

The Beekeepers Development Plan Regulations

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Chapter A-15.21 Reg 5 (effective March 15, 2006).

NOTE:

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

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CHAPTER A-15.21 REG 5

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

- 1 These regulations may be cited as *The Beekeepers Development Plan Regulations*.

Interpretation

- 2 In these regulations:

- (a) **“bee”** means the insect *Apis mellifera*;
- (b) **“bee products”** means honey, pollen, beeswax, propolis or royal jelly;
- (c) **“beekeeper”** means a producer or a person:
 - (i) who has colonies in production and is engaged in or responsible for the production, marketing or production and marketing of bees or bee products but does not include an employee of such a person;
 - (ii) who is entitled under any lease agreement:
 - (A) to a share of the bees or bee products produced by a person mentioned in subclause (i); or
 - (B) to a share of the proceeds from the sale of those bees or bee products; or
 - (iii) who takes possession of any bees or bee products under any form of security or legal proceedings for a debt;
- (d) **“beekeepers plan”** means the Beekeepers Development Plan established pursuant to section 3;
- (e) **“colony”** means a single colony of bees, used for the purpose of producing bee products, queens, nucleus colonies or package colonies or for the purpose of pollination;
- (f) **“commission”** means the Saskatchewan Beekeepers Development Commission established pursuant to section 7 and includes the interim commission;
- (g) **“director”** means a director of the commission elected in accordance with Part VII or appointed pursuant to subsection 35(7);
- (h) **“interim commission”** means the interim commission appointed pursuant to section 39;
- (i) **“producer vote”** means a producer vote mentioned in subsection 27(4);

- (j) **“production vote”** means a production vote described in section 32;
- (k) **“registered beekeeper”** means any beekeeper who:
 - (i) is registered with the commission pursuant to section 21;
 - (ii) has paid the registration fee mentioned in section 22;
 - (iii) has paid a check-off pursuant to subsection 23(1) in the last year for which he or she has not received a refund pursuant to section 24;
- (l) **“the Act”** means *The Agri-Food Act, 2004*.

24 Mar 2006 cA-15.21 Reg 5 s2.

PART II

Beekeepers Plan

Beekeepers plan established

- 3** The Beekeepers Development Plan is established.

24 Mar 2006 cA-15.21 Reg 5 s3.

Application

- 4** Subject to any exemptions made by order of the commission, the beekeepers plan and the orders of the commission made pursuant to the beekeepers plan apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of bees or bee products in Saskatchewan.

24 Mar 2006 cA-15.21 Reg 5 s4.

Purpose

- 5(1)** The purpose of the beekeepers plan is to develop the bee and bee products industry in Saskatchewan.

- (2)** Without limiting the generality of subsection (1), the specific purposes of the beekeepers plan are:

- (a) to assist in the development and promotion of bees and bee products in the domestic and international marketplaces;
- (b) to conduct and encourage research on:
 - (i) the production, market development and processing of bees and bee products; and
 - (ii) the consumption of bee products;
- (c) to develop procedures to maximize returns to registered beekeepers;
- (d) to advise governments on matters pertaining to bees and bee products research and development;
- (e) to gather, compile and distribute information related to the production, consumption and market development of bees and bee products;
- (f) to encourage the production of uniformly high-quality bees and bee products;

- (g) to promote harmony and communication within the bee and bee products industry;
- (h) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness and demand for bees and bee products;
- (i) to establish a system of collecting check-offs on the production, marketing or production and marketing of bees and bee products for the purpose of carrying out the objectives of the beekeepers plan; and
- (j) to work in co-operation with any persons or organizations that have objectives similar to those of the beekeepers plan.

24 Mar 2006 cA-15.21 Reg 5 s5.

Duration of the beekeepers plan

- 6** The beekeepers plan remains in effect until these regulations are repealed.

24 Mar 2006 cA-15.21 Reg 5 s6.

PART III
Commission

Commission

- 7(1)** The Saskatchewan Beekeepers Development Commission is established consisting of six directors elected in accordance with Part VII.
- (2) Three of the directors are to be elected by producer votes and three of the directors are to be elected by production votes.
- (3) The commission shall administer the beekeepers plan.

24 Mar 2006 cA-15.21 Reg 5 s7.

Powers of commission

- 8(1)** Subject to the other provisions of these regulations, the commission may exercise the following powers that are set out in subsection 8(1) of the Act:
- (a) the power to carry out educational, research and developmental programs related to bees or bee products;
 - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of bees or bee products to register with the commission;
 - (c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of bees or bee products;
 - (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of bees or bee products;
 - (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of bees or bee products 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 bees or bee products; and
 - (ii) contravenes an order of the commission;
- (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) the power to require any person engaged in the production, marketing or production and marketing of bees or bee products to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (i) the power to market, grade or insure bees or bee products, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the beekeepers 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 money received by the commission to carry out the purposes of the beekeepers plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of money in any manner that the commission considers appropriate for the purpose of administering the beekeepers 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 (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the beekeepers plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the beekeepers plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, 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 commission'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 commission in relation to the beekeepers plan;
 - (t) the power to:
 - (i) require any person who owes money to a registered beekeeper with respect to the sale by the registered beekeeper of bees or bee products to pay the money to the commission; and
 - (ii) distribute the money paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the registered beekeeper to whom the money is 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 reimbursement for expenses of the directors is to be determined and paid.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of bees or bee products.
- (3) Neither the sum of the loans nor the sum of the financial guarantees mentioned in clauses (1)(o) and (p) shall exceed 10% each of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the loan or financial guarantee is made or given.

24 Mar 2006 cA-15.21 Reg 5 s8.

Books and records

9(1) The commission shall:

- (a) maintain any books and records that may be required for the administration of the beekeepers plan; and
 - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The commission shall maintain a registered office and head office in Saskatchewan.

- (3) The commission shall prepare an annual report containing:
 - (a) a copy of the audited financial statement of the commission for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the commission for its previous fiscal year; and
 - (c) a list of the names and addresses of the directors of the commission.
- (4) The commission shall make the annual report available at the annual general meeting of the commission.
- (5) The commission shall provide a copy of the annual report to every registered beekeeper within six months after the end of a fiscal year.

24 Mar 2006 cA-15.21 Reg 5 s9.

Appointment of auditor

- 10(1) The registered beekeepers:
 - (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year; and
 - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year.
- (2) If the registered beekeepers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the commission for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
 - (a) be independent of:
 - (i) the commission; and
 - (ii) the directors and officers of the commission; and
 - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

24 Mar 2006 cA-15.21 Reg 5 s10.

Committees

- 11(1) The commission may appoint any committee that it considers necessary or desirable for the proper operation of the beekeepers plan.
- (2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the commission may determine.

24 Mar 2006 cA-15.21 Reg 5 s11.

Chairperson and vice-chairperson

12(1) The commission shall elect a chairperson and vice-chairperson from among the directors of the commission at their first meeting in each year after new members have been elected.

(2) The chairperson and vice-chairperson hold office at the pleasure of the commission.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the commission.

24 Mar 2006 cA-15.21 Reg 5 s12.

Quorum

13 For the transaction of business at a duly called meeting of the commission:

(a) a majority of the commission constitutes a quorum; and

(b) a decision of a majority of those directors comprising a quorum is a decision of the commission.

24 Mar 2006 cA-15.21 Reg 5 s13.

Policies re conflict of interest and code of conduct

14 Within 18 months after the coming into force of these regulations, the commission shall prepare and submit to the council:

(a) a conflict of interest policy for the directors; and

(b) a policy respecting a code of conduct for the directors.

24 Mar 2006 cA-15.21 Reg 5 s14.

Conflicts of interest

15(1) No director shall:

(a) fail to disclose to the commission any conflict of interest that the director may have; or

(b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other beekeepers.

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 14.

24 Mar 2006 cA-15.21 Reg 5 s15.

Bank accounts

16 The commission may open accounts in the name of the commission in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

24 Mar 2006 cA-15.21 Reg 5 s16.

A-15.21 REG 5**BEEKEEPERS DEVELOPMENT PLAN****Investments**

17 The commission may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the beekeepers plan or its operations in any security or class of securities authorized for investment of money 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 commission considers expedient.

24 Mar 2006 cA-15.21 Reg 5 s17.

Fiscal year

18 The fiscal year of the commission is the period commencing on January 1 in one year and ending on December 31 in the same year.

24 Mar 2006 cA-15.21 Reg 5 s18.

Financial plan

19 The commission shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

24 Mar 2006 cA-15.21 Reg 5 s19.

Meetings of registered beekeepers

20(1) An annual general meeting of registered beekeepers:

- (a) is to be held on or before April 30 of each year; and
- (b) is to be held at a place and time determined by the commission.

(2) The commission:

- (a) may call a special general meeting of registered beekeepers at any time; and
- (b) shall call a special general meeting on the written request of not less than 20 registered beekeepers.

(3) The commission shall notify all registered beekeepers, in writing:

- (a) for an annual general meeting of registered beekeepers, of the date, time and location not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered beekeepers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(4) The quorum at an annual or special general meeting of registered beekeepers is 20 registered beekeepers.

(5) The commission shall present to the annual general meeting:

- (a) the financial plan it has approved for the current fiscal year; and
- (b) an outline of programs and activities it has planned for the current fiscal year.

(6) Any change to the remuneration to be paid to the directors of the commission is to be determined by motion of the commission and approved by a vote of registered beekeepers at the next annual general meeting or special general meeting.

(7) At an annual or special general meeting, registered beekeepers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the beekeepers plan.

(8) A registered beekeeper is entitled to one vote at any meeting of registered beekeepers.

24 Mar 2006 cA-15.21 Reg 5 s20.

PART IV Registration

Registration of beekeepers

21(1) Any beekeeper who has 100 or more colonies in production shall register with the commission at the time and in the manner determined by order of the commission.

(2) Any beekeeper who has less than 100 colonies in production may elect to register with the commission at the time and in the manner determined by order of the commission.

(3) Any registration pursuant to subsection (1) or (2) must be renewed annually.

(4) Any beekeeper must remit the required registration fee and check-off when he or she registers.

(5) The commission shall keep and maintain at its head office a register containing the name and address of every registered beekeeper.

24 Mar 2006 cA-15.21 Reg 5 s21.

Registration fee

22 The registration fee mentioned in subsection 21(4):

- (a) is \$25 until the commission makes an order pursuant to clause (b); and
- (b) is to be determined by order of the commission.

24 Mar 2006 cA-15.21 Reg 5 s22.

PART V Check-offs

Check-offs

23(1) The check-off required pursuant to subsection 21(4) shall be calculated in accordance with this section and paid in the manner determined by the commission.

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

- (a) is fixed at a rate of \$0.50 per colony per year, until the commission makes an order pursuant to subclause (b)(i); and
- (b) subject to subsection (3):
 - (i) is to be determined by order of the commission; and
 - (ii) is to be based on a fixed rate per colony per year held by a registered beekeeper.

- (3) The commission shall provide registered beekeepers:
 - (a) an opportunity to discuss the rate of check-off at annual general meetings and special general meetings; and
 - (b) at least 15 days' notice that the rate of the check-off is to be discussed at an annual general meeting or special general meeting.

24 Mar 2006 cA-15.21 Reg 5 s23.

Refund of check-offs

- 24(1)** The commission shall make a refund of check-offs only if:

- (a) the commission receives a written request for the refund from the beekeeper on or after June 7 and on or before June 30 with respect to check-offs paid in that calendar year; and
- (b) the request has been verified by the commission.

- (2) If the commission receives and verifies a written request for a refund of check-offs paid to the commission by the beekeeper pursuant to subsection (1), the commission shall make the refund of those check-offs to the beekeeper not later than October 31 of that year.

24 Mar 2006 cA-15.21 Reg 5 s24.

Required notification

- 25** If, for any one fiscal year, 35% or more of the beekeepers representing 35% or more of the check-off for that fiscal year request a refund of check-offs pursuant to subsection 24(1), the commission shall immediately notify the council.

24 Mar 2006 cA-15.21 Reg 5 s25.

PART VI Commission Orders

Commission orders

- 26(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the commission pursuant to section 12 of the Act.
- (2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any beekeeper or person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.
- (3) The commission shall:
 - (a) cause all orders of the commission to be published in the Gazette and in any other media it considers appropriate; and
 - (b) annually review the orders of the commission and consolidate them.

24 Mar 2006 cA-15.21 Reg 5 s26.

PART VII

Elections

Eligibility

27(1) Every registered beekeeper is eligible to hold office as a director of the commission.

(2) Subject to subsection (5), a registered beekeeper that is a corporation, association, society or other designation is entitled to vote or hold office:

- (a) only through a designated representative appointed in writing; and
- (b) only if notice of that appointment has been filed with the commission in a form and manner acceptable to the commission.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Subject to subsection (5), every registered beekeeper is entitled to one producer vote.

(5) No individual shall be entitled to more than one producer vote regardless of whether he or she is voting as an individual registered beekeeper or as a designated representative of a registered beekeeper.

24 Mar 2006 cA-15.21 Reg 5 s27.

Election of first commission

28(1) The interim commission shall conduct a vote of registered beekeepers to elect the first commission in accordance with this section and section 31.

(2) The interim commission:

- (a) shall conduct the vote described in subsection (1) within 18 months after these regulations come into force; and
- (b) may conduct the vote described in subsection (1) before the first annual general meeting of the commission.

24 Mar 2006 cA-15.21 Reg 5 s28.

Nominations

29(1) Any registered beekeeper is eligible to be nominated for election as a director of the commission.

(2) The commission shall:

- (a) fix the last date for receipt of nominations for election to the commission; and
- (b) at least 30 days before the last date for receipt of nominations, notify registered beekeepers that nominations are being accepted for the commission and of the last date for receipt of nominations.

- (3) Every nomination is to be:
 - (a) in writing in the form required by the commission;
 - (b) signed by:
 - (i) two registered beekeepers;
 - (ii) two representatives of registered beekeepers appointed pursuant to subsection 27(2); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons; and
 - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.
- (4) Every person nominated pursuant to this section stands for election by both producer vote and production vote.

24 Mar 2006 cA-15.21 Reg 5 s29.

Returning officer and scrutineers

- 30(1)** Subject to subsection (2), the commission shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 31.
- (2) Registered beekeepers, beekeepers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures related to conducting an election.
- (4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

24 Mar 2006 cA-15.21 Reg 5 s30.

Conduct of elections

- 31(1)** If not more than the required number of candidates is nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than the required number of candidates is nominated pursuant to section 29, the commission shall:
 - (a) fix a date for the completion of the election; and
 - (b) at least 21 days before the date fixed pursuant to clause (a), send by prepaid mail to every registered beekeeper:
 - (i) the ballot and a plain envelope;
 - (ii) a profile of every candidate;
 - (iii) a certificate of eligibility to vote; and
 - (iv) notice of the time by which and the place to which the ballot and the certificate of eligibility to vote are to be returned.

- (3) Every registered beekeeper that wishes to vote in an election shall:
 - (a) complete the ballot provided by the commission; and
 - (b) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.
- (4) Production votes must be counted before producer votes.
- (5) After determining the directors elected by production vote, the returning officer shall remove the names of those candidates from the list of candidates to be elected by producer vote.
- (6) The returning officer shall declare those candidates receiving the greatest number of production votes, up to the number of director positions to be elected by production votes, to be directors of the commission.
- (7) The returning officer shall declare those candidates receiving the greatest number of producer votes, up to the number of director positions to be elected by producer votes, to be directors of the commission.
- (8) No person shall disclose the number of production votes nor the number of producer votes cast in favour of any candidate.
- (9) The ballot of a registered beekeeper is not valid if:
 - (a) the registered beekeeper votes for more than the specified number of candidates;
 - (b) it is defaced;
 - (c) it is marked in any way other than to vote for candidates;
 - (d) it is not the original ballot provided by the commission;
 - (e) the individual who voted for the registered beekeeper cast more than one producer vote; or
 - (f) it is marked with more production votes than the registered beekeeper is entitled to.

24 Mar 2006 cA-15.21 Reg 5 s31.

Production votes

- 32(1)** A registered beekeeper is entitled to one production vote for each colony that the registered beekeeper has in production, as determined by the commission based on the check-offs paid by the registered beekeeper in the last check-off collection period.
- (2) The commission shall indicate on the ballot sent to each registered beekeeper the number of production votes the registered beekeeper is entitled to.
- (3) A registered beekeeper may cast his or her production votes for one or more candidates in any manner that the registered beekeeper wishes.

- (4) If a registered beekeeper objects to the number of production votes the commission determines for him or her, the registered beekeeper may request that the commission reconsider its determination.
- (5) Any request made pursuant to subsection (4) must be made at least seven days before the date fixed for the return of ballots.
- (6) On receipt of a request made in accordance with subsection (5), the commission shall:
 - (a) reconsider the determination objected to and confirm or vary the determination; and
 - (b) notify the registered beekeeper making the objection and the returning officer of the commission's decision.
- (7) A decision of the commission pursuant to subsection (6) is final, and there is no right to appeal that decision.

24 Mar 2006 cA-15.21 Reg 5 s32.

Validity of election

33 A registered beekeeper is deemed to have received any document that is mailed to the last address provided by him or her to the commission, and the failure of any registered beekeeper to receive that document does not invalidate the election.

24 Mar 2006 cA-15.21 Reg 5 s33.

Election results

34 The returning officer shall announce the names of the persons elected as directors at the first annual general meeting of registered beekeepers after the election, immediately after the minutes of the previous meeting have been dealt with.

24 Mar 2006 cA-15.21 Reg 5 s34.

Term of office, vacancy

35(1) Subject to subsections (2), (3) and (6), a director of the commission holds office:

- (a) for a term of three years after he or she is elected; and
 - (b) until the director's successor is elected.
- (2) The term of office of every director of the first elected commission commences on the day on which he or she is declared by the returning officer to be elected, and expires:
- (a) in the case of the director receiving the largest number of production votes and the director receiving the largest number of producer votes, on the day the director's successor is announced at the third annual general meeting following the year in which the director was elected;
 - (b) in the case of the director receiving the next largest number of production votes and the director receiving the next largest number of producer votes, on the day the director's successor is announced at the second annual general meeting following the year in which the director was elected; and

- (c) in the case of the director receiving the next largest number of production votes and the director receiving the next largest number of producer votes, on the day the director's successor is announced at the annual general meeting following the year in which the director was elected.
- (3) If the directors of the first elected commission are acclaimed, their terms of office commence on the day on which they are declared by the returning officer to be elected and expire in accordance with clauses (2)(a) to (c) applied to a vote held pursuant to subsections 36(3) to (6) as if a tie had occurred.
- (4) Subject to subsection (5), a director is eligible for re-election.
- (5) If a director has completed three consecutive terms, he or she is not eligible for re-election until one year has passed since the completion of the director's third consecutive term.
- (6) The office of a director becomes vacant if a director:
 - (a) ceases to qualify as a registered beekeeper;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from two consecutive meetings of the commission without being excused by a resolution of the commission; or
 - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (7) Notwithstanding subsection 7(1), if the office of a director becomes vacant, the commission may appoint a director to fill the vacancy for the remainder of the term for that office.

24 Mar 2006 cA-15.21 Reg 5 s35.

Tie votes

- 36(1)** A tie between candidates based on production votes is to be decided in favour of the candidate with the most producer votes.
- (2) A tie between candidates based on producer votes is to be decided in favour of the candidate with the most production votes.
- (3) If there is still a tie between candidates after considering both production votes and producer votes pursuant to subsection (1) or (2), the successful candidate is to be determined by a vote of registered beekeepers conducted at the next annual general meeting of registered beekeepers.
- (4) Voting pursuant to subsection (3) is to be by secret ballot.
- (5) Subject to subsection 27(5), only registered beekeepers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (3), and each of those registered beekeepers is entitled to one vote for that purpose.
- (6) The returning officer shall count the votes cast pursuant to subsection (3) and announce the winner of the tie vote before proceeding with any further business at the annual general meeting.

24 Mar 2006 cA-15.21 Reg 5 s36.

Retention of ballots

37 The returning officer shall:

- (a) retain all ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors until 91 days after the annual general meeting of registered beekeepers at which the returning officer announced the results of the election.

24 Mar 2006 cA-15.21 Reg 5 s37.

Challenge to election results

38(1) Any registered beekeeper may challenge the results of an election of directors, as announced by the returning officer pursuant to section 34 or subsection 36(6), by submitting a written objection to the council.

(2) A written objection submitted pursuant to subsection (1) must:

- (a) set out the grounds for the objection; and
- (b) be received by the council within 90 days after the annual general meeting of registered beekeepers at which the returning officer announced the results of the election.

(3) If the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.

(4) If the council appoints a vote recount officer pursuant to subsection (3), the results of the election as determined by the vote recount officer are final.

24 Mar 2006 cA-15.21 Reg 5 s38.

PART VIII

Transitional and Coming into Force

Interim commission

39 The following persons are appointed to the interim commission:

- (a) Corey Bacon, Kinistino;
- (b) Neil Carter, Saskatoon;
- (c) Dennis Glennie, Langenburg;
- (d) Calvin Parsons, Meskanaw;
- (e) Trevor Rehaluk, Nipawin; and
- (f) Tim Wendell, MacNutt.

24 Mar 2006 cA-15.21 Reg 5 s39.

Coming into force

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

24 Mar 2006 cA-15.21 Reg 5 s40.