

The Prairie Agricultural Machinery Institute Act, 1999

being

[Chapter P-21.1](#) of the *Statutes of Saskatchewan, 1999* (effective April 21, 1999) as amended by the *Statutes of Saskatchewan, 2004, c.63*; *2014, c.E-13.1*; and *2015, c.21*.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-21.1

An Act respecting the Prairie Agricultural Machinery Institute

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Prairie Agricultural Machinery Institute Act, 1999*.

Interpretation

2 In this Act:

- (a) **“beef research and development”** means any applied beef research and development or related activity in support of the agriculture or food industry;
- (a.1) **“board”** means the Prairie Agricultural Machinery Institute Board appointed pursuant to section 11;
- (b) **“electronic equipment”** means any electronic device or software program that is used or intended to be used in the agriculture or food industries;
- (c) **“fund”** means the Prairie Agricultural Machinery Institute Fund continued pursuant to section 19;
- (d) **“institute”** means the Prairie Agricultural Machinery Institute continued pursuant to section 3;
- (e) **“machinery”** means any implement, equipment or mechanical device used or intended to be used in the agriculture or food industries;
- (f) **“manufacturer”** means a person, whether resident in Saskatchewan or otherwise, who:
 - (i) manufactures machinery or electronic equipment; and
 - (ii) sells or offers for sale machinery or electronic equipment and repair parts for machinery or electronic equipment:
 - (A) at retail; or
 - (B) indirectly through a distributor or dealer;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

c. P-21.1 PRAIRIE AGRICULTURAL MACHINERY INSTITUTE**PART II
Institute****Institute continued**

3 The Prairie Agricultural Machinery Institute is continued as a corporation.

1999, c.P-21.1, s.3.

Responsibilities of institute

4 The institute is responsible for the following:

- (a) testing and appraising under actual or simulated working conditions machinery and electronic equipment;
- (b) undertaking testing, research and development projects to develop and improve machinery and electronic equipment;
- (b.1) undertaking beef research and development;
- (c) publishing informational materials, reports, pamphlets and bulletins that are consistent with the intent of this Act;
- (d) performing any additional functions that the board considers to be consistent with or necessarily incidental to the responsibilities of the institute.

1999, c.P-21.1, s.4; 2004, c.63, s.4.

Powers of institute

5 Subject to the regulations, the institute may:

- (a) acquire, by purchase, lease or otherwise, any real or personal property that the institute considers necessary for the conduct of its operations;
- (b) manage, insure, maintain, repair, alter or improve any of its property, and construct or erect any buildings, structures or other improvements;
- (c) sell, lease, convey or otherwise dispose of and convert into money any of its real or personal property that the institute considers no longer necessary for its purposes;
- (d) borrow money from any bank or credit union for the purposes of the institute and grant a security interest in any real or personal property that is owned by the institute;
- (e) on behalf of other persons or organizations, carry on testing, research or development projects on any terms and conditions, including remuneration for the services of the institute, that the institute considers advisable, to develop or improve:
 - (i) the beef industry; or
 - (ii) machinery or electronic equipment;

- (f) enter into any agreement with any department or agency of the Government of Canada or of the government of any province or territory of Canada, or with any other person, agency, organization, association, institution or body for any of the following purposes:
- (i) testing, researching and developing machinery or electronic equipment;
 - (i.1) carrying on beef research and development;
 - (ii) carrying on research projects or conducting investigations and inquiries that the institute considers advisable;
 - (iii) sharing the costs of operating the institute;
 - (iv) selling, distributing or managing information or informational material of the institute;
 - (v) obtaining support for any testing, research or development project of the institute;
- (g) purchase or otherwise acquire any invention or discovery or any right in any invention or discovery;
- (h) apply for, purchase or otherwise acquire:
- (i) any patent of invention, copyright, trade-mark, industrial design or similar protection of Canada or of any other jurisdiction; or
 - (ii) any licence or other right, title or interest in or under a patent, copyright, trade-mark, industrial design or similar protection;
- (i) hold, use, exercise, develop, license, assign or otherwise dispose of or turn any invention, discovery, letters patent or protection to account;
- (j) produce, prepare and distribute information and informational material setting out the results of the institute's activities pursuant to this Act;
- (k) engage the services of any advisers, specialists or consultants who may be required for the purposes of this Act, and determine the remuneration and the rate of reimbursement for expenses to which they are entitled;
- (l) engage in work outside the agriculture and food industries where the board considers it appropriate to do so to carry out the institute's functions and responsibilities; and
- (m) do any other thing that the Lieutenant Governor in Council may prescribe for the purpose of carrying out this Act according to its intent.

1999, c.P-21.1, s.5; 2004, c.63, s.5.

Extraprovincial powers

6 The institute has the capacity to accept extraprovincial powers and rights and to exercise its powers beyond the boundaries of Saskatchewan to the extent to which the laws in force where the powers are sought to be exercised permit.

1999, c.P-21.1, s.6; 2015, c.21, s.64.

c. P-21.1 PRAIRIE AGRICULTURAL MACHINERY INSTITUTE**Power to accept gifts**

7 The institute may accept and receive gifts of real and personal property, including moneys, for the purposes of the institute and, subject to the terms of any trust imposed by the testator or donor, sell, lease, convey or otherwise dispose of and convert into money any real or personal property given, devised or bequeathed for those purposes.

1999, c.P-21.1, s.7.

Rights to inventions

8(1) All discoveries, inventions and improvements made by an employee of the institute and all rights with respect to the discovery, invention or improvement are vested in the institute.

(2) The institute with the approval of the minister or, where the minister has entered into an agreement pursuant to section 26, with the approval of the minister and the persons with whom the minister has entered into the agreement may pay to the employee who made the discovery, invention or improvement any bonus or royalty that in the institute's opinion is warranted.

1999, c.P-21.1, s.8.

Intellectual property

9(1) Where an application for a patent of invention or for the registration of a copyright, trade-mark or industrial design has been made, or where a patent or the registration of a copyright, trade-mark or industrial design has been obtained, with respect to any discovery, invention or improvement resulting from work carried out by the institute, the institute is deemed to have an interest in the rights covered by the application or by the patent, copyright, trade-mark or industrial design.

(2) For the purpose of continuing titular control and administration of the rights mentioned in subsection (1), the institute shall require that the rights be assigned to the institute.

(3) The institute, the inventor, and the sponsor, if any, of the facilities used by the inventor shall together determine their respective interests in the rights mentioned in subsection (1) and in the net proceeds, if any, of the exploitation of those rights.

1999, c.P-21.1, s.9.

Head office

10 The head office of the institute is to be at any location in Saskatchewan that is designated in the regulations.

1999, c.P-21.1, s.10.

PART III
Administration

Board

- 11(1) Subject to subsection (2), the minister shall appoint the Prairie Agricultural Machinery Institute Board consisting of not less than five persons and not more than 12 persons.
- (2) Where the minister has entered into an agreement pursuant to section 26, the minister and the persons with whom the minister has entered into the agreement shall appoint the members of the board.
- (3) Any person who may be recommended by the Minister of Agriculture and Agri-Food Canada or by the corresponding minister for any province or territory of Canada may be appointed as a member of the board pursuant to subsection (1) or (2).
- (4) Subject to subsection (5), a person appointed pursuant to subsection (1) or (2):
- (a) holds office for a term not exceeding three years and until a successor is appointed; and
 - (b) is eligible for re-appointment.
- (5) If a member of the board dies or resigns, that person ceases to be a member of the board on the date of death or on the date the resignation is received by the board, as the case may be.
- (6) Where the office of a person appointed pursuant to subsection (1) or (2) becomes vacant, the minister, or the minister and the persons authorized to appoint members of the board pursuant to subsection (2), may:
- (a) appoint a person for the remainder of the term of the person who vacated the office; or
 - (b) appoint a person for the term mentioned in subsection (4).
- (7) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

1999, c.P-21.1, s.11.

Officers

- 12(1) The minister, or the minister and the persons authorized to appoint members of the board pursuant to subsection 11(2), shall designate one member of the board as chairperson of the board, and the members of the board shall designate another member as vice-chairperson.
- (2) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.
- (3) The board may appoint other officers of the board from its members.

1999, c.P-21.1, s.12.

c. P-21.1 PRAIRIE AGRICULTURAL MACHINERY INSTITUTE**Meetings**

13(1) A majority of the members of the board constitutes a quorum of the board for the transaction of business.

(2) The board shall meet at those times and places that the chairperson may appoint, but not less than once in each fiscal year.

1999, c.P-21.1, s.13.

Bylaws

14 Subject to this Act, the board may make bylaws governing its procedures and the conduct of its meetings.

1999, c.P-21.1, s.14.

Duties of board

15(1) The board shall manage the affairs and business of the institute.

(2) The board is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

(3) The minister or, where the minister has entered into an agreement pursuant to section 26, the minister or any person with whom the minister has entered into the agreement may refer to the board for consideration any question relating to the carrying out of the purposes of this Act, and the board shall consider the question and report to the minister or person who referred the question.

1999, c.P-21.1, s.15.

Remuneration and reimbursement

16 The minister or, where the minister has entered into an agreement pursuant to section 26, the minister and the persons with whom the minister has entered into the agreement shall fix the remuneration and the rate of reimbursement for expenses of the members of the board.

1999, c.P-21.1, s.16.

Employees

17(1) The institute may:

(a) employ any employees that it considers necessary for the conduct of its operations; and

(b) determine the duties and powers, conditions of employment, and remuneration of each employee.

(2) The institute has control over and shall supervise its employees.

(3) The institute shall pay to its employees the remuneration determined pursuant to subsection (1).

1999, c.P-21.1, s.17.

Superannuation and benefits

18(1) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply, with any necessary modification, to the employees of the institute.

(2) The institute may establish or provide for the following for the benefit of the employees of the institute and their dependants:

- (a) a group insurance plan;
- (b) any other employee benefit program.

1999, c.P-21.1, s.18.

PART IV
Financial Matters

Fund continued

19(1) The Prairie Agricultural Machinery Institute Fund is continued.

(2) The fund consists of:

- (a) all moneys appropriated by the Legislature for the purposes of this Act;
- (b) all moneys received by the institute as fees for services and proceeds from the sale or licensing of property, including the sale or licensing of patent rights or information;
- (c) all moneys received by the institute by way of grant, bequest, donation or otherwise for the purposes of this Act; and
- (d) all earnings on investments of the fund.

1999, c.P-21.1, s.19.

Investments

20 Subject to the terms of any trust pursuant to which money to be invested is held by the institute, the institute may:

- (a) invest any part of its moneys in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the institute considers expedient.

1999, c.P-21.1, s.20.

Disbursements from fund

21 Subject to the provisions of this Act and the regulations, the institute may make disbursements from the fund for:

- (a) the remuneration of all persons engaged or employed by the institute pursuant to this Act;
- (b) the payment of all remuneration and expenses incurred by the members of the board in accordance with section 16;

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- (c) the payment of all sums of money required by the institute for the carrying out of its responsibilities and the exercise of its powers pursuant to this Act, including all expenses necessarily incurred; and
- (d) any other payment that may be authorized by this Act or the regulations.

1999, c.P-21.1, s.21.

Fiscal year

22 The fiscal year of the institute and the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

1999, c.P-21.1, s.22.

Audit

23 The Provincial Auditor or any other auditor or firm of auditors appointed by the Lieutenant Governor in Council shall audit the records, accounts and financial statements of the institute and the fund:

- (a) annually; and
- (b) at any other time that the Lieutenant Governor in Council may require.

1999, c.P-21.1, s.23.

Annual report

24(1) The institute, in each fiscal year, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister:

- (a) a report on the business of the institute for the preceding fiscal year; and
- (b) a financial statement showing the business of the institute and the fund for the preceding fiscal year in any form that may be required by Treasury Board.

(2) The minister, in accordance with section 13 of *The Executive Government Administration Act*, shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to this section.

(3) The institute shall, when requested to do so by any person with whom the minister has entered into an agreement pursuant to section 26, make and submit to the person a report respecting the work performed by the institute in the jurisdiction represented by the person for any period that the person may specify.

1999, c.P-21.1, s.24; 2014, c.E-13.1, s.62.

PART V
General

Immunity

25 No action lies or shall be instituted against the Crown in right of Saskatchewan, the minister, the institute, the board, any member of the board, or any employee of the institute for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1999, c.P-21.1, s.25.

Agreements

26(1) The minister may enter into any agreement with the Minister of Agriculture and Agri-Food Canada or with the corresponding minister of any province or territory of Canada respecting the participation of the jurisdiction represented by that minister in the constitution of the board and in the activities of the institute.

(2) Without limiting the generality of subsection (1), the minister may enter into any agreement pursuant to subsection (1) for any of the following purposes:

- (a) to provide for the appointment of persons to the board as representatives of the jurisdiction represented by the corresponding minister;
- (b) to determine amounts to be paid by the corresponding minister towards the costs of operating the institute;
- (c) to determine the remuneration and the rate of reimbursement for expenses to be paid to members of the board in accordance with section 16;
- (d) to set out the basis on which questions respecting the functions and responsibilities of the institute are to be considered by the parties to the agreement;
- (e) to determine, subject to any Act in force on or after the coming into force of this Act, the procedures for winding up the affairs of the institute and distributing its assets.

1999, c.P-21.1, s.26.

Regulations

27 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) governing the acquisition and disposition of real and personal property by the institute;

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- (c) prescribing the limits on borrowing money pursuant to clause 5(d);
- (d) designating the location of the institute's head office in Saskatchewan;
- (e) prescribing the manner in which payments are to be made from the fund and authorizing purposes consistent with the objects of the institute for which the institute may make payments from the fund;
- (f) respecting the publication and furnishing of information to manufacturers, general provincial distributors and their agents and to the public respecting the results of any test or examination of machinery or electronic equipment performed by the institute;
- (f.1) respecting the publication and furnishing of information to producers, the beef industry and the public respecting the results of any beef research and development performed by the institute;
- (g) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (h) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

1999, c.P-21.1, s.27; 2004, c.63, s.6.

PART VI

Repeal, Transitional and Coming into Force

R.S.S. 1978, c.P-21 repealed

28 *The Prairie Agricultural Machinery Institute Act* is repealed.

1999, c.P-21.1, s.28.

Transitional – board

29 The persons acting as members of the Prairie Agricultural Machinery Institute Council pursuant to section 6 of *The Prairie Agricultural Machinery Institute Act* on the day before the coming into force of this Act continue as members of the board until new appointments are made pursuant to section 11 of this Act.

1999, c.P-21.1, s.29.

Coming into force

30 This Act comes into force on assent.

1999, c.P-21.1, s.30.