

STANDING COMMITTEE ON THE ECONOMY
Wednesday, April 28, 2010

MINUTE NO. 27
7:00 p.m. – Room 8

1. **Present:** Darryl Hickie in the Chair and Members Dustin Duncan, Sandra Morin*, Laura Ross, Lyle Stewart, Len Taylor and Nadine Wilson.

Substituting Members

Sandra Morin for Ron Harper

Other Members

Dan D’Autremont, David Forbes, John Nilson, Doyle Vermette, Kevin Yates

2. The committee considered Bill No. 131 – The Conservation Easements Amendment Act, 2009.

The following Environment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Nancy Heppner, Minister

Lin Gallagher, Assistant Deputy Minister, Resource Management and Compliance Division

Mark Wittrup, Assistant Deputy Minister, Environmental Protection and Audit Division

Kevin Callele, Executive Director, Compliance Branch

Sam Ferris, Executive Director, Municipal Branch

Lyle Saigeon, Executive Director, Fish and Wildlife Branch

Laurel Welsh, Acting Executive Director, Finance and Administration Branch

Jennifer McKillop, Director, Aboriginal Affairs Branch

Todd Olexson, Acting Director, Lands Branch

Ron Zukowsky, Acting Director, Environmental Assessment Branch

Rod Thompson, Manager, Forest Practices, Forest Service Branch

Thon Phommavong, Acting Manager Standards, Municipal Branch

3. The committee recessed from 9:00 p.m. until 9:10 p.m.
4. The committee resumed consideration of Bill No. 131 – The Conservation Easements Amendment Act, 2009
5. The questions being put on clauses 1 to 14, they were agreed to.
5. The question being put on clause 15, it was agreed (*on division*).
6. The questions being put on clauses 16 to 21, they were agreed to.
7. It was moved by Mr. Stewart:

That the committee report Bill No. 131 – The Conservation Easements Amendment Act, 2009
– without amendment.

The question being put, it was agreed to.

8. The committee recessed from 9:20 p.m. to 9:23 p.m.
9. The committee considered Bill No. 121 – The Environmental Management and Protection Act, 2009.

The following Environment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Nancy Heppner, Minister
Lin Gallagher, Assistant Deputy Minister, Resource Management and Compliance Division
Mark Wittrup, Assistant Deputy Minister, Environmental Protection and Audit Division
Kevin Callele, Executive Director, Compliance Branch
Sam Ferris, Executive Director, Municipal Branch
Lyle Saigeon, Executive Director, Fish and Wildlife Branch
Laurel Welsh, Acting Executive Director, Finance and Administration Branch
Jennifer McKillop, Director, Aboriginal Affairs Branch
Todd Olexson, Acting Director, Lands Branch
Ron Zukowsky, Acting Director, Environmental Assessment Branch
Rod Thompson, Manager, Forest Practices, Forest Service Branch
Thon Phommavong, Acting Manager Standards, Municipal Branch

10. The committee recessed from 11:15 p.m. until 11:25 p.m.
11. The committee resumed consideration of Bill No. 121 – The Environmental Management and Protection Act, 2009.
11. The questions being put on clauses 1 to 38, they were agreed to.
12. During consideration of clause 39, it was moved by Mr. Duncan:

Clause 39 of the printed Bill

Strike out clause (b) of Clause 39 of the printed Bill and substitute the following:

“(b) ‘**consumer**’ means a person who purchases a beverage container containing a beverage:

- (i) for use of the beverage container by that person;
- (ii) for use of the beverage container by another person at the first person’s expense; or
- (iii) on behalf of, or as agent for, a principal for use of the beverage container by the principal or by another person at the principal’s expense”.

The question being put on the amendment, it was agreed to.

The question being put on clause 39 as amended, it was agreed to.

13. During consideration of clause 40, it was moved by Mr. Duncan:

Clause 40 of the Printed Bill

Strike out Clause 40 of the printed Bill and substitute the following:

“Obligation to pay deposit and environmental handling charge

40(1) The following persons shall, at the prescribed times, remit to the minister responsible for the administration of *The Revenue and Financial Services Act* the environmental handling charge set out in subsection (2) and a prescribed deposit:

(a) a person who imports into Saskatchewan any filled beverage container;
or

(b) a person who, as part of a manufacturing process, fills a beverage container in Saskatchewan.

(2) The environmental handling charge required to be remitted to the minister pursuant to subsection (1) is:

(a) with respect to a designated container that is a metal can, 5¢;

(b) with respect to a designated container that is a plastic bottle, 6¢;

(c) with respect to a designated container that is a non-refillable glass bottle, 7¢;

(d) with respect to a designated container that is a multi-material, shelf stable container, 3¢; or

(e) with respect to a designated container that is a paper-based polycoat gable top container, 3¢”.

The question being put on the amendment, it was agreed to.

The question being put on clause 40 as amended, it was agreed to.

14. During consideration of clause 41, it was moved by Mr. Duncan:

Clause 41 of the printed Bill

Strike out Clause 41 of the printed Bill and substitute the following:

“Obligation to recover deposit and environmental handling charge on subsequent sales

41(1) If the person mentioned in clause 40(1)(a) or (b) is not the consumer:

(a) the person shall recover the deposit and the environmental handling charge from the person who receives the beverage container; and

(b) the person who receives the beverage container shall pay the

environmental handling charge and the deposit mentioned in subsection 40(1).

(2) If the person who is obligated to pay the environmental handling charge and deposit pursuant to subsection (1) is not the consumer, the person shall recover the environmental handling charge and deposit from the person who is the consumer”.

The question being put on the amendment, it was agreed to.

The question being put on clause 41 as amended, it was agreed to.

15. The questions being put on clauses 42 to 44, they were agreed to.

16. During consideration of clause 45, it was moved by Mr. Duncan:

Clause 45 of the printed Bill

Strike out clause (b) of Clause 45 of the printed Bill and substitute the following:

“(b) prescribing the deposit for each category of container”.

The question being put on the amendment, it was agreed to.

The question being put on clause 45 as amended, it was agreed to.

17. During consideration of clause 46, it was moved by Mr. Duncan:

Clause 46 of the printed Bill

Strike out clause (j) of Clause 46 of the printed Bill and substitute the following:

“(j) respecting the powers and duties of a waste minimization board and the procedures to be followed by a waste minimization board in carrying out its powers and duties”.

The question being put on the amendment, it was agreed to.

The question being put on clause 46 as amended, it was agreed to.

18. The questions being put on clauses 47 to 67, they were agreed to.

19. During consideration of clause 68, it was moved by Mr. Duncan:

Clause 68 of the printed Bill

Strike out Clause 68 of the printed Bill and substitute the following:

“Compliance evaluation

68(1) The minister may direct, in writing, a person who has a permit issued in accordance with this Act or who engages in activities that are required to be carried out in accordance with the code or an accepted environmental protection

plan to provide the minister with any compliance evaluation that the person is required to conduct as part of that person's environmental management system.

(2) The person to whom a written direction is made pursuant to subsection (1) shall cause the compliance evaluation to be conducted at that person's expense and shall provide the compliance evaluation to the minister within the period set out in the written direction.

(3) The compliance evaluation must contain:

(a) an assessment of how well the person mentioned in subsection (1) has complied with this Act, the regulations, the code or the terms and conditions of the permit or the accepted environmental protection plan; and

(b) if the obligations imposed by this Act, the regulations or the code or the terms or conditions of the permit or the accepted environmental protection plan have not been met, an explanation for the differences between the results and those obligations, terms and conditions".

The question being put on the amendment, it was agreed to.

The question being put on clause 68 as amended, it was agreed to.

20. The questions being put on clauses 69 to 110, they were agreed to.

21. The question being put on the Schedule (Table 1 and Table 2), it was agreed to.

22. During the consideration of new clause 2, it was moved by Ms Morin:

New Clause 2

Add the following:

"Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*".

The question being put on new clause 2, it was agreed to.

23. It was moved by Ms. Ross:

That the committee report Bill No. 121 – The Environmental Management and Protection Act, 2009 – with amendment.

The question being put, it was agreed to.

24. The committee considered Bill No. 123 – The Forest Resources Management Amendment Act, 2009.

The following Environment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Nancy Heppner, Minister
Lin Gallagher, Assistant Deputy Minister, Resource Management and Compliance Division
Mark Wittrup, Assistant Deputy Minister, Environmental Protection and Audit Division
Kevin Callele, Executive Director, Compliance Branch
Sam Ferris, Executive Director, Municipal Branch
Lyle Saigeon, Executive Director, Fish and Wildlife Branch
Laurel Welsh, Acting Executive Director, Finance and Administration Branch
Jennifer McKillop, Director, Aboriginal Affairs Branch
Todd Olexson, Acting Director, Lands Branch
Ron Zukowsky, Acting Director, Environmental Assessment Branch
Rod Thompson, Manager, Forest Practices, Forest Service Branch
Thon Phommavong, Acting Manager Standards, Municipal Branch

25. The questions being put on clauses 1 and 2, they were agreed to.
26. During consideration of clause 3, it was moved by Mr. Duncan:

Clause 3 of the printed Bill

Amend Clause 3 of the printed Bill by striking out clause (1)(e) and substituting the following:

“(e) by repealing clause (f) and substituting the following:

‘(f) “forest land” means:

- (i) any Crown resource land that is designated as a provincial forest pursuant to the regulations;
- (ii) any Crown land described in a forest management agreement, a term supply licence or a forest product permit;
- (iii) any Crown land administered by the Ministry of Agriculture or the Ministry of Environment that:
 - (A) in the opinion of the minister, has a forest ecosystem as the predominant ecosystem; or
 - (B) is prescribed as forest fringe timber supply land; and
- (iv) an undeveloped road allowance that:
 - (A) in the opinion of the minister, has a forest ecosystem as the predominant ecosystem; and
 - (B) shares a boundary with lands described in subclauses (i) to (iii);

but does not include any Crown mineral or Crown mineral lands as those

terms are defined in *The Crown Minerals Act*”.

The question being put on the amendment, it was agreed to.

The question being put on clause 3 as amended, it was agreed to.

27. The questions being put on clauses 4 to 45, they were agreed to.

28. During consideration of clause 46, it was moved by Mr. Duncan:

Clause 46 of the printed Bill

Amend clause 79(1)(e) of *The Forest Resources Management Act*, as being enacted by Clause 46(1) of the printed Bill, by striking out “section 61 or 63.2” and substituting “section 61, 62.1 or 63.2”.

The question being put on the amendment, it was agreed to.

The question being put on clause 46 as amended, it was agreed to.

29. The questions being put on clauses 47 to 52, they were agreed to.

30. The question being put on clause 53, it was defeated.

31. The questions being put on 54 to 60, they were agreed to.

32. The question being put on clause 61, it was defeated.

33. The question being put on clause 62, it was agreed to.

34. During consideration of new clause 2, it was moved by Ms. Morin:

New Clause 3

Add the following:

“Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*”.

The question being put on new clause 3, it was agreed to.

35. It was moved by Ms Wilson:

That the committee report Bill No. 123 – The Forest Resources Management Amendment Act, 2009 – with amendment.

The question being put, it was agreed to.

36. It was moved by Mr. Duncan:

That this committee do now adjourn.

The question being put, it was agreed to.

37. The committee adjourned at 12:10 a.m. to the call of the Chair.

Nathan Elliott
Committee Clerk

Darryl Hickie
Committee Chair

