

Potato Growers of Alberta Bylaws Implementation Project Summary

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>Definitions 1 In this Regulation, (a) “Act” means the Marketing of Agricultural Products Act; (b) “area” means an area referred to in section 7; (b.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained; (b.2) “auditor” means a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement; (c) “Canada Act” means (i) the Farm Products Agencies Act (Canada); (ii) the Agricultural Products Marketing Act (Canada); (iii) the Advance Payments for Crops Act (Canada); (d) “Commission” means the Potato Growers of Alberta referred to in section 8; (e) “Council” means the Alberta Agricultural Products Marketing Council;</p>	<p>Definitions 1 In this Regulation, (a) “Act” means the Marketing of Agricultural Products Act; (b) “area” means an area referred to in section 12; (c) “board” means the board of directors of the commission; (d) “bylaws” means the bylaws made by the commission pursuant to section 26(2.1) of the Act; (e) “commission” means the Potato Growers of Alberta referred to in section 7; (f) “dealer” means any person engaged in the business of marketing potatoes purchased or received from a licensed producer; (g) “director” means a director of the board; (h) “licensed producer” means a producer who holds a producer’s licence and grows potatoes (i) on one or more parcels of land that in the aggregate exceed 5 acres, or (ii) by means of an undertaking that consists of a facility or operation made up of one or</p>	<p>1. Definitions 1. Words not defined in these Bylaws have the same meaning as they do in the Act, the Plan and Potato Growers of Alberta Commission Regulation (AR 277/1998). 2. In the Bylaws, a) “Act” means the Marketing of Agricultural Products Act. b) “Assets” means economic resources controlled by the body as a result of past transactions and from with future economic benefits may be obtained; c) “Auditor” means a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement; d) “Board” means the board of directors of the Commission; e) “Bylaws” means the bylaws made by the Commission pursuant to section 26(2.1) of the Act; f) “Director” means a director of the Board; g) “Investment” means a commitment of assets in order to gain a financial return but does</p>	<p>Some definitions have been moved to bylaws and some maintained in Plan Regulation, for some the language has been streamlined.</p> <p>Within the Plan Regulation, the definitions of “bylaws”, “board”, and “director” have been added and some other sections amended to reference bylaws. The definition of “Canada Act” and “Council” were removed.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(f) “dealer” means any person engaged in the business of marketing potatoes that are purchased or received from a licensed producer;</p> <p>(f.1) “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;</p> <p>(g) “licensed producer” means a producer who holds a producer’s licence and</p> <p>(i) grows potatoes on one or more parcels of land that in the aggregate exceed 5 acres, or</p> <p>(ii) grows potatoes by means of an undertaking that consists of a facility or operation made up of one or more greenhouses or laboratories or any combination of greenhouses and laboratories where the annual gross income, sales and transfers arising from potatoes derived from that undertaking exceeds \$10 000;</p> <p>(h) “marketing”</p>	<p>more greenhouses or laboratories or any combination of greenhouses and laboratories where the annual gross income, sales and transfers arising from potatoes derived from that undertaking exceeds \$10 000;</p> <p>(i) “person” means a person as defined in the Interpretation Act and includes</p> <p>(i) a partnership as defined in the Partnership Act,</p> <p>(ii) an unincorporated organization that is not a partnership referred to in subclause (i), and</p> <p>(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);</p> <p>(j) “Plan” means the Potato Growers of Alberta Plan referred to in section 3;</p> <p>(k) “potatoes” means a vegetable of the species <i>Solanum tuberosum</i>, and all related tissue, grown in Alberta;</p> <p>(l) “processing”</p>	<p>not include an expenditure of assets for the purpose of research and development or current operations;</p> <p>h) “Representative” means an individual appointed as a representative under section 8;</p> <p>i) “Voters List” means a list of individuals entitled to vote in an election provided for in the bylaws;</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(i) means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing, and</p> <p>(ii) includes any other function or activity designated as marketing by the Lieutenant Governor in Council;</p> <p>(i) "person" means a person as defined in the Interpretation Act and includes</p> <p>(i) a partnership as defined in the Partnership Act;</p> <p>(ii) an unincorporated organization that is not a partnership referred to in subclause (i);</p> <p>(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);</p> <p>(j) "Plan" means the Plan referred to in section 3;</p> <p>(k) "potatoes" means a vegetable of the species <i>Tuberosum</i>, and all related tissue, that is grown in Alberta;</p>	<p>(i) means changing by any means, including dehydration, the nature or form of potatoes from their raw or natural state, and</p> <p>(ii) includes any function or activity designated as processing by the Minister;</p> <p>(m) "processor" means a person engaged in the business of processing potatoes;</p> <p>(n) "producer" means a person who grows potatoes;</p> <p>(o) "regulated product" means potatoes.</p>		

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(l) "processing" (i) means changing by any means including dehydration the nature or form of potatoes from their raw or natural state, and (ii) includes any function or activity designated as processing by the Lieutenant Governor in Council; (m) "processor" means a person engaged in the business of processing potatoes; (n) "producer" means a person who grows potatoes; (o) "regulated product" means potatoes; (p) "representative" means an individual appointed as a representative under section 18; (q) "voters list" means a list of individuals entitled to vote in an election provided for in this Plan.</p>			

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>Designation of agricultural product 2 Potatoes are designated as an agricultural product for the purposes of the Act.</p>	<p>Designation of agricultural product 2 Potatoes are designated as an agricultural product for the purposes of the Act.</p>		<p>Maintained in Plan Regulation.</p>
<p>Plan continued 3 The Alberta Potato Marketing Plan, established under Alberta Regulation 208/88 and amended and continued under Alberta Regulation 274/97, is hereby revised, amended and continued under this Regulation with the name "Potato Growers of Alberta Plan".</p>	<p>Plan continued 3 The Potato Growers of Alberta Plan continued under the <i>Potato Growers of Alberta Plan Regulation</i> (AR 291/2002) is amended and continued under this Regulation.</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>
<p>Termination of Plan 4 This Plan does not terminate at the conclusion of a specific period of time and shall remain in force unless otherwise terminated pursuant to the Act.</p>	<p>Termination of Plan 4 The Plan does not terminate at the conclusion of a specific period of time and remains in force unless otherwise terminated pursuant to the Act.</p>		<p>Maintained in Plan Regulation.</p>
<p>Application of Plan 5(1) This Plan applies (a) to all of Alberta; (b) to all persons who produce or market or produce and market potatoes; (c) for the purposes of section 10(b), (c), (d), (e) and (g), to processors and dealers.</p>	<p>Application of Plan 5(1) Subject to subsections (2) and (3), the Plan applies (a) to all of Alberta, (b) to all persons in Alberta who produce or market, or produce and market, potatoes, and (c) for the purposes of section 9(b), (c), (d), (e) and</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(2) Notwithstanding subsection (1), this Plan does not apply to persons who</p> <p>(a) grow potatoes on one or more parcels of land that do not in the aggregate exceed 5 acres, or</p> <p>(b) grow potatoes by means of an undertaking that consists of a facility or operation made up of one or more greenhouses or laboratories or any combination of greenhouses and laboratories where the annual gross income, sales and transfers arising from potatoes derived from that undertaking does not exceed \$10 000.</p> <p>(3) Notwithstanding subsection (1), this Plan does not apply to a greenhouse, laboratory or field potato production or marketing operation that is owned or operated by the Crown in right of Alberta or Canada.</p>	<p>(g), to processors and dealers.</p> <p>(2) The Plan does not apply to persons who grow potatoes</p> <p>(a) on one or more parcels of land that do not in the aggregate exceed 5 acres, or</p> <p>(b) by means of an undertaking that consists of a facility or operation made up of one or more greenhouses or laboratories or any combination of greenhouses and laboratories where the annual gross income, sales and transfers arising from potatoes derived from that undertaking does not exceed \$10 000.</p> <p>(3) The Plan does not apply to a greenhouse, laboratory or field potato production or marketing operation that is owned or operated by the Crown in right of Alberta or Canada.</p>		
<p>Purposes of Plan</p> <p>6 The purposes of this Plan are</p> <p>(a) to provide for the initiation, support and conduct of programs for stimulating, increasing and improving the economic well-</p>	<p>Purposes of Plan</p> <p>6 The Plan has the following purposes:</p> <p>(a) to provide for the initiation, support and conduct of programs for stimulating, increasing and</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>being of the potato industry in Alberta;</p> <p>(b) to provide for the initiation, support or conduct of studies and research and development in connection with</p> <p>(i) the sustainable production of potatoes,</p> <p>(ii) the processing and marketing of potatoes,</p> <p>(iii) the industrial use of potatoes and by-products of potatoes,</p> <p>(iv) consumer needs and demands with respect to potatoes, and</p> <p>(v) components of potatoes for food, pharmaceuticals, nutraceuticals and medical purposes;</p> <p>(c) to provide assistance in the education of producers with respect to the proper and profitable methods of production, marketing and processing of potatoes;</p> <p>(d) to provide for the initiation, support and conduct of promotional activities in respect of the production, marketing and processing of potatoes;</p>	<p>improving the economic well being of the potato industry in Alberta;</p> <p>(b) to provide for the initiation, support or conduct of studies and research and development in connection with</p> <p>(i) the sustainable production of potatoes,</p> <p>(ii) the processing and marketing of potatoes,</p> <p>(iii) the industrial use of potatoes and by-products of potatoes,</p> <p>(iv) consumer needs and demands with respect to potatoes, and</p> <p>(v) components of potatoes for food, pharmaceuticals, nutraceuticals and medical purposes;</p> <p>(c) to provide assistance in the education of producers with respect to the proper and profitable methods of production, marketing and processing of potatoes;</p> <p>(d) to provide for the initiation, support and conduct of promotional activities in respect of the production, marketing and processing of potatoes;</p>		

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(e) to work with any organization that has similar objectives to those of the Commission;</p> <p>(f) to develop industry alliances with other marketing boards and commissions, grower associations and co-operatives and other persons to increase producer participation in the industry;</p> <p>(g) to provide market information to producers, to encourage the exchange of information among producers and to encourage communication among producers;</p> <p>(h) to encourage fair and ethical practices among producers;</p> <p>(i) to co-operate with the Government of Canada and the Government of Alberta with respect to the production, marketing and processing of potatoes.</p>	<p>(e) to work with any organization that has similar objectives to those of the commission;</p> <p>(f) to develop industry alliances with other marketing boards and commissions, grower associations and cooperatives and other persons to increase producer participation in the industry;</p> <p>(g) to provide market information to producers, to encourage the exchange of information among producers and to encourage communication among producers;</p> <p>(h) to encourage fair and ethical practices among producers;</p> <p>(i) to cooperate with the Government of Canada and the Government of Alberta with respect to the production, marketing and processing of potatoes.</p>		

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>Areas 7 For the purposes of this Plan, Alberta is divided into 2 areas as follows: (a) Alberta North consisting of all of that area of Alberta that is north of the 7th base line; (b) Alberta South consisting of all of that area of Alberta that is south of the 7th base line.</p>	<p>Areas 12 For the purposes of the Plan and the bylaws, Alberta is divided into the following areas: (a) Alberta North consisting of all of the area of Alberta that is north of the 7th base line; (b) Alberta South consisting of all of the area of Alberta that is south of the 7th base line.</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>
<p>Board continued as a commission 8 The board known as the “Potato Growers of Alberta” is hereby continued under this Plan as a commission known as the “Potato Growers of Alberta”.</p>	<p>Commission continued 7 The commission known as the Potato Growers of Alberta is continued.</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>
<p>Functions of the Commission 9 The Commission is responsible for the operation, regulation, supervision and enforcement of this Plan and, without limiting the generality of the foregoing, the Commission, (a) must open one or more accounts in a bank, trust company, treasury branch, credit union or other secured depository; (a.1) when investing its assets, must make prudent investments in accordance with the</p>	<p>Functions of commission 8 The commission (a) is responsible for the operation, regulation, supervision and enforcement of the Plan, the bylaws and regulations made by the commission, and (b) in accordance with section 50 of the Act, with respect to the production or marketing, or both, of the regulated product, may be authorized to perform any function or duty and exercise any power imposed or conferred on</p>	<p>2. Operation of the Plan by The Commission 2(1) The Commission must; a) Open one or more accounts in a bank, trust company, treasury branch, credit union or other secured depository; b) When investing its assets, make prudent investments in accordance with the requirements of section 33 of the Trustee Act and may delegate to an agent in accordance with section 51(1) and (2) and 53 of that Act;</p>	<p>Some subsections maintained in Plan Regulation and some subsections moved to bylaws.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>requirements of section 33 of the Trustee Act and may delegate to an agent in accordance with sections 51(1) and (2) and 53 of that Act;</p> <p>(a.2) must establish policies respecting the management of its assets as required by the Operation of Boards and Commissions Regulation (AR 26/99);</p> <p>(b) must designate those officers, employees and other persons as are necessary to sign cheques and transact the Commission's business with its bank, trust company, treasury branch, credit union or other secured depository;</p> <p>(c) must cause books and records, including financial records, to be maintained,</p> <p style="padding-left: 20px;">(i) from time to time as may be required under the Act, the regulations or by order of the Council, or</p> <p style="padding-left: 20px;">(ii) as may be determined by the Commission;</p> <p>(d) must open its books and records for inspection at all reasonable times at the office of</p>	<p>the commission by the <i>Agricultural Marketing Programs Act</i> (Canada) or under any Canada Act.</p>	<p>c) Establish policies respecting the management of its assets as required by the Operation of Boards and Commissions Regulation (AR 26/99);</p> <p>d) Designate those officers, employees and other persons as are necessary to sign cheques, approve EFTs and any other necessary transactions to transact the Commission's business with its bank, trust company, treasury branch, credit union or other secured depository;</p> <p>e) Cause books and records, including financial records, to be maintained,</p> <p style="padding-left: 20px;">(i) From time to time as may be required under the Act, the regulations or by order of Council, or</p> <p style="padding-left: 20px;">(ii) As may be determined by the Commission; and</p> <p>f) Open its books and records for inspection at all reasonable times at the office of the Commission on the written request of any licensed producer;</p> <p>g) Maintain an office, the location of which at all times is to be made know to the Council and</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>the Commission on the written request of any licensed producer; (e) must maintain an office, the location of which at all times is to be made known to the Council and each licensed producer, dealer and processor; (f) may enter into an operating line of credit or other loan agreement with its bank, trust company, treasury branch, credit union or other lending institution; (g) may designate those officers, employees and other persons as are necessary to transact the Commission's business; (h) may appoint officers, employees and agents, prescribe their duties and fix their remuneration; (i) may, subject to the Act, the regulations and any orders of the Council, issue general orders governing the Commission's internal operation as it may from time to time determine; (j) may become a member of any organization that promotes the interests of producers;</p>		<p>each licensed producer, dealer and processor. (2) The Commission may; a) Enter into an operating line of credit or other loan agreement with its bank, trust company, treasury branch, credit union or other lending institution; b) Designate those officers, employees and other persons as are necessary to transact the Commission's business; c) Appoint officers, employees and agents, prescribe their duties and fix their remuneration; d) Subject to the Act, the regulations and any orders of Council, issue general orders governing the Commission's internal operation as it may from time to time determine; e) Become a member of any organization that promotes the interests of producers; f) Contribute funds to any organization that promotes the interest of producers; and g) Retain earnings and revenues from year to year to finance the purposes of the Plan..</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(k) may contribute funds to any organization that promotes the interests of producers;</p> <p>(l) may, in accordance with section 50 of the Act, with respect to the production or marketing, or both, of potatoes, be authorized to perform any function or duty and exercise any power imposed or conferred on the Commission by or under any Canada Act;</p> <p>(m) may retain earnings and revenues from year to year to finance the purposes of the Plan.</p>			
<p>Regulations to operate Plan</p> <p>10 The Commission is authorized under section 26(1) of the Act to make, with the approval of the Council, regulations</p> <p>(a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Commission;</p> <p>(b) requiring any person who produces, markets or processes the regulated product to furnish to the Commission any information or record relating to the production, marketing or</p>	<p>Regulations to operate Plan</p> <p>9 The commission is authorized under section 26(1) of the Act to make, with the approval of the Council, regulations</p> <p>(a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the commission;</p> <p>(b) requiring any person who produces, markets or processes the regulated product to furnish to the commission any information or record relating to the production, marketing or</p>		<p>Maintained in Plan Regulation.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>processing of the regulated product that the Commission considers necessary;</p> <p>(c) requiring persons to be licensed under this Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;</p> <p>(d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence issued under this Plan;</p> <p>(e) governing the issuance, suspension or cancellation of a licence issued under this Plan;</p> <p>(f) providing for</p> <p style="padding-left: 20px;">(i) the assessment, charging and collection of service charges, licence fees or levies, as the case may be, from producers from time to time for the purposes of this Plan,</p> <p style="padding-left: 20px;">(ii) the taking of legal action to enforce payment of the service charges, licence fees or levies, as the case may be, and</p> <p style="padding-left: 20px;">(iii) repealed AR 24/2019 s3;</p>	<p>processing of the regulated product that the commission considers necessary;</p> <p>(c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;</p> <p>(d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence issued under the Plan;</p> <p>(e) governing the issuance, suspension or cancellation of a licence issued under the Plan;</p> <p>(f) providing for</p> <p style="padding-left: 20px;">(i) the assessment, charging and collection of service charges, licence fees or levies, as the case may be, from producers from time to time for the purposes of the Plan, and</p> <p style="padding-left: 20px;">(ii) the taking of legal action to enforce payment of the service charges, licence fees or levies, as the case may be;</p>		

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(g) requiring any person who receives any of the regulated product from a producer</p> <p>(i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Commission, and</p> <p>(ii) to forward the amount deducted to the Commission;</p> <p>(h) providing for the use of any class of service charges, licence fees, levies 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;</p> <p>(i) providing for the payment to a Canada Board of money that is payable under a Canada Act.</p>	<p>(g) requiring any person who receives any of the regulated product from a producer</p> <p>(i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the commission, and</p> <p>(ii) to forward the amount deducted to the commission;</p> <p>(h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the commission for the purpose of paying its expenses and administering the Plan and the regulations made by the commission;</p> <p>(i) providing for the payment to a Canada Board of money that is payable under a Canada Act.</p>		
<p>Financing of the Plan</p> <p>11 In accordance with the regulations,</p> <p>(a) the Plan is to be financed</p> <p>(i) by the charging and collection of service charges from producers, and</p>	<p>Financing the Plan</p> <p>10(1) The Plan is to be financed in accordance with the regulations by</p> <p>(a) the charging and collection of service charges from producers, and</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(ii) by any other money payable to or received or accrued by the Commission;</p> <p>(b) the Commission may, from time to time, change the amount of the service charges, but the change is not effective until it has been approved by a majority of the producers present at an annual Commission meeting or a special Commission meeting.</p>	<p>(b) any other money payable to or received or accrued by the commission.</p> <p>(2) The commission, from time to time, in accordance with the regulations, may change the amount of the service charges, but the change is not effective until it has been approved by a majority of the producers present at an annual commission meeting or a special commission meeting.</p>		
<p>Remuneration</p> <p>12 The members of the Commission are to receive remuneration and expenses as the Commission considers proper.</p>		<p>3. Remuneration</p> <p>The directors of the Board are to receive remuneration and expenses as the Board deems appropriate.</p>	<p>Moved to bylaws, the language has been streamlined.</p>
<p>Auditor</p> <p>13 The auditor for the Commission is to be appointed at each annual meeting.</p>		<p>4. Auditor</p> <p>The auditor for the Commission is to be appointed at each annual meeting.</p>	<p>Moved to bylaws.</p>
<p>Indemnification fund</p> <p>14 The Commission shall not establish and operate a fund under section 34 or 35 of the Act.</p>	<p>Indemnification fund</p> <p>11 The commission shall not establish or operate any fund under section 34 or 35 of the Act.</p>		<p>Maintained in Plan Regulation.</p>
<p>Honorary memberships</p> <p>15 The Commission may establish non-voting associate, patron, industry, affiliate or honorary</p>		<p>5. Honorary Memberships</p> <p>The Commission may establish non-voting associate, patron, industry, affiliate or honorary</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
memberships under this Plan to provide interested individuals or organizations the opportunity to contribute to the activities and goals of the Commission.		memberships under the Plan, and these bylaws, to provide interested individuals or organizations the opportunity to contribute to the activities and goals of the Commission.	
<p>General rights of producers</p> <p>16 In accordance with and subject to this Plan, a licensed producer is entitled, as a matter of right,</p> <p>(a) to attend annual meetings and special meetings;</p> <p>(b) to make representations on any matter pertaining to this Plan, the Commission and the members of the Commission;</p> <p>(c) to vote on any matter under this Plan;</p> <p>(d) to vote in elections held under this Plan;</p> <p>(e) to hold office under this Plan;</p> <p>(f) to vote in any plebiscites of producers held under the Act in respect of this Plan.</p>		<p>6. General Rights of Producers</p> <p>6(1) In accordance with and subject to the Plan and these bylaws, a licensed producer is entitled, as a matter of right,</p> <p>a) To attend all area meetings, annual and special meetings;</p> <p>b) To make representations on any matter pertaining to the Plan, these bylaws, the Commission and the Board;</p> <p>c) To vote on any matter under the Plan and these bylaws;</p> <p>d) To vote in elections held under the Plan and these bylaws;</p> <p>e) To hold office under the Plan and these bylaws;</p> <p>f) To vote in any plebiscites of producers held under the Act in respect of the Plan and these bylaws.</p> <p>6(2) A person who is eligible to vote, or who holds a proxy, may vote once on each matter notwithstanding that the person may manage, operate, own, lease</p>	<p>Moved to bylaws, the language has been streamlined.</p> <p>6(2) added to clarify that a person can vote once on each matter.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
		or hold equity in one or more operations licensed separately with the commission.	
<p>Producers who are individuals 17(1) Where a licensed producer is an individual, that individual may, subject to this Plan, exercise the rights referred to in section 16. (2) Subject to subsections (3), (4) and (5), an individual who is a producer is not to cast a vote under this Plan unless that person’s name appears on the current list of licensed producers. (3) If an individual is not on the list of licensed producers, that individual is not to cast a vote in an election unless the individual (a) has signed a declaration stating that the individual (i) is or qualifies as a licensed producer under this Plan, and (ii) resides within the area for which the election is to be held, and (b) files the declaration signed under clause (a) with the returning officer or deputy returning officer at the meeting at which the election is to be held</p>		<p>7. Producers Who are Individuals 7(1) Where a licensed producer is an individual, that individual may, subject to the Plan, and these bylaws, exercise the rights referred to in section 6. (2) Subject to subsections (3), (4) and (5), an individual who is a producer is not to cast a vote under the Plan and these bylaws, unless that person’s name appears on the current list of licensed producers. (3) If an individual is not on the list of licensed producers, that individual is not to cast a vote in an election unless the individual, a) has signed a declaration stating that the individual (i) is or qualifies as a licensed producer under the Plan and these bylaws, and (ii) resides within the area for which the election is to be held, and b) files the declaration signed under clause (a) with the returning office or deputy</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>but prior to the casting of the ballots.</p> <p>(4) An individual who is eligible to vote may appoint any person as a proxy to vote on the individual's behalf if the individual appointing the proxy deposits with the returning officer at least 2 days before the day on which the vote is to be held the document under which the proxy is appointed.</p> <p>(5) A person may not act as a proxy for more than one individual in respect of the same vote.</p>		<p>returning officer at the meeting at which the election is to be held but prior to the casting of the ballots.</p> <p>(4) An individual who is eligible to vote, may appoint any person as a proxy to vote on the individual's behalf, if the individual appointing the proxy deposits with the returning officer at least 2 days before the day on which the vote is to be held the document under which the proxy is appointed.</p> <p>(5) A person may not act as a proxy for more than one individual in respect of the same vote.</p>	
<p>Producers that are not individuals</p> <p>18(1) Where a licensed producer is not an individual, that producer may, only in accordance with this section, exercise the rights referred to in section 16.</p> <p>(2) A licensed producer to which this section applies must appoint an individual to be the representative of the licensed producer.</p>		<p>8. Producers that are not Individuals</p> <p>8(1) Where a licensed producer is not an individual, that producer may, only in accordance with this section, exercise the rights referred to in Section 6.</p> <p>(2) A licensed producer to which this section applies must appoint an individual to be the representative of the licensed producer.</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(3) A representative appointed by a licensed producer under this section is to</p> <p>(a) represent that licensed producer in any matter pertaining to this Plan,</p> <p>(b) attend meetings on behalf of this licensed producer, and</p> <p>(c) vote and hold office, as the case may be, on behalf of the licensed producer.</p> <p>(4) If a licensed producer is</p> <p>(a) a corporation, it must appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,</p> <p>(b) a partnership, it must appoint an individual who is a partner or employee of the partnership as its representative, or</p> <p>(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.</p> <p>(5) An appointment of a representative under this section is to be</p> <p>(a) in writing, and</p>		<p>(3) A representative appointed by a licensed producer under this section is to:</p> <p>a) represent the licensed producer in any matter pertaining to the Plan, or these bylaws,</p> <p>b) attend meetings on behalf of the licensed producer, and</p> <p>c) vote and hold office, as the case may be, on behalf of the licensed producer.</p> <p>(4) If a licensed producer is</p> <p>a) a corporation, it must appoint an individual who is a director, shareholder, member officer or employee of the corporation as its representative,</p> <p>b) a partnership, it must appoint an individual who is a partner or employee of the partnership as its representative, or</p> <p>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.</p> <p>(5) An appointment of a representative under this section is to be</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(b) in the case where a vote is to be taken at a meeting, filed with the returning officer prior to the calling to order of the meeting at which a vote is to take place.</p> <p>(6) A representative of a licensed producer shall not cast a vote under this Plan unless the individual who is the representative</p> <p>(a) presents a document signed by the licensed producer indicating the name of the person who may vote for the licensed producer, or</p> <p>(b) makes a statutory declaration stating that the individual</p> <p>(i) is a representative of the licensed producer, and</p> <p>(ii) has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.</p> <p>(7) A statutory declaration made under subsection (6)(b) must be made in writing before the returning officer prior to the votes' being cast.</p> <p>(8) An individual cannot at any one time be a representative under this section for more than one licensed producer.</p>		<p>a) in writing, and</p> <p>b) in the case where a vote is to be taken at a meeting, filed with the returning office prior to the calling to order of the meeting at which a vote is to take place.</p> <p>(6) A representative of a licensed producer shall not cast a vote under the Plan, or these bylaws, unless the individual, who is the representative</p> <p>a) presents a document signed by the licensed producer indicating the name of the person who may vote for the licensed producer, or</p> <p>b) makes a statutory declaration stating that the individual</p> <p>(i) is a representative of the licensed producer, and</p> <p>(ii) has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.</p> <p>(7) A statutory declaration made under subsection (6)(b) must be made in writing before the returning officer prior to the votes being cast.</p> <p>(8) An individual cannot, at any one time, be a representative</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(9) A representative shall not vote or hold office before that person's appointment is filed in accordance with subsection (5). (10) A representative of a licensed producer who is eligible to vote may appoint any person as a proxy to vote on the representative's behalf if the representative appointing the proxy deposits with the returning officer at least 2 days before the day on which the vote is to be held the document under which the proxy is appointed. (11) A person may not act as a proxy for more than one representative in respect of the same vote.</p>		<p>under this section for more than one licensed producer. (9) A representative shall not vote or hold office before that person's appointment is filed in accordance with subsection (5). (10) A representative of a licensed producer who is eligible to vote may appoint any person as a proxy to vote on the representative's behalf if the representative appointing the proxy deposits, with the returning officer, at least 2 days before the day on which the vote is to be held, the document under which the proxy is appointed. (11) A person may not act as a proxy for more than one representative in respect of the same vote.</p>	
<p>Members of the Commission 19 The Commission is to consist of 7 members as follows: (a) 2 members elected from Alberta North; (b) 2 members elected from Alberta South; (c) 3 members elected at large.</p>	<p>Board of directors 13 The commission shall have a board of directors consisting of 7 directors as follows: (a) 2 directors from Alberta North, elected or appointed in accordance with the Plan and the bylaws; (b) 2 directors from Alberta South, elected or appointed in</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
	<p>accordance with the Plan and the bylaws; (c) 3 directors at large, elected or appointed in accordance with the Plan and the bylaws.</p>		
<p>Chair 20(1) The members of the Commission, at their first meeting following the election of members to the Commission, are to elect from the members of the Commission (a) a chair of the Commission, and (b) a vice-chair of the Commission. (2) Where the chair’s position becomes vacant, the vice-chair is to assume the position of chair and the members of the Commission are to elect from among themselves one member to serve as vice-chair. (3) During their term of office, the chair and vice-chair serve at the pleasure of the members of the Commission.</p>		<p>9.Chair of the Board 9(1) The directors of the Board, at the first meeting following the election of directors to the Board, are to elect from among themselves: (a) A chair of the Board, and (b) A vice-chair of the Board (2) Where the chair’s position becomes vacant, the vice-chair is to assume the position of chair and the directors are to elect from amongst themselves one director to serve as vice-chair. (3) During their term of office, the chair and vice-chair serve at the pleasure of the directors of the Board.</p>	<p>Moved to bylaws, the language has been streamlined.</p>
<p>Commission meetings 21 The Commission may, at the call of the chair or of not less than 3 members, conduct a</p>		<p>10. Board Meetings The Board may, at the call of the chair or of not less than 3</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
meeting of the members of the Commission.		members, conduct a meeting of the directors.	
<p>Quorum re meeting of members</p> <p>22 The quorum necessary for the conduct of business at a meeting of the members of the Commission is a majority of the Commission members then holding office.</p>		<p>11. Quorum re: Meeting of the Board</p> <p>The quorum necessary for the conduct of business at a meeting of the Board is a majority of the directors then holding office.</p>	Moved to bylaws, the language has been streamlined.
<p>Term of office</p> <p>23(1) Subject to subsection (2), each member of the Commission is to be elected for a term of 3 years.</p> <p>(2) The term of office of a member,</p> <p>(a) if elected at the annual meeting, commences on the conclusion of the annual meeting at which the member was elected, or</p> <p>(b) if elected at an area meeting commences on the conclusion of the next following annual meeting and expires on the conclusion of the annual meeting that takes place in the year that member's term of office is to expire.</p> <p>(3) A person shall not serve as a member of the Commission for more than 2 consecutive terms.</p>		<p>12. Terms of Office</p> <p>12(1) Subject to subsection (2), each director of the Board is to be elected for a term of 3 years.</p> <p>(2) The term of office of a director,</p> <p>a) if elected at the annual meeting, commences on the conclusion of the annual meeting at which the director was elected, or</p> <p>b) if elected at an area meeting commences on the conclusion of the next following annual meeting and expires on the conclusion of the annual meeting that takes place in the year that director's term of office is to expire.</p> <p>(3) A person shall not serve as a director of the Board for more than 2 consecutive terms.</p>	<p>Moved to bylaws, the language has been streamlined.</p> <p>Section 37 (Service for unexpired term of office) in the Plan Regulation is now subsection 12(5) under Terms of Office in the bylaws.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(4) Notwithstanding subsection (3), where a person has served as a member of the Commission for 2 consecutive terms, that person is once again eligible to serve as a member of the Commission once 3 years have expired from the conclusion of that person's last term of office.</p>		<p>(4) Notwithstanding subsection (3), where a person has served as a director of the Board for 2 consecutive terms, that person is once again eligible to serve as a director of the Board once 3 years have expired from the conclusion of that person's last term of office.</p> <p>(5) If a person fills a vacancy for an unexpired term of office that is for a period of less than 18 months, that term of office that is served by that person is not to be considered as a term of office for the purposes of subsection (2).</p>	
<p>Term of office re national or industry group or association 23.1(1) Notwithstanding section 23(3), a member, with the approval of Council, may be elected to serve an additional consecutive term in order to enable the Commission to fulfil its commitments to a national or industry group or association of which the Commission is a member. (2) Notwithstanding section 23(4), where a person is permitted under subsection (1)</p>		<p>13. Term of Office re: National or Industry group or Association 13(1) Notwithstanding Section 12(3), a director, with approval of Council, may be elected to serve an additional consecutive term in order to enable the Commission to fulfil its commitments to a national or industry group or association of which the Commission is a member. (2) Notwithstanding section 12(4), where a person is permitted under subsection (1) to serve as a director of the</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>to serve as a member of the Commission for an additional term, that person (a) is not eligible to serve as a member of the Commission for more than 9 consecutive years, and (b) is once again eligible to serve as a member of the Commission once 3 years have expired from the conclusion of that person's last term of office.</p>		<p>Board for an additional term, that person a) is not eligible to serve as a director of the Board for more than 9 consecutive years, and b) is once again eligible to serve as a director of the Board once 3 years have expired from the conclusion of that person's last term of office.</p>	
<p>Resignation and removal from office 24(1) A person who resigns as a member of the Commission ceases to be a member of the Commission on the day that the resignation takes effect. (2) A member of the Commission who ceases to be a licensed producer or a representative of a licensed producer during that person's term of office, ceases to be a member of the Commission effective on the day the producer ceases to be a licensed producer unless that person sooner resigns as a member. (3) Where a member of the Commission is absent from 3 consecutive meetings of the</p>		<p>14. Resignation and Removal from Office 14(1) A person who resigns as a director of the Board ceases to be a director of the Board on the day that the resignation takes effect. (2) A director of the Board who ceases to be a licensed producer or a representative of a licensed producer during that person's term of office, ceases to be a director of the Board effective on the day the producer ceases to be a licensed producer unless that person sooner resigns as a director. (3) When a vacancy occurs under this section the Board may appoint a licensed producer or</p>	<p>Moved to bylaws, the language has been streamlined.</p> <p>24(5) is covered in the Vacancies section in Plan Regulation so it's no longer required in this section of the Plan regulation or bylaws.</p> <p>Current section 24(3) of the Plan Regulation will move to section 15 (Removal from Office) in the Bylaws.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>Commission, without providing reasons that the Commission considers satisfactory, that person's position on the Commission as a member is deemed to be vacant at the conclusion of the 3rd consecutive meeting from which that person is absent.</p> <p>(4) When a vacancy occurs on the Commission under this section, the Commission may appoint, with the approval of the Council, a licensed producer or a representative of a licensed producer to fill the position from among the persons who are eligible to be elected to that position.</p> <p>(5) A person appointed under subsection (4) is to serve for that portion of the term that runs to the next annual meeting following the person's appointment, at which time</p> <p>(a) the person ceases to hold office, and</p> <p>(b) an election is to be held to fill the office for the unexpired portion, if any, of the term of the vacant position.</p>		<p>representative of a licensed producer to fill the position in accordance with section 17 of the Plan Regulation.</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>Removal from office 24.1 The Commission may, on a motion passed by 2/3 of the Commission members currently in office at a Commission meeting, remove a member from office if the member fails to abide by any of the Commission’s policies, administrative directives or orders.</p>		<p>15. Removal from Office 15(1) The Board may, at a board meeting, on a motion passed by 2/3 of the directors currently in office, remove a director from office if the director fails to abide by any of the Board’s policies, administrative directives or orders. (2) Where a director of the Board is absent from 3 consecutive meetings of the Board, without providing reasons that the Board considers satisfactory, that person’s position is deemed to be vacant at the conclusion of the 3rd consecutive meeting from which that person is absent. (3) When a vacancy occurs under this section the Board may appoint a licensed producer or representative of a licensed producer to fill the position in accordance with section 17 of the Plan regulation</p>	<p>Moved to bylaws, the language has been streamlined.</p> <p>Current section 24(3) of the Plan Regulation will move to section 15 (Removal from Office) in the Bylaws.</p> <p>Bylaws section 15(3) clarifies how do address a vacancy under this section.</p>
<p>Annual meetings 25 An annual meeting of the licensed producers is to be held (a) once in each year, and (b) within 15 months following the date of the commencement of the last annual meeting.</p>		<p>16. Annual Meetings 16(1) An annual meeting of the licensed producers is to be held by means as determined appropriate by the Board (i.e., virtual if deemed necessary) a) Once in each in year, and</p>	<p>Moved to bylaws, the language has been streamlined.</p> <p>Added the ability for the meeting to be held by any means as determined appropriate by the board, including virtually.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
		b) Within 15 months following the date of the commencement of the last annual meeting.	
<p>Special meetings 26(1) A special meeting of the licensed producers (a) may be called by the Council, (b) may be called by the Commission, and (c) must be called by the Commission on the written request of not less than 10% of the licensed producers.</p>		<p>17. Special Meetings 17(1) A special meeting of licensed producers (a) May be called by the Council, (b) May be called by the Board, and (c) Must be called by the Board on the written request of not less than 10% of the licensed producers.</p>	<p>Moved to bylaws, the language has been streamlined.</p>
<p>Area meetings 27(1) The Commission is to organize and finance one area meeting in each area within a reasonable period of time prior to the annual meeting of licensed producers. (2) The purpose of an area meeting, when required, is to elect a member of the Commission to represent the area.</p>		<p>18. Area Meetings 18(1) The Board is to organize and finance 2 area meetings (spring and fall) within each area, with the fall meeting being within a reasonable period of time prior to the annual meeting of licensed producers. (2) The purpose of an area meeting, when required, is to elect a member of the Commission to represent an area.</p>	<p>Moved to bylaws, the language has been streamlined.</p> <p>Clarifies that the Board organizes and finances 2 area meetings per year within each area.</p>
<p>Notification of meetings 28(1) The Commission is to set the time, place and date of annual meetings, special meetings and area meetings.</p>		<p>19. Notification of Meetings 19(1) The Board is to set the time, place and date of annual meetings, special meetings and area meetings.</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(2) Not less than 15 days prior to the day on which the meeting referred to in subsection (1) is to take place, the Commission is to send to all licensed producers who are entitled to vote on any matter at that meeting a written notice setting out the following:</p> <ul style="list-style-type: none"> (a) the time, place and date and purpose of the meeting; (b) if special or extraordinary business is to be transacted at the meeting, the nature of the business; (c) if the meeting is an area meeting, the names of the persons nominated up to the date of the notice who have been nominated to stand for election as members of the Commission to represent the area. (d) repealed AR 23/2009 s5. <p>(3) Any notice under subsection (2) may be conveyed to the licensed producer</p> <ul style="list-style-type: none"> (a) by ordinary mail sent to the licensed producer's last address shown on the records of the Commission, or (b) by facsimile, e-mail or other electronic means sent to the licensed producer's last 		<p>(2) Not less than 15 days prior to the day on which a meeting referred to in subsection (1) is to take place, the Commission is to send to all licensed producers who are entitled to vote on any matter at that meeting a written/electronic notice setting out the following:</p> <ul style="list-style-type: none"> a) The time, place, date and purpose of the meeting; b) If special or extraordinary business is to be transacted at the meeting, the nature of the business; c) If the meeting is an area meeting, the names of the persons nominated up to the date of the notice, who have been nominated to stand for election as directors to represent the area. <p>(3) Any notice under subsection (2) may be conveyed to the licensed producer</p> <ul style="list-style-type: none"> a) By ordinary mail sent to the licensed producer's last address shown on the records of the Commission, or b) by facsimile, e-mail or other electronic means sent to the licensed producer's last 	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
electronic address shown on the records of the Commission.		electronic address shown on the records of the Commission.	
<p>Quorum 29 The quorum necessary under this Plan, (a) in the case of an area meeting, is 10% of the licensed producers who reside within the area; (b) in the case of an annual meeting or special meeting, is 10% of the licensed producers.</p>		<p>20. Quorum The quorum necessary under the Plan and these bylaws, a) In the case of an area meeting, is 10% of the licensed producers who reside within the area; b) In the case of an annual meeting or special meeting, is 10% of the licensed producers.</p>	Moved to bylaws.
<p>Eligibility to vote 30(1) A person is eligible to vote (a) on any question put to a vote at an annual meeting or special meeting, or (b) in an election for a member, if the person (c) is a licensed producer or a representative of a licensed producer, or (d) is a person appointed by a licensed producer or a representative of a licensed producer as a proxy in accordance with section 17(4) or 18(10) and is present at the annual meeting or special meeting of the licensed producers.</p>	<p>Eligibility 16 A person who is eligible to vote, or who holds a proxy, pursuant to the bylaws, may vote only once for each director position open at an election, notwithstanding that the person may manage, operate, own, lease or hold equity in one or more operations licensed separately with the commission.</p>	<p>21. Eligibility to Vote 21(1) A person is eligible to vote a) On any question put to a vote at an annual meeting or special meeting, or b) In an election for a director, if the person c) Is a licensed producer or a representative of a licensed producer, or d) Is a person appointed by a licensed producer or a representative of a licensed producer as a proxy in accordance with section 7(4) or 8(10) And is present at the annual meeting, special meeting or area meeting of the licensed producers.</p>	Some subsections maintained in Plan Regulation and majority of subsections moved to bylaws, the language has been streamlined.

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(2) If a person who is appointed as a proxy is also a licensed producer or a representative of a licensed producer, that person is entitled to vote in that person’s own right as a licensed producer or as a representative of a licensed producer and on behalf of the individual who appointed that person as a proxy.</p> <p>(3) A person who is eligible to vote or who holds a proxy pursuant to section 17(4) or 18(10) may</p> <p>(a) vote once on each matter, and</p> <p>(b) in the case of an election of members of the Commission, vote for any number of candidates the person chooses, not exceeding the number of members to be elected to the Commission, notwithstanding that the person may manage, operate, own, lease or hold equity in one or more operations that are licensed separately with the Commission.</p> <p>(4) Notwithstanding subsection (1), a person who is eligible to vote in an election for a member at large may do so without being</p>		<p>(2) If a person who is appointed as a proxy is also a licensed producer or a representative of a licensed producer, that person is entitled to vote in that person’s own right as a licensed producer or a representative of a licensed producer and on behalf of the individual who appointed that person as a proxy.</p> <p>(3) Notwithstanding subsection (1), a person who is eligible to vote in an election for a director at large may do so without being in attendance at the annual meeting or special meeting at which the election is to be held if that person completes the ballot and forwards that completed ballot by mail or electronic means to the Commission’s office.</p> <p>(4) The returning officer is to consider any ballot forwarded to the Commission’s office under subsection (3) as being cast in the election if the ballot is received at least 3 days before the annual meeting or special meeting at which the election is to be conducted.</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>in attendance at the annual meeting or special meeting at which the election is to be held if that person completes the ballot and forwards that completed ballot by mail or by electronic means to the Commission's office.</p> <p>(5) The returning officer is to consider any ballot forwarded to the Commission's office under subsection (4) as being cast in the election if the ballot is received in the Commission's office at least 3 days before the annual meeting or special meeting at which the election is to be conducted.</p>			
<p>Election of area members 31(1) Subject to this Plan, the licensed producers who reside within an area are to elect the members to represent the area. (2) Nominations for candidates to represent an area must be made to the returning officer pursuant to subsection (3), prior to or during the area meeting. (3) A nomination for a candidate to represent an area as a member must</p>	<p>Election of area directors 14(1) Subject to the Plan and the bylaws, the licensed producers who reside within an area may elect the area directors to represent that area. (2) The election of a director to represent an area (a) is to be held at an area meeting, (b) notwithstanding clause (a), may be held at the annual meeting if</p>	<p>22. Nominations and Election of Area Directors to the Board 22(1) Nominations for candidates to represent an area must be made to the returning officer pursuant to subsection (2), prior to or during the area meeting. (2) A nomination for a candidate to represent an area as a director must a) Be in writing or on a form that is provided by or is satisfactory to the Commission, b) Name a licensed producer or a representative of a licensed</p>	<p>Some subsections maintained in Plan Regulation and some subsections moved to bylaws.</p> <p>Clarifying in the bylaws that the returning officer is responsible for forwarding the results of the election. Removing the requirement for the Chair to vote in the case of a tie. In the case of a tie vote this is dealt with in bylaws section 24 (Election Results).</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(a) be in writing or on a form that is provided by or is satisfactory to the Commission,</p> <p>(b) name a licensed producer or a representative of a licensed producer from the area in respect of which the nomination is being made,</p> <p>(c) be made only by a licensed producer who resides within the area in respect of which the nomination is being made, and</p> <p>(d) be accompanied by or have endorsed on the written nomination the consent of the person being nominated.</p> <p>(4) One of the current members of the Commission representing the area must be the chair of the area meeting unless that member is a candidate for election as a member of the Commission representing the area, in which case a chair is to be elected from among those licensed producers present at the meeting who are not candidates in that election.</p> <p>(5) The chair of the area meeting (a) is to vote only in the case of a tie, and</p>	<p>(i) no nominations were received prior to or during the area meeting, or</p> <p>(ii) the Council has determined pursuant to section 19 that an area election is void,</p> <p>(c) is to be determined by votes cast by licensed producers, or on behalf of licensed producers, who reside in the area in respect of which the vote is being held, and</p> <p>(d) is to be conducted by means of a secret ballot.</p>	<p>producer from the area in respect of which the nomination is being made,</p> <p>c) Be made only by a licensed producer who resides within the area in respect of which the nomination is being made, and</p> <p>d) Be accompanied by or have endorsed on the written nomination the consent of the person being nominated.</p> <p>(3) One of the current directors of the Board representing the area must be the chair of the area meeting unless that director is a candidate for election as a director of the Board representing the area, in which case a chair is to be elected from among those licensed producers present at the meeting who are not candidates in that election.</p> <p>(4) The returning officer must forward the results of the election held at the area meeting to the Board within 5 days from the day that the area meeting was held, together with a signed statement affirming that the requirements of this section have been met.</p>	

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(b) must forward the results of the election held at the area meeting to the Commission within 5 days from the day that the area meeting was held, together with a signed statement affirming that the requirements of this section have been met.</p> <p>(6) The election for a member to represent an area</p> <p>(a) is to be held at the area meeting;</p> <p>(b) may, notwithstanding clause (a), be held at the annual meeting if</p> <p>(i) no nominations were received prior to or during the area meeting, or</p> <p>(ii) the Council has determined pursuant to section 36 that an area election is invalid;</p> <p>(c) is to be determined by votes cast only by persons, or on behalf of persons, who reside in the area in respect of which the vote is being held;</p> <p>(d) is to be conducted by means of a secret ballot.</p>			
<p>Election of members at large 32(1) Three members of the Commission are to be elected by</p>	<p>Election of directors at large 15 At each annual meeting of the commission, at least one director</p>	<p>23. Nominations and Election of Directors at Large to the Board 23(1) Nominations for Director at Large positions are to be received</p>	<p>Some subsections maintained in Plan Regulation and some subsections moved to bylaws.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>means of a secret ballot as members at large, (a) one of whom is to be elected at each annual meeting, and (b) for whom nominations are to be received by the Commission from the floor of each area meeting in accordance with subsection (2) or who are nominated at the annual meeting of the Commission.</p> <p>(2) A person may be nominated for election as a member at large of the Commission at an area meeting if</p> <p>(a) that person is a licensed producer or a representative of a licensed producer, and</p> <p>(b) that person has consented to be nominated.</p>	<p>at large is to be elected by means of a secret ballot.</p>	<p>by the returning officer from the floor of each area meeting in accordance with subsection (2) or at the annual meeting of the Commission.</p> <p>(2) A person may be nominated for election as a director at large of the Board at an area meeting or at an annual meeting if;</p> <p>a) that person is a licensed producer or a representative of a licensed producer, and</p> <p>b) that person has consented to be nominated.</p>	
<p>Vacancy</p> <p>32.1 If a vacancy occurs on the Commission or if no nominations are received to elect a commission member, the Commission may, with the approval of the Council, appoint an individual to fill the position from among the eligible producers.</p>	<p>Vacancies</p> <p>17(1) If a vacancy occurs on the board, the remaining directors, in accordance with the bylaws and with the approval of the Council, may appoint an individual from among the licensed producers who are eligible to be elected to the board to act as a director until the next annual meeting of producers.</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p> <p>Better clarifies that the appointment runs to the next annual meeting, at which time an election is to be held for the unexpired portion of the term.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
	(2) At the next annual meeting of producers following the appointment of an individual under subsection (1), the position must be filled by holding an election in accordance with the Plan and the bylaws for the unexpired portion of the term.		
<p>Election results</p> <p>33(1) In the case of an election held under section 31 or 32, (a) the candidate receiving the largest number of votes in the election is the person who is elected to the position for which the election is held, but (b) if only one person is nominated for the position that is to be filled, that person is deemed to have been elected to the position.</p> <p>(2) In the case of an election held under section 32, if a tie vote occurs among the candidates receiving the most votes, the returning officer, immediately following the tabulation of the votes, is to conduct a draw of names of the tied candidates and the candidate whose name is drawn is deemed to have been elected.</p>		<p>24. Election Results</p> <p>24(1) In the case of an election held under section 22 and 23 “Area” and “At Large” Board Members</p> <p>a) The candidate receiving the largest number of votes in the election is the person who is elected to the position for which the election is held, but</p> <p>b) If only one person is nominated for the position that is to be filled, that person is deemed to have been elected to the position.</p> <p>(2) In the case of an election held under section 22 and 23, if a tie vote occurs among the candidates receiving the most votes, the returning officer, immediately following the tabulation of the votes, is to conduct a draw of names of the tied candidates and the</p>	<p>Maintained in Plan Regulation, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
		candidate whose name is drawn is deemed to have been elected.	
<p>Returning officer 34(1) The Commission must appoint a returning officer for the purpose of and in connection with any election or vote taken under this Plan. (2) The returning officer is to (a) compile and maintain a voters list of persons who are entitled to vote under this Plan; (b) ensure that each person who votes in an election is on the voters list, has signed a declaration pursuant to section 17 or 18 or has been appointed as a proxy pursuant to section 17(4) or 18(10); (c) permit scrutiny by a scrutineer of all the actions of the returning officer in respect of the conduct of an election held under this Plan.</p> <p>(3) Unless otherwise directed by the Council, no 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.</p>		<p>25. Returning Officer 25(1) The Board must appoint a returning officer for the purpose of and in connection with any election or vote taken under the Plan, and these bylaws. (2) The returning officer is to a) compile and maintain a voters list of persons who are entitled to vote under the Plan and these bylaws, b) ensure that each person who votes is on the voters list, has signed a declaration pursuant to section 7 or 8 or has been appointed as a proxy pursuant to section 7(4) of 8(10); c) permit scrutiny by a scrutineer of all the actions of the returning officer in respect of the conduct of an election held under the Plan or these bylaws. (3) Unless otherwise directed by the Council, no person shall destroy and records or ballots in respect of a vote or election held under the Plan or these bylaws until 90 days have elapsed from the day on which the vote was taken.</p>	<p>Moved to bylaws, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>Result of invalid election 35(1) If an election is held under this Plan and there is in attendance at the meeting at which the election is held an insufficient number of persons who are eligible to vote at the election,</p> <ul style="list-style-type: none"> (a) the election is void, and (b) the position for which the election was held is vacant. <p>(2) Notwithstanding that a position is vacant under subsection (1), the term of office of the position is deemed to have commenced as if a person had been elected to the position.</p> <p>(3) If a position is vacant under subsection (1), the Commission may, with the approval of the Council, fill the position by appointing, from persons eligible to be elected to that position, a person to fill that position.</p> <p>(4) A person appointed under subsection (3) is to serve for that portion of the term that runs to the next annual meeting following the person's appointment, at which time</p> <ul style="list-style-type: none"> (a) the person ceases to hold office, and 	<p>Insufficient attendance 18(1) If an election is held under the Plan and the bylaws and there is in attendance at the meeting at which the election is held an insufficient number of licensed producers who are eligible to vote at the election,</p> <ul style="list-style-type: none"> (a) the election is void, and (b) the position for which the election was held is vacant. <p>(2) Notwithstanding that a position is vacant under subsection (1), the term of office of the position is deemed to have commenced as if an individual had been elected to the position.</p> <p>(3) If a position is vacant under subsection (1), the commission, in accordance with the bylaws and with the approval of the Council, may fill the position by appointing an individual to fill that position, from among the licensed producers who are eligible to be elected to that position.</p> <p>(4) An individual appointed under subsection (3) is to serve for that portion of the term that runs to the next annual meeting</p>		<p>Maintained in Plan Regulation, the language has been streamlined.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>(b) an election shall be held to fill the office for the unexpired portion, if any, of the term of the vacant position.</p>	<p>following the individual's appointment, at which time</p> <p>(a) the individual ceases to hold office, and</p> <p>(b) an election shall be held to fill the office for the unexpired portion, if any, of the term of the vacant position.</p>		
<p>Controverted election</p> <p>36(1) If a licensed producer</p> <p>(a) questions</p> <p>(i) the eligibility of a candidate,</p> <p>(ii) the eligibility of a voter,</p> <p>(iii) any matter relating to a ballot or the tabulation of ballots, or</p> <p>(iv) any irregularity with respect to the conduct of an election, and</p> <p>(b) seeks to have the election declared invalid and the position declared vacant, that person must, 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.</p> <p>(2) If, within the 30-day period referred to in subsection (1), the Council has not received an application under subsection (1),</p>	<p>Election irregularities</p> <p>19(1) If a licensed producer</p> <p>questions</p> <p>(a) the eligibility of a candidate,</p> <p>(b) the eligibility of a voter,</p> <p>(c) any matter relating to a ballot or the tabulation of ballots, or</p> <p>(d) any other irregularity with respect to the conduct of an election,</p> <p>that licensed producer, not later than 30 days after the day of the election, may apply in writing to the Council to have the election declared void and the position declared vacant.</p> <p>(2) If the Council has not received an application under subsection (1) within the 30 day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.</p>		<p>Maintained in Plan Regulation, the language has been streamlined and aligned with other Plan Regulations.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>a person elected at that election is deemed to be duly elected.</p> <p>(3) On receipt of an application under subsection (1), the Council must consider the matter and may</p> <p>(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,</p> <p>(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,</p> <p>(i) the basis for application did not materially affect the result of the election, and</p> <p>(ii) the election was conducted substantially in accordance with this Plan and the Act,</p> <p>or</p> <p>(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.</p> <p>(4) Notwithstanding that an election is declared void and a position is declared vacant under</p>	<p>(3) The Council shall not consider an application under subsection (1) that is not received by the Council within the 30 day period after the day of the election.</p> <p>(4) On receipt of an application under subsection (1), the Council must consider the matter and may</p> <p>(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,</p> <p>(b) declare the election to be proper and the position filled if, in the opinion of the Council,</p> <p>(i) the basis for application did not materially affect the result of the election, and</p> <p>(ii) the election was conducted substantially in accordance with the Plan, the bylaws and the Act,</p> <p>or</p> <p>(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.</p>		

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
<p>subsection (3)(c), the term of office of the position declared vacant is nevertheless deemed to have commenced on the day that the term of office would have commenced if the election had not been voided.</p> <p>(5) If the Council declares an election to be void and the position vacant, the Council may</p> <p>(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</p> <p>(b) appoint, from among the persons who are eligible to be elected to the position, a person to fill the vacant position.</p> <p>(6) A person elected under subsection (5)(a) is to hold office for the unexpired portion of the term.</p> <p>(7) A person appointed under subsection (5)(b) is to serve for that portion of the term that runs to the next annual meeting following that person's appointment, at which time</p> <p>(a) that person ceases to hold office, and</p>	<p>(5) If the Council declares an election to be void and the position vacant, the Council may</p> <p>(a) order that, within the time that the Council considers proper, a special commission meeting be held and an election conducted to fill the vacant position for the unexpired portion of the term, or</p> <p>(b) notify the commission that the position is vacant and that the commission may appoint an individual to fill the vacant position in accordance with section 17.</p> <p>(6) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position is deemed to have commenced as if an individual had been elected to the position.</p>		

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
(b) an election is to be held to fill the unexpired portion, if any, of the term.			
<p>Service for unexpired term of office 37 When, pursuant to section 24, 35 or 36, a person fills a vacancy for an unexpired term of office that is for a period of less than 18 months, that unexpired term of office that is served by that person is not to be considered as a term of office for the purposes of section 23(2).</p>		<p>12. Terms of Office ... (5) If a person fills a vacancy for an unexpired term of office that is for a period of less than 18 months, that term of office that is served by that person is not to be considered as a term of office for the purposes of subsection (2).</p>	<p>Moved to bylaws as a provision under Term of Office section, the language has been streamlined.</p>
38 Repealed AR 7/2014 s6.			
<p>Review 39 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before March 31, 2024.</p>	<p>Review 20 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before March 31, 2031.</p>		<p>Maintained in Plan Regulation with updated review date.</p>
	<p>Transitional 21 Where an individual is a director of the commission immediately before the coming into force of this Regulation, that individual continues to be a director until the expiry of that individual’s term of office in accordance with the Plan and the bylaws unless</p>		<p>In the Plan, this clarifies that directors remain in place upon the coming into effect of this regulation.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
	(a) the individual is removed or resigns from office, or (b) the bylaws reduce the term of office for that position.		
Repeal 40 The Potato Growers of Alberta Plan Regulation (AR 274/97) is repealed.	Repeal 22 The Potato Growers of Alberta Plan Regulation (AR 291/2002) is repealed.		Maintained in Plan Regulation with updated repealed regulation.
		26. Bylaw Amendments, Repeal or Replacement 26(1) The repeal or amendment or a new bylaw relating to the requirements of the Act may be initiated by; a) A motion of the Board, or b) Upon the request of Council (2) Subject to the requirements of the Act, these bylaws may be amended or repealed by the Board upon a 2/3 majority vote of producers during an annual general meeting or special general meeting or through whatever means determined appropriate by the Board. (3) A bylaw, including an amendment or repeal, is not effective until it is approved by Council. (4) Notwithstanding subsection (2), a bylaw can be changed by the Board, without materially	New Section in bylaws to support the administration and management of the bylaws.

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
		<p>affecting the bylaw in principle or substance, under the following conditions:</p> <ul style="list-style-type: none"> a) to correct clerical, technical, grammatical or typographical errors in a bylaw, b) to bring out more clearly what is considered to be the meaning of a bylaw, or c) improve the expressing of the law under the Act or associated regulations without requiring approval from producers or Council. <p>(5) The <i>Regulations Act</i> does not apply to these bylaws.</p> <p>(6) As soon as the bylaws have been approved by Council, the Commission must provide a copy of these bylaws, including any amendments to these bylaws, to producers, processors, and any person regulated by the Commission, in any manner the Commission considers appropriate.</p>	
		<p>27. Conflicts These bylaws form a part of the Plan to the extent that they do not conflict with the Act, the Plan and the Commission Regulation. If there is a conflict between</p>	<p>New Section in bylaws to support the administration and management of the bylaws.</p>

Current Plan Regulation	Proposed Wording of New Plan Regulation	Proposed Wording of New Bylaws	Information or Rationale
		these bylaws, the Act, or any regulation made under the Act, the Act and the regulations prevail.	
		<p>28. Review In compliance with the ongoing review cycle of regulations, these bylaws must be reviewed on or before March 31st, _____</p> <p>ENACTED by the Commission Board this ____ day of _____, 2024.</p> <p>_____, Chair of the Potato Growers of Alberta Board</p>	New Section in bylaws to support the administration and management of the bylaws.