

BILL

No. 2

An Act respecting Enterprise Saskatchewan

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(Assented to)

Preamble

WHEREAS it is desirable to establish Enterprise Saskatchewan to further the economic goals of the Government of Saskatchewan in a manner that is consistent with the following principles:

- (a) that development of Saskatchewan's economy by private enterprise be continued and assisted by policies of the Government of Saskatchewan to ensure that:
- (i) taxes are competitive with other jurisdictions;
 - (ii) barriers to economic growth are reduced and removed; and
 - (iii) labour laws are balanced and fair to both employers and unions;

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- (b) that the Government of Saskatchewan not invest in, take direct equity stakes in, or make loans or grants to mature businesses;
- (c) that the Government of Saskatchewan may provide for new tax incentives, specifically intended to encourage new economic growth, to businesses, industries or sectors of Saskatchewan's economy;
- (d) that the Government of Saskatchewan maintain fiscal accountability by balancing the budget of the Government of Saskatchewan each year and ensuring that any surpluses are dedicated to promoting or enhancing the economic development of Saskatchewan and reducing any accumulated deficit of the general revenue fund;
- (e) that the Government of Saskatchewan reduce the debt of the Government of Saskatchewan; and
- (f) that *The Crown Corporations Public Ownership Act* be respected;

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

PART I
Short Title and Interpretation

Short title

- 1** This Act may be cited as *The Enterprise Saskatchewan Act*.

Interpretation

- 2** In this Act:

- (a) **“agency”** means Enterprise Saskatchewan established pursuant to section 3;
- (b) **“board”** means the board of the agency;
- (c) **“Crown”** means the Crown in right of Saskatchewan;
- (d) **“fiscal year”** means the period set out in section 19;
- (e) **“member”** means a member of the agency;
- (f) **“minister”** means the Minister of Enterprise and Innovation;
- (g) **“prescribed”** means prescribed in the regulations.

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PART II
Agency**Agency established**

3 Enterprise Saskatchewan is established as a corporation.

Purposes of agency

4 In keeping with the principles set out in the Preamble, the purposes of the agency are as follows:

(a) to establish sector teams to survey and identify barriers to growth in the following sectors of Saskatchewan's economy:

- (i) energy production;
- (ii) agriculture;
- (iii) tourism;
- (iv) forestry;
- (v) advanced education, research and development;
- (vi) life sciences, synchrotron science and information technology;
- (vii) environment;
- (viii) construction;
- (ix) trucking and transportation;
- (x) financial services;
- (xi) manufacturing;
- (xii) mining;
- (xiii) co-operatives;
- (xiv) arts and culture;
- (xv) any other prescribed sector;

(b) to provide recommendations and advice for the removal and reduction of barriers to economic growth in the sectors of the economy mentioned in clause (a) and report publicly on the Government of Saskatchewan's progress in these activities;

(c) to provide recommendations and advice respecting the enhancement of the competitive position of Saskatchewan's economy;

(d) to establish, measure, monitor and report on goals and targets for Saskatchewan's economy;

(e) on request of the Lieutenant Governor in Council, to provide recommendations and advice and to undertake programs and activities respecting the development of Saskatchewan's economy, including:

- (i) developing Saskatchewan's labour force;
- (ii) enhancing Saskatchewan's immigrant nominee program;

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- (iii) promoting youth entrepreneurship;
 - (iv) facilitating and streamlining the process of registering a business in Saskatchewan;
 - (v) facilitating the development of regional economic development agreements and regional economic development authorities; and
 - (vi) any other activity or program;
- (f) to undertake activities to promote Saskatchewan as a place to live, work, operate a business and invest, including marketing and promotion activities;
- (g) to provide recommendations and advice to the Government of Saskatchewan respecting research and the commercialization of innovation in Saskatchewan, including reviewing and making recommendations regarding programs and policies that may better co-ordinate, support, develop and promote and facilitate research and the commercialization of innovation;
- (h) on request of the Lieutenant Governor in Council, to undertake any program or activity for the purposes of achieving the objectives described in clause (g);
- (i) to undertake any other prescribed activities and programs.

Powers of agency**5(1)** The agency may:

- (a) accept any funds granted to the agency by the minister or appropriated by the Legislature for the purposes of the agency;
- (b) enter into agreements that it considers expedient or desirable in the exercise of its powers or the performance of its responsibilities;
- (c) subject to the approval of the Lieutenant Governor in Council, establish and operate any facility, enterprise, program or undertaking that the agency considers will be conducive to the exercise of its powers or the performance of its responsibilities;
- (d) accept contributions or receive moneys from any source for carrying out its purposes;
- (e) subject to the approval of the Lieutenant Governor in Council, incorporate any body corporate that the agency considers will assist the agency in the exercise of its powers or the performance of its responsibilities;
- (f) carry out or engage in any other function or activity assigned to the agency by the Lieutenant Governor in Council; and
- (g) do all those things that the agency considers necessary, incidental or conducive to the carrying out of its purposes.

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- (2) Subject to subsection (4), the agency may:
- (a) acquire by purchase, lease or otherwise, any property that the agency considers necessary for its efficient operation; and
 - (b) sell, lease or otherwise dispose of any of the agency's property in any manner that the agency considers appropriate.
- (3) The agency may:
- (a) purchase property by means of deferred payments; and
 - (b) give security on the property purchased for the purchase price, or the unpaid balance of the purchase price, with interest.
- (4) If the purchase price or sale price of real property included in one transaction entered into by the agency exceeds \$250,000, the agency shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.
- (5) The agency may establish a division of the agency to be called Innovation Saskatchewan.

**PART III
Administration**

Membership

- 6(1)** The agency consists of the following members appointed by the Lieutenant Governor in Council:
- (a) the minister;
 - (b) one member of the Executive Council;
 - (c) one member selected from persons nominated by the prescribed organization or organizations representing business in Saskatchewan;
 - (d) one member selected from persons nominated by the prescribed organization or organizations representing labour in Saskatchewan;
 - (e) one member selected from persons nominated by the prescribed organization or organizations representing Aboriginal persons in Saskatchewan;
 - (f) one member selected from persons nominated by the prescribed organization or organizations representing rural municipalities in Saskatchewan;
 - (g) one member selected from persons nominated by the prescribed organization or organizations representing urban municipalities in Saskatchewan;
 - (h) one member selected from persons nominated by the prescribed organization or organizations representing post-secondary educational institutions in Saskatchewan;

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(i) one member selected from persons nominated by the prescribed organization or organizations representing co-operatives in Saskatchewan;

(j) one member selected from persons nominated by the prescribed organization or organizations representing the resource industry in Saskatchewan;

(k) one member selected from persons nominated by the prescribed organization or organizations representing agricultural producers in Saskatchewan;

(l) one other person.

(2) Nominations for the purposes of clauses (1)(c) to (k) must be made in any prescribed manner.

Board of agency

7(1) The board of directors of the agency consists of those persons who are appointed to constitute the agency pursuant to section 6.

(2) Subject to subsections (3) and (4), a person appointed pursuant to section 6:

(a) holds office at pleasure for a period not exceeding two years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and

(b) is eligible for reappointment.

(3) No member of the board shall hold office for more than two consecutive terms.

(4) If a member of the board dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.

(5) Subject to subsection (6), if the office of a person appointed pursuant to section 6 becomes vacant, the Lieutenant Governor in Council may:

(a) appoint a person for the remainder of the term of the person who vacated the office; or

(b) appoint a person for the term mentioned in subsection (2).

(6) For the purposes of subsection (5), if the person whose office is vacated was appointed from persons nominated pursuant to any of clauses 6(1)(c) to (k), the person appointed to fill that office must be from persons nominated in accordance with that clause.

(7) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

(8) Notwithstanding anything in *The Legislative Assembly and Executive Council Act, 2007*, where a member of the Legislative Assembly is appointed a member of the agency, he or she shall not, by reason of the appointment or of any payment to him or her pursuant to section 9, vacate his or her seat or be disqualified from sitting or voting in the Legislative Assembly.

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Officers

- 8(1) The minister is the chairperson of the board.
- (2) The Lieutenant Governor in Council may appoint another member of the board as vice-chairperson of the board.
- (3) The chairperson shall:
- (a) preside over all meetings of the board; and
 - (b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.
- (4) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.

Remuneration and reimbursement

- 9 The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

Committees

- 10 The board may:
- (a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the agency;
 - (b) determine the duties of any committee it appoints; and
 - (c) fix the allowances for expenses of members of any committee it appoints.

Chief Executive Officer and other staff

- 11(1) Notwithstanding *The Public Service Act, 1998*, the agency shall employ a chief executive officer.
- (2) The agency shall determine the chief executive officer's conditions of employment and remuneration.
- (3) The agency shall pay to the chief executive officer the remuneration determined pursuant to subsection (2).
- (4) Subject to the control and direction of the board, the chief executive officer shall manage the affairs and business of the agency.
- (5) Subject to any policies established by the board, the chief executive officer may:
- (a) notwithstanding *The Public Service Act, 1998*, hire, on behalf of the agency, any employees that the chief executive officer considers necessary for the conduct of the agency's operations; and
 - (b) determine the employees':
 - (i) duties and powers;
 - (ii) conditions of employment; and
 - (iii) remuneration.

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Superannuation and other plans

12 The agency may establish and support any or all of the following for the benefit of the chief executive officer and other employees and the dependants of the chief executive officer and other employees:

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

Agent of the Crown

13(1) The agency is for all its purposes an agent of the Crown, and the agency's powers pursuant to this Act may be exercised only as an agent of the Crown.

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

Responsible to minister

14 The agency is responsible to the minister for the performance of its responsibilities and the exercise of its powers pursuant to this Act.

Head office

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

Capacity to contract

16(1) The agency has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf.

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

Common seal

17 The agency is to have a common seal.

Liability in tort

18 The agency may:

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

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PART IV
Financial Matters**Fiscal year**

19 The fiscal year of the agency is the period commencing on April 1 in one year and ending on March 31 of the following year.

Appropriation

20 The Minister of Finance shall pay to the agency out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the agency in the amounts and at the times that are requested by the agency and agreed to by the Minister of Finance.

Audit

21 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the agency:

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

Annual report

22(1) In each fiscal year, the agency shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister:

- (a) a report of the agency on its business for the preceding fiscal year; and
- (b) a financial statement showing the business of the agency for the preceding fiscal year, in any form that may be required by Treasury Board.

(2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (1).

PART V
Transfers to and from Agency**Transfers to and from agency**

23(1) In this section:

- (a) **“Crown corporation”** means a Crown corporation as defined in *The Crown Corporations Act, 1993*;
- (b) **“Registrar”** means the Registrar of Titles, appointed pursuant to section 6 of *The Land Titles Act, 2000*.

(2) Notwithstanding any other Act or law or any provision of any contract:

- (a) the Lieutenant Governor in Council may, by order, subject to any terms and conditions that may be set out in the order, transfer or assign to, and vest in, the agency:
 - (i) any personal property, assets, liabilities, debts, interests, rights, obligations, and contracts of the Crown, a Crown corporation or agent of the Crown; and

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- (ii) any lands, interests in lands, mortgages, charges, encumbrances or other real property interests of the Crown, a Crown corporation or agent of the Crown;
 - (b) the chairperson of the Public Service Commission may, with the approval of the agency, transfer any employees or class of employees in the public service, as defined in *The Public Service Act, 1998*, to and cause them to become employees of the agency; and
 - (c) the president, chief executive officer or other head of a Crown corporation or other agent of the Crown may, by agreement with the agency, transfer any employees or class of employees of the Crown corporation or agent of the Crown to and cause them to become employees of the agency.
- (3) Notwithstanding any other Act or law or any provision of any contract:
 - (a) the Lieutenant Governor in Council may, by order, subject to any terms and conditions that may be set out in the order, transfer or assign to, and vest in, the Crown, a Crown corporation or other agent of the Crown:
 - (i) any personal property, assets, liabilities, debts, interests, rights, obligations, and contracts of the agency; and
 - (ii) any lands, interests in lands, mortgages, charges, encumbrances or other real property interests of the agency;
 - (b) the Lieutenant Governor in Council may, on the recommendation of the minister and the Minister Responsible for the Public Service Commission or the minister responsible for a Crown corporation or other agent of the Crown, by order, transfer any employees or class of employees of the agency to the Crown, a Crown corporation or other agent of the Crown, and cause them to become employees of the public service within the meaning of *The Public Service Act, 1998*, the Crown corporation or agent of the Crown, as the case may be.
- (4) An order made pursuant to:
 - (a) subclause (2)(a)(i) or (3)(a)(i) shall constitute for all purposes a legal and valid transfer or assignment of the personal property, assets, liabilities, debts, interests, rights, obligations and contracts in accordance with the terms of the order; and
 - (b) subclause (2)(a)(ii) or (3)(a)(ii) shall constitute for all purposes a legal and valid transfer or assignment of the lands, interests in lands, mortgages, charges, encumbrances or other real property interests in accordance with the terms of the order.
- (5) An order made pursuant to subclause (2)(a)(ii) or (3)(a)(ii) shall:
 - (a) direct the Registrar to execute any necessary registration to give effect to the order; and
 - (b) be provided to the Registrar as soon as possible after the order is issued.

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(6) Any person who may have a right or claim in relation to anything that has been transferred or assigned pursuant to clause (2)(a) or (3)(a) may continue to assert that right or claim against the party to whom that thing was transferred or assigned.

(7) No prohibition of any transfer or assignment, nor the absence of any consent or approval required for any transfer or assignment, voids or affects the validity of a transfer or assignment made pursuant to this section.

(8) Any transfer or assignment made pursuant to this section is deemed not to be a breach or default under any lease, contract or other document.

(9) Notwithstanding any Act, law or provision of a contract, a transfer of an employee pursuant to clause (2)(b), (2)(c) or (3)(b):

- (a) does not constitute the abolition or termination of any position or job;
- (b) does not require any advance notice, including any notice that may be required pursuant to any Act, law or provision of a contract; and
- (c) does not constitute constructive dismissal of any person or a breach of contract.

PART VI Regulations

Regulations

24 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of section 4, prescribing:
 - (i) any other sector of Saskatchewan's economy for which a sector team is to be established;
 - (ii) activities and programs that the agency may undertake;
- (c) prescribing an organization or organizations for each of clauses 6(1)(c) to (k);
- (d) prescribing the manner in which the organization or organizations mentioned in clause (c) must nominate potential members;
- (e) prescribing any matter or thing that is authorized or required by this Act to be prescribed in the regulations;
- (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART VII Coming into Force

Coming into force

25 This Act comes into force on proclamation.

