection (1), a person may only display a sign that lists the tobacco or tobacco-related products for sale and the prices of the tobacco and the tobacco-related products in a place or premises mentioned in subsection 6(1) of the Act if all of the following conditions are met:

(a) the text of the sign must not be visible from outside the place or premises;

(b) the sign must be displayed behind a sales counter at which tobacco or tobacco-related products are sold;

(c) there must be no more than one sign displayed at each sales counter;

(d) there must be no more than three signs displayed in the place or premises.

“Signs re age restriction and health warning

3.2 For the purposes of subsection 7(3) of the Act, a retailer who sells or offers to sell tobacco or tobacco-related products shall display a sign required to be posted pursuant to subsection 7(1) of the Act at each location where tobacco or tobacco-related products are sold or supplied in a place where the sign is clearly visible to:

(a) the person who sells or supplies the tobacco or tobacco-related product; and

(b) the person to whom the tobacco or tobacco-related product is sold or supplied”.

New section 4.1

4 The following section is added after section 4:

“Distance from a doorway, window or air intake

4.1 For the purpose of subclause 11(2)(b)(ii) of the Act, the prescribed distance from a doorway, window or air intake of an enclosed public place in which a person must not smoke or hold lighted tobacco is three metres”.

Section 6 amended

5(1) Subsection 6(1) is amended by striking out “the Appendix” and substituting “Appendix B”.

(2) Clause 6(2)(b) is amended by striking out “the Appendix” and substituting “Appendix B”.

New Appendices A and B

6 The Appendix is repealed and the following substituted:

“Appendix A

[*Clause 3.1(f)*]

Form of sign

		Tobacco pricing		
Cigarettes		20s	25s	carton
	Full price	*\$(x)	\$(x)	\$(x)
	mid price	\$(x)	\$(x)	\$(x)
	budget price	\$(x)	\$(x)	\$(x)
	Smokeless tobacco	\$(x) to \$(x)		
	Cigars	\$(x)		
	Loose tobacco			
	pouch	\$(x) to \$(x)		
	tub	\$(x) to \$(x)		

* insert price wherever “\$(x)” occurs

“Appendix B

[*Subsection 6(1) and clause 6(2)(b)*]

International No Smoking Symbol



”.

Coming into force

7(1) Subject to subsection (2), these regulations come into force on the day on which section 4 of *The Tobacco Control Amendment Act, 2010* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 4 of *The Tobacco Control Amendment Act, 2010* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 95/2010*The Farm Financial Stability Act*

Section 5

Order in Council 539/2010, dated September 2, 2010

(Filed September 3, 2010)

Title

1 These regulations may be cited as *The Canada-Saskatchewan Pasture Recovery Initiative Amendment Regulations, 2010*.

R.R.S. c.F-8.001 Reg 40, new Appendix

2 **The Appendix to *The Canada-Saskatchewan Pasture Recovery Initiative Regulations* is repealed and the following substituted:**

“Appendix**“TABLE 1**

[Subclauses 2(f)(i) and (ii)]

Rural Municipalities

The Rural Municipality of Canaan No. 225
 The Rural Municipality of Victory No. 226
 The Rural Municipality of Lacadena No. 228
 The Rural Municipality of Coteau No. 255
 The Rural Municipality of King George No. 256
 The Rural Municipality of Monet No. 257
 The Rural Municipality of Snipe lake No. 259
 The Rural Municipality of Newcombe No. 260
 The Rural Municipality of Chesterfield No. 261
 The Rural Municipality of Fertile Valley No. 285
 The Rural Municipality of Milden No. 286
 The Rural Municipality of St. Andrews No. 287
 The Rural Municipality of Pleasant valley No. 288
 The Rural Municipality of Kindersley No. 290
 The Rural Municipality of Milton No. 292
 The Rural Municipality of Montrose No. 315
 The Rural Municipality of Harris No. 316
 The Rural Municipality of Marriott No. 317
 The Rural Municipality of Mountain View No. 318
 The Rural Municipality of Winslow No. 319
 The Rural Municipality of Oakdale No. 320
 The Rural Municipality of Prairiedale No. 321
 The Rural Municipality of Antelope Park No. 322

The Rural Municipality of Vanscoy No. 345
The Rural Municipality of Perdue No. 346
The Rural Municipality of Biggar No. 347
The Rural Municipality of Grandview No. 349
The Rural Municipality of Mariposa No. 350
The Rural Municipality of Progress No. 351
The Rural Municipality of Heart's Hill No. 352
The Rural Municipality of Eagle Creek No. 376
The Rural Municipality of Glenside No. 377
The Rural Municipality of Rosemount No. 378
The Rural Municipality of Reford No. 379
The Rural Municipality of Tramping lake No. 380
The Rural Municipality of Grass lake No. 381
The Rural Municipality of Eye Hill No. 382
The Rural Municipality of Mayfield No. 406
The Rural Municipality of Buffalo No. 409
The Rural Municipality of Round valley No. 410
The Rural Municipality of Senlac No. 411
The Rural Municipality of Douglas No. 436
The Rural Municipality of North Battleford No. 437
The Rural Municipality of Battle River No. 438
The Rural Municipality of Cut Knife No. 439
The Rural Municipality of Hillsdale No. 440
The Rural Municipality of Manitou lake No. 442
The Rural Municipality of Meeting lake No. 466
The Rural Municipality of Round Hill No. 467
The Rural Municipality of Meota No. 468
The Rural Municipality of Turtle River No. 469
The Rural Municipality of Paynton No. 470
The Rural Municipality of Eldon No. 471
The Rural Municipality of Wilton No. 472
The Rural Municipality of Spiritwood No. 496
The Rural Municipality of Medstead No. 497
The Rural Municipality of Parkdale No. 498
The Rural Municipality of Mervin No. 499
The Rural Municipality of Frenchman Butte No. 501
The Rural Municipality of Britannia No. 502
The Rural Municipality of Big River No. 555
The Rural Municipality of Loon lake No. 561
The Rural Municipality of Meadow lake No. 588
The Rural Municipality of Beaver River No. 622

“TABLE 2
[Subclause 2(f)(iii)]

Counties and other areas

Acadia No. 34	Northern Sunrise County
Athabasca County	Opportunity No. 17
Barrhead County No. 11	Paintearth County No. 18
Beaver County	Parkland County
Big Horn No. 8	Peace No. 135
Big Lakes No. 125	Ponoka County
Birch Hills County	Provost No. 52
Bonnyville No. 87	Red Deer County
Brazeau County	Rocky View No. 44
Camrose County	Saddle Hills County
City of Calgary	Smoky Lake County
Clear Hills County	Smoky River No. 130
Clearwater County	Special Area No. 2
City of Edmonton	Special Area No. 3
Fairview No. 136	Special Area No. 4
Flagstaff County	Spirit River No. 133
Foothills No. 31	St. Paul County No. 19
Grand Prairie County No. 1	Starland County (and Drumheller)
Greenview No. 16	Stettler County No. 6
Kneehill County	Strathcona County (and Elk Island)
Lac La Biche (Lakeland) County	Sturgeon County
Lac Ste. Anne County	Thorhold County No. 7
Lacombe County	Two Hills County No. 21
Lamont County	Vermilion River County No. 24
Leduc County	Wainwright No. 61
Lesser Slave Lake No. 124	Westlock County
Minburn County No. 27	Wetaskiwin County No. 10
Mountain View County	Wheatland County
Northern Lights County	Woodlands County
	Yellowhead County”.

Coming into force

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

SASKATCHEWAN REGULATIONS 96/2010*The Crop Insurance Act*

Section 22

Order in Council 540/2010, dated September 2, 2010

(Filed September 3, 2010)

Title

1 These regulations may be cited as *The Crop Insurance Amendment Regulations, 2010 (No.2)*.

R.R.S. c.C-47.2 Reg 1, section 11.7 amended

2 **Clauses 11.7(1)(a) and (b) of *The Crop Insurance Regulations* are repealed.**

Coming into force

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

SASKATCHEWAN REGULATIONS 97/2010*The Agri-Food Act, 2004*

Sections 7, 8 and 43

Order in Council 541/2010, dated September 2, 2010

(Filed September 3, 2010)

Title

1 These regulations may be cited as *The Milk Marketing Plan Amendment Regulations, 2010*.

R.R.S. c.A-15.21 Reg 12 amended

2 *The Milk Marketing Plan Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Section 2 is amended:**

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

“(e.1) **‘licence’** means a valid licence issued pursuant to Part IV.1;

“(e.2) **‘licensed processor’** means a processor to whom a licence has been issued and whose licence is in good standing”;

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

“(f) **‘licensed producer’** means a producer to whom a licence has been issued and whose licence is in good standing;

“(f.1) **‘licensed transporter’** means a transporter to whom a licence has been issued and whose licence is in good standing”;

(c) by adding the following clause after clause (g):

“(g.1) ‘**milk product**’ means any product manufactured or processed wholly or primarily from milk”; **and**

(d) by adding the following clauses after clause (k):

“(k.1) ‘**production location**’ means the location where a licensed producer produces milk as set out in the producer’s licence;

“(k.2) ‘**quota**’ means the amount of milk that a licensed producer is authorized to produce”.

Section 4 amended

4 Section 4 is amended in the portion preceding clause (a) by striking out “Subject to any exemptions made by order of the board, the” and substituting “The”.

Section 5 amended**5 Section 5 is amended:**

(a) in clause (a) by striking out “milk” and substituting “milk and milk products”;

(b) in clause (b) by striking out “for producers” and substituting “sold by producers”;

(c) in clause (c) by striking out “milk” wherever it appears and in each case substituting “milk and milk products”;

(d) in clause (d) by striking out “milk” and substituting “milk and milk products”; and

(e) in clause (e) by striking out “milk” wherever it appears and in each case substituting “milk and milk products”.

New sections 7 and 7.1**6 Section 7 is repealed and the following substituted:****“Powers of the board**

7(1) Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in section 8 of the Act:

(a) the power to carry out educational, research and developmental programs related to milk and milk products;

(b) the power to require any or all persons engaged in the production, marketing or production and marketing of milk to register with the board;

(c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of milk;

(d) the power to set and collect a levy from persons engaged in the production, marketing or production and marketing of milk;

- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of milk 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 milk; and
 - (ii) contravenes an order of the board;
- (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) subject to section 7.1, the power to require any person engaged in the production, marketing or production and marketing of milk and milk products to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure milk, 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 moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board 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 (2), 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 (2), the power to give financial guarantees respecting the indebtedness of any person if the board 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 board, 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 board'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 board in relation to the plan;
- (t) the power to:
 - (i) require any person who owes money to a producer with respect to the sale by the producer of milk to pay the moneys to the board; and
 - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are 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 remuneration and reimbursement for expenses of the directors are to be determined and paid;
- (y) the power to control, regulate or control and regulate all or any of the following:
 - (i) the manner of distributing milk;
 - (ii) the quantity of milk that may be produced or marketed by any person at any time;
 - (iii) the quality or the variety, class or grade of milk that may be produced or marketed by any person at any time;
- (z) the power to prohibit in whole or in part the production, marketing or production and marketing of any variety, class or grade of milk;
- (aa) the power to regulate the time and place at which, and the legal entity through which, milk or any variety, class or grade of milk or milk products is to be marketed;

- (bb) the power to set or determine the price, the maximum price, the minimum price or any combination of the maximum price and minimum price at which milk or milk products or any variety, class or grade of milk or milk products may be bought or offered for sale in Saskatchewan;
 - (cc) for the purposes of clause (bb), the power to set or determine different prices for different areas of Saskatchewan;
 - (dd) the power to establish the manner in which returns from the market are to be distributed to producers of milk;
 - (ee) the power to require any or all persons engaged in the production, marketing or production and marketing of milk to do all or any of the following:
 - (i) obtain a licence from the board;
 - (ii) provide any guarantees of financial responsibility that the board considers necessary;
 - (ff) the power to:
 - (i) issue licences to any or all persons producing, marketing or producing and marketing milk in accordance with criteria set out in an order of the board;
 - (ii) determine the fees payable for a licence and to require payment of those fees;
 - (iii) categorize persons producing, marketing or producing and marketing milk for the purpose of determining the fees mentioned in subclause (ii); and
 - (iv) recover the fees mentioned in subclause (ii) by an action in a court of competent jurisdiction;
 - (gg) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (ff) in accordance with criteria established by order of the board for the suspension, cancellation or reinstatement of licences.
- (2) Neither the sum of the loans mentioned in clause (1)(o), nor the sum of the financial guarantees mentioned in clause (1)(p), shall exceed 10% each of the board's current assets as reported in the audited financial statement in the board's most recent annual report at the time the loan or the financial guarantee is made or given.

“Terms and conditions on board powers

7.1(1) The board shall exercise its powers mentioned in clause 7(1)(h) with respect to processors only through making orders.

(2) Within three months after the coming into force of *The Milk Marketing Plan Amendment Regulations, 2010*, the board shall make an order establishing rules respecting the purpose for which information respecting processors may be collected by the board and the persons who may access that information”.

Section 8 amended

7 Subsection 8(4) is amended:

- (a) by striking out “and” after clause (b);
- (b) by adding “and” after clause (c); and
- (c) by adding the following clause after clause (c):
 - “(d) by sending a copy of the annual report to every licensed processor”.

Section 19 amended

8(1) The following subsections are added after subsection 19(1):

“(1.1) In addition to the annual general meeting mentioned in subsection (1), at least two other meetings of licensed producers must be held in each year.

“(1.2) The meetings mentioned in subsection (1.1) are to be held at the places and times determined by the board”.

(2) The following subsections are added after subsection 19(9):

“(10) No amendment to the promotional levy within the meaning of subsections 31.1(4) to (6) is effective until it is approved by a majority of licensed producers who vote at any meeting or group of meetings of licensed producers that the board may hold for that purpose.

“(11) If a group of meetings of licensed producers is held for the purposes of subsection (10), the votes of licensed producers at each meeting are to be recorded and the final result is to be determined by adding the results at each meeting”.

New Parts IV.1 and IV.2

9 The following Parts are added after section 20:

**“PART IV.1
Licensing**

“Licence required

20.1(1) No person shall produce milk unless that person is a licensed producer to whom a quota has been allotted pursuant to Part IV.2.

(2) No person shall process milk unless that person is a licensed processor.

(3) No person shall transport milk unless that person is a licensed transporter.

“Application for licence or renewal of licence

20.2(1) A person may apply to the board to be issued a licence to:

- (a) produce milk;
- (b) process milk; or
- (c) transport milk.

(2) An application for a licence must contain the information required by the board.

(3) The board may require an applicant for a licence to submit any additional information that the board considers necessary.

- (4) The board shall consider every application that it receives.
- (5) A producer shall obtain a separate licence for each production location that is owned or operated by that producer.
- (6) A processor shall obtain a separate licence for each processing location that is owned or operated by that processor in Saskatchewan.

“Producer licence

20.3(1) Subject to section 20.5, the board shall issue or refuse to issue a licence to an applicant for a producer licence within 90 days after the date of receipt of the application by the board.

(2) If the board issues a licence to an applicant, the board shall state in the licence:

- (a) the name and address of the licensee;
- (b) the licence number;
- (c) the quota allotted pursuant to Part IV.2 to the licensed producer; and
- (d) the production location for which the licence is issued.

(3) The board may issue the licence subject to any terms and conditions the board considers appropriate.

(4) No licensed producer shall fail to comply with the terms and conditions mentioned in subsection (3).

(5) If the board allots an additional quota or reduces the quota of a licensed producer, the board shall issue a new licence to the licensed producer with the new quota.

(6) A licence issued by the board is not transferable.

(7) A licence issued by the board:

- (a) is a licence to engage in the activity stated in the licence;
- (b) is not an endorsement by the board of the licence holder; and
- (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

“Processor licence and transporter licence

20.4(1) Subject to section 20.5, the board shall issue or refuse to issue a licence to an applicant for a processor licence or a transporter licence within 90 days after the date of receipt of the application by the board.

(2) If the board issues a licence to an applicant, the board shall state in the licence:

- (a) the name and address of the licensee;
- (b) the licence number; and
- (c) in the case of a processor licence, the location of the processing facility for which the licence is issued.

- (3) The board may issue a licence subject to any terms and conditions the board considers appropriate.
- (4) No licensed processor or licensed transporter shall fail to comply with the terms and conditions mentioned in subsection (3).
- (5) A licence issued by the board is not transferable.
- (6) A licence issued by the board:
 - (a) is a licence to engage in the activity stated in the licence;
 - (b) is not an endorsement by the board of the licence holder; and
 - (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

“Refusal, cancellation and suspension

20.5(1) Subject to subsection (2), the board may refuse to issue a licence:

- (a) if the applicant fails to provide information or additional information required by the board pursuant to subsection 20.2(3), 20.3(2) or 20.4(2), as the case may be;
 - (b) if the applicant has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan;
or
 - (v) an order or direction of the board or the council;
 - (c) if the applicant, in the board’s opinion, lacks the experience, equipment or financial responsibility to engage in or to continue to engage in the activity to which the application relates; or
 - (d) for any other reason that the board considers appropriate.
- (2) The board shall not refuse to issue a licence pursuant to subsection (1) without giving the applicant for the licence an opportunity to be heard.
- (3) The board may refuse to renew a licence or, subject to section 9 of the Act, cancel or suspend a licence:

- (a) if the licensee has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan;
or
 - (v) an order or direction of the board or the council; or

- (b) in the case of a licensed producer, if the licensed producer:
 - (i) has sold, transferred or otherwise assigned that licensed producer's quota to another person without the prior written consent of the board;
 - (ii) is not producing the licensed producer's quota in accordance with any board orders; or
 - (iii) in the case of a licensed producer that is a corporation, partnership or other unincorporated body of persons:
 - (A) has experienced a change in the beneficial or legal ownership or membership of the corporation, partnership or unincorporated body; and
 - (B) has failed to obtain the board's approval for the change described in paragraph (A).
- (4) The board shall establish, by order, procedures respecting the refusal to issue or renew a licence or the cancellation or suspension of a licence.
- (5) If the board refuses to issue, cancels, suspends or refuses to renew a licence, the board must advise the applicant or licensee in writing of its decision.
- (6) The board may:
 - (a) suspend a licence for a period that it considers appropriate; or
 - (b) in the case of a licence that is suspended, remove the suspension.
- (7) If the board refuses to issue, cancels, suspends or refuses to renew a licence:
 - (a) the licensee shall, on receiving notice of the board's decision, immediately cease carrying on the activity authorized by the licence; and
 - (b) the licensee or applicant, as the case may be, may appeal that decision pursuant to Division 2 of Part V of the Act.
- (8) If the licence of a licensed producer expires, or is cancelled or not renewed by the board, that producer's quota reverts to the board.

“New entrants

20.51 Within 18 months after the coming into force of *The Milk Marketing Plan Amendment Regulations, 2010*, the board shall develop a policy that will assist persons who are qualified to become licensed producers but who are not licensed producers to apply for licences to produce milk.

**“PART IV.2
Quota**

“Use of quota

- 20.6(1)** No person shall use a quota allotted to a licensed producer other than the licensed producer to whom the quota was allotted.
- (2) A licensed producer to whom a quota is allotted shall use the quota only in accordance with any terms and conditions that may be imposed by the board.

“Quota property of board

20.7 All quotas are the property of the board.

“Transfer of quota

20.8(1) No licensed producer shall transfer a quota allotted to the licensed producer without the prior written consent of the board.

(2) On application by a licensed producer, the board may approve the transfer of all or part of the quota allotted to the licensed producer to another licensed producer.

(3) If the board approves the transfer of all or part of a licensed producer’s quota to another licensed producer:

- (a) the board may impose any terms and conditions on the transfer that the board considers appropriate;
- (b) the board shall amend the licence of each producer to reflect the new quota allotments; and
- (c) the transfer is effective on the date determined by the board.

“Adjustments to quota

20.9 The board shall, by order, determine policies and procedures for:

- (a) reducing quota allotments; and
- (b) increasing quota allotments.

“Cancellation, suspension of quota

20.91(1) The board may suspend or cancel all or part of a licensed producer’s quota if:

- (a) the licensed producer has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan;
or
 - (v) an order or direction of the board or the council;
- (b) the licensed producer is not producing the licensed producer’s quota in accordance with any board orders; or
- (c) the licensed producer’s licence has been suspended or cancelled.

(2) For the purposes of this section, the board shall, by order, establish procedures respecting the suspension or cancellation of a licensed producer’s quota”.

Section 25 amended

10 Clause 25(3)(c) is amended by striking out “envelope” and substituting “envelopes”.

New Part V.1

11 The following Part is added after section 31:

**“PART V.1
Levies**

“Levies

31.1(1) Every licensed producer shall pay to the board, at the times and in the manner determined by order of the board, an administrative levy calculated by the board and based on hectolitres of milk or kilograms of butterfat produced.

(2) Every licensed processor shall pay to the board, at the times and in the manner determined by order of the board, an administrative levy calculated by the board and based on hectolitres of milk or kilograms of butterfat processed.

(3) The board may use moneys paid as an administrative levy pursuant to subsection (1) or (2) only for costs associated with administration of the board and the plan.

(4) Subject to subsection (5) and to subsection 19(10), every licensed producer shall pay to the board, at the times and in the manner determined by order of the board, a promotional levy calculated by the board and based on hectolitres of milk or kilograms of butterfat produced.

(5) The board may use moneys paid as a promotional levy pursuant to subsection (4) for any or all of the following:

- (a) production and market research respecting milk and milk products;
- (b) promotional activities respecting milk and milk products;
- (c) administrative and salary costs associated with the activities mentioned in clauses (a) and (b).

(6) The board shall, by order, determine the manner in which a levy is to be calculated for the purposes of this section”.

New section 32.1

12 The following section is added after section 32:

“Transitional - certain licences

32.1(1) In this section:

(a) **‘amending regulations’** means *The Milk Marketing Plan Amendment Regulations, 2010*;

(b) **‘existing licence’** means a licence that is in force and not under suspension on the day the amending regulations come into force and that was issued to a producer, processor or transporter pursuant to *The Milk Control Act, 1992*, *The Dairy Producers Regulations, 1995* or ‘The Milk Transportation Regulations’, being Saskatchewan Regulations 50/79.

- (2) On the coming into force of the amending regulations, an existing licence:
- (a) is continued and is deemed to be a licence issued pursuant to these regulations and may be dealt with by the board as if it were issued pursuant to these regulations; and
 - (b) expires on the earlier of:
 - (i) the date a new licence is issued to the producer, processor or transporter pursuant to these regulations; and
 - (ii) the date that is three months after the coming into force of the amending regulations”.

Coming into force

13(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Milk Control Repeal Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Milk Control Repeal Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 98/2010

The Farm Financial Stability Act

Sections 22, 24, 26, 33 and 84

Order in Council 542/2010, dated September 2, 2010

(Filed September 3, 2010)

Title

1 These regulations may be cited as *The New Crops Insurance Program Repeal Regulations*.

R.R.S. c.F-8.001 Reg 8 amended

2 *The New Crops Insurance Program Regulations* are repealed.

Coming into force

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