

The Global Transportation Hub Authority Act

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Chapter G-5.01* of *The Statutes of Saskatchewan, 2013* (effective August 6, 2013), as amended by the *Statutes of Saskatchewan, 2014, c.E-13.1*.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER G-5.01

An Act respecting the Global Transportation Hub Authority and the Transportation Logistics Hub and to make consequential amendments to *The Municipal Board Act*

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Global Transportation Hub Authority Act*.

Interpretation

2 In this Act:

- (a) “**authority**” means the Global Transportation Hub Authority continued pursuant to section 3;
- (b) “**board**” means the authority’s board of directors mentioned in section 13;
- (c) “**city**” means the City of Regina;
- (d) “**Crown**” means the Crown in right of Saskatchewan;
- (e) “**development**” means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land and includes constructing, renovating, landscaping or demolishing any building, structure, fixture, facility, utility or other thing;
- (f) “**development plan**” means the development plan prepared by the authority pursuant to section 20;
- (g) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) “**prescribed**” means prescribed in the regulations;
- (i) “**provincial highway**” means a provincial highway as defined in *The Highways and Transportation Act, 1997*;
- (j) “**public highway**” means a public highway as defined in *The Highways and Transportation Act, 1997*;
- (k) “**transportation logistics hub**” means the prescribed area of land;
- (l) “**zoning bylaw**” means the zoning bylaw continued pursuant to section 23 and includes any amendment to the zoning bylaw or any zoning bylaw adopted by the authority that replaces that zoning bylaw.

PART II
Authority

Authority continued

3(1) The Global Transportation Hub Authority established pursuant to *The Crown Corporations Act, 1993* is continued as a corporation.

(2) Effective on the day on which this Act comes into force, *The Crown Corporations Act, 1993* ceases to apply to the authority.

(3) GTHA is the abbreviated name of the authority and the abbreviation when used has the same legal effect and meaning as the full name of the authority.

(4) No person other than the authority may use the name “Global Transportation Hub Authority” or “Global Transportation Hub” or the abbreviations “GTHA” or “GTH” unless authorized in writing by the authority.

2013, c.G-5.01, s.3.

Mandate and purposes of authority

4 The mandate and purposes of the authority are the following:

(a) to support the economic and social development of Saskatchewan by planning, developing, constructing, managing, regulating, operating, marketing and promoting a competitive, economic, integrated and efficient transportation logistics hub that is consistent with safety and environmental standards;

(b) to perform any other duties and carry out any other functions that may be assigned to the authority by an Act or the Lieutenant Governor in Council.

2013, c.G-5.01, s.4.

Purpose of transportation logistics hub

5 Under the management, administration and control of the authority, the transportation logistics hub may be used as the location of any or all of the following:

(a) facilities and premises used for or required by any mode of transportation, including rail, road, water or air;

(b) facilities and premises used for or required by industry, warehousing, distribution, manufacturing or logistics operations that require or utilize the services of a mode of transportation operating or located in the transportation logistics hub;

(c) public improvements;

(d) facilities and premises that service the things mentioned in clauses (a) to (c);

(e) any other prescribed use or purpose.

2013, c.G-5.01, s.5.

Powers

- 6(1)** In carrying out its mandate and fulfilling its purposes, the authority may:
- (a) subject to subsection (2), purchase, lease or otherwise acquire lands, goods, equipment, materials and services, including the services of experts, advisors or contractors;
 - (b) subject to subsection (2), sell, lease, mortgage or otherwise dispose of or encumber lands, goods, equipment and materials;
 - (c) design, develop, construct, alter, expand, repair, maintain or modify lands, buildings, structures, facilities, utilities, public improvements or landscaping;
 - (d) coordinate, direct or control the use, development, conservation, maintenance and improvement of land, facilities, building and premises in the transportation logistics hub;
 - (e) develop, coordinate, promote and implement policies, programs and standards relating to the transportation logistics hub, including architectural and landscape controls and guidelines that are to govern all development and construction within the transportation logistics hub;
 - (f) enter into agreements with the Government of Canada, the government of another province or territory of Canada, the government of another country or state of that country, municipalities, Indian bands and other persons on matters related to the promotion, development or use of the transportation logistics hub;
 - (g) collect, generate and publish information related to the transportation logistics hub;
 - (h) create or administer any program related to the transportation logistics hub;
 - (i) provide consulting or advisory services to other persons on any terms that it considers advisable;
 - (j) administer, manage, develop or participate in any program or project that the Lieutenant Governor in Council may assign and that, in the opinion of the Lieutenant Governor in Council, relates to the purposes of the authority;
 - (k) exercise any powers and fulfil any duties given to it by this Act or by any other Act;
 - (l) carry out or engage in any other function or activity assigned to it by the Lieutenant Governor in Council; and
 - (m) do all of those things that it considers necessary, incidental or conducive to carrying out its purpose, mandate or powers.
- (2) The authority shall obtain the approval of the Lieutenant Governor in Council if the purchase price or sale price of real property in one transaction entered into by the authority exceeds the amount fixed by the Lieutenant Governor in Council.

c. G-5.01 GLOBAL TRANSPORTATION HUB AUTHORITY**Members of authority**

- 7(1)** The authority consists of not more than nine persons appointed by the Lieutenant Governor in Council.
- (2) A person appointed pursuant to this section:
- (a) holds office at pleasure for a period not exceeding three years and until a successor is appointed; and
 - (b) may be reappointed.
- (3) If a member of the authority dies or resigns, the person ceases to be a member of the authority on the date of death or on the date on which a written resignation is received by the authority, as the case may be.
- (4) If the office of a member of the authority becomes vacant, the Lieutenant Governor in Council may:
- (a) appoint another person for the remainder of the term of the person who vacated the office; or
 - (b) appoint another person for the term mentioned in subsection (2).
- (5) A vacancy in the office of a member of the authority does not impair the power of the remaining members of the authority to act.

2013, c.G-5.01, s.7.

Agent of Crown

- 8(1)** The authority is for all its purposes an agent of the Crown, and the authority's powers pursuant to this Act may be exercised only as an agent of the Crown.
- (2) All property of the authority, all moneys acquired, administered, possessed or received from any source and all profits earned by the authority 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.

2013, c.G-5.01, s.8.

Responsible to minister

- 9(1)** The authority is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.
- (2) The minister may give directions that must be followed by the authority, the board or both in exercising their powers and fulfilling their duties and purposes pursuant to this Act and the regulations.

2013, c.G-5.01, s.9.

Head office

- 10** The head office of the authority is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

2013, c.G-5.01, s.10.

Capacity to contract

11(1) The authority 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 were acquired or incurred on its own behalf.

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

2013, c.G-5.01, s.11.

Liability in tort

12 The authority 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*.

2013, c.G-5.01, s.12.

Board of directors

13(1) A board of directors, consisting of those persons who are appointed to constitute the authority pursuant to section 7, shall manage the affairs and business of the authority.

(2) The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

2013, c.G-5.01, s.13.

Officers

14(1) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and another member of the board as vice-chairperson of the board.

(2) The chairperson:

- (a) shall preside over all meetings of the board; and
- (b) shall 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.

(3) If the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

(4) If, in the circumstances mentioned in subsection (3), the vice-chairperson is absent or unable to act for any reason or if the office of vice-chairperson is vacant, another member of the board designated by resolution of the board is to act as chairperson and, while so acting, shall perform all the duties imposed on, and may exercise all the powers of, the chairperson.

2013, c.G-5.01, s.14.

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Committees

15(1) The board may:

- (a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the authority;
 - (b) determine the duties of any committee appointed pursuant to clause (a); and
 - (c) fix the remuneration and allowances for expenses of members of any committee appointed pursuant to clause (a).
- (2) A member of a committee appointed pursuant to clause (1)(a) holds office until that member:
- (a) is removed by resolution of the board; or
 - (b) has ceased to be a member of the board.
- (3) A committee appointed pursuant to clause (1)(a) may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in the resolution.
- (4) A committee appointed pursuant to clause (1)(a) shall fix its quorum, which shall not be less than a majority of its members.
- (5) A committee appointed pursuant to clause (1)(a) shall:
- (a) keep minutes of its proceedings; and
 - (b) submit to the board, at each meeting of the board, the minutes of the committee's proceedings during the period since the most recent meeting of the board.

2013, c.G-5.01, s.15.

Chief executive officer

- 16(1)** Notwithstanding *The Public Service Act, 1998*, the Lieutenant Governor in Council shall appoint a chief executive officer for the authority and determine the chief executive officer's conditions of employment and remuneration.
- (2) The authority shall pay to the chief executive officer the remuneration determined pursuant to subsection (1).
- (3) Subject to the control and direction of the board, the chief executive officer shall manage the affairs and business of the authority.

2013, c.G-5.01, s.16.

Other staff

17(1) Notwithstanding *The Public Service Act, 1998*, the authority may:

- (a) employ any officers and other employees that it considers necessary for the conduct of its operations; and
- (b) determine their respective duties and powers, their conditions of employment and their remuneration.

- (2) The authority has control over and shall supervise its officers and employees.
- (3) The authority shall pay to its officers and employees the remuneration determined pursuant to subsection (1).
- (4) The authority may:
 - (a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and
 - (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

2013, c.G-5.01, s.17.

Superannuation and other plans

18(1) The authority may establish and support any of the following plans for the benefit of any officers and employees of the authority and the dependants of those officers and employees:

- (a) a superannuation plan;
 - (b) a group insurance program;
 - (c) any other pension, superannuation or employee benefit program.
- (2) Notwithstanding any other Act or law, a person's service with the authority shall be counted as service pursuant to a superannuation Act mentioned in clause (a) if that person:
- (a) was, immediately before that person's employment by the authority, a contributor to:
 - (i) *The Public Service Superannuation Act*;
 - (ii) *The Superannuation (Supplementary Provisions) Act*;
 - (iii) *The Public Employees Pension Plan Act*; or
 - (iv) any other prescribed Act; and
 - (b) continues to be a contributor pursuant to a superannuation Act mentioned in clause (a) while employed by the authority.

2013, c.G-5.01, s.18.

PART III
Planning, Development, Assessment and Taxation

DIVISION 1
Development Plan and Developments

Powers re developments

19(1) Notwithstanding *The Cities Act, The Municipalities Act or The Planning and Development Act, 2007*, the authority has the exclusive authority to grant all approvals required for a development within the transportation logistics hub, and neither the city nor any other municipality within which the transportation logistics hub is located shall restrict or in any way control development within the transportation logistics hub.

(2) Without limiting the generality of subsection (1), the authority is hereby designated as an approving authority within the meaning of *The Planning and Development Act, 2007*, and has the exclusive authority to exercise any power and grant any approval or make any decision that an approving authority or council can make pursuant to *The Planning and Development Act, 2007*, including approving the subdivision of or development of land located in the transportation logistics hub.

2013, c.G-5.01, s.19.

Development plan

20(1) The authority shall prepare and adopt a development plan that will control and direct development in the transportation logistics hub.

(2) The development plan adopted pursuant to subsection (3) is deemed to be an official community plan within the meaning of *The Planning and Development Act, 2007* and, subject to section 36, the provisions of that Act respecting official community plans apply, with any necessary modification, to the development plan.

2013, c.G-5.01, s.20.

Regular review of development plan

21 At least once every five years, the authority shall complete a review of the development plan.

2013, c.G-5.01, s.21.

Limits on land use within transportation logistics hub

22 Unless authorized in writing by the authority, no person shall use land in the transportation logistics hub for a purpose other than a purpose stated in section 5.

2013, c.G-5.01, s.22.

City zoning bylaw to continue to apply

23 Until amended or replaced by the authority, the zoning bylaw of the city that applies to land within the transportation logistics hub and that is in existence on the day on which this Act comes into force continues to apply to that land.

2013, c.G-5.01, s.23.

Development permit required

- 24(1)** No person shall undertake a development in the transportation logistics hub without a development permit issued by the authority and except in accordance with the terms of the development permit.
- (2) The authority shall not issue a development permit unless the development is consistent with the zoning bylaw and the development plan.
- (3) Subsection (1) does not apply to:
- (a) alterations, repair or maintenance to the interior of an existing building;
 - (b) any minor alteration, repair or maintenance to the exterior of an existing building that conforms to the zoning bylaw;
 - (c) a public improvement within the meaning of *The Highways and Transportation Act, 1997*; and
 - (d) any development or class of developments that the authority may exempt from the application of subsection (1).
- (4) Every decision of the authority with respect to an application for a development permit must be in writing, and a copy of the decision must be sent to the applicant.
- (5) If the authority refuses an application for a development permit, the authority shall state its reasons for the refusal.

2013, c.G-5.01, s.24.

Application for development permit

- 25(1)** The authority may require an applicant for a development permit to provide the authority with the plans and drawings it reasonably requires in order to determine whether to issue or refuse to issue the development permit being applied for.
- (2) The authority may require an applicant for a development permit to pay a fee to cover the cost to the authority of reviewing the application.

2013, c.G-5.01, s.25.

Appeals re development permits

- 26(1)** Subject to the regulations, an applicant for a development permit may appeal a refusal to issue a development permit to the Saskatchewan Municipal Board by:
- (a) filing a written notice of appeal with the Saskatchewan Municipal Board; and
 - (b) serving a copy of the written notice of appeal on the authority.
- (2) An appeal pursuant to this section must be made within 30 days after the date of the authority's decision.

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(3) An appeal pursuant to this section is to be conducted in the prescribed manner.

(4) On appeal pursuant to subsection (1), the Saskatchewan Municipal Board may:

- (a) dismiss the appeal;
- (b) order the authority to issue the development permit with any modification that it considers appropriate; or
- (c) refer the matter back to the authority for reconsideration.

2013, c.G-5.01, s.26.

Cost of public improvements

27 The authority may require an applicant for a development permit to pay to the authority an amount equal to the capital costs or a portion of the capital costs that the authority will incur to provide public highways and other infrastructure for the development.

2013, c.G-5.01, s.27.

Enforcement re land use

28(1) If a person contravenes section 24, the zoning bylaw or the development plan, the authority may, in addition to any other remedy allowed by this Act or by law, apply to a judge of the Court of Queen's Bench for all or any of the following orders:

- (a) an order directing the person to comply with section 24, the zoning bylaw or development plan, as the case may be;
- (b) an order enjoining the person or any other person from continuing a development or activity or from proceeding contrary to this Act, the zoning bylaw or the development plan;
- (c) an order directing the person or any other person to demolish, remove, modify or rectify the development;
- (d) an order directing the person to do or refrain from doing any other thing that the judge considers necessary or appropriate.

(2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

2013, c.G-5.01, s.28.

DIVISION 2
Bylaws

Authority bylaws

29(1) The authority may make bylaws for the transportation logistics hub respecting any matter for which the city may make bylaws pursuant to *The Cities Act*.

(2) Without restricting the generality of subsection (1), the authority may make bylaws:

(a) adopting, in whole or in part and as amended from time to time or otherwise:

(i) any bylaws made by the city; and

(ii) any code or standard;

(b) requiring compliance with any bylaws, code or standard adopted pursuant to clause (a);

(c) respecting anything the authority considers necessary for the effective administration of the transportation logistics hub.

(3) Subject to clause (2)(a), no bylaws made by the city pursuant to *The Cities Act* apply to the authority or the transportation logistics hub.

(4) The authority shall cause every bylaw, including any amendment to a bylaw, made pursuant to this section to be published in the Gazette.

(5) Every bylaw made pursuant to this section comes into force on the date on which it is published in the Gazette, unless a later date is specified in the bylaw.

(6) The authority may enforce every bylaw in the same manner that the city may enforce its bylaws pursuant to *The Cities Act* and, subject to section 36, that Act applies, with any necessary modification, for the purposes of this section.

2013, c.G-5.01, s.29.

DIVISION 3
Taxes, Assessments, Fees and Services

Grant in lieu of property taxes for Crown land

30 The authority may enter into an agreement with the city or any other municipality to pay a grant to the city or municipality in lieu of property taxes.

2013, c.G-5.01, s.30.

Property taxes on all land

31(1) The city shall assess all land that is located in the transportation logistics hub and perform all other functions and duties assigned to it by Parts X and XI of *The Cities Act* or by *The Education Act 1995*, *The Local Improvements Act, 1993*, *The Public Libraries Act, 1996* or any other Act respecting the assessment and collection of property taxes or assessments.

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(2) On or before the tenth day of the month following the month in which the city portion of property taxes are received by the city, the city shall forward to the authority:

- (a) 100% of the amount of the city portion of property taxes levied and actually collected by the city; or
- (b) any other percentage of the amount of the city portion of property taxes levied and collected, or any other amount, that is agreed to by the authority and the council.

2013, c.G-5.01, s.31.

Agreement respecting services, taxes and assessments

32(1) The authority and the city may enter into an agreement:

- (a) establishing each party's responsibility to provide property located in the transportation logistics hub with public highways, sanitary and storm sewers, water, garbage disposal, fire and police protection and other services normally provided by the city to other property located in the city;
- (b) determining how property taxes and any other assessments, fees or other amounts charged by the city to property located in the transportation logistics hub are to be divided between the city and the authority; and
- (c) subject to subsection (2), determining the amount of compensation that the authority shall pay to the city for services provided by the city to property located in the transportation logistics hub.

(2) Any compensation payable by the authority to the city for services provided by the city to property located in the transportation logistics hub must be determined on a cost recovery basis.

(3) If the authority and the city are unable to reach an agreement respecting the matters mentioned in subsection (1), the city is not required to provide the services mentioned in clause (1)(a) to property located in the transportation logistics hub.

(4) The authority shall indemnify the city against all claims for damages and costs that may be made against the city arising out of or resulting from services provided by the authority to property located in the transportation logistics hub.

2013, c.G-5.01, s.32.

Special charge

33(1) In addition to any property tax payable on land located in the transportation logistics hub, the authority may impose a special charge on all or any land within the transportation logistics hub to pay for:

- (a) the authority's administrative costs;
- (b) improvements made by the authority to public areas;
- (c) services provided by the authority for the benefit of land owners located in the transportation logistics hub;

- (d) grants made by the authority to the city or a municipality in lieu of taxes; and
 - (e) any other prescribed purpose.
- (2) A special charge imposed pursuant to subsection (1) must be in writing and state the purpose for the special charge.
- (3) The authority shall use revenues collected from the special charge for the purpose stated in the special charge.
- (4) A special charge payable pursuant to this section is payable within 30 days after the date for payment stated in the notice of the special charge delivered to the owners of land located in the transportation logistics hub.
- (5) If an owner of land within the transportation logistics hub fails to pay a special charge when due, it is a debt due to the authority, and the authority may collect the special charge and interest on the unpaid portion of the special charge at the prescribed rate in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.
- (6) An owner of land within the transportation logistics hub may appeal a special charge to the Saskatchewan Municipal Board in the same manner that a person interested in commercial or industrial properties may appeal an assessment pursuant to *The Cities Act*, and, subject to section 36, that Act applies, with any necessary modification, for the purposes of this section.

2013, c.G-5.01, s.33.

Fixing of fees

34 Subject to the regulations, the authority may fix fees to be paid with respect to all or any of the following:

- (a) entrance into or use of the transportation logistics hub;
- (b) any service provided by the authority, or any right or privilege conferred by it, with respect to the transportation logistics hub.

2013, c.G-5.01, s.34.

Enforcement of fees

35 If a person fails to pay a fee when due, it is a debt due to the authority, and the authority may collect the fee and interest on the unpaid portion of the fee at the prescribed rate in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

2013, c.G-5.01, s.35.

DIVISION 4
Application of Local Authority Acts

Application of certain local authority Acts

36(1) In this section and in section 52, “**local authority Act**” means:

- (a) *The Cities Act*;
 - (b) *The Local Improvements Act, 1993*;
 - (c) *The Municipalities Act*;
 - (d) *The Planning and Development Act, 2007*;
 - (e) *The Tax Enforcement Act*;
 - (f) *The Uniform Building and Accessibility Standards Act*; or
 - (g) any other prescribed Act.
- (2) The local authority Acts apply, with any prescribed modification, to the transportation logistics hub, the authority, the city and any other persons who carry on business within the transportation logistics hub.
- (3) If there is any conflict between this Act and the regulations and any provision of a local authority Act, this Act and the regulations prevail.
- (4) The authority is deemed to be the local authority or municipality for the purposes of any Act that applies to property located in the transportation logistics hub or persons who carry on business with the transportation logistics hub unless:
- (a) the authority and the city enter into an agreement pursuant to which the city agrees to act as the local authority or municipality;
 - (b) the Lieutenant Governor in Council orders otherwise.
- (5) If the authority acts as a local authority or municipality pursuant to subsection (4), the authority shall indemnify the city against all claims for damages and costs that may be made against the city arising out of or resulting from the authority acting as a local authority or municipality.

2013, c.G-5.01, s.36.

PART IV
Finance and Accounting

Appropriation

37 The Minister of Finance shall pay to the authority out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the authority in the amounts and at the times requested by the authority.

2013, c.G-5.01, s.37.

Borrowing power of Minister of Finance

38(1) The Minister of Finance may advance moneys to the authority out of the general revenue fund for the purposes of the authority in the amounts, at the times and on those terms and conditions that the Lieutenant Governor in Council may determine.

(2) In order to provide the moneys mentioned in subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to borrow, within the borrowing limitation prescribed by section 42, on the credit of the Government of Saskatchewan.

(3) For the purpose of exercising the borrowing power mentioned in subsection (2), the Lieutenant Governor in Council may authorize the Minister of Finance to issue those bonds, debentures or any other securities of the Government of Saskatchewan that the Lieutenant Governor in Council considers advisable.

(4) Any moneys that the Minister of Finance is authorized to borrow pursuant to subsection (2):

(a) are to be borrowed in accordance with *The Financial Administration Act, 1993*; and

(b) may be borrowed for any term approved by the Lieutenant Governor in Council.

(5) All moneys borrowed by the Minister of Finance pursuant to subsection (2) and interest and other amounts payable on those moneys, and the principal of and the interest, premium and other amounts payable on all securities issued for the purpose of the borrowing, are a charge on and are payable out of the general revenue fund.

2013, c.G-5.01, s.38.

Borrowing power of authority

39(1) Subject to the approval of the Lieutenant Governor in Council, the authority may borrow from time to time any moneys, within the borrowing limitation prescribed by section 42, that the authority requires for its purposes, including:

(a) the repayment, renewal or refunding from time to time of the whole or any part of any moneys borrowed or securities issued by the authority pursuant to this Act;

(b) the repayment in whole or in part of advances made by the Minister of Finance to the authority;

(c) the payment in whole or in part of any loan or liability or of any bonds, debentures or other securities or indebtedness the payment of which is guaranteed or assumed by the authority;

(d) the payment in whole or in part of any other liability or indebtedness of the authority;

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- (e) the funding of any expenditure made by the authority in carrying out any of its powers; and
 - (f) the repayment in whole or in part of any temporary borrowing of the authority, if the borrowing is related to carrying out any of its powers.
- (2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the authority may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time, in any manner, in any place in Canada or elsewhere and in the currency of any country that the authority, with the approval of the Lieutenant Governor in Council, may determine.
- (3) The authority may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net sums required for the purposes of the authority.
- (4) A recital or declaration in the resolutions or minutes of the authority authorizing the issue of the securities mentioned in subsection (2), to the effect that the amount of those authorized securities is necessary to realize the net sums required for the purposes of the authority, is conclusive evidence of that fact.
- (5) Subject to the approval of the Lieutenant Governor in Council, the authority may, on any terms and conditions that the authority considers advisable:
- (a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and
 - (b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security.
- (6) The authority may:
- (a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued when:
 - (i) the securities are redelivered to the authority or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or
 - (ii) the authority again becomes entitled to the securities; and
 - (b) subject to the approval of the Lieutenant Governor in Council and the borrowing limitation prescribed by section 42:
 - (i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of the securities mentioned in clause (a) on any terms and conditions that the authority considers advisable; or
 - (ii) cancel and issue fresh securities in the same amount and in the same form in lieu of the unissued securities with the same consequences.

- (7) On the issue or reissue of securities pursuant to subsection (6), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.
- (8) The authority may, by resolution or minute, determine the form and manner in which bonds, debentures and other securities issued pursuant to this section are to be executed.
- (9) The authority may, by resolution or minute, provide that:
- (a) the seal of the authority may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed; and
 - (b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.
- (10) If the seal of the authority or any signature is mechanically reproduced pursuant to subsection (9):
- (a) the seal of the authority is of the same force and effect as if it were manually affixed; and
 - (b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the authority.

2013, c.G-5.01, s.39.

Temporary borrowing

- 40(1)** Subject to the approval of the Lieutenant Governor in Council, the authority may borrow, within the borrowing limitation prescribed by section 42, by way of temporary loans from any bank or credit union or from any person, any moneys, on any terms and conditions and for any purpose that the authority may determine:
- (a) by way of bank overdraft or line of credit;
 - (b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the authority pending their sale or in lieu of the selling of them; or
 - (c) in any other manner that the authority may determine.
- (2) The authority may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (1) in any manner that the authority may determine.

2013, c.G-5.01, s.40.

Charge on revenues

- 41** All interest and instalments of principal and all sinking fund and other debt service charges with respect to the securities mentioned in sections 38 to 40 shall be a first charge on the authority's revenues.

2013, c.G-5.01, s.41.

c. G-5.01 GLOBAL TRANSPORTATION HUB AUTHORITY**Limitation on borrowing powers**

42(1) Neither the Minister of Finance nor the authority may borrow any moneys by the issue and sale of bonds, debentures or other securities or by way of temporary loans or otherwise, under the authority of this Act, if that borrowing would cause the aggregate principal amount of the outstanding bonds, debentures or other securities and the outstanding temporary loans of the authority to exceed the amount fixed by the Lieutenant Governor in Council unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act.

(2) Sums raised or authorized to be raised by the Minister of Finance by way of loan pursuant to the authority of *The Financial Administration Act, 1993* for any of the objects or purposes mentioned in that Act shall not in any way limit or restrict the borrowing powers of the Minister of Finance and the authority pursuant to this Act.

2013, c.G-5.01, s.42.

Guarantee by Government of Saskatchewan

43(1) On any terms and conditions the Lieutenant Governor in Council considers advisable, the Lieutenant Governor in Council may guarantee the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the authority;
- (b) any loans, temporary or otherwise, raised by the authority;
- (c) any indebtedness or liability for the payment of moneys incurred by the authority or to which it may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is to be in a form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of the bonds, debentures or other securities;
- (b) the loans, temporary or otherwise; and
- (c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the moneys required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

2013, c.G-5.01, s.43.

Investment

44(1) The authority may, from time to time:

- (a) invest any part of the capital or operating moneys of the authority in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of the investments in any manner, on any terms and in any amount that the authority considers expedient.
- (2) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person to be the agent of the authority for the purpose of making investments pursuant to subsection (1) or disposing of those investments.
- (3) The Minister of Finance or other person appointed pursuant to subsection (2) may arrange all details and do, transact and execute all deeds, matters and things that may be required for the purpose of making investments or disposing of investments pursuant to this section.

2013, c.G-5.01, s.44.

Fiscal year

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

2013, c.G-5.01, s.45.

Audit

46 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 authority:

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

2013, c.G-5.01, s.46.

Annual report

47(1) In each fiscal year, the authority shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister:

- (a) a report of the authority on its business for the preceding fiscal year; and
 - (b) a financial statement showing the business of the authority for the preceding fiscal year, in any form that may be required by Treasury Board.
- (2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (1).

2013, c.G-5.01, s.47; 2014, c.E-13.1, s.62.

c. G-5.01 GLOBAL TRANSPORTATION HUB AUTHORITY**Insurance**

48 The authority may enter into any contracts of insurance, on any terms and conditions that the authority considers appropriate or necessary, to insure the authority, its directors or its officers against any risks.

2013, c.G-5.01, s.48.

**PART V
General****Public highways within transportation logistics hub are provincial highways**

49 Notwithstanding *The Cities Act* and *The Municipalities Act*, all public highways within the transportation logistics hub are deemed to be provincial highways for the purposes of *The Highways and Transportation Act, 1997*.

2013, c.G-5.01, s.49.

Crown bound

50 The Crown is bound by this Act.

2013, c.G-5.01, s.50.

Immunity

51(1) No action or proceeding lies or shall be commenced against the Crown, the minister, the authority, any member of the authority, any officer or employee of the authority or any person authorized by the authority, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

(2) No action or proceeding lies or shall be commenced against the Government of Saskatchewan, any member of the Executive Council, the authority or any officer, employee or agent of the Government of Saskatchewan or the authority because of the enactment of this Act.

2013, c.G-5.01, s.51.

Regulations

52(1) 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) establishing any fee to be charged by the authority or prescribing how fees are to be established and calculated;

- (c) for the purposes of section 36:
 - (i) prescribing an Act as a local authority Act; and
 - (ii) prescribing the manner in which a local authority Act is to apply to the transportation logistics hub, the authority, the city, another municipality and other persons, including:
 - (A) suspending the application of all or any provision of that Act with respect to any matters within the transportation logistics hub;
 - (B) respecting the powers pursuant to that Act that the authority, the city, the municipality or another person may exercise and the terms and conditions under which those powers may be exercised;
 - (C) prescribing new or additional procedures and requirements that must be complied with to do anything governed by that Act with respect to any matters within the transportation logistics hub;
 - (D) exempting the authority, the city, the municipality or any person or category of persons from complying with all or any provision of that Act with respect to any matters within the transportation logistics hub and the terms and conditions of that exemption;
 - (E) respecting how references to any municipality, body or person mentioned in that Act are to be read or applied to the authority or any municipality, body or person for the purposes of applying that Act to this Act;
 - (F) respecting any additional matter or thing that the Lieutenant Governor in Council considers necessary to meet the purposes of this Act and to facilitate the operation and management of the transportation logistics hub;
 - (d) prescribing any other matter or thing that is required or authorized to be prescribed in the regulations;
 - (e) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) Any regulation made pursuant to subsection (1) may adopt by reference, in whole or in part, with any changes that the Lieutenant Governor in Council considers necessary, any code, standard or regulation, as amended from time to time or otherwise, and may require compliance with any code, standard or regulation so adopted.

PART VI
Transitional and Consequential Amendments

Transitional – board of directors

53 The members of the board of directors of the authority who hold office immediately before the day on which this Act comes into force continue to hold office until their successors are appointed pursuant to this Act.

2013, c.G-5.01, s.53.

54 **Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

PART VII
Coming into Force

Coming into force

55 This Act comes into force on proclamation.

2013, c.G-5.01, s.55.