

2009 Bill 43

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Second Session, 27th Legislature, 58 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 43**

## **MARKETING OF AGRICULTURAL PRODUCTS AMENDMENT ACT, 2009 (NO. 2)**

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MR. GRIFFITHS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 43*  
*Mr. Griffiths*

## **BILL 43**

2009

### **MARKETING OF AGRICULTURAL PRODUCTS AMENDMENT ACT, 2009 (NO. 2)**

*(Assented to , 2009)*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Amends RSA 2000 cM-4**

**1 The *Marketing of Agricultural Products Act* is amended by  
this Act.**

#### **2 Section 15 is amended**

**(a) by adding “or” at the end of subsection (1)(b) and  
repealing subsection (1)(c);**

**(b) by repealing subsection (2)(d)(viii) and substituting the  
following:**

(viii) if a service charge is imposed, that it is refundable on the  
request of a producer;

## Explanatory Notes

**1** Amends chapter M-4 of the Revised Statutes of Alberta 2000.

**2** Section 15 presently reads in part:

*15(1) A group of producers may submit to the Council a proposed plan for the establishment*

*(c) of a plan that will be administered by a commission*

*(i) to initiate and carry out projects or programs to commence, stimulate, increase or improve the production or marketing, or both, of an agricultural product but that will not permit the control or regulation of the production or marketing of that agricultural product, and*

*(ii) under which any service charge collected will not be refundable on the request of a producer,*

*or*

*(2) A proposed plan shall set out at least the following terms under which the proposed plan is intended to operate:*

**3 Section 23 is amended by adding the following after subsection (3):**

(4) Notwithstanding subsection (1) and sections 21 and 22, the Lieutenant Governor in Council may, with respect to a plan that is administered by a commission that provides that service charges are not refundable on the request of a producer, make regulations amending the plan to provide that the service charges are refundable on the request of a producer.

(5) A regulation made under subsection (4) applies to the 2010-11 fiscal year and subsequent fiscal years of a commission.

**4 Section 24 is amended**

(a) **by repealing subsection (1)(a) and substituting the following:**

(a) amended, in the case of a plan that is administered by a board, if the amendment relates directly to the control or regulation of the production or marketing, or both, of a regulated product under the plan, or

(b) **by repealing subsection (2) and substituting the following:**

- (d) in the case of a plan that is to be administered by a commission,*
- (viii) whether the service charge will be refundable on the request of a producer;*

**3** Section 23 presently reads:

*23(1) The Lieutenant Governor in Council,*

- (a) on receiving an application from the Council to do so, where a plebiscite is not required to be conducted under this Part, or*
- (b) pursuant to a plebiscite conducted under this Part,*

*may make regulations amending, continuing, revising or terminating a plan.*

*(2) Where a plan is continued or revised under subsection (1), the plan*

- (a) shall include at least those terms referred to in section 15(2),*
- (b) shall include a provision that the plan is continued, and*
- (c) may include a provision that the board or commission is continued.*

*(3) Where a plan is to be continued or revised, that plan may be amended, continued and revised in the same regulation.*

**4** Section 24 presently reads:

*24(1) A plan shall not be*

- (a) amended*
  - (i) in the case of a plan that is administered by a board, if the amendment relates directly to the control or regulation of the production or marketing, or both, of a regulated product under the plan, or*
  - (ii) in the case of a plan that is administered by a commission under which the service charges are refundable, if the*

**(2)** Where a plan that is administered by a board is to be continued or revised and the effect of the proposed continuation or revision of the plan or any amendment to the plan that is to be included in the proposed continuation or revision is, in the opinion of the Council, to substantially change from the existing plan the way in which the production or marketing, or both, of the regulated product is to be controlled or regulated, that plan must not be continued or revised as proposed unless a plebiscite of the producers is conducted to determine whether the plan should be continued or revised in the manner being proposed and the vote conducted under the plebiscite is in favour of the plan being continued or revised in the manner being proposed.

*amendment is to the effect that the service charges will no longer be refundable,*

*or*

*(b) terminated if the plan was*

*(i) established pursuant to a plebiscite of the producers conducted under Part 2, or*

*(ii) in operation immediately before July 27, 1987,*

*unless a plebiscite of the producers is conducted to determine whether the plan should be amended or terminated, as the case may be, and the vote conducted under the plebiscite is in favour of the amendment or termination.*

*(2) Where a plan is to be continued or revised and the effect of the proposed continuation or revision of the plan or any amendment to the plan that is to be included in the proposed continuation or revision is, in the opinion of the Council,*

*(a) in the case of a plan that is administered by a board, to substantially change from the existing plan that is to be continued or revised the way in which the production or marketing, or both, of the regulated product is to be controlled or regulated, or*

*(b) in the case of a plan that is administered by a commission under which service charges are refundable, that the service charges will no longer be refundable,*

*that plan must not be continued or revised as proposed unless a plebiscite of the producers is conducted to determine whether the plan should be continued or revised in the manner being proposed and the vote conducted under the plebiscite is in favour of the plan being continued or revised in the manner being proposed.*

*(3) The Lieutenant Governor in Council may, whether or not an application is made under section 22 to amend, continue, revise or terminate a plan, direct the Council to conduct a plebiscite of the producers under a plan for the purpose of determining whether the plan should be amended, continued, revised or terminated.*

**5 Section 25(1) is amended by adding “or” at the end of clause (b) and by repealing clause (c).**

**6 The following is added after section 26:**

**Refundable service charges**

**26.1(1)** If a provision of a plan that is administered by a commission provides that service charges are not refundable on the request of a producer, that provision no longer applies, effective on the commencement of the 2010-11 fiscal year of the commission.

**(2)** A commission referred to in subsection (1)

- (a) is, notwithstanding section 26(1), authorized to make regulations providing for the refund of service charges on the request of a producer, and
- (b) must make the regulations effective on the commencement of the 2010-11 fiscal year of the commission in respect of service charges imposed during that fiscal year and subsequent fiscal years.

**(3)** Where a commission fails to make a regulation in accordance with subsection (2) on or before January 1, 2010,

**5** Section 25(1) presently reads:

*25(1) The Council shall with the approval of the Lieutenant Governor in Council arrange to conduct a plebiscite of the producers under a plan if*

- (a) the Council considers it appropriate to determine the opinion of the producers under the plan as to whether the plan should be amended, continued, revised or terminated,*
- (b) a proposed amendment to a plan relates directly to the control or regulation of the production or marketing, or both, of a regulated product under the plan,*
- (c) in the case of a plan under which the service charges are refundable, the amendment is to the effect that the service charges will no longer be refundable, or*
- (d) it is proposed to terminate a plan referred to in section 24(1)(b).*

**6** Refundable service charges.

the Lieutenant Governor in Council may make the regulation referred to in subsection (2) with respect to that commission.

(4) A regulation under subsection (3) applies until the commission makes a regulation under section 26(1) providing for the refund of service charges on the request of a producer.

**7 Section 29(1) is amended by striking out “section 26 or 27” and substituting “section 26, 26.1(2) or 27”.**

**8 Section 30(1) is amended by striking out “section 26 or 27” and substituting “section 26, 26.1(2) or 27”.**

**7** Section 29(1) presently reads:

*29(1) A regulation made by a board or a commission under section 26 or 27, as the case may be, shall not be filed in accordance with the Regulations Act unless it is submitted to and approved by the Council.*

**8** Section 30(1) presently reads:

*30(1) At any time after a regulation made by a board or commission under section 26 or 27, including a regulation approved by the Lieutenant Governor in Council pursuant to a regulation made under section 12(d), is filed in accordance with the Regulations Act, the Council may request in writing the board or commission, as the case may be,*

- (a) to amend the regulation as directed by the Council, or*
- (b) to repeal the regulation.*

