

# BILL

No. 34

## An Act respecting Saskatchewan Crop Insurance Corporation

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(Assented to )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### PART I

#### Short Title and Interpretation

##### Short title

1 This Act may be cited as *The Saskatchewan Crop Insurance Corporation Act*.

**Interpretation**

**2** In this Act:

- (a) **“actual yield”** means the yield of a crop insured under a contract of crop insurance as that yield is determined by the board in the prescribed manner;
- (b) **“agreement”** means an agreement entered into pursuant to section 3;
- (c) **“agricultural product”** means a prescribed agricultural product or category of agricultural products;
- (d) **“agricultural product insurance”** means:
  - (i) insurance against loss with respect to an insured agricultural product caused by a prescribed peril;
  - (ii) insurance against the occurrence or non-occurrence of any prescribed climatic event that has the potential to cause loss to an insurable agricultural product; and
  - (iii) insurance respecting fluctuations in the price of an insured agricultural product;
- (e) **“AgriStability”** means the margin-based income stabilization program established pursuant to Part III of Growing Forward: A Federal-Provincial-Territorial Framework Agreement on Agriculture, Agri-Food and Agri-Based Products Policy entered into on or about March 25, 2008 by the Government of Canada with the Government of Saskatchewan and certain other provinces and territories of Canada, as amended from time to time, and includes subsequent agreements, as amended from time to time, entered into between the Government of Canada and the Government of Saskatchewan with respect to the margin-based income stabilization program;
- (f) **“board”** means the board of directors established pursuant to section 9;
- (g) **“corporation”** means the Saskatchewan Crop Insurance Corporation continued pursuant to section 5;
- (h) **“crop insurance”** means:
  - (i) insurance against loss with respect to an insured crop caused by drought, flood, hail, wind, frost, lightning, excessive rain, snow, hurricane, tornado, wildlife, accidental fire, insect infestation, plant disease or any other prescribed peril; and
  - (ii) insurance against the occurrence or non-occurrence of any prescribed climatic event that has the potential to cause loss to an insurable crop;
- (i) **“Crown”** means the Crown in right of Saskatchewan;
- (j) **“estimated yield”** means estimated yield as determined by the corporation using:
  - (i) remote sensing technology; or
  - (ii) any other prescribed method;

- (k) **“insurable agricultural product”** means any prescribed agricultural product;
- (l) **“insurable crop”** means any prescribed agricultural crop;
- (m) **“insurable person”** means:
  - (i) with respect to crop insurance, the operator of a farm, as defined in the regulations, who has an insurable interest in an insurable crop on that farm;
  - (ii) with respect to agricultural product insurance, a person who has an insurable interest in an insurable agricultural product;
- (n) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (o) **“prescribed”** means prescribed in the regulations.

## PART II

### **Agricultural Income Stabilization Program**

#### **Agreement**

**3** Subject to section 4, the Lieutenant Governor in Council may authorize the minister to enter into agreements with the Government of Canada respecting the establishment or operation of an agricultural income stabilization program.

#### **Agricultural income stabilization program**

- 4(1)** In this section, **“producer”** means a person who:
- (a) produces an agricultural product in Saskatchewan; and
  - (b) meets the eligibility criteria set out in an agreement or prescribed in the regulations.
- (2) Each agreement respecting an agricultural income stabilization program must:
- (a) provide terms and conditions of producer eligibility;
  - (b) provide procedures for:
    - (i) contributions and withdrawals to be made by producers; and
    - (ii) contributions to be made by the Government of Canada and the Government of Saskatchewan;
  - (c) provide for the calculation of benefits;
  - (d) provide for the administration of the program; and
  - (e) contain any prescribed elements.

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PART III

**Saskatchewan Crop Insurance Corporation**

**Saskatchewan Crop Insurance Corporation continued**

5(1) The Saskatchewan Crop Insurance Corporation is continued.

(2) The corporation is a Treasury Board Crown corporation within the meaning of *The Crown Corporations Act, 1993*.

**Objects of corporation**

6 The objects of the corporation are:

- (a) to engage in the business of crop insurance and agricultural product insurance;
- (b) to administer any agricultural income stabilization program established or operated pursuant to an agreement entered into by the minister in accordance with section 3;
- (c) to administer any program, and any account for the purposes of that program, that the corporation is appointed to administer pursuant to clause 26(1)(b) of *The Farm Financial Stability Act*;
- (d) to research and analyse issues, trends and strategies related to crop insurance, agricultural product insurance, agricultural income stabilization programs and any other programs that the corporation is appointed to administer pursuant to clause 26(1)(b) of *The Farm Financial Stability Act*; and
- (e) to do any other prescribed thing.

**Powers of corporation**

7 To further its objects, the corporation may:

- (a) with respect to the business of crop insurance and agricultural product insurance:
  - (i) if, in the opinion of the board, sufficient actuarial data is available, insure insurable persons under any plans of:
    - (A) crop insurance authorized by the corporation;
    - (B) agricultural product insurance authorized by the corporation;
  - (ii) fix any rates for premiums for insurance that the corporation considers sufficient to cover claims arising from a contract of crop insurance or agricultural product insurance, having regard to the payments provided for in subsection 20(4), and provide as expeditiously as possible a reasonable reserve against unforeseen losses;
  - (iii) allow any discounts of premiums and assess any surcharge and interest charges with respect to premiums that may be considered necessary by the corporation;
  - (iv) attach terms and conditions to the payment of premiums and determine the manner of their collection;
  - (v) enter into a contract of crop insurance or agricultural product insurance with an insurable person and adjust and pay claims for losses in accordance with the regulations;

- (vi) determine the indemnity payable:
  - (A) in the case of crop insurance, with respect to each of the following components as the case may require:
    - (I) the actual yield of an insured crop;
    - (II) the estimated yield of an insured crop;
    - (III) the occurrence or non-occurrence of an insurable climatic event;
  - (B) in the case of agricultural product insurance, in accordance with the regulations;
- (vii) conduct research, surveys and investigations relating to crop insurance or agricultural product insurance and assemble data for the purpose of establishing a sound actuarial basis for crop insurance or agricultural product insurance;
- (viii) refuse to issue a contract of crop insurance or agricultural product insurance to an insurable person on any grounds that the corporation considers appropriate;
- (ix) make any determinations, including the determination of any rules, procedures, formulae or calculations, that:
  - (A) are not set out in a contract of crop insurance or agricultural product insurance, this Act or the regulations; and
  - (B) in the opinion of the corporation, are necessary to engage in the business of crop insurance or agricultural product insurance;
- (b) charge any administrative fee to a person that, in the opinion of the board, is necessary to defray the cost of the corporation's services;
- (c) enter into agreements with any person, agency, organization, association, institution or body inside or outside Saskatchewan, including any department, ministry or agency of the Government of Saskatchewan, for any purpose related to the exercise of any powers of the corporation or the carrying out of any of the corporation's responsibilities or functions;
- (d) accept all moneys received by way of grant, bequest, donation or otherwise for the purposes of this Act;
- (e) accept all moneys received from the minister pursuant to subsection 20(4); and
- (f) do any other act or thing that the corporation considers necessary, incidental or conducive to carrying out its objects.

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**PART IV**  
**Administration**

**Membership**

- 8(1)** The corporation consists of not more than five members appointed by the Lieutenant Governor in Council.
- (2) Subject to subsections (3) and (4), a member appointed pursuant to subsection (1):
- (a) holds office at pleasure for a term not exceeding five years and until a successor is appointed; and
  - (b) is eligible for reappointment.
- (3) No member of the corporation shall hold office for more than two consecutive terms.
- (4) Subsection (3) does not apply to an employee of the Government of Saskatchewan or a member of the Executive Council who is appointed as a member of the corporation.
- (5) If a member of the corporation dies or resigns, that individual ceases to be a member on the date of death or on the day on which the resignation is received by the board, as the case may be.
- (6) If the office of a member appointed pursuant to subsection (1) becomes vacant, the Lieutenant Governor in Council may:
- (a) appoint an individual for the remainder of the term of the individual who vacated the office; or
  - (b) appoint an individual for the term mentioned in subsection (2).
- (7) A vacancy in the membership of the corporation does not impair the power of the remaining members of the corporation to act.

**Board**

- 9(1)** The board of directors of the corporation consists of those individuals appointed to constitute the membership of the corporation pursuant to section 8.
- (2) The board shall manage the affairs and business of the corporation.

**Officers**

- 10(1)** The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and may designate another member of the board as vice-chairperson of the board.
- (2) The chairperson:
- (a) shall preside over all meetings of the board; and
  - (b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.
- (3) If the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

### **Committees**

**11** The board may:

- (a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the corporation; and
- (b) make rules governing the duties of any committee appointed pursuant to clause (a).

### **Remuneration and reimbursement**

**12(1)** The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

(2) The members of a committee appointed pursuant to section 11 are entitled to any remuneration and reimbursement for expenses that the board may determine.

(3) The amounts mentioned in subsections (1) and (2) are to be paid from the moneys of the corporation.

### **Employees**

**13(1)** Notwithstanding *The Public Service Act, 1998*, the corporation may:

- (a) employ any officers and employees that it considers necessary to meet its objects or to exercise its powers; and
- (b) determine the respective duties and powers, the conditions of employment and the remuneration of those officers and employees.

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

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

### **Superannuation and other plans**

**14** The corporation may establish and support any of the following plans for the benefit of any officers and employees of the corporation and the dependants of those officers and employees:

- (a) a superannuation plan;
- (b) a group insurance plan;
- (c) any other pension or employee benefit plan.

### **Agent of the Crown**

**15(1)** The corporation is for all its purposes an agent of the Crown, and the corporation's powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All property of the corporation, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature and description, deemed to be the property of the Crown.

**Responsible to minister**

**16(1)** The corporation is responsible to the minister for the performance of its responsibilities and the exercise of its powers pursuant to this Act.

(2) The corporation shall submit to the minister any reports or information on its activities or affairs that the minister may request, in any form and within any time specified by the minister.

**Head office**

**17** The head office of the corporation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

**Capacity to contract**

**18(1)** The corporation has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf.

(2) The corporation may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown.

**Liability in tort**

**19** The corporation may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings against the Crown Act*.

**PART V**

**Funds**

**Saskatchewan Crop Insurance Fund continued**

**20(1)** The Saskatchewan Crop Insurance Fund is continued.

(2) The board shall administer the Saskatchewan Crop Insurance Fund in accordance with this Act and the regulations.

(3) The Saskatchewan Crop Insurance Fund consists of:

- (a) all premiums paid with respect to contracts of insurance entered into pursuant to section 28;
- (b) all moneys received from the minister pursuant to subsection (4);
- (c) all earnings on investments of the Saskatchewan Crop Insurance Fund; and
- (d) all moneys received by way of grant, bequest, donation or otherwise for the purposes of this Act.

(4) In any fiscal year in which moneys have been appropriated by the Legislature for the purposes of this Act, the minister may:

- (a) pay to the corporation an amount determined by the minister, having regard to the amount of premiums paid by insured persons in the fiscal year, the needs of the corporation, and the appropriate share of the costs of providing insurance, or any program of insurance, to be paid by the Government of Saskatchewan;



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- (b) make grants to the corporation for the payment of the administration costs of the corporation;
  - (c) make grants to the corporation for the payment of the financing costs of the corporation;
  - (d) make grants to the corporation for the purpose of making up any difference between the amount in the Saskatchewan Crop Insurance Fund and the amount necessary to meet all indemnity payments for the year; and
  - (e) subject to the regulations, make grants to the corporation for any purposes that may be determined by the minister.

**Agricultural Income Stabilization Fund**

**21(1)** The Agricultural Income Stabilization Fund is established.

(2) The board shall administer the Agricultural Income Stabilization Fund in accordance with this Act.

(3) Any funds that, on the day on which this Act comes into force, are held by the corporation on behalf of AgriStability and that are designated by Treasury Board are transferred to the Agricultural Income Stabilization Fund.

(4) The Agricultural Income Stabilization Fund consists of:

- (a) any amounts that are transferred to the fund pursuant to subsection (3);
- (b) all moneys received for an agricultural income stabilization program from producers participating in an agricultural income stabilization program;
- (c) all moneys received for an agricultural income stabilization program from the Government of Canada pursuant to an agreement establishing an agricultural income stabilization program;
- (d) all moneys received for an agricultural income stabilization program from the Government of Saskatchewan pursuant to an agreement establishing an agricultural income stabilization program;
- (e) all moneys appropriated by the Legislature for the purposes of an agricultural income stabilization program;
- (f) all earnings on investments of the Agricultural Income Stabilization Fund; and
- (g) all moneys received by way of grant, bequest, donation or otherwise for the purposes of an agricultural income stabilization program.

**Investments**

**22(1)** The board may invest any moneys in the Saskatchewan Crop Insurance Fund, or the Agricultural Income Stabilization Fund, not presently required for the purposes of the fund in any class of investments authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(2) The board may dispose of any investments made pursuant to subsection (1) in any manner and on any terms and conditions that the board considers advisable.

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PART VI  
**Financial Matters**

**Fiscal year**

**23** The fiscal year of the corporation, the Saskatchewan Crop Insurance Fund and the Agricultural Income Stabilization Fund is the period commencing on April 1 in one year and ending on March 31 of the following year.

**Audit**

**24** The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the corporation, the Saskatchewan Crop Insurance Fund and the Agricultural Income Stabilization Fund:

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

**Annual report**

**25(1)** In each fiscal year, the corporation shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister:

- (a) a report of the corporation on its business, and a report on the activities of the Saskatchewan Crop Insurance Fund and the Agricultural Income Stabilization Fund, for the preceding fiscal year; and
  - (b) a financial statement showing the business of the corporation, the Saskatchewan Crop Insurance Fund and the Agricultural Income Stabilization Fund for the preceding fiscal year, in any form that may be required by Treasury Board.
- (2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (1).

PART VII  
**Insurance**

**Interpretation of Part**

**26** In this Part, “**contract of insurance**” means, except in section 31, a contract of crop insurance or a contract of agricultural product insurance, as the case may be.

**Application for insurance**

**27(1)** An insurable person who intends to obtain crop insurance or agricultural product insurance pursuant to this Act shall:

- (a) apply to the corporation in the form provided by the corporation;
  - (b) provide the corporation with any other information or material that the corporation may reasonably require; and
  - (c) comply with any other prescribed requirements and satisfy any other prescribed criteria.
- (2) The corporation may require an applicant to verify, by affidavit or otherwise, any information or material submitted to the corporation pursuant to this section.

**Contract of insurance**

**28(1)** The corporation may enter into a contract of insurance with an insurable person if the corporation:

- (a) receives an application pursuant to subsection 27(1); and
  - (b) is satisfied that the applicant meets the requirements and satisfies the criteria set out in this Act and the regulations.
- (2) The corporation is not bound to accept or approve any application for insurance.
- (3) All contracts of insurance issued by the corporation to an insurable person are required to be in the prescribed form and contain any prescribed terms and conditions.
- (4) A contract of insurance is deemed to be the entire and only contract with respect to the rights and obligations of any insurable person with respect to crop insurance or agricultural product insurance, as the case may be, obtained pursuant to this Act.
- (5) Subject to the other provisions of this Act and the regulations, all rights and obligations of an insurable person with respect to crop insurance or agricultural product insurance obtained pursuant to this Act are determined only by this Act, the regulations and the contract of insurance.

**Continuous contract**

**29(1)** A contract of insurance entered into by the corporation is continuous and, subject to payment of the appropriate premium, is deemed to be in force from year to year unless terminated by either party to the contract giving notice in writing to the other party in accordance with the contract of insurance.

- (2) If an insurance premium payable with respect to a contract of insurance is not paid in accordance with the terms of the contract of insurance, the corporation may, at any time, by written notice to the insured person sent by registered mail to that person at that person's latest address as shown on the records of the corporation, cancel that contract of insurance.
- (3) If a written notice is sent pursuant to subsection (2) cancelling a contract of insurance, that contract of insurance is cancelled on the date provided for in the contract of insurance.

**Amendments**

**30(1)** No contract of insurance may be amended other than by a regulation amending the form and the terms and conditions of the contract of insurance as prescribed in the regulations.

- (2) No amendment to a contract of insurance is effective unless the amendment is made in accordance with subsection (1).
- (3) Every amendment to the form and the terms and conditions of the contract of insurance that is made in accordance with subsection (1):
- (a) is deemed to be an amendment to every contract of insurance;
  - (b) is effective on and from the day on which the regulation amending the contract comes into force or is deemed to have been in force; and
  - (c) subject to any provision in a contract of insurance authorizing the corporation to add to or amend that contract, is binding on all parties to every contract of insurance without further formality.

**Application of *The Saskatchewan Insurance Act***

**31** A contract of crop insurance or agricultural product insurance entered into pursuant to this Act is not a contract of insurance within the meaning of *The Saskatchewan Insurance Act* and, except as otherwise expressly provided in this Act, that Act does not apply to the administration of this Act.

**Reinsurance**

**32(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation may reinsure the whole or any portion of the risk under its contracts of insurance with any other insurer.

(2) If the corporation reinsures all or any portion of the risk under its contracts of insurance in accordance with subsection (1), Part XV of *The Saskatchewan Insurance Act* respecting reinsurance applies with any necessary modification.

**PART VIII****General****Immunity**

**33** No action or proceeding lies or shall be commenced against the Crown, the minister, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

**Regulations**

**34(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of clause 2(a), prescribing the manner in which the board is to determine the yield of a crop insured under a contract of crop insurance;
- (c) prescribing agricultural products or categories of agricultural products;
- (d) for the purposes of clauses 2(d) and (h), prescribing perils and climatic events;
- (e) prescribing any other method that may be used by the corporation to determine the estimated yield;
- (f) prescribing agricultural products as insurable agricultural products;
- (g) prescribing agricultural crops as insurable crops;
- (h) for the purposes of section 4:
  - (i) prescribing eligibility criteria; and
  - (ii) prescribing any elements that must be contained in an agreement respecting an agricultural income stabilization program;
- (i) for the purposes of clause 6(e), prescribing any other thing as an object of the corporation;

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- (j) respecting the adjustment and payment of claims for the purposes of subclause 7(a)(v);
  - (k) respecting the indemnity payable with respect to agricultural product insurance;
  - (l) for the purposes of subsection 20(2):
    - (i) establishing accounts in the fund for programs established pursuant to this Act;
    - (ii) prescribing the procedures for the administration of the accounts mentioned in subclause (i); and
    - (iii) prescribing the terms and conditions on which moneys are to be paid out of the accounts mentioned in subclause (i);
  - (m) respecting grants that the minister may make to the corporation pursuant to clause 20(4)(e), including prescribing any terms and conditions that must be met before a grant may be made;
  - (n) prescribing any other requirements that an insurable person who intends to obtain crop insurance or agricultural product insurance must comply with and prescribing any other criteria that must be satisfied by that person;
  - (o) prescribing the form and the terms and conditions of every contract of crop insurance or agricultural product insurance or any category of contracts of crop insurance or agricultural product insurance;
  - (p) amending the form and the terms and conditions of every contract of crop insurance or agricultural product insurance or any category of contracts of crop insurance or agricultural product insurance;
  - (q) adopting, as amended from time to time or otherwise, all or any portion of any contract, to which the Government of Saskatchewan and the Government of Canada are parties, that:
    - (i) has been entered into and is in effect at the time this clause comes into force; or
    - (ii) is entered into after this clause comes into force;
  - (r) prescribing any matter or thing that is authorized or required by this Act to be prescribed in the regulations;
  - (s) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART IX

**Repeal, Transitional and Coming into Force**

**S.S. 1983-84, c.C-47.2 repealed**

**35** *The Crop Insurance Act* is repealed.

**Transitional—agreement respecting AgriStability**

**36** Any agreement entered into pursuant to section 3 of *The Agricultural Safety Net Act* respecting AgriStability is deemed to be an agreement entered into by the minister pursuant to section 3 of this Act and may be dealt with pursuant to this Act as if entered into pursuant to this Act.

**Transitional—board**

**37** On the coming into force of this Act, the board consists of the directors of the board who held office pursuant to *The Crop Insurance Act* on the day before this Act came into force, and those directors continue to hold office as if they had been appointed pursuant to section 5.

**Coming into force**

**38** This Act comes into force on proclamation.



FIRST SESSION

**Twenty-seventh  
Legislature**

SASKATCHEWAN

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**B I L L**

No. 34

An Act respecting Saskatchewan  
Crop Insurance Corporation

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Received and read the

First time

Second time

Third time

And passed

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Honourable Bob Bjornerud

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