



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

Mr. Warren Michelson, Chair
Moose Jaw North

Mr. Kim Trew, Deputy Chair
Regina Coronation Park

Mr. Greg Brkich
Arm River-Watrous

Mr. Michael Chisholm
Cut Knife-Turtleford

Mr. Wayne Elhard
Cypress Hills

Ms. Deb Higgins
Moose Jaw Wakamow

Mr. Delbert Kirsch
Batoche

[The committee met at 19:00.]

The Chair: — Well good evening, ladies and gentlemen. This is the Committee on Intergovernmental Affairs and Justice. I'd like to welcome you all here for these committee meetings. We've got a total of eight Bills for this committee, four in Justice, and we'll be doing four in Justice this evening. So you've got the agenda in front of you. I would like to ask for the approval of the agenda. Motion to approve the agenda?

Mr. Trew: — Mr. Chair, did I hear you say eight Bills?

The Chair: — Total of eight bills, this committee will be . . .

Mr. Trew: — Yes, but there's four Bills tonight, isn't it? Okay, I just misunderstood. That's what I thought, but I saw four here and okay, yes.

The Chair: — So we've got a motion to approve the agenda? All in favour?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Thank you. Now, Minister Harrison, the Bill in front of us is the consideration of Bill No. 108, *The Cities Amendment Act, 2009*. Minister Harrison, you are here. I would ask you to introduce your officials, and if you have a statement at that time, please be prepared to do that.

Bill No. 108 — *The Cities Amendment Act, 2009*

Clause 1

Hon. Mr. Harrison: — Well thank you very much, Mr. Chair, and thank you, committee members, for being here this evening. I have with me here on my left, Van Isman, deputy minister, Municipal Affairs; John Edwards, executive director, policy development; and Carla Bing-Wo, our senior policy analyst over in John's shop.

The first Bill we have up here tonight is Bill 108, *The Cities Amendment Act, 2009*. This is a piece of legislation that's been in development for some time. We'd been consulting with the cities and municipal sector on all of the four Bills before us here tonight for some period of time. These Bills are largely driven by, these Bills are driven by the municipal sector and stakeholders themselves. They're not political in nature. They're, for the most part, a reflection of the desires and wants of the sector who I know are watching with great interest what's going on here this evening and have watched with interest over the course of the Bill's journey through the legislature.

So we are hoping we can move forward on these. They're important pieces of legislation for municipalities. And I'm not going to make a lengthy introductory statement, and if members have questions, we're very, very happy to address those.

The Chair: — Thank you, Mr. Minister. I should mention that we have one substitution for Michael Chisholm. We have Mr. Fred Bradshaw sitting in on this committee for this evening. Thank you for that.

Is there any questions from the committee? I recognize Ms. Higgins.

Ms. Higgins: — Thank you very much, Mr. Chair. Mr. Minister, could you just go through the amendments to *The Cities Act* and actually what they do and why they're being put in place.

Hon. Mr. Harrison: — Right, yes. There's a number of kind of broad provisions or broad policy areas under which we're introducing amendments to *The Cities Act*. One of those deals with the issue of trailers and how those are treated in terms of tax purposes. We have a number of technical amendments to improve effectiveness. Those have to do with the new definition for business day, the minister's authority to define population calculations, guide to interpreting power to pass bylaws on the part of municipalities, clarifying penalties for directors of corporations, mechanisms dealing with the public utilities, extension of time. There's a number of housekeeping amendments as well.

And maybe I'll actually ask John or Carla if they want to go into some additional detail about some of those matters.

Mr. Edwards: — Thank you very much. The Bill also includes a number of provisions that deal with public disclosure statements by councillors and when they're updated. The definition of capital property is revised to bring it into line with the way in which the Canadian Institute of Chartered Accountants defines it. There is a provision that relates to collection of interest on property tax. There's a provision relating to allowing access to property when there's a demolition that's going to occur. There are other housekeeping amendments that deal with service of documents and things like updating references to other Acts, changing some terminology to ensure that it's consistent, for example, changing reference to regular mail to ordinary mail, and a few other terminology items.

Hon. Mr. Harrison: — And if I could maybe add one more point too in terms of a substantive . . . One of the more substantive changes of course had to do with the additional option of criminal record checks as well. And I know that the member's familiar with that. And that was something that had actually been driven in the consultation process with the northern municipalities who had very strongly requested that there be the option for northern municipalities, to request a criminal record check in the conduct of a municipal election, and it was felt that it would be appropriate if that provision were not just in *The Northern Municipalities Act* but also in *The Municipalities Act* and *The Cities Act* as well so that all of the municipal councils would be operating with the same authorities and options in terms of that particular provision.

Ms. Higgins: — The piece about trailers and mobile homes being subject to property tax, does this just clarify and put a bit of a definition so we can distinguish between travel trailers and mobile homes, or does it actually change the way that property taxes are applied?

Hon. Mr. Harrison: — Well I'll maybe let John answer some of the details on that. Kind of the background to this particular

provision came from a request from a couple of cities that actually had asked us to move forward on this particular change as they had run into some troubles on this front.

In law there's an interesting distinction between a chattel and a fixture, and it kind of comes to, it comes to, I guess, a pretty legalistic definition when you get into mobile homes as to whether that's a chattel or a fixture. And there's implications tax-wise, depending on how one of those structures is actually defined. And there's a long body of case law in determining when one of those things becomes another, but in terms of this particular provision, I'm going to let John maybe address some of those details.

Mr. Edwards: — So there are provisions in the Bill dealing with this topic in two places. First, section 2 of the Act is amended in terms of the definition of building and, as you mentioned, the addition of a definition of travel trailer to distinguish so that vehicles like RVs [recreational vehicle] aren't subject to property tax.

And second, in section 287 of the Act, there are proposed amendments as well. In essence, one of the cities came forward to us and said they were having difficulty with the enforcement of property tax associated with mobile homes in a park, that is, a trailer park. And *The Tax Enforcement Act* is not useful in that regard because the trailers are essentially on leased property. So they lease the site, and there's no way of registering a lien in the same way under *The Tax Enforcement Act* as you would for a house or apartment building or business property.

What we've done instead is worked out an approach with the cities whereby the distress and seizure provisions are used as a way of tax enforcement. They are there already in the Act and can be used for goods in, for example, in a business where tax isn't paid. The amendments expand that to cover application of distress provisions to house trailers or mobile homes. So there are a number of changes in the Bill that would allow that distress process to be adapted and applied to mobile homes as a way of tax enforcement.

Hon. Mr. Harrison: — Now as John said, essentially you can now distraint on a trailer where there's a risk of basically owing a bunch of property tax, hooking it up to your truck and taking off, whereas with a house or some other fixture on a piece of property, you can actually register an interest on the title of that property for tax enforcement proceedings, whereas with a mobile home you can't do that especially if it's in the chattel nature. You can't actually register that on the title because it's actually not . . . You just can't do that.

So in the tax enforcement proceedings now, you can actually distraint on the trailer itself for tax enforcement purposes.

Ms. Higgins: — It's kind of nitpicky here, but I'm kind of curious in the way you described it. Does it make a difference if the mobile home is blocked and in a permanent kind of setting? Is there anything that differentiates something that's still moveable to something that's not? You can move a house too if you put the time and effort into it. But I mean you know . . .

Mr. Edwards: — I would refer you to the definition of travel trailer, and that's the one that's being used to distinguish it from

— say — a mobile home that has a more permanent arrangement. Many mobile homes have decks or fences or other buildings attached to it, and they're obviously connected. We're trying to, in that definition, establish a difference between those situations where they're taxable versus an RV that's parked in somebody's driveway and used for a couple of weeks of vacation.

Ms. Higgins: — Is there any possibility . . . do you have side by sides that are available? It's much easier to follow along instead of flipping back and forth between papers, if it wouldn't be a problem.

Hon. Mr. Harrison: — Yes we actually . . . Do we have an extra set of side by sides? We should provide that to the member.

Ms. Higgins: — Yes, I'm sure one of the Pages would be able to photocopy if we needed extra.

Next question, when you look at interpretation and the explanation for the changes that were made on 2 (y), it talks about “. . . authorized to direct a different population calculation method for a specific purpose . . .” I know that it has been a concern especially over the last number of years with some pretty significant changes in various areas of the province where we have seen population increase, but yet we are still stuck on using StatsCan numbers that are dated by the time they are released. So I know there has been a number of municipalities that have broached the topic of using a different method. And I believe there is other provinces that use other methods to update their numbers for distribution.

Now I don't know whether this would apply in the same area as revenue distribution or other areas that are done on per cap basis. But I know for some areas of the province that have seen significant growth, they have been dealing with numbers in per cap that are considerably lower than what they're actually dealing with. So does this address that? Or does it leave it open for the ministry to work on more updated calculations, something that's more current for the municipalities? Or am I reading too much into this?

Hon. Mr. Harrison: — Yes, for financial purposes, the Statistics Canada numbers are the operative statistics for, say, distributing revenue within a revenue-sharing pool. So that's not going to be impacted by this. That doesn't change.

This has to do with changes for, say, ward boundaries or for changes in municipal status, those sorts of, those sorts of instances. So we actually, as an example of that, in the declaration of the two new cities of Martensville and Meadow Lake which were made last summer, the Statistics Canada numbers showed both communities very close to 5,000, just under. And I mean those were 2006 numbers, and both communities had concerns that that wasn't an accurate reflection of what their actual population was.

[19:15]

We in the context of looking at those . . . because both communities wanted to change their municipal status to become cities. And what we did is we took a look at, you know, as an

example, the number of health cards issued with individuals living in those communities or listed as living in those communities on health cards, the number of new hookups in terms of power and things of this nature to determine comfortably that we felt both of those communities were over the 5,000-person threshold and therefore eligible to change their municipal status to cities. That didn't impact, though, on their revenue sharing because they were . . . I mean they're still in the town's pool for revenue sharing, but we were able to, you know, move forward with the change in municipal status.

Ms. Higgins: — Well I'm sure this is nothing new, but if you're using an updated process of calculating your population numbers for areas such as boundaries, I'm sure the pressure will be on to use it for municipal revenue sharing and looking at the formula. You don't feel it will be?

Hon. Mr. Harrison: — You know, I think that there's . . . I mean where do you kind of . . . If you're using different methods for calculating population for a couple of areas — for revenue sharing, I mean — how do you then transpose that to the entire province? Basically you're saying, well we, you know, know better than Statistics Canada on the basis of these whole number of separate things that . . . I mean I think it's valuable for something like municipal status. It's a worthwhile endeavour. But if you're going to be making a broad-based change in how you calculate municipal status, that's a much bigger issue than what we're dealing with here in the changes to *The Cities Act*. And John, you might have some comments as well.

Mr. Edwards: — Sure. The concern with using some different methodology other than Stats Canada for revenue sharing, or for that matter for infrastructure grants or gas tax funding, is that if municipality A decides that they're not happy with their Stats Canada figures and they go out and do their own census, what that does amongst the cities is trigger a redistribution of grants if that one city's set of numbers is used. And the other cities obviously might not appreciate it if it's a flow of revenue that's away from them.

The other thing in the financial area is that the federal government always uses Stats Canada figures for distribution of grants. So to be consistent with that, we're staying with the use of those as the basis for revenue sharing as well.

The initial request for this, in addition to the cities that the minister raised, came actually from Saskatoon. And they were looking for an alternative way of redrawing ward boundaries so that they could take into account the population changes in the growing areas around the cities, the city of Saskatoon in this particular case. What they were saying was that the Stats Canada numbers really hadn't kept up with the rate of growth, so they wanted to use a combination of the figures that were derived from health figures and also their own planning department to come up with some refined numbers for some of those wards around the edge of the city.

Ms. Higgins: — I see in the explanatory notes you talk about Alberta's municipal government Act, and I have been told that Alberta — I believe it was Alberta, sorry — who had an alternative method to calculating population or making adjustments to population.

In the work that you've done in background to any of these pieces of legislation, have you come across any other provinces that will accommodate changes using some other system other than StatsCan, or is it pretty well consistent across Canada that they all rely on the outdated numbers coming from Stats Canada?

Hon. Mr. Harrison: — Is that related to revenue distribution that you're referring to?

Ms. Higgins: — That's what I had been told. Now I haven't done a lot of research into it. It was in a conversation that cities would often do their own census and that it would be recognized by the provincial government. So I don't know how much fact there is to it, but I thought being you referenced the Alberta municipal government Act that you may have heard of some other method.

Hon. Mr. Harrison: — I know that there are municipalities outside of the province that do do their own census where . . . I'm not aware of a case where that's used on the basis of a provincial revenue-sharing formula or plan. So I'm not aware of that any way and my officials aren't either.

Ms. Higgins: — Is there any other instances where specific purpose would be for a different population calculation other than boundaries?

Hon. Mr. Harrison: — Well I mean, as you said, for ward boundaries, that was one of them. Municipal status was the other and there's the referendum issue as well. And maybe John you want to touch on that.

Mr. Edwards: — Those are the three basic areas where these numbers could be used. As I said, it was originally the city of Saskatoon that had come about the wards. But population numbers are also used to establish the sufficiency of a petition for a vote like a plebiscite or a referendum.

Ms. Higgins: — Thank you very much. A number of the changes that are proposed, quite often in the explanation it talks about the provision posed for the new northern municipalities Act. And this just basically brings *The Cities Act* in line with what's being proposed in *The Northern Municipalities Act*?

Mr. Edwards: — Yes. There are two or three areas where, in the fairly extensive review that was done relating to *The Northern Municipalities Act*, questions were raised that had implications for the other two municipalities Acts. And as a consequence, basically we are making a couple of adjustments that fall from that process.

Hon. Mr. Harrison: — And if I could add a point on that as well, there was, I mean, there was an extensive process in terms of all of the Bills we have before us tonight. But there was a particularly intensive consultation process with *The Northern Municipalities Act* which was very valuable actually in the conduct of the reviews and the consultations with *The Cities Act* and municipalities Act as well.

And I know in terms of the . . . We'll get into more detail on *The Northern Municipalities Act* later but — and we can talk about that in more detail — but I know I met with the chairman

of New North this morning, mayor of Buffalo Narrows, Bobby Woods, and he's looking forward very much to this Bill moving ahead as it's a real step forward for northern municipalities, and they worked really hard on it.

Ms. Higgins: — Good. Thank you. The next piece that kind of grabbed my attention, when we look at the existing provision in preliminary proceedings 43(7) where we talk about prescribed municipalities, in the form prescribed in regulation made by the minister, is being deleted and established. So what changes? Is it just the format or is there changes to the actual form, or is it just the medium that it's kind of contained? Is it online or . . .

Hon. Mr. Harrison: — Yes. But well this is basically . . . I mean the intention on this one is so that every time there's a change in the form it doesn't actually have to go through the order in council process which you know can be, I mean somewhat . . . I mean it's not a cumbersome process. But for changing a form, it's, you know, a form that might change on a regular basis or somewhat regular basis anyway. It was felt that it would be more appropriate to have that, the SMB [Saskatchewan Municipal Board], be able to just change that form without it having to go through the order in council process. And maybe, John, you want to add a bit more?

Kind of the intention is that the advice would come from the Municipal Board or from another . . . I guess it can come from the ministry as well. And then the minister would just be able to change that form.

Ms. Higgins: — So then it won't be prescribed or established in regulation? It will be a free-standing form? I'm not sure what you would call it.

Mr. Edwards: — The intent here is to make it consistent in process with *The Municipalities Act*. *The Municipalities Act* already allows for the forms to be used for annexation to be prescribed by minister's order as opposed to Lieutenant Governor in Council regulation, whereas *The Cities Act* currently uses the Lieutenant Governor in Council regulation as a process. So we're trying to make it consistent.

As was noted in some of the comments about annexation relating to this Bill, you know, there are concerns out there, so we felt that in anticipation of a review it would be good to have authority reconciled so that they were treated the same.

Ms. Higgins: — So you're anticipating a review of the Municipal Board or the whole process for annexation?

Hon. Mr. Harrison: — In terms of the, in terms of the process, I know I had talked about it at the SARM [Saskatchewan Association of Rural Municipalities] convention, an initiative, that we're moving forward with it.

It was initiated by SARM and the city mayors' caucus, which is a planning for growth initiative which is going to address I think in a very, in a substantial way some of the pressures we've seen of growth around cities. And by doing so, we'll have, I think we'll have RMs [rural municipality] at the table and cities at the table. They've initiated the process actually, which is going to be I think a pretty exciting initiative, and I know something that the city mayors and David Marit and

SARM are looking forward to as well.

Ms. Higgins: — Well I know at — I believe it was — SARM, you had mentioned in your comments you were anticipating some changes to the Municipal Board.

Hon. Mr. Harrison: — Yes, well we're going to be, we're undertaking a review of the Municipal Board currently. I mean we're consulting with our stakeholders obviously as to any changes that they would like to see in terms of how the Municipal Board operates. We haven't come to any firm conclusions on that point yet, but we're going to be and we have been moving forward with a look at whether there's ways we can do things better.

Ms. Higgins: — As much the way the Municipal Board operates, as the processes and the length of time, some of the processes — I guess it's the same thing, some of the processes — that's the consistent concern I've heard, is the length of time that's required to go through the steps.

Mr. Edwards: — With reference to the annexation, what we've done is we've initiated some work with the SMB to apply a process known as business process management or business process mapping. And the intent here is to map out the processes associated with annexation applications once they get to the SMB. And of course, only a small minority of them do go to the SMB. Most are agreed between the municipalities.

This process will in effect map out the process, the different steps, the timelines associated with it. And then we intend to do, in conjunction with that, some consultations with a number of the municipalities that have had recent experience. We too have heard in the ministry some comments about the desire to see the process improved, so it's that that we're following upon.

Hon. Mr. Harrison: — One point I want to make about the SMB process in kind of a macro sense as well is that it is a good process. I mean, I think that having a quasi-judicial, arm's-length agency adjudicating these matters, as opposed to the minister's office, is the correct approach.

I think there are things that can be . . . and we know we've heard from municipalities that there are things that can probably be done better at the SMB. But in terms of the macro level approach to having a quasi-judicial, arm's-length agency adjudicating not just annexation issues but a whole bunch of other issues, is the correct approach to take.

Ms. Higgins: — You would consider then the Municipal Board the quasi-judicial, arms-length board or would you look at structuring something within the Department of Justice?

Hon. Mr. Harrison: — No, I mean that's not under consideration. I mean like I said, the overall concept of having a independent agency adjudicating upon not just these matters but others as well, we feel is the appropriate approach to dealing with these matters.

[19:30]

Ms. Higgins: — Next thing on the . . . Sorry, and I know you touched on this, the criminal record checks. Now they're

mandatory in the North? Is that what your comment was? No, they're just optional. They're optional. And then what you've done is made the changes in *The Cities Act* and in *The Municipalities Act*, giving them the option of also heading in this direction?

And public disclosure, now I guess from past experience we know that often when initiatives come forward in Bills it's because of an instance or something that has happened on a fairly regular basis that needs to be addressed and is requested by the cities or the municipalities. Has there been any problems with the conflict of interest piece or that it needs to be more aptly defined, or is it just updating to what standards would be considered more applicable today?

Mr. Edwards: — It's important in municipal legislation to distinguish between the disclosure statements that a member of council files as a member of council and the declaration of a conflict of interest that he may make when a matter comes up at council for debate. In those cases, he's required to abstain from the discussion after having declared what his interest is. The provision in this Bill deals with the public disclosure of certain information.

One of the cities came to us and said that their council had expressed concern that essentially being disqualified from council would be problematic if someone simply made an honest mistake. The current provision is that they must, if their circumstances change, they must file a new statement within 30 days. So the concern was that really wasn't very much time. It was certainly conceivable that some councillors might miss the deadline.

After reviewing it and discussing it with the cities, the conclusion was that they're going to something similar to what's applied to MLAs [Member of the Legislative Assembly] and *The Members' Conflict of Interest Act* in terms of an annual update of the statement . . . was probably the cleanest way to deal with that.

Hon. Mr. Harrison: — Yes. And if I could add as well, a number of the cities — and I think they're absolutely correct — just felt that wasn't an appropriate penalty, that by forgetting to file your disclosure statement that you would be essentially kicked out of office.

I mean it would be the equivalent for us here of, you know, having our disclosure statement submitted late to the Conflict of Interest Commissioner for whatever way and then no longer being an MLA. So I mean there are cases of where people honestly forget to do it on time and might need a reminder. And it was felt that the penalty was probably not commensurate with the infraction.

Ms. Higgins: — No. Thank you very much for the explanation. And just a bit of a heads-up, this is actually something I'd like to get into a little more tomorrow when we are in estimates. I've got a few other questions on it, but it doesn't really pertain to the Bill, and I know we've got others to deal with.

I don't think I have any other questions on this. Do you have any or any of my colleagues?

The Chair: — Yes, Ms. Atkinson.

Ms. Atkinson: — Thank you very much. I see that, as part of the amendment to *The Cities Act*, there is a provision that land that has been used for a roadway can be set aside by the city and sold. And I'm wondering which cities were asking for this. And is this a case that arose in the city of Saskatoon?

Mr. Edwards: — It wasn't just one city. We have a process that we go through when we're opening one of these Acts up, particularly in *The Cities Act* where we essentially canvass the cities. This is some of the residue from when we redid *The Cities Act* some years back.

What happens is that we canvass the city managers and they identify various areas that they feel are problematic. This particular issue was identified — I know I don't remember exactly which one — by about half the cities as a concern. What they felt was that the current approval of requirements in the Act, where the Minister of Highways and Infrastructure would approve the closing of a city street, were excessively prescriptive and not consistent with the spirit of *The Cities Act*. So we sat down with Highways and Infrastructure and the cities collectively, and basically worked through some changes to the process that are reflected in the Bill.

The Chair: — Did you have any more questions, Ms. Atkinson?

Ms. Atkinson: — Thank you for recognizing me. Another question that I have regarding this issue: have the cities identified occasions when a street was closed and leased to, say, a business, and this has presented a problem for other people who have historically had that street as an access to an apartment or that sort of thing?

Mr. Edwards: — I don't recall that coming up in the briefing that we had from the city officials. There were no specifics given regarding particular businesses or properties.

Ms. Atkinson: — Can you describe how someone who feels aggrieved by a decision by a municipal council to close a public access road and lease that part of the road, how someone who feels aggrieved would address the issue with the city.

Mr. Edwards: — It would be addressed to the city council. It would be their choice.

Ms. Atkinson: — So they just go to city council, and that's how they'd deal with it.

Mr. Edwards: — That's correct.

Ms. Atkinson: — And if a person felt that there were damages and the city wasn't prepared to listen to them, then their only other recourse is to go to court.

Mr. Edwards: — Yes.

Ms. Atkinson: — Thank you.

The Chair: — Thank you. Are there any more questions or comments from any of the committee members? Seeing none,

Clause 1 short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 28 inclusive agreed to.]

Clause 29

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chair. I would move that we have an amendment to clause 29 included in the Bill. I would be pleased to read the entire amendment if that so suits the committee:

Clause 29

Strike out Clause 29 of the printed Bill and substitute the following:

“New section 347

29 Section 347 is repealed and the following substituted:

‘Service of documents

347(1) Except where otherwise provided in this Act, any notice, order or other document required by this Act or the regulations to be given or served may be served:

- (a) personally;
- (b) by registered mail to the last known address of the person being served;
- (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
- (d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the tenth business day after the date of its mailing.

(3) Notwithstanding subsection (2), if the city or other person serving a notice, order or document in accordance with clause (1)(b) has received a signed post office receipt card and:

- (a) the delivery date shown on the signed post office receipt card is a date earlier than the tenth business day after the date of its mailing, the notice, order or document is deemed to have been served on the delivery date; or

(b) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the city or other person on a date earlier than the tenth day after the date of its mailing, the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is returned to the city or other person.

(4) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the business day after the date of its delivery or posting.

(5) If service cannot be effected in accordance with subsection (1):

(a) the notice, order or other document may be served by publishing it in two issues of a newspaper circulating in the city; and

(b) for the purposes of clause (a), the second publication must appear at least three business days before any action is taken with respect to the matter to which the notice, order or document relates.

(6) Except where otherwise provided in this Act, any notice, order or other document that is given or served by ordinary mail pursuant to this Act or the regulations is deemed to have been given or served on the tenth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date.

(7) No defect, error, omission or irregularity in the form or substance of a notice, order or other document, or in its service, transmission or receipt, invalidates an otherwise valid notice, order or document or any subsequent proceeding related to the notice, order or document.

(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date”.

Mr. Chair, I would move this amendment for clause 29 and for explanation I would refer to the minister and his officials.

The Chair: — Thank you, Mr. Elhard. Mr. Trew, did you have a comment?

Mr. Trew: — Well I have a question, but is the process now that the minister will explain the changes, or do I ask the pointed questions and then get the explanation? It's just a process question I'm asking, Mr. Chair.

[19:45]

The Chair: — Let's go to the minister and get an explanation, and I realize you didn't get this before the . . . Mr. Minister, please.

Hon. Mr. Harrison: — Yes, no, thanks, Mr. Chair. I was actually looking forward to the pointed question from the member. What this is, is that as a matter of principle, government decided that 10 notice days would be the sufficient amount to ensure that individuals had received proper notice of any matter going forward. And with that 10-day notice period, we realized we had to fine-tune some of the appeal processes and the timelines that went along with that where there's multiple steps in the appeal process, and that's why we brought forward the House amendment. We consulted with the municipal sector on this, and they're fully supportive of this change. It actually brought it to our attention that some of the multiple-step processes, particularly relating to appeals, would be impacted by the 10-day notice period.

The Chair: — Yes, Mr. Trew.

Mr. Trew: — Just for the pointed question — so, Minister, before the 10-day period came in, seriously, what was the intent of the original legislation? Was there a limit of time?

Hon. Mr. Harrison: — Yes. In the original legislation, it was five-days notice for registered, and we felt it would be appropriate for 10 to be that notice period.

Mr. Trew: — And is there any other change? I know there's a lot of wording change, but is it all simply flowing from the notice change from 5 to 10, and then it's all simply structural thereafter?

Mr. Edwards: — The House amendment includes adjustments in subsection (3), (6), and (8). So subsection (3) is adjusted so that it removes a potential conflict between the 10-day period and situations where assigned verification of service card from the post office is actually available. So it then defaults to the signed card.

In subsection (6), it does acknowledge that there may already be another deemed service period specified in another section of the Act. And again it defaults to those specific provisions. And then in subsection (8), what the House amendment does is provide that for situations where there is an appeal process or dispute resolution process or the collection of tax arrears, those processes would be untouched because otherwise it has a ripple effect all through the processes.

Mr. Trew: — Thank you, Mr. Chair.

The Chair: — Did that satisfy you, Mr. Trew? Do you need more time to look at this?

Mr. Trew: — No, thank you.

Ms. Higgins: — The consultations have been done and all of the sectors know that this change is also . . . this amendment has been put forward?

Hon. Mr. Harrison: — Yes. No, thanks for the question. Yes, they actually brought it to our attention in terms of some of the ripple effects and the fine tuning that needed to be done. So we are actually making the change for *The Cities Act*, *The Municipalities Act*, and *The Northern Municipalities Act*. We'll be bringing in the same amendment.

The Chair: — Thank you. Mr. Elhard has moved an amendment to clause 29. Do committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Is clause 29 as amended agreed?

Some Hon. Members: — Agreed.

[Clause 29 as amended agreed to.]

[Clauses 30 to 32 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacted as follows: Bill No. 108, *The Cities Amendment Act, 2009*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 109, *The Cities Amendment Act, 2009* with amendments. Mr. Elhard.

Mr. Elhard moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 109 — *The Municipalities Amendment Act, 2009*

Clause 1

The Chair: — Thank you, committee members. We will now move on to the consideration of Bill 109, *The Municipalities Amendment Act, 2009*. Is there any questions to the ministry regarding Bill No. 109? Oh, Mr. Minister, please.

Hon. Mr. Harrison: — Yes, thank you, Mr. Chair, and just if I could make a couple of really brief comments in terms of the background to this particular piece of legislation, similar changes in nature to those that we had just talked about in *The Cities Act* in reference to the collection of property tax on mobile homes, the provision — optional provision — for councils to require criminal record checks in the context of municipal elections, and then a number of technical and housekeeping refinements which were similar to what we went through in *The Cities Act*.

One of the differences in *The Municipalities Act* is the

implementation or the introduction of a dispute resolution mechanism for road maintenance agreements between . . . whether it be an RM council and a particular company. We felt it appropriate, and we heard from our municipal sector partners in the industry that they felt it appropriate as well, that there be an expeditious and legislated dispute resolution mechanism for road maintenance agreements.

So what we put into this Act is a 10-day maximum turnaround time dispute resolution process, where disputes will be brought to the Saskatchewan Municipal Board for resolution in that short period of time. That way we're not going to have either it be an adverse impact on municipal roads or industries having to shut down because of dispute to which there's no quick resolution. So that's one of the major differences from *The Cities Act*. And we're happy to answer any questions that members may have.

The Chair: — Thank you, Mr. Harrison. Is there any questions from the committee?

An Hon. Member: — Well of course there is.

The Chair: — I recognize Ms. Higgins.

Ms. Higgins: — So the dispute resolution for the road maintenance, now has this, is this something new? Is it totally new or just structured differently?

Hon. Mr. Harrison: — The provision in the Act is entirely new, and having a legislated timeline in which disputes have to be adjudicated by the SMB is a new process. Obviously there were mechanisms for dispute settlement prior to this, and there are currently. But this is something that the municipal sector and industry felt was a real step forward in terms of the dispute resolution process. And, John, maybe you have some additional comments on that as well.

Mr. Edwards: — Sure. We had been asked by SARM to undertake a review of the road maintenance agreements. And there were a number of issues that came up. We constituted a review committee that included representatives from the municipal sector, SARM and the Rural Municipal Administrators' Association and also SUMA [Saskatchewan Urban Municipalities Association]. And a number of different industries participate along with them.

The ability to resolve in a speedy manner disputes that might arise relating to road maintenance agreements between the council or their administrator and the industry was identified by both sides as something that was lacking and that needed to be added. From industry's point of view, if they got into a dispute with the council and they couldn't haul for a period of time, it was costing them money. From the municipal side, they were concerned that industry might continue to haul and damage the roads and not leave them with any recourse. So there was a consensus on both sides that this was something that they needed to have added.

Ms. Higgins: — And there is some flexibility with the 10 days, obviously.

Mr. Edwards: — Yes. There is some flexibility with the 10

days that's built in. There're two sources of flexibility. First the parties might agree to an extension. Or alternatively there's also a provision that would allow for regulations to be added at a later date if this proves to be a concern. Because it's a new process, we wanted to leave the ability to adjust if necessary fairly quickly because of the economic implications.

Ms. Higgins: — The other thing that comes to mind, looking at a number of pieces of legislation, the Municipal Board is mentioned, it seems to be, more often all the time. Has there been extra resources added to the Municipal Board, or is there the ability to absorb another task?

Mr. Edwards: — The feeling was, in our consultations with the Municipal Board, that at this stage they really couldn't estimate that this would have a significant impact. The notion is that there will be individuals identified who might be appointed as part-time members, people who have expertise in dealing with municipal roads that could serve as board members for that particular purpose just as part-time members are used for assessment appeals, for example.

Ms. Higgins: — The only other thing that really popped to mind or actually warrants some questions in my mind, in the existing provision method of providing public utilities service, you have an agreement of providing a public utility service in all or a part of the municipality for not more than 20 years, and that's being extended to thirty years. Why?

Mr. Edwards: — This actually arose in the discussions with the cities. The concern was that 20 years was not a sufficient time if they were able to have some private firm make an investment in infrastructure and operate it on their behalf. So the notion was that a 30-year period would provide sufficient time for, sort of, the financial mechanics to work themselves out.

Ms. Higgins: — In this Bill you get into the conflict of interest statements and disclosure. You've given an opportunity, I guess, to soften the recourse of removing someone as an elected councillor. But what's the ultimate recourse for someone who would not follow the guidelines?

Mr. Edwards: — The provision would still require, as with *The Cities Act*, an annual statement to be filed. If a councillor didn't comply, I guess we're left back where we would be. If a councillor didn't comply, I guess we'd be left back where we were with the 30-day period, yes.

[20:00]

Ms. Higgins: — Okay. That's all the questions that I have. I don't know if any of my other colleagues . . . Obviously it doesn't look like it.

An Hon. Member: — You were very thorough, very, very thorough.

Ms. Higgins: — We could ask a lot more. We've got lots of time. Anyway, thank you very much. And I appreciate the answers and the responses.

The Chair: — Thank you, Ms. Higgins. Are there any more

questions or comments from any of the committee members?
Seeing none, clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 30 inclusive agreed to.]

Clause 31

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chair. I would propose an amendment for Clause 31.

Strike out Clause 31 of the printed Bill and substitute the following:

“New section 390

31 Section 390 is repealed and the following substituted:

‘Service of documents

390(1) Except where otherwise provided in this Act, any notice, order or other document required by this Act or the regulations to be given or served may be served:

- (a) personally;
- (b) by registered mail to the last known address of the person being served;
- (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
- (d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the tenth business day after the date of its mailing.

(3) Notwithstanding subsection (2), if the municipality or other person serving a notice, order or document in accordance with clause (1)(b) has received a signed post office receipt card and:

- (a) the delivery date shown on the signed post office receipt card is a date earlier than the tenth business day after the date of its mailing, the notice, order or document is deemed to have been served on the delivery date; or

(b) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the municipality or other person on a date earlier than the tenth day after the date of its mailing, the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is returned to the municipality or other person.

(4) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the business day after the date of its delivery or posting.

(5) If service cannot be effected in accordance with subsection (1):

(a) the notice, order or other document may be served by publishing it in two issues of a newspaper; and

(b) for the purposes of clause (a), the second publication must appear at least three business days before any action is taken with respect to the matter to which the notice, order or document relates.

(6) Except where otherwise provided in this Act, any notice, order or other document that is given or served by ordinary mail pursuant to this Act or the regulations is deemed to have been given or served on the tenth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date.

(7) No defect, error, omission or irregularity in the form or substance of a notice, order or other document, or in its service, transmission or receipt, invalidates an otherwise valid notice, order or document or any subsequent proceeding relating to the notice, order or document.

(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date”.

That is the proposed amendment, Mr. Chair.

The Chair: — Thank you, Mr. Elhard. Mr. Elhard has moved an amendment to clause 31. Mr. Minister, is there anything you

wanted to point out that might be pertinent to this change?

Hon. Mr. Harrison: — Sure, thanks, Mr. Chair. This is the same amendment that had been moved with the previous cities Act . . . [inaudible] . . . when it had to do with the 10-day period.

The Chair: — Is there any questions from the committee members? Ms. Higgins.

Ms. Higgins: — So the first part of the amendment is as is. Where are the actual changes? The whole piece from after (3) is changed.

Mr. Edwards: — The changes in the House amendment are in subsection (3), subsection (6) and subsection (8). The rest is untouched.

Ms. Higgins: — And again, Mr. Minister, the partners have been advised of the amendment coming forward and have been consulted with?

Hon. Mr. Harrison: — Yes, they have been. And we actually have a list of the members interested and all of the individuals consulted and groups. And it includes SARM, SUMA, New North, the urban administrators, rural administrators, New North, the clerks' association, the Municipal Board, so there's been extensive consultation on these.

Ms. Higgins: — That's it.

The Chair: — Thank you, Ms. Higgins. Did committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is Clause 31, as amended, agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 31 as amended agreed to.]

[Clauses 32 to 34 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 109, *The Municipalities Amendment Act, 2009*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 109, *The Municipalities Amendment Act, 2009*, as amended.

Mr. Brkich: — I will so move Bill No. 109, *The Municipalities Amendment Act, 2009* with amendment.

The Chair: — Mr. Brkich has moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, Mr. Minister and members of the committee, for Bill No. 109.

Bill No. 110 — *The Northern Municipalities Act, 2009*

Clause 1

The Chair: — We will proceed into Bill No. 110, *The Northern Municipalities Act, 2009*. Minister Harrison, would you have some comments as we go into this Bill?

Hon. Mr. Harrison: — Yes. Well thank you very much, Mr. Chair. This Bill 110, *The Northern Municipalities Act, 2009*, is the result of nearly five years of consultation. Consultation actually began on this Bill in October of 2005. It's been a long time in the making, and there's been many, many individuals, particularly northerners, northern stakeholders, leaders, and citizens that have done some fantastic work in putting this Bill together and driving the content of this Bill and working with the Ministry of Municipal Affairs of course.

And we're able to move this forward here today. A lot of the changes are, I mean, are similar housekeeping, technical in nature but to what we did see in the cities and municipalities Act. But of course there are going to be some significant . . . there's some differences, one of which . . . I'll list some of the differences actually. In terms of dangerous dogs, there's a provision in this Act which had been driven by northern leaders that would and will give northern municipalities authority to deal with a dangerous dog which we know have led to a number of tragedies in northern Saskatchewan. And hopefully these new tools will allow northern communities to address some of these issues in a more expeditious fashion.

We know that municipal development corporations are something that are unique to northern Saskatchewan, as well regional municipal service districts, the northern revenue sharing trust account, which is something unique to northern Saskatchewan as well. So we're happy to get into some of those details and questions, but I want to open it up to members for any questions that they do have on this extensive piece of legislation.

The Chair: — Thank you Mr. Minister. Any comments or questions from the committee members? Committee members don't have any? I will recognize . . . [inaudible interjection] . . . I'll recognize Mr. Vermette.

Mr. Vermette: — Thank you, Mr. Chair, the minister, and his officials for being here to answer the questions, and I do have a lot so I'm going to go . . . We'll start at number one, and we'll go right to 400-and-some of them. So we're going to be a while here so, you know, you guys may as well get a coffee.

Starting out at number one: can you explain that to me?

Hon. Mr. Harrison: — Yes. Sorry, by number one are you referring to the short title?

Mr. Vermette: — Yes. Yes.

Hon. Mr. Harrison: — The Act may be cited as *The Northern Municipalities Act, 2009* which is the short title of the Act,

which I think the member probably knows that.

An Hon. Member: — I set him up.

Mr. Vermette: — He told me to do this, and I took his advice, I'm learning. I'm learning. But I guess to go to another process . . . and I appreciate the answer, but I want to go into some of the concerns on how this process got to be where it is, I guess, from your officials. And when did the original process start to change the Act? When did it happen? I'd just like a little bit of background as to the dates when it started and whether there was work as a group, where they went, or just some background information would be very helpful.

[20:15]

Hon. Mr. Harrison: — No, I thank the member for that question, and of course it's an important one. The consultations started in October 2005 as I'd indicated in my opening comments. And I know the member was involved in the consultation process as well and had attended one of the meetings. But maybe I'll let John answer in some additional detail in terms of the process that led us here.

Mr. Edwards: — We started off the process with a workshop with northern municipal administrators in 2005. In parallel to that, there were discussions with New North, and there was a decision made to establish a review committee. The review committee was established in 2006, and the review committee worked from basically then on to develop the provisions.

Mr. Vermette: — Thank you, John, for answering that question. Are there any concerns? And I know the process you went through with working with a working group. And can you just give me a background to some of the people that took part in that working group, just some of the individuals and where they came from?

Mr. Edwards: — Yes, I have a list here. In general terms the members of the working group were all nominated by New North and then supplemented by members from the ministry.

The members consisted of Mary Lou Lavallee, a councillor with Timber Bay; Louise Baht, administrator for Air Ronge; Fred Roy, councillor and now mayor of Beauval; Carl Lentowicz, the mayor of Denare Beach; Doris MacDonald, a councillor from Stony Rapids; Marie Lariviere, who was the clerk of Patuanak at the time; Beverly Wheeler, administrator for Denare Beach; Brenda Janvier, a councillor for La Loche, and Joanne Griffith who was the CEO [chief executive officer] for New North at the time. In addition to that, both Carla and myself participated in the committee, along with representatives from our ministry's office in La Ronge.

Mr. Vermette: — Okay. I just want to go a little further into that. I know that was a working group. What process did you guys . . . As a working group, did they come back, or however, to report to the mayors, New North? And what type of reporting did you do back as you went through the information and the committees met, or the working group, and then you go back and make sure New North was okay with that? What kind of process happened there?

Mr. Edwards: — Sure. Well of course they had the CEO from New North on the committee, so she was able to report back on an ongoing basis. Basically the committee met approximately nine times. Each of those was two, three days at a time. We essentially used a clause-by-clause review of *The Northern Municipalities Act*, starting with section one and working our way all the way through to . . . And more, also a comparison between *The Northern Municipalities Act* and *The Municipalities Act*. So essentially they compared the provisions under the revised municipalities Act and the provisions of the current northern municipalities Act, and from there developed what changes they wanted to have made.

We essentially covered several parts of the Act in each of the meetings, and there were a number of different items that the committee would identify for follow-up by the ministry in terms of, go away and do research for us and come back and report. And we did that all through the process.

Eventually a draft was created, and it went through two or three iterations as well at the committee level. We had a private solicitor who assisted us in the process. She was the same lawyer who had worked for the cities on *The Cities Act* and for SUMA and then the ministry on *The Municipalities Act*.

Mr. Vermette: — Okay, thank you for that, John. I could see why you wouldn't want to go clause by clause after that process. I guess going through this and looking at the change . . . and I guess the criminal record check is something that it's good to see. That's a clause that's in there that gives the municipality the provisions to enact it or not enact it. I mean it's not a . . . everybody has to follow it. So I think the flexibility . . . And I guess working through that process and I guess the . . . I have to probably say there was an opportunity for people to have input into that. And you know when you look at the timeline and the times they met and New North and the mayor . . .

So looking at that, I'm supporting, you know, the changes. And I understand it because I've done some checking, talking to some of the mayors and making sure. And I know the process because I was invited to one of the committee working groups and got to see some of the work that they were doing. And it looked like they were thorough, and your staff and yourself . . . So to be honest with you, it's pretty . . . if it's exactly the process that I said some people would like to have and an opportunity when they're consulted, that's important. And this shows a commitment by yourself and I guess the officials. And when you went through that process to make sure people feel like they have an opportunity to be heard and if there are issues or concerns, they can raise them, and I think that's very important.

I say that because I do believe that, in my heart, that people have to feel like they're being consulted or heard or a chance to improve on things, and when they have issues, they can raise them. And I just want to say again — you know I'm not used to giving out lots of compliments — but I just want to say, I know the process went through this, so I will give that to you and your officials and that working group.

Obviously some of the changes in here are going to be beneficial to the North. We know that, and been a lot of work

going through this. I don't want to take up a lot of time. I've already done a little back work back home making sure people are okay with it. And to what I can see, these are things that will improve for northern municipalities.

And at this point, you know, I just want to thank the officials. Mr. Chair, I have no further questions. Just want to say again, I think the process was there for the people. And like I said, hopefully they can use the tools that are in here for the betterment of all northern people. Anyway, thank you.

The Chair: — Thank you, Mr. Vermette. Is there any more questions or comments from any of the committee members? Yes. I recognize Mr. Belanger.

Mr. Belanger: — Thank you very much, Mr. Chairman. Just a couple of questions on the northern Act in terms of some of the changes made in relation to the criminal record check and of course some of the issues you raised in relation to having a regional co-operation in terms of sharing services and so on and so forth.

I think that sharing services . . . I just wanted to confirm with the minister himself that sharing services is voluntary. It's not going to be implemented in the sense of saying that you guys now will have to share services; it's going to be requested and required. That's not the intent of the legislation now or into the future. Is that correct?

Hon. Mr. Harrison: — That's correct.

Mr. Belanger: — The second point I would like to raise on the matter of . . . my colleague from Cumberland indicated the consultation process and the fact that this has been a long time developing in terms of reaching out. Has there been any kind of — and I appreciate the committee work that was mentioned by the official — but has there been any kind of survey done with the councillors of the municipalities or the mayors, saying this is a provision and we're putting it in place, like kind of a handwritten survey or a professionally prepared survey of all the councillors and mayors in the North to know that this is coming down the pipe.

Mr. Edwards: — The description I provided of the process earlier was a bit incomplete, and I apologize for that. There was no survey per se.

The review committee and ministry developed a consultation plan together, and that consultation plan included a number of elements. First, in partnership with New North, Municipal Affairs organized six different regional workshops with northern municipal folks. So invitations were sent out to all the municipalities, the administrators, the councillors. There were radio ads and other advertising because they were open to the public. There were also invitations sent out to Métis locals and First Nations that could conceivably be affected by the provisions.

So we, basically between February and March, went around to six different locations and worked through materials relating to the proposed new legislation. We were guided by the review committee in identifying the, sort of, top 10 issues that they felt would be ones that the municipal people would want to talk

about and be consulted on. And as a consequence, each of the discussions was somewhat different. Each of the different regions, the focus was on particular areas.

We also did a presentation at a New North annual general meeting and to the NRSTA [northern revenue sharing trust account] management Board in December 2007. In addition to that, we had one joint meeting with the New North Board to talk about the proposals and the direction that they saw them taking. Further there were letters sent out under our duty-to-consult provisions to Métis locals and First Nations to provide information and as I said before, extended an invitation to attend the workshops.

There was a round of external consultations to a long list of different organizations and others who had expressed an interest, and finally consultations with various provincial ministries, in fact two different rounds. So we canvassed them to see what concerns or issues they might have and talked about how we were proposing to handle those in the Bill.

Mr. Belanger: — Again the consultation process as you mentioned has been ongoing, and what I'm trying to wrap my head around and make sure that if we're asked questions on the exact Bill itself that I give the exact correct answers. But in relation to the consultation process that you indicated, is it fair to say that the provisions being presented by the minister today in this legislation was exactly what the consultations were based on? You talk about the top 10, but we're talking about two specific measures here — the criminal record check and the regional service agreements or the regional co-operation model. I just want to make sure those consultations were directly attributed to those venues that you spoke about just a few seconds ago. Is that correct?

Mr. Edwards: — There were a variety of views expressed in the regional workshops about the criminal records checks. One of the differences between the view that came from those and the Bill is that there were a number of individuals who felt that it should simply be mandatory, whereas the provisions in the Bill make that process discretionary for a municipal council. The regional service districts, I don't recall being particularly an area that folks focused very much on. There were no issues raised.

After the six regional workshops, we basically took all of the input, summarized all of the comments from the different meetings, took it back to the review committee, and went through each and every one of them. And the review committee decided how they wanted to respond to it. A copy of the report that summarizes the results of the six regional workshops has been posted since then on our ministry's website, along with quite a number of other items relating to the whole process.

Mr. Belanger: — So I just want to be very clear. This doesn't affect organizations like Northern Lights or the Métis nation or any other organization. This is specific to the minister's municipal operations. Is that correct? That includes councillors and mayors. These provisions don't expand to other associations or organizations in the North.

[20:30]

Mr. Edwards: — Are you referring to criminal records check?

Mr. Belanger: — Yes.

Mr. Edwards: — It only deals with municipal councils.

Mr. Belanger: — Okay. And I've only got about three or four more questions left. And I just want to make sure we know that under the Act, as in laymen's terms, that a person that has a criminal record check can indeed run for municipal office, mayor or councillor, as long as (a) he discloses it voluntarily, not mandatory, or (b) the community of the place that he is running, the council requires him to do so. Is that correct?

Hon. Mr. Harrison: — Yes.

Mr. Belanger: — And I only think that that's fair because one of the things that we ought to be very careful of is that in northern Saskatchewan, you look at the Aboriginal population per se, they have a much larger incarceration rate and along with that comes a much lengthier criminal records. And as we know, many of these northern communities, there's a huge . . . 80, 90 per cent of them are Aboriginal people. So you do the connection between the population that are incarcerated, those that may have a criminal record check, or a criminal record, period, and if they're prevented from changing their life around and holding a duly elected position, I just want to make sure, I want to make sure that this is not a deterrent to them because everybody deserves a second chance. That's my point here.

Hon. Mr. Harrison: — And they would not be disqualified from being a candidate with a criminal record.

Mr. Belanger: — Okay. That's all the questions I have.

The Chair: — Thank you, Mr. Belanger. Are there any other questions or comments from any of the committee members? Yes, Ms. Higgins.

Ms. Higgins: — Thank you very much, Mr. Chair. Just something, looking through the Bill and in your comments, there's an area that division 6 talks about municipal development corporations and establishment. What does this do to the northern trust fund, anything? It just struck me that, with the enactment of *The Northern Municipalities Act*, will we see changes to the northern trust fund or any of the other development kind of supports that are available currently? Is there any changes that this may make?

Mr. Edwards: — Prior to the last revaluation, we came to the House with some amendments to *The Northern Municipalities Act* that changed things relating to assessment. And in that same Bill, there was a restructuring of the northern municipalities trust account. Those provisions as passed at that time are continued in this Bill.

Ms. Higgins: — Thank you very much for the clarification. And I just want to pass along not a question, but it is very good to see this Bill move ahead because I know it has been many years in the works, and there has been a great deal of hard work that's gone into it, not only by the stakeholders but to those in the ministry. So it is very good to see it moving ahead. So thank you very much.

The Chair: — Thank you. Seeing no other questions, clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

The Chair: — Yes, Mr. Elhard.

Mr. Elhard: — I'm wondering, with leave of the committee, whether we might save a little bit of time and instead of going through this entire Bill clause by clause that we maybe go through parts. And I do have an amendment that I'm going to be proposing in part XII, division 6, section 411 . . . clause 411, I'm sorry.

The Chair: — Yes, thank you, Mr. Elhard. We will do that.

Mr. Trew: — Mr. Chair, will you put that question to the committee?

The Chair: — Yes, I will, okay. That is on the agenda, Mr. Elhard.

[Clauses 2 and 3 agreed to.]

The Chair: — As Mr. Elhard as mentioned, this Bill has 473 clauses. Is there leave granted to review portions of this Bill in parts? Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay, we'll take this slow, so I don't miss anything.

[Clauses 4 to 410 inclusive agreed to.]

Clause 411

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Mr. Chair, I move that the following amendment be included in the Bill:

Clause 411

Strike out Clause 411 of the printed Bill and substitute the following:

“**Service of documents**
411(1) . . .

The Chair: — With leave of the committee, with permission, we would prefer to adopt the amendment as circulated rather than read it out.

Ms. Higgins: — We all have a copy of the proposed amendment and agree that it should move ahead as distributed.

The Chair: — Is there anything in the amendment, Mr. Minister, that you wanted comment on? Any questions from the

members? Any questions from the members?

Ms. Higgins: — Just my regular question to the minister if consultations have been done with the interested stakeholders on the amendments that's being put forward.

Hon. Mr. Harrison: — Yes, as I had indicated in the previous answer, consultations have been widespread with municipal stakeholders.

Ms. Higgins: — On the amendment also?

Hon. Mr. Harrison: — On the amendment.

Ms. Higgins: — Thank you very much.

The Chair: — Will the committee accept the amendment as circulated?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried. Is it the pleasure of the committee to adopt the amendment?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 411 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is it the pleasure of the committee to adopt the amendment?

Some Hon. Members: — Agreed.

[Clause 411 as amended agreed to.]

[Clauses 412 to 473 inclusive agreed to.]

The Chair: — Carried. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: Bill No. 110, *The Northern Municipalities Act, 2009*.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 119, *The Northern Municipalities Act, 2009* . . . I'm sorry. I would ask a member to move that we report Bill No. 110, *The Northern Municipalities Act, 2009* with amendment.

Mr. Brkich: — I will move Bill No. 110, *The Northern Municipalities Act, 2009* with amendment.

The Chair: — Mr. Brkich moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 111 — *The Northern Municipalities Consequential Amendments Act, 2009/Loi de 2009 portant modifications corrélatives à la loi intitulée The Northern Municipalities Act, 2009*

Clause 1

The Chair: — Now we'll move on to consideration of Bill No. 111, *The Northern Municipalities Consequential Amendment Act, 2009*. This is a bilingual Bill and I won't . . . My French is about as good as former Prime Minister John Diefenbaker. Mr. Minister, would you have some opening comments on Bill No. 111?

Hon. Mr. Harrison: — Yes, thank you, Mr. Chair. I know members have the Bill in front of them, and it is a very short Bill. The Act that we had just gone through touched on approximately 36 statutes which we amended in the previous Bill that we had discussed . . . 110. There's three bilingual statutes that are also impacted by the changes to *The Northern Municipalities Act* that have to be amended by way of separate Bill, and that's what we're bringing before the committee here tonight.

The Chair: — Thank you, Mr. Minister. Is there any comment or questions from the committee?

Mr. Trew: — Mr. Chair, this being a consequential Act, it just flows from the previous one we discussed. We have no questions.

The Chair: — Thank you, Mr. Trew. We will now consider clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

The Chair: — We will accept that the same clauses will be agreed to in French, in the other official language.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 111, *The Northern Municipalities Consequential Amendments Act, 2009*. Is that agreed? Yes, Mr. Trew.

[20:45]

Mr. Trew: — On a point of the procedure, that I think I heard you say, and I may have misheard, but I'd just make this point. We're passing the Bill multilingual — bilingual, I should say, not multilingual — and I think that for the benefit of the francophones I think the proper procedure would be, sir, for you to get agreement of the committee that when we pass it in English — clauses 1 through 5 in this case — that it's deemed that we're passing the other five rather than, I think I heard, a unilateral declaration. And I'm just not sure if it was ever challenged, how that would stand up.

So I'm trying, in the spirit of being helpful, I'm urging that you get agreement that when we pass it in English that it's deemed that we're also passing the French version. Thank you.

The Chair: — Mr. Trew, I appreciate your comments. Maybe we'll put that on the record that this Bill that has been amended is a bilingual Bill and the changes that we have agreed to in English will also be agreed to as amended in French as well. Is that agreed?

Some Hon. Members: — Agreed.

Mr. Trew: — That was the point I was making. Thank you.

The Chair: — You're welcome. Continuing on, Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill 111, *The Northern Municipalities Consequential Amendments Act, 2009* without amendments. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I would ask a member to move that we report Bill No. 111, *The Northern Municipalities Consequential Amendments Act, 2009* without amendment.

Mr. Brkich: — I will move that Bill No. 111, *The Northern Municipalities Consequential Amendments, 2009* be moved without amendment.

The Chair: — Thank you, Mr. Brkich. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members. Mr. Minister, thank you. Is there any closing comments you'd like to make?

Hon. Mr. Harrison: — Yes, thank you very much, Mr. Chair. Firstly thank the members for their questions and attention this evening. And a special thank you to my officials here tonight, John and Carla and Van, who did a fantastic job on these Bills. And I think it's been widely recognized. So thank you very much, Mr. Chair.

The Chair: — You're most welcome. Thank you. Ms. Higgins.

Ms. Higgins: — Thank you very much, Mr. Chair. And I wanted to thank the minister and the representatives from the ministry for being here tonight to answer questions patiently, but also for the good work that you do throughout the year. I know it's appreciated right across the province. So thank you.

The Chair: — Thank you, Mr. Minister. And thank you for the co-operative spirit of the committee members. It's very much appreciated. And I think we've got a fair amount accomplished tonight. So I would entertain a motion to adjourn. Mr. Bradshaw.

Mr. Bradshaw: — I so move.

The Chair: — This committee is now adjourned.

[The committee adjourned at 20:49.]