

EC2010-74

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2008/09)
EMPLOYEE BENEFITS

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for Employee Benefits as follows:

Account Class	Account Name	Amount
	EMPLOYEE BENEFITS	
	EMPLOYEES FUTURE BENEFITS	
0146-03142	Accrued Vacation Leave	\$2,002,900.00
	GOVERNMENT PENSION CONTRIBUTION	
0147-02724	Interest on Unfunded Pension Liabilities	2,926,000.00
0147-03103	Civil Service Pension Plan	<u>1,598,400.00</u>
		<u>\$6,527,300.00</u>

EC2010-75

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2008/09)
DEPARTMENT OF INNOVATION AND ADVANCED LEARNING

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Innovation and Advanced Learning as follows:

Account Class	Account Name	Amount
	LABOUR MARKET DEVELOPMENT	
0982-02806	Computer Equipment	<u>\$582,500.00</u>

Further, Council noted that this amount is fully offset by revenue from the federal government under the terms of a supplementary agreement to the Labour Market Development Agreement.

EC2010-76

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2008/09)
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Transportation and Public Works as follows:

Account Class	Account Name	Amount
	HIGHWAY MAINTENANCE OPERATIONS	
	Provincial Highway Maintenance Operations	
	<i>Materials Supplies Services</i>	
0284-02921	Sand	<u>\$324,400.00</u>

EC2010-77

NATURAL PRODUCTS MARKETING ACT
HOG COMMODITY MARKETING REGULATIONS
AMENDMENT

Pursuant to section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. Section 1 of the *Natural Products Marketing Act* Hog Commodity Marketing Regulations (EC275/76) is amended by the revocation of clause (d).

2. Section 8 of the regulations is revoked and the following substituted:

8. (1) The board shall consist of not less than four and not more than six members and the number of members shall be decided before each election of the members of the board by majority vote of the registered producers attending an annual meeting, or a special meeting, at which the election is held. *Membership*

(2) Members of the board shall be elected at large from among the registered producers resident in Prince Edward Island. *Idem*

(3) For greater certainty, the persons who are members of the board on the date this section comes into force continue to be members of the board until their current terms expire and their successors assume office. *Current members, transitional*

3. Section 9 of the regulations is revoked.

4. Section 10 of the regulations is revoked.

5. (1) Subsection 11(1) of the regulations is amended by the deletion of the words “in each county by mailed ballot” and the substitution of the words “attending an annual meeting, or a special meeting, at which an election is held”.

(2) Subsections 11(2) to (8) of the regulations are revoked and the following substituted:

- (2) The board shall appoint a returning officer to conduct the election. Returning officer
- (3) At least 10 days prior to the date set by the Board for the election, the Returning Officer shall provide notice to the registered producers of the holding of the election Notice
- (a) by mailing a notice of the date, time and location of the election to each registered producer; or
- (b) by causing a notice of the date, time and location of the election to be published in at least two daily newspapers circulated in the province.
- (4) At least 30 days before the date of an election, the board shall establish a nominating committee comprised of at least three registered producers, one of whom shall be a member of the board, and the committee shall, Nominating committee
- (a) prior to the annual meeting, or a special meeting, at which the election is to be held, identify the registered producers who have agreed to be nominated for election to the board; and
- (b) at the annual meeting, or a special meeting, at which the election is to be held,
- (i) present a report, listing the registered producers who have agreed to be nominated for election to the board, to the registered producers and the representatives of registered producers attending the meeting, and
- (ii) accept nominations for registered producers who have agreed to be nominated for election to the board.
- (5) A registered producer does not need to be present to be nominated or elected at an annual meeting, or a special meeting, at which an election is being held if the registered producer is listed on the report presented to registered producers at the meeting in accordance with subsection (4). Form of nomination
- (6) If, at the annual meeting, or a special meeting, at which an election is to be held, no nominations are received by the nominating committee, each current member of the board whose term of office expires at the end of the month in which the meeting is held is deemed to have been re-elected at the meeting as a member of the board for the ensuing term of office. No nominations received
- (7) If, at the annual meeting, or a special meeting, at which an election is to be held, not more than one nomination is received by the nominating committee for each position on the board currently held by a member whose term of office expires at the end of the month in which the meeting is held, each nominated registered producer is deemed to have been elected at the meeting as a member of the board for the ensuing term of office. Single nominee for each available position on the board
- (8) If, at the annual meeting, or a special meeting, at which an election is to be held, fewer nominations are received by the nominating committee than the number of positions on the board that are currently held by members of the board whose term of office expires at the end of the month in which the meeting is held, each nominated registered producer is deemed to have been elected at the meeting as a member of the board for the ensuing term of office. Insufficient nominees for available positions on board
- (8.1) In the situation described in subsection (8), the Returning Officer shall determine, by random selection, which of the current members of the board whose term of office expires at the end of the month in which the meeting is held are to be replaced by the new members who are deemed under that subsection to have been elected to the board. Idem
- (8.2) Any current member of the board whose term of office expires at the end of the month in which the meeting is held is deemed Idem
- (a) not to have been re-elected at the meeting if the member was selected by the Returning Officer under subsection (8.1); and
- (b) to have been re-elected at the meeting if the member was not selected by the Returning Officer under subsection (8.1).

(8.3) If, at the annual meeting, or a special meeting, at which an election is to be held, more nominations are received by the nominating committee than the number of positions on the board that are currently held by members whose term of office expires at the end of the month in which the meeting is held, the Returning Officer shall proceed with the election for those positions, which shall be conducted by secret ballot.

Election by secret ballot

6. (1) Subsection 12(1) of the regulations is amended

(a) by the deletion of the words “in the county”; and

(b) by the addition of the words “at an election” after the words “cast a ballot”.

(2) Subsection 12(2) of the regulations is revoked and the following substituted:

(2) Every registered producer referred to in subsection (1) is entitled to one vote for each position on the board to be filled at an election.

Voting

(2.1) For greater certainty, a registered producer that is a family farm corporation, family farm partnership, cooperative, syndicate or other business group formed or existing for the purpose of jointly acquiring or administering assets, shall be entitled to one vote only for each position on the board to be filled at an election, and such vote shall be cast by the representative of the registered producer who is named by the registered producer in writing to the board before the election.

Voting by corporation, etc.

(3) Subsection 12(4) of the regulations is revoked and the following substituted:

(4) The Returning Officer shall deliver a ballot bearing the name of each candidate nominated for election to

Ballot

- (a) each registered producer who
 - (i) is attending the meeting at which the election is being held, and
 - (ii) has not named a person as the representative of the registered producer in accordance with subsection (3); and
- (b) each person named who
 - (i) is attending the meeting at which the election is being held, and
 - (ii) has been named as the representative of a registered producer in accordance with subsection (3).

(4) Subsections 12(5) to (7) of the regulations are revoked.

(5) Subsection 12(8) of the regulations is amended by the deletion of the words “opening and”.

(6) Subsections 12(12) to (14) of the regulations are revoked.

(7) Subsection 12(15) of the regulations is revoked and the following substituted:

(15) Immediately after an election, the Returning Officer shall count the ballots cast at the election in the presence of the scrutineers and witnesses, and, immediately after the completion of the count, the Returning Officer shall announce the result of the vote to the scrutineers, witnesses and registered producers attending the annual meeting, or a special meeting, at which the election is held.

Counting

- (15.1) The Returning Officer shall, within ten days after an election,
 - (a) complete a written report of the results of the election, bearing the signatures of the scrutineers and witnesses at the election; and
 - (b) file the report with the Board and the Council.

Report on election

7. Section 15 of the regulations is amended

(a) in subsection (1), by the deletion of the words “from that county”; and

(b) by the revocation of subsection (2).

8. Clause 20(g) of the regulations is amended

(a) by the deletion of the words “by county”; and

(b) by the deletion of the words “resident in that county”.

9. Clause 22(c) of the regulations is amended by the deletion of the words “the registered producers of his county” and the substitution of the words “registered producers”.

10. Subsection 31(1) of the regulations is amended by the deletion of the words “by county”.

11. (1) Subsection 32(1) of the regulations is revoked and the following substituted:

32. (1) The board shall call an annual meeting of the registered producers within three months of the end of the fiscal year of the board at such time and on such date and at such place as the board determines. Annual meeting

(2) Subsection 32(2) of the regulations is revoked.

(3) Subsection 32(3) of the regulations is amended by the deletion of the words “or at each annual county meeting”.

12. Section 34 of the regulations is amended by the deletion of the words “special, annual or county meeting” and the substitution of the words “special or annual meeting”.

13. These regulations come into force on February 13, 2010.

EXPLANATORY NOTES

SECTION 1 revokes the definition of “county” from the definition section.

SECTION 2 allows registered producers attending a meeting at which an election is being held to determine the number of members on the board, which shall not be less than four and not more than six. Removes the need for registered producers to be from a certain county to be elected to the board. The section also sets out that the current members of the board continue to be members of the board until their current terms expire and their successors assume office.

SECTIONS 3 and 4 removes the requirement that a producer be registered in the county in which the producer seeks to vote. The section also removes a provision that states a registered producer that is a partnership, corporation, cooperative or syndicate of any type shall be entitled to only one vote. Under section 6 of these amendments, this provision is moved to subsection 12(2.1) of the regulations.

SECTION 5 provides that the board appoint a returning officer to conduct an election, a nominating committee to provide a list of the registered producers that have agreed to be nominated for election to the board, and the notification, nomination and election process to be followed. If no nominations are received the current members of the board are deemed to have been re-elected.

SECTION 6 removes references to county which will no longer be used, provides for producers whose names appear on the register of producers to cast a ballot for each vacant position, and for corporations, partnerships, cooperatives, syndicates or other business groups to cast only one vote for each vacancy by a representative. The section also states that the election be by secret ballot and the ballots must be counted by the Returning Officer.

SECTION 7 removes references to county which will no longer be used.

SECTION 8 removes references to county as counties are no longer used to determine eligibility of a producer to serve on the board or to vote for a member of the board.

SECTION 9 removes the requirement that a member of the board only represent the registered producers of the member's county.

SECTION 10 provides that the register of producers kept by the secretary of the board does not have to list the producers by county.

SECTION 11 removes a requirement that the board call annual meetings or producers in each county.

SECTION 12 removes the reference to county meetings which are no longer required.

SECTION 13 provides for the commencement of these regulations.

EC2010-78

PHARMACEUTICAL INFORMATION ACT GENERAL REGULATIONS AMENDMENT

Pursuant to section 6 of the *Pharmaceutical Information Act* R.S.P.E.I. 1988, Cap. P-5.2, Council made the following regulations:

1. Section 9 of the *Pharmaceutical Information Act* General Regulations (EC211/07) is amended

(a) in clause (c), by the deletion of the words "drugs are" and the substitution of the words "drug is"; and

(b) by the addition of the following after clause (c):

(c.1) the date the drug is retrieved from the pharmacy by the patient or a person acting on the patient's behalf;

2. Schedule B of the regulations is amended by the addition of the words "Prince Edward Island Research Ethics Board" immediately before the words "University of Prince Edward Island Research Ethics Board".

3. These regulations come into force on February 13, 2010.

EXPLANATORY NOTES

SECTION 1 amends a plural reference to drugs to make the term singular, and adds a provision that states when a pharmacist is dispensing any drug, the pharmacist is to record with the Pharmaceutical Information Program the date the drug is retrieved from the pharmacy by the patient or a person acting on the patient's behalf.

SECTION 2 adds the Prince Edward Island Research Ethics Board to the list of acceptable research ethics boards in Schedule B of the regulations.

SECTION 3 provides for the commencement of these regulations.

EC2010-79**PLANT HEALTH ACT
POTATOES REGULATIONS AMENDMENT**

Pursuant to section 6 of the *Plant Health Act* R.S.P.E.I. 1988, Cap. P-9.1, Council made the following regulations:

1. Clause 17(1)(b) of the *Plant Health Act* Potatoes Regulations (EC138/95) is revoked and the following substituted:

(b) that has a post-harvest test level not exceeding 6%; and

2. Clause 17(1)(b) of the regulations is revoked and the following substituted:

(b) that has a post-harvest test level not exceeding 3%; and

3. (1) Subject to subsection (2), these regulations come into force on February 13, 2010.

(2) Section 2 of these regulations comes into force on August 1, 2010.

EXPLANATORY NOTES

The amendment changes the post-harvest test level for all varieties of potatoes that may be planted between the date these regulations come into force and August 1, 2010. The post-harvest test level for all varieties of potatoes is increased from 3% to 6% for the specified time only.

EC2010-80**PUBLIC DEPARTMENTS ACT
ACTING MINISTERS
APPOINTMENTS**

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

Honourable Neil LeClair to be Acting Minister of Transportation and Infrastructure Renewal from February 9 to 12, 2010; Honourable George Webster to be Acting Minister of Transportation and Infrastructure Renewal from February 13 to 15, 2010; and Honourable Neil LeClair to be Acting Minister of Transportation and Infrastructure Renewal on February 16, 2010 and continuing for the duration of the absence from the Province of Honourable Ron MacKinley.