

STANDING COMMITTEE ON PRIVATE MEMBERS' BILLS

June 6, 2002

MINUTE NO. 6

10:40 a.m. – Room 10

1. **PRESENT:** Members Allchurch, Brkich, Hamilton, Jones, Julé, Junor, McCall, Yates

Other Members:

Mr. Peters

2. The Clerk to the Committee presided over the election of a Chair. Ms. Jones nominated Ms. Hamilton for the position. There being no further nominations, it was moved by Mr. Yates.

That nominations for the position of Chair close.

The question being put the motion was agreed to.

Accordingly, Ms. Hamilton was declared elected as Chair.

3. **Bill No. 301** – *The Conference of Mennonites of Saskatchewan Amendment Act, 2002*

Sponsor: Mr. Rudi Peters, MLA

Witnesses: Mr. Erie Baergen, Conference of Mennonites of Saskatchewan
Mr. Allen Klassen, Conference of Mennonites of Saskatchewan

- (a) Law Clerk's report read and tabled.
- (b) Preamble read and adopted. (Mr. McCall)
- (c) Bill considered clause by clause.
- (d) Bill to be reported without amendment. (Mr. Yates)

4. **Bill No. 302** – *The Sunnyside Nursing Home Amendment Act, 2002*

Sponsor: Ms. Carolyn Jones, MLA

Witnesses: Allen Fowler, Administrator, Sunnyside Nursing Home
Clifford Holm, Solicitor

- (a) Law Clerk's report read and tabled.
- (b) Preamble read and adopted. (Mr. Brkich)
- (c) Bill considered clause by clause.
- (d) Bill to be reported without amendment. (Mr. McCall)

Standing Committee on Private Members' Bills – June 6, 2002 (continued)

5. **Bill No. 303** – *The Saskatchewan Association of Rural Municipalities Amendment Act, 2002*

Sponsor: Ms. Doreen Hamilton, MLA

Witness: Mr. Ken Engel, Executive Director, SARM
Mr. Michael Morris, Manager of Legal Services, SARM

- (a) Law Clerk's report read and tabled.
- (b) Preamble read and adopted. (Mr. Allchurch)
- (c) Bill considered clause by clause.
- (d) Bill to be reported without amendment. (Ms. Junor)

6. It was moved by Mr. Yates:

That the fees respecting Bill 301 be remitted less the cost of printing.

The question being put, the motion was agreed to.

7. It was moved by Ms. Junor:

That the fees respecting Bill 302 be remitted less the cost of printing.

The question being put, the motion was agreed to.

8. The Committee discussed the rationale for the remission of fees with respect to Bill 303. Ms. Julé moved that the discussion be adjourned pending the receipt of further information and further discussion. Following further discussion Ms. Julé withdrew the adjournment motion and agreed with a Committee request for the preparation of a report by the Clerk on the practice and rationale for refunding fees for various organizations.

Standing Committee on Private Members' Bills – June 6, 2002 (continued)

9. The Law Clerk presented a proposed standard transitional provision as a model for private bills that seek to make changes to incorporating provisions of a private Act as follows:

Transitional

X(1) Upon the coming into force of this Act:

- (a) the property of the [former corporation] as it existed on the day before this Act comes into force continues to be the property of the [new corporation];
- (b) the [new corporation] continues to be liable for the obligations of the [former corporation] as it existed on the day before this Act comes into force;
- (c) any existing cause of action, claim or liability is not affected by the enactment of this Act and any existing cause of action, claim or liability continues to apply to the [new corporation] notwithstanding the enactment of this Act;
- (d) a civil, criminal or administrative action or proceeding pending by or against the [former corporation] as it existed on the day before this Act comes into force may be continued to be prosecuted by or against the [new corporation];
- (e) a conviction against, or ruling, order or judgment in favour of or against the [former corporation] as it existed on the day before this Act comes into force may be enforced by or against the [new corporation];
- (f) the bylaws of the [former corporation] that were in force on the day before this Act comes into force continue as the bylaws of the [new corporation] until replaced or amended by the corporation pursuant to this Act;
- (g) a person who is a member of the board of directors of the [former corporation] on the day before this Act comes into force continues as a member of the board of directors until the earlier of the following dates:
 - (i) the date members of the board of directors are elected to the board pursuant to this Act and the bylaws; and
 - (ii) the date the person dies, resigns or otherwise ceases to be a member of the board of directors.

Standing Committee on Private Members' Bills – June 6, 2002 (continued)

(2) If a will, within the meaning of *The Wills Act, 1996*, made before or after the coming into force of this Act, that is probated after the coming into force of this Act directs that assets be given to the [former corporation] the assets that would have been given to that entity are to be given to the [new corporation].

(3) Notwithstanding any other Act or law, on and from the coming into force of this Act, a reference to the [former corporation] in a will, bequest or gift is deemed to be a reference to the [new corporation].

Ordered, That the standard transitional provision be adopted. (Mr. Yates)

It was agreed that the committee's report should include reference to the standard transitional provision.

10. The Committee adjourned at 11:30 a.m. to the call of the Chair.

Gwenn Ronyk
Committee Clerk

Doreen Hamilton
Committee Chair