

BILL

No. 52

An Act to amend *The Meewasin Valley Authority Act*

(Assented to _____)

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

Short title

1 This Act may be cited as *The Meewasin Valley Authority Amendment Act, 2017*.

SS 1979, c M-11.1 amended

2 *The Meewasin Valley Authority Act* is amended in the manner set forth in this Act.

Section 5 amended

3(1) **Subsection 5(2) is amended by adding “or her” after “his”.**

(2) **Subsection 5(3) is amended by adding “or her” after “his”.**

(3) **Subsection 5(9) is repealed and the following substituted:**

“(9) Notwithstanding anything in *The Legislative Assembly Act, 2007*, if a member of the Legislative Assembly is appointed as a member of the authority, that person is not, by reason only of the appointment or of any payment made to him or her pursuant to subsection (8), required to vacate his or her seat and is not disqualified from sitting or voting in the Legislative Assembly”.

Section 5.1 amended

4(1) **Subsection 5.1(2) is repealed and the following substituted:**

“(2) Every member or officer of the authority and every member of a committee appointed pursuant to section 14 or 15 shall, before entering on the duties of his or her office, provide the chief executive officer of the authority with a declaration in the form set out in Schedule C setting out the lands within Meewasin Valley owned by him or her, his or her spouse or any corporation of which the member or his or her spouse is a director or other officer or in which the member or his or her spouse has a controlling interest”.

(2) **Subsection 5.1(4) is amended:**

(a) **in clause (a) by striking out “furnished to him” and substituting “provided to him or her”; and**

(b) **in the portion following clause (b) by striking out “he” and substituting “the chief executive officer”.**

(3) **Subsection 5.1(6) is repealed and the following substituted:**

“(6) If a member is convicted of an offence pursuant to subsection (2) or (3), his or her appointment as a member is terminated, notwithstanding subsection 5(3), and he or she is not eligible to be appointed as a member for a period of three years after the date of his or her conviction”.

Section 9 amended

5(1) Subsection 9(2) is amended by striking out “Public Employees (Government Contributory) Superannuation Plan” and substituting “Public Employees Pension Plan”.

(2) Subsection 9(3) is repealed and the following substituted:

“(3) Any person employed pursuant to subsection (1) who, immediately before being so employed, is participating in a superannuation plan or scheme as a result of employment with a participating party may, within six months from the day on which he or she is employed pursuant to subsection (1), by notice in writing to the board at Regina, elect to participate in the Public Employees Pension Plan”.

(3) Clause 9(4)(b) is repealed and the following substituted:

“(b) the Public Employees Pension Plan applies to him or her on and from the day on which he or she commenced employment with the authority”.

Section 10 amended

6 Clause 10(k) is amended by striking out “sums” and substituting “amounts”.

Section 11.2 amended

7(1) Clause 11.2(4)(a) is amended by adding “, her” after “his”.

(2) Subsection 11.2(7) is amended by adding “or her” after “his”.

Section 24 amended

8 Clause 24(3)(a) is repealed and the following substituted:

“(a) to a person making an application pursuant to section 20, by giving it to him or her personally or by sending it to him or her by registered mail, postage prepaid, at the person’s address set out in his or her application to the authority”.

Section 27.1 amended

9(1) Clause 27.1(1)(b) is amended by adding “, her” after “him”.

(2) Subsection 27.1(3) is repealed and the following substituted:

“(3) If a person or participating party fails to comply with the terms or conditions imposed on him, her or it pursuant to subsection 26(2), the authority may, in addition to any other remedy allowed by this Act or by law, apply to a judge of the Court of Queen’s Bench for an order directing the person or participating party, as the case may be, to comply with the terms or conditions, and the judge may make any order, including an order as to costs, that he or she considers just”.

Section 28 amended

10 Section 28 is amended by adding “or her” after “his”.

Section 29.1 amended

11(1) Subsection 29.1(3) is repealed.

(2) Subsection 29.1(4) is amended:

(a) by striking out “Subject to subsection (3), each” and substituting “Each”; and

(b) by adding “or her” after “his”.

(3) Subsection 29.1(9) is amended by striking out “furnished” and substituting “provided”.

Section 29.2 amended

12(1) Clause 29.2(1)(a) is amended by adding “or her” after “his”.

(2) Subsection 29.2(4) is amended by striking out “he intends to submit in support of his appeal” and substituting “the appellant intends to submit in support of his or her appeal”.

(3) Subsection 29.2(9) is amended by adding “or she” after “he”.

Section 32 amended

13 Subsection 32(2) is amended by striking out “sum” and substituting “amount”.

Section 40 amended

14 Clause 40(a) is amended by striking out “sum” and substituting “amount”.

Section 42 amended

15(1) Clause 42(3)(c) is repealed and the following substituted:

“(c) every person who, before the public highway or part is closed, claims that his or her land will be injuriously affected by the closing and who petitions the authority for a hearing has been given an opportunity to be heard by himself or herself or his or her agent with respect to the proposed closing”.

(2) Subsection 42(4) is amended by adding “or her” after “his”.

Section 47 amended

16 Subsection 47(3) is amended:

(a) in clause (b) by striking out “sums” and substituting “amounts”; and

(b) in the portion following clause (c) by striking out “sums” wherever it appears and in each case substituting “amounts”.

Section 48 amended

17 Section 48 is amended:

(a) in the portion preceding clause (a) by striking out “a sum” and substituting “an amount”;

(b) in clause (a) by striking out “sums” and substituting “amounts”; and

(c) in clause (b) by striking out “sums” and substituting “amounts”.

Section 53 amended

18 Subsection 53(2) is repealed and the following substituted:

“(2) If the authority proposes to expropriate any land, it may authorize any of its employees or agents to enter on the land and make a survey of the land, and no person shall interrupt, hamper or molest any employee or agent while that employee or agent is engaged in exercising the authority conferred on him or her pursuant to this section”.

Section 55 amended

19(1) Subsection 55(1) is repealed and the following substituted:

“(1) If resistance or opposition is made by any person to the entering on or the taking of any land pursuant to section 53, a judge of the Court of Queen’s Bench shall, on being satisfied that the entering or taking is within the authority conferred by this Act, issue his or her warrant to the sheriff at the judicial centre nearest to which the land is situated directing him or her to put down the resistance or opposition and to take any steps that may be necessary to assure peaceable entry on the land by the authority or its employees or agents or to put the authority or its employees or agents in possession of the land”.

(2) Subsection 55(2) is amended by adding “or she” after “he”.

New section 56

20 Section 56 is repealed and the following substituted:

“Amounts payable to the authority

56(1) In every fiscal year, the city shall pay \$556,700 to the authority.

(2) In any fiscal year, a participating party may pay any amounts to the authority that it considers appropriate in addition to any amounts to be paid pursuant to subsection (1).

(3) The amount mentioned in subsection (1) and any additional amounts paid pursuant to subsection (2) are to be used to cover the lawful expenses of the authority other than:

(a) the expenses specifically provided for or reimbursed by a participating party pursuant to any other provision of this Act or pursuant to any other Act;

(b) the expenses provided for or reimbursed out of the proceeds of a loan; and

(c) the expenses provided for or reimbursed by any person.

(4) Any amount payable by the government pursuant to subsection (2) shall be paid out of the general revenue fund”.

Section 58 repealed

21 Section 58 is repealed.

Section 60 repealed

22 Section 60 is repealed.

Section 61 amended

23(1) Subsection 61(2) is amended by striking out “sums” and substituting “amounts”.

(2) Subsection 61(3) is amended by striking out “sums” and substituting “amounts”.

New section 62

24 Section 62 is repealed and the following substituted:

“Time of making payments

62(1) One-fourth of the amounts to be paid during a fiscal year by one of the participating parties pursuant to section 34 or 38, or by the city pursuant to subsection 56(1), must be paid:

- (a) on each of April 1, July 1, October 1 and January 1 in that fiscal year; or
- (b) in the case of payments pursuant to:
 - (i) section 34 or 38, at any other time that may be agreed to between the authority and the participating party that is required to make the payment; or
 - (ii) subsection 56(1), at any other time that may be agreed to between the authority and the city.

(2) An agreement pursuant to subsection (1) may be for any occasion or any period”.

New section 63

25 Section 63 is repealed and the following substituted:

“Interest on overdue payments

63 If a participating party fails to pay to the authority an amount required by this Act when due, it shall pay to the authority, on demand, interest at a rate equal to the prime rate of interest payable under the latest debentures issued by the city before the day on which the amount became due on the amount in arrears from the day on which it became due”.

Section 64 amended

26(1) Subsection 64(1) is amended:

- (a) **in the portion preceding clause (a) by striking out “sums” and substituting “amounts”; and**
- (b) **in clause (h) by striking out “sum” and substituting “amount”.**

(2) Subsection 64(2) is repealed and the following substituted:

“(2) The bonds, debentures and other securities mentioned in subsection (1) may be issued in any amounts that will realize the net amounts required for the purposes of the authority, and a recital or declaration in the special resolution of the authority authorizing the issue of securities to the effect that the amount of the securities so authorized is necessary to realize the net amount required for the purposes of the authority is conclusive evidence of that fact”.

(3) Subsection 64(8) is amended by striking out “sums” and substituting “amounts”.

Section 66 amended

27 Subsection 66(2) is amended by striking out “sum” and substituting “amount”.

New section 67

28 Section 67 is repealed and the following substituted:

“Maximum amount authority may borrow

67 The aggregate of the amounts that may be borrowed by the authority pursuant to this Act, whether by way of the issue of bonds, debentures or other securities or by way of temporary loan or otherwise, after deduction of discount and payment of commission applicable to all those loans, must not, at any one time, exceed the amount specified by the Lieutenant Governor in Council”.

Section 74 amended

29(1) Subsection 74(5) is amended by adding “or her” after “his”.

(2) Subsection 74(6) is amended by adding “or her” after “his”.

Section 80 amended

30 Subsection 80(2) is repealed and the following substituted:

“(2) The auditor shall, immediately after completing an audit, prepare a report with respect to his or her findings and provide each participating party with a copy of the report”.

Coming into force

31 This Act comes into force on assent, but is retroactive and is deemed to have been in force on and from April 1, 2017.

FIRST SESSION
Twenty-eighth Legislature
SASKATCHEWAN

B I L L

No. 52

An Act to amend *The Meewasin Valley
Authority Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Ken Cheveldayoff
