Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA PULSE GROWERS MARKETING PLAN REGULATION

Alberta Regulation 120/1999

With amendments up to and including Alberta Regulation 100/2014

Office Consolidation

© Published by Alberta Queen's Printer

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(Consolidated up to 100/2014)

ALBERTA REGULATION 120/99

Marketing of Agricultural Products Act

ALBERTA PULSE GROWERS MARKETING PLAN REGULATION

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Definitions

1 In this Regulation,

(a) "Act" means the *Marketing of Agricultural Products Act*;

(b) "annual Commission meeting" means an annual general meeting of the directors and the eligible producers;

(c) "annual zone meeting" means an annual general meeting of the eligible producers who produce pulse crops in the zone;

(c.01) "assets" means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;

(c.02) "auditor" means a person registered under the *Regulated Accounting Profession Act* or a firm or partnership of those persons;

(c.1) "bean grower" means an eligible producer who

(i) during the current crop year grows dry beans for sale, or

(ii) during either of the 2 immediately preceding crop years grew dry beans for sale;

(d) "broker" means a person who, for a commission or fee, brings parties together and assists in negotiating contracts between them;

(e) "Commission" means the Alberta Pulse Growers Commission;

(f) repealed AR 100/2014 s2;

(g) "Council" means the Alberta Agricultural Products Marketing Council;

(h) "crop year" means the period from August 1 of one year to July 31 of the following year;

(i) "dealer" means a person purchasing or acquiring regulated product from a producer and includes, but is not limited to,

(i) elevator companies, grain companies, grain dealers, grain brokers, processors, feed manufacturers and livestock feeders, and

(ii) persons who acquire regulated product from the producer for sale on the producer's behalf;

(i.01) "director" means a director of the Commission;

(i.1) "eligible producer" means a producer who qualifies as an eligible producer under section 15.1;

(i.2) "investment" means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;

(j) repealed AR 338/2003 s2;

(j.1) repealed AR 182/2009 s2;

(j.2) "non-bean grower" means an eligible producer who

(i) during the current crop year grows peas, lentils, fababeans, soybeans, lupines or chickpeas for sale, or

(ii) during either of the 2 immediately preceding crop years grew peas, lentils, fababeans, soybeans, lupines or chickpeas for sale;

(k) "packer" means a person engaged in the business of buying pulses from eligible producers for that person's own use or for the purpose of resale at the wholesale or retail level;

(l) "person" means a person as defined in the *Interpretation Act* and includes

(i) a partnership as defined in the *Partnership Act,*

(ii) any unincorporated organization that is not a partnership referred to in subclause (i), and

(iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);

(m) "processing" means altering pulses from their raw or natural state;

(n) "processor" means a person engaged in the business of processing pulses;

(o) "producer" means a person who

(i) during the current crop year grows pulses for sale, or

(ii) during either of the 2 immediately preceding crop years grew pulses for sale;

(p) "pulse" means the dry edible seeds of the following leguminous crops:

(i) peas;

(ii) beans;

(iii) lentils;

(iv) fababeans;

(v) soybeans;

(vi) lupines;

(vii) chickpeas;

(q) "regulated product" means pulse other than pulse used for planting;

(r) "special Commission meeting" means a special general meeting of the directors and the eligible producers;

(s) "special zone meeting" means a special general meeting of the eligible producers who produce pulse crops in the zone;

(t), (u) repealed AR 182/2009 s2.

AR 120/99 s1;338/2003;182/2009;28/2011;161/2011;100/2014

Designation of agricultural product

2 Pulse is designated as an agricultural product for the purposes of the Act.

Part 1
General Operation of Plan

Division 1
Plan

Plan continued

3 The Alberta Pulse Growers Marketing Plan established under the *Alberta Pulse Growers Marketing Plan Regulation* (AR 159/89) is hereby amended, revised and continued under this Regulation with the name "Alberta Pulse Growers Marketing Plan".

Termination of Plan

4 This Plan does not terminate at the conclusion of a specific period of time and remains in force unless otherwise terminated pursuant to the Act.

Application of Plan

5(1) This Plan applies

(a) to all of Alberta,

(b) to all persons in Alberta who produce or market or produce and market the regulated product, and

(c) for the purposes of section 9(a) to (d) and (h),

(i) to any dealer, and

(ii) any person who is not an eligible producer or a dealer and who markets or processes the regulated product.

(2) Any person who grows pulses on one or more parcels of land that, in the aggregate, exceed 10 acres in area and disposes of that person's entire pulse crop by

(a) using the pulses on that person's own farm or feedlot, or

(b) repealed AR 338/2003 s3,

(c) using a portion of the pulses on that person's own farm or feedlot,

may in writing notify the Commission that the person wishes to be an eligible producer for the purposes of this Plan and on the Commission being so notified that person is an eligible producer under this Plan until the person either

(d) ceases growing pulses for the 2 crop years immediately succeeding the present crop year, or

(e) in writing notifies the Commission that the person no longer wishes to be an eligible producer under this Plan.

AR 120/99 s5;338/2003;81/2005;182/2009

Purposes of Plan

6 The purposes of the Plan are to do the following:

(a) to sponsor, direct and assist in research and development of all kinds pertaining to the furtherance and development of the pulse industry in Alberta;

(b) to provide studies and research and development in connection with the production and marketing of pulses, including help to eligible producers and dealers in implementing proper measures respecting the production, processing and marketing of pulses;

(c) to direct and assist in the advertising of and to promote the consumption of pulses;

(d) to work with federal and provincial agencies and with any person to improve the pulse industry;

(e) where possible, to represent the pulse industry at regional, national and international meetings;

(f) to encourage the use of standardized grades if the Commission considers it to be of benefit to the pulse industry;

(g) to represent the pulse industry at public hearings and inquiries that are of concern to eligible producers;

(h) to act as an agent on behalf of eligible producers in respect of matters relating to the Canada Revenue Agency's Scientific Research and Experimental Development Program as it applies to pulses.

AR 120/99 s6;81/2005;182/2009;28/2011

Division 2
Operation of Plan by Commission

Commission continued

7 The Alberta Pulse Growers Commission is hereby continued.

Functions of Commission

8 The Commission

(a) is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of this Plan;

(b) must

(i) open and maintain one or more accounts in a bank, trust company, credit union, Treasury Branch or other depository, and

(ii) designate such officers, employees and other persons as are necessary to sign cheques and transact the Commission's business with its bank, trust company, credit union, Treasury Branch or other depository;

(b.1) when investing its assets must make prudent investments in accordance with the requirements of section 3 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) to (3) of that Act;

(b.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);

(c) may

(i) enter into an operating line of credit or other loan agreement with its bank, trust company, credit union, Treasury Branch or other lending institution, and

(ii) designate such officers, employees and other persons as are necessary to transact the Commission's business;

(d) must maintain such books and records, including financial records

(i) as from time to time may be required under the Act, the regulations or by virtue of any order of the Council, or

(ii) as may be determined by the Commission;

(e) must maintain an office, the location of which, at all times, is to be made known to each eligible producer and the Council;

(f) may appoint an executive director, officers, employees and agents, prescribe their duties and fix and pay their remuneration;

(g) may, subject to the Act, the regulations and any orders of the Council, issue such general orders governing the Commission's internal operation as the directors may from time to time determine;

(h) may become a member of any agricultural organization;

(i) may contribute funds to any agricultural organization;

(j) subject to section 11, to finance the purposes of the Plan, may retain earnings and revenues from year to year.

AR 120/99 s8;182/2009;28/2011;100/2014

Operation of Plan re regulations

9 For the purposes of enabling the Commission to operate the Plan, the Commission may be empowered by the Council, pursuant to section 26 of the Act, to make regulations,

(a) requiring any person who produces, markets or processes the regulated product to furnish to the Commission any information relating to the production, marketing or processing of the regulated product that the Commission considers necessary;

(b) requiring all dealers to be licensed under this Plan before they become engaged in the marketing or processing of pulses;

(c) prohibiting dealers from engaging in the marketing or processing of pulses except under the authority of a licence issued under this Plan;

(d) governing the issuance, suspension or cancellation of a licence issued under this Plan;

(e) providing for

(i) the assessment, charging and collection of service charges from eligible producers, from time to time, for the purposes of this Plan, and

(ii) the taking of legal action to enforce payment of the service charges;

(f) providing for a refund of service charges;

(g) requiring any dealer or other person who receives the regulated product from an eligible producer

(i) to deduct from the money payable to the eligible producer any service charges payable by the eligible producer to the Commission, and

(ii) to forward the amount deducted to the Commission;

(h) providing for the use of any class of service charges or other money payable to or received by the Commission

for the purpose of paying its expenses and administering this Plan and the regulations made by the Commission.

AR 120/99 s9;182/2009

Financing of Plan

10 In accordance with the regulations,

(a) this Plan is to be financed by the charging and collection of service charges from eligible producers;

(b) the service charges are to be collected by the dealer or the person who received the pulses from the eligible producer;

(c) the service charges are to be assessed against all eligible producers on a uniform unit basis and calculated on the quantity of the various pulses sold by the eligible producers;

(d) the amount of the service charges is to be established at the annual Commission meeting;

(e) the Commission may vary the service charges

(i) at the annual Commission meeting, or

(ii) at a special Commission meeting called for that purpose.

AR 120/99 s10;182/2009

Service charges refundable

11(1) In accordance with the regulations,

(a) the service charge is refundable to an eligible producer who is a resident of Alberta, on request of the eligible producer;

(b) the request for a refund of the service charge must

(i) be made in writing on a form established by the Commission, and

(ii) contain

(A) the eligible producer's name,

(B) the eligible producer's mailing address and telephone number,

(C) a copy of the original cash ticket showing the deduction of the service charge, and

(D) the legal description of the land where the pulse crop was grown;

(c) requests for refunds must be received by the Commission at its head office,

(i) prior to the end of August, for service charges collected during the period commencing on the previous February 1 and ending on July 31, and

(ii) prior to the end of February, for service charges collected during the period commencing on the previous August 1 and ending on January 31;

(d) any request for a refund that is not received by the Commission within the time periods specified under clause (c) shall not be considered by the Commission and the eligible producer will not be entitled to a refund in respect of the service charges in question;

(e) the Commission must refund the service charge to the eligible producer within 90 days from the end of the period in which the request for a refund of the service charges is received, if the request complies with the regulations.

(2) In the event that within one crop year

(a) the eligible producers requesting a refund of the service charges comprise more than 35% of existing eligible producers, and

(b) those eligible producers requesting a refund account for at least 35% of the service charges collected during the current crop year,

the continued operation of this Plan shall be subject to approval by a majority of eligible producers at a plebiscite to be held under the direction of the Council pursuant to the Act.

(3) The Commission must, within 90 days following the end of a crop year, report to the Council the refunds made under this section for that crop year.

AR 120/99 s11;338/2003;182/2009

Auditor and fiscal year

12(1) The auditor for the Commission is to be appointed or selected, as the case may be, from time to time in accordance with a motion passed at an annual Commission meeting or a special Commission meeting.

(2) Unless otherwise changed pursuant to a motion passed at an annual Commission meeting or a special Commission meeting, the fiscal year of the Commission is August 1 to the following July 31.

AR 120/99 s12;338/2003;100/2014

Authorization

12.1 In accordance with section 50 of the Act, the Commission may be authorized, with respect to the production or marketing, or both, of the regulated product, to perform any function or duty and exercise any power imposed or conferred on the Commission by or under the *Agricultural Products Marketing Act* (Canada).

AR 81/2005 s4

Indemnity fund, etc.

13 A fund shall not be established under section 34 or 35 of the Act.

Honorary memberships, etc.

14 The Commission may establish non-voting associate, industry, affiliate or honorary memberships under this Plan to provide interested individuals or organizations with the opportunity to contribute to the efforts of the Commission.

Quorum

15 With respect to a meeting of the directors, the quorum necessary for the conduct of business is a majority of the directors then holding office at the time of the meeting.

AR 120/99 s15;100/2014

Part 2
Governance of Plan

Division 1
Eligible Producers

Eligible producers

15.1 For the purposes of this Plan,

(a) any producer who has paid a service charge under this Plan in a crop year is an eligible producer for that crop year;

(b) the Commission must maintain a list of eligible producers;

(c) all producers who can be identified by the Commission as having paid a service charge under this Plan during a crop year are to be included on the list of eligible producers for that crop year;

(d) any producer who is not listed on the Commission's list of eligible producers must be added to the list where the producer can provide proof to the Commission that the producer has paid a service charge under this Plan in the crop year for which the application is made;

(e) once a producer is listed with the Commission as an eligible producer, the producer continues to be recognized as an eligible producer from crop year to crop year, unless the eligible producer ceases to pay a service charge under this Plan in 2 consecutive crop years, in which case the producer ceases to be an eligible producer;

(f) where a producer ceases to be an eligible producer under clause (e), the producer is entitled to again become an eligible producer for any crop year in which the producer pays a service charge under this Plan.

AR 182/2009 s5

General rights of producers

16 In accordance with and subject to this Plan, an eligible producer is entitled, as a matter of right,

(a) to attend annual zone meetings, special zone meetings, annual Commission meetings and special Commission meetings;

(b) to make representations on any matter pertaining to this Plan and the Commission;

(c) to vote on any matter under this Plan;

(d) to vote in any election held under this Plan;

(e) to hold office under this Plan;

(f) to vote in any plebiscites of eligible producers held under the Act.

AR 120/99 s16;182/2009

Producers who are individuals

17 Where an eligible producer is an individual, that individual may, subject to this Plan, exercise the rights of an eligible producer referred to in section 16.

AR 120/99 s17;182/2009

Producers that are not individuals

18(1) Where an eligible producer is not an individual, that eligible producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 16.

(2) An eligible producer to which this section applies must appoint an individual to be the representative of the eligible producer.

(3) A representative appointed by an eligible producer under this section shall, subject to this Plan, exercise on behalf of the eligible producer the rights referred to in section 16.

(4) If an eligible producer is

(a) a corporation, it must appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,

(b) a partnership, it must appoint an individual who is a partner or employee of the partnership as its representative, or

(c) an organization, other than a corporation or a partnership, it must appoint an individual who is a member, officer or employee of the organization as its representative.

(5) An appointment of a representative under this section must be in writing.

(6) An individual who is the representative of an eligible producer shall not cast a vote under this Plan unless

(a) the individual presents a document signed by the eligible producer indicating the name of the person who may vote for the eligible producer, or

(b) the individual makes a statutory declaration stating that

(i) the individual is a representative of the eligible producer, and

(ii) the individual has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.

(7) A statutory declaration made under subsection (6)(b) must be made in writing before the returning officer or the deputy returning officer prior to the vote being cast.

(8) An individual cannot at any one time be a representative under this section for more than one eligible producer.

AR 120/99 s18;182/2009

Division 2
Zones

Zones

19 For the purposes of this Plan, Alberta is divided into 5 zones.

Zones set out in Schedule

20 The area included in each zone is as set out in the Schedule to this Plan.

21 to 26 Repealed AR 182/2009 s6.

Annual zone meeting

27(1) An annual zone meeting must be held every year in each zone.

(1.1) At the annual zone meetings, the eligible producers in the region are to be provided with

(a) information with respect to the Commission, and

(b) an opportunity to provide the Commission with suggestions and recommendations.

(2) The annual zone meeting must be commenced at least 40 days before the day on which the next annual Commission meeting commences.

(3) The annual zone meeting is to be held at a place and on a day that the Commission in co-operation with the pulse producers in the zone may, by resolution, determine.

(4) A written notice of

(a) the day, the hour and the place of the annual zone meeting, and

(b) the nature of the business to be transacted at the meeting,

must be provided to all eligible producers who produce pulse crops in the zone, at least 30 days prior to the date of the meeting.

(5) The order of business for the annual zone meeting is to be set by the Commission in co-operation with the pulse producers in the zone.

AR 120/99 s27;338/2003;182/2009

Special zone meeting

28(1) The Commission

(a) may on its own initiative, and

(b) must

(i) on the written request of 30% of the eligible producers who produce pulse crops in the zone, or

(ii) at the request of the Council,

hold a special zone meeting.

(2) A special zone meeting is to be held at a place and on a day that the Commission may, by resolution, determine.

(3) A written notice of

(a) the day, the hour and the place of the special zone meeting, and

(b) the nature of the business to be transacted at the meeting,

must, at least 30 days prior to the day of the meeting, be mailed, postage paid, to all eligible producers who produce pulse crops in the zone.

(4) The order of business for a special zone meeting is to be set by the Commission or as requested by the Council.

(5) The provisions governing the conduct of a vote and the qualifications to vote at an annual zone meeting apply to a special zone meeting held under this section.

AR 120/99 s28;182/2009

Quorum

29 The quorum necessary for the conduct of business is,

(a) repealed AR 182/2009 s9;

(b) in the case of an annual zone meeting or a special zone meeting, not fewer than 10 eligible producers who produce pulse crops in the zone.

AR 120/99 s29;182/2009

Division 3
Commission

Composition of Commission

30(1) The Commission consists of

(a) 12 directors, made up of

(i) 2 directors from each zone who are to represent the zone,

(ii) one director who is elected at large at the annual Commission meeting from among the non-bean grower producers, and

(iii) one director who is elected at large at the annual Commission meeting from among the bean grower producers,

(b) the immediate past chair of the Commission, and

(c) such non-voting advisors as may be appointed from time to time.

(2) The Commission must elect from among its members, annually,

(a) a chair of the Commission, and

(b) a vice-chair of the Commission.

(3) Repealed AR 100/2014 s4.

(4) The Commission may appoint non-voting advisors each year to sit on the Commission in whatever capacity that the Commission considers to be in the best interests of the pulse industry.

(5) The immediate past chair of the Commission is a member of the Commission for one year and is a non-voting member of the Commission.

AR 120/99 s30;338/2003;182/2009;100/2014

Term of office

31(1) The directors to represent a zone

(a) hold office for 3 years, and

(b) may only hold office as a director for a maximum

(i) of 2 consecutive terms, or

(ii) of 6 years,

whichever is the longest period of time.

(2) A person to whom subsection (1)(b) applies is eligible to be again elected as a director if at least one year has expired since the termination of that person's last term of office as a director.

(3) The term of office of a director elected at large is one year.

(3.1) A director elected at large is not eligible to hold that office for more than 6 consecutive years.

(4) The chair and vice-chair of the Commission hold office for one year and are not eligible to hold office as such for more than 3 consecutive years.

(5) Notwithstanding subsection (4), a person who was chair or vice-chair is once again eligible to become chair or vice-chair if at least 2 years have expired since the termination of that person's last term of office in that position.

(5.1) Subject to subsection (6), the term of office of a director terminates at the end of the annual Commission meeting that is held during the director's last year of office.

(6) The non-voting advisors hold office from the time of their appointment until the conclusion of the next annual Commission meeting.

(7) Notwithstanding subsections (1), (2), (4) and (5), a director, with the approval of Council, may be elected to serve an additional consecutive term in order to enable the Commission to fulfill its commitments to a national or industry group or association of which the Commission is a member.

AR 120/99 s31;338/2003;182/2009;100/2014

Eligibility re directors

32 To be eligible for election as a director, a person must be a producer who,

(a) in the case of a director to represent a zone, produces pulse crops in the zone that the person is to represent, and

(b) in the case of a director at large, produces pulse crops in Alberta.

AR 120/99 s32;338/2003;182/2009;100/2014

Removal from office

33(1) The Commission may, on a motion passed by 9 out of the 12 directors at a special or regular Commission meeting, remove a director from office if the director fails to abide by any of the Commission's policies.

(2) Where a majority of the directors vote in favour of a motion to remove the chair or vice-chair of the Commission, that person's position as chair or vice-chair of the Commission on the passing of the motion becomes vacant.

(3) Repealed AR 182/2009 s13.

AR 120/99 s33;182/2009;186/2010;100/2014

Filling vacancies by appointment

34(1) If a vacancy occurs on the Commission, the remaining directors may fill the vacancy by appointing an eligible individual to the vacant position.

(2) If the Council declares an election invalid, it may

(a) direct that the Commission fill the vacancy, or

(b) direct that another election be held.

(3) An individual who is appointed to fill a vacancy holds office for the remainder of the term of office of the director in whose stead the individual was appointed.

(4) Where

(a) in accordance with this section a person is appointed to fill a vacancy, and

(b) the term of office served by that person pursuant to that appointment is not greater than 18 months,

the time served as a director pursuant to that appointment is not to be taken into consideration for the purposes of section 31.

AR 120/99 s34;81/2005;182/2009;100/2014

Annual Commission meeting

35(1) An annual Commission meeting must be held every year.

(2) The annual Commission meeting must be commenced within 180 days after the end of the Commission's fiscal year.

(3) The annual Commission meeting is to be held at a place and on a day that the Commission may, by resolution, determine.

(4) A written notice of

(a) the day, the hour and the place of the annual Commission meeting, and

(b) the nature of the business to be transacted at the meeting

must be provided to all eligible producers at least 30 days prior to the date of the meeting.

(5) The order of business for the annual Commission meeting is to

(a) be set by the Commission, and

(b) include the following:

(i) the annual reports of the chair and the general manager;

(ii) an audited report of the finances for the past fiscal year;

(iii) a motion to appoint or select an auditor for the ensuing year;

(iv) any business properly brought before the meeting.

AR 120/99 s35;338/2003;182/2009

Special Commission meeting

36(1) The Commission

(a) may on its own initiative, and

(b) must

(i) on the written request of 30% of the eligible producers, or

(ii) at the request of the Council,

hold a special Commission meeting.

(2) A special Commission meeting is to be held at a place and on a day that the Commission, by resolution, determines.

(3) A written notice of

(a) the day, the hour and the place of the special Commission meeting, and

(b) the nature of the business to be transacted at the meeting,

must, at least 30 days prior to the day of the meeting, be mailed, postage paid, to all the eligible producers.

(4) The order of business for a special Commission meeting is to be set by the Commission or as requested by the Council.

(5) The provisions governing the conduct of a vote and the qualifications to vote at an annual Commission meeting apply to a special Commission meeting held under this section.

AR 120/99 s36;182/2009

Quorum

37 The quorum necessary for the conduct of business at an annual Commission meeting or a special Commission meeting is not fewer than 40 eligible producers.

AR 120/99 s37;182/2009

Part 3
Voting and Elections

Eligibility to vote

38(1) A person is eligible to vote on any question put to a vote at an annual Commission meeting or in an election for a director if the person is an eligible producer who

(a) produces pulse crops in Alberta, and

(b) is present at the meeting at which the vote is held.

(2) A person is eligible to vote on any question put to a vote at an annual zone meeting if the person is an eligible producer who

(a) produces pulse crops in the zone, and

(b) is present at the meeting at which the vote is held.

AR 120/99 s38;182/2009;100/2014

Voting

39 An eligible producer who is eligible to vote under this Plan may

(a) vote once on each matter, and

(b) vote for any number of candidates not exceeding the number of members to be elected to the positions that are up for election at a meeting,

notwithstanding that the individual may manage or operate or own, lease or hold equity in 2 or more operations.

AR 120/99 s30;182/2009

Voters must be on current list

40(1) An eligible producer shall not cast a vote under this Plan unless that person's name appears on the current list of eligible producers maintained by the Commission.

(2) Notwithstanding subsection (1), where the name of an eligible producer does not appear on the current list of eligible producers, that eligible producer may nevertheless vote, if

(a) in the case of an eligible producer who is an individual, that eligible producer makes a statutory declaration that the producer has paid a service charge under this Plan within the preceding 12 months, and

(b) in the case of an eligible producer that is not an individual, the representative of that eligible producer makes a statutory declaration in accordance with section 18(6)(b) and includes on the statutory declaration a statement that the producer has paid a service charge under this Plan within the preceding 12 months.

AR 120/99 s40;182/2009

Secret ballot

41 When so requested by 3 eligible producers in attendance at a meeting, a vote carried out under this Plan at that meeting must be carried out by means of a secret ballot.

AR 120/99 s41;182/2009

Returning officer

42(1) Subject to subsection (2), the executive director of the Commission or the designate of the executive director is the returning officer for the purposes of an election or vote taken under this Plan.

(2) The Commission may appoint an individual other than the secretary to act as the returning officer for the purposes of an election or vote taken under this Plan.

(3) The returning officer may appoint individuals as deputy returning officers to assist in the conduct of elections and votes under this Plan.

(4) The returning officer

(a) is to ensure that a person does not cast a vote, except in accordance with this Plan, and

(b) must permit scrutiny of the actions of the returning officer and the deputy returning officers by a scrutineer in respect of the conduct of a vote taken under this Plan.

(5) Unless otherwise directed by the Commission no returning officer or other person shall destroy any records or ballots in respect of a vote or election held under this Plan until 90 days have elapsed from the day on which the vote was taken.

AR 120/99 s42;182/2009;100/2014

Result of invalid election, etc.

43(1) If

(a) an election is held under this Plan, and

(b) there is not in attendance at the meeting at which the election is held a quorum of persons who are eligible to vote at the election,

the election is void and the position for which the election was held is vacant.

(2) Notwithstanding that a position is vacant by virtue of subsection (1), the term of office of the vacant position is nevertheless deemed to have commenced as if an individual had been elected to the position.

(3) If a position is vacant under this section, the Commission must in accordance with section 34 fill the position by appointing, from eligible producers eligible to be elected to that position, an individual to fill that position.

AR 120/99 s43;182/2009

Controverted election

44(1) If an eligible producer

(a) questions

(i) the eligibility of a candidate,

(ii) the eligibility of a voter,

(iii) any matter relating to a ballot or the tabulation of ballots, or

(iv) any other irregularity with respect to the conduct of an election,

and

(b) seeks to have the election declared invalid and the position declared vacant,

that eligible producer may, not later than 30 days after the day on which the election was held, apply in writing to the Council to have the election declared invalid and the position declared vacant.

(2) If, within the 30-day period referred to in subsection (1), the Council has not received an application under subsection (1), a person elected at that election is deemed to be duly elected.

(3) On receipt of an application under subsection (1), the Council must consider the matter and may

(a) declare the election to be proper and the position filled, if, in the opinion of the Council, there is no basis for the application,

(b) declare the election to be proper and the position filled, notwithstanding that there is a basis for the application, if, in the opinion of the Council,

(i) the basis for the application did not materially affect the result of the election, and

(ii) the election was conducted substantially in accordance with this Plan and the Act,

or

(c) declare the election to be void and the position vacant, if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to, or did, affect the result of the election.

(4) Notwithstanding that an election is declared void and a position is declared vacant under subsection (3)(c), the term of office of the position declared vacant is nevertheless deemed to have commenced on the day that the voided election was held.

(5) If the Council declares an election to be void and the position vacant, the Council may

(a) order that, within the time that the Council considers proper, a special meeting be held and an election be conducted to fill the vacant position, or

(b) direct the Commission to fill the vacant position in accordance with section 34.

AR 120/99 s44;182/2009

Part 4
Transitional Provision, Review and Repeal

Transitional re directors, etc.

45(1) In this section, "officials" means directors, chair and vice-chair of the Commission.

(2) The officials who held office immediately before the coming into force of this Regulation continue to hold office until their terms of office expire, or their successors to the positions are sooner elected or they are replaced under this Regulation.

AR 120/99 s45/182/2009;100/2014

Review

46 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before June 30, 2019.

AR 120/99 s46;338/2003;182/2009;100/2014

Repeal

47 The *Alberta Pulse Growers Marketing Plan Regulation* (AR 159/89) is repealed.

Schedule

Zones

1 Zone 1 is made up of the area that is included in the following:

(a) repealed AR 100/2014 s12;

(b) County of Newell;

(c) County of Warner No. 5;

(d) County of Forty Mile No. 8;

(e) repealed AR 100/2014 s12;

(f) County of Lethbridge;

(g) Cypress County;

(h) Cardston County;

(i) Municipal District of Taber;

(j) Municipal District of Willow Creek No. 26;

(k) repealed AR 100/2014 s12;

(l) Municipal District of Acadia No. 34;

(m) Municipal District of Ranchland No. 66;

(n) Kananaskis Improvement District;

(o) Municipal District of Pincher Creek No. 9;

(o.1) Improvement District No. 4 (Waterton);

(o.2) Municipality of Crowsnest Pass;

(p) any city, town or village that is encompassed by the area described in clauses (b) to (o.2).

2 Zone 2 is made up of the area that is included in the following:

(a) Ponoka County;

(b), (c) repealed AR 100/2014 s12;

(d) Lacombe County;

(e) Mountain View County;

(f) repealed AR 100/2014 s12;

(g) Red Deer County;

(h) Municipal District of Bighorn No. 8;

(i) Rocky View County;

(j) Starland County;

(k) Kneehill County;

(l) Clearwater County;

(m) Special Area No. 2;

(n) Special Area No. 3;

(o) Special Area No. 4;

(o.1) Improvement District No. 9 (Banff);

(o.11) Vulcan County;

(o.12) Wheatland County;

(o.13) Municipal District of Foothills No. 31;

(o.2) City of Calgary;

(o.3) Town of Drumheller;

(p) any city, town or village that is encompassed by the area described in clauses (a) to (o.1).

3 Zone 3 is made up of the area that is included in the following:

(a) Thorhild County;

(b) County of Barrhead No. 11;

(c) Athabasca County;

(d) Strathcona County;

(e) Leduc County;

(f) Lac Ste. Anne County;

(g) Parkland County;

(h) Woodlands County;

(i) repealed AR 100/2014 s12;

(j) Brazeau County;

(k) Sturgeon County;

(l) Westlock County;

(m) Yellowhead County;

(n) repealed AR 100/2014 s12;

(n.1) Improvement District No. 12 (Jasper) National Park;

(n.2) Improvement District No. 25 (Willmore Wilderness);

(n.3) County of Wetaskiwin No. 10;

(o) any city, town or village that is encompassed by the area described in clauses (a) to (n.3).

4 Zone 4 is made up of the area that is included in the following:

(a) County of Grande Prairie No. 1;

(b) Municipal District of Greenview No. 16;

(c) Birch Hills County;

(d) Saddle Hills County;

(e) County of Northern Lights;

(f) Mackenzie County;

(g) Municipal District of Big Lakes;

(h) Municipal District of Smoky River No. 130;

(i) Northern Sunrise County;

(j) Municipal District of Spirit River No. 133;

(k) Municipal District of Peace No. 135;

(l) Municipal District of Fairview No. 136;

(m) Clear Hills County;

(m.1) Municipal District of Opportunity No. 17;

(m.2) Municipal District of Lesser Slave River No. 124;

(n) any city, town or village that is encompassed by the area described in clauses (a) to (m.2).

5 Zone 5 is made up of the area that is included in the following:

(a) Beaver County;

(b) Smoky Lake County;

(c) County of St. Paul No. 19;

(d) County of Two Hills No. 21;

(e) Camrose County;

(f) County of Vermilion River;

(g) County of Minburn No. 27;

(h) Flagstaff County;

(i) Lamont County;

(j) Municipal District of Provost No. 52;

(k) Municipal District of Wainwright No. 61;

(l) Municipal District of Bonnyville No. 87;

(m) Lac La Biche County;

(m.1) Regional Municipality of Wood Buffalo;

(m.2) Improvement District No. 24 (Wood Buffalo);

(m.3) Improvement District No. 13 (Elk Island);

(m.4) County of Stettler No. 6;

(m.5) County of Paintearth No. 18;

(n) any city, town or village that is encompassed by the area described in clauses (a) to (m.5).

AR 120/99 Sched.;81/2005;212/2005;182/2009;100/2014

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