

2003

CHAPTER 37

An Act to amend *The Saskatchewan Gaming Corporation Act* and to
repeal certain regulations made pursuant to that Act

(Assented to June 27, 2003)

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

Short title

1 This Act may be cited as *The Saskatchewan Gaming Corporation Amendment Act, 2003*.

S.S. 1994, c.S-18.2 amended

2 *The Saskatchewan Gaming Corporation Act* is amended in the manner set forth in this Act.

Section 11 amended

3 **Clause 11(a) is amended by striking out “*The Alcohol and Gaming Regulation Act*” and substituting “*The Alcohol and Gaming Regulation Act, 1997*”.**

Section 15 amended

4 **Section 15 is amended by striking out “*The Alcohol and Gaming Regulation Act*” and substituting “*The Alcohol and Gaming Regulation Act, 1997*”.**

Part III repealed

5 **Part III is repealed.**

New Part III.01

6 **The following Part is added before Part III.1:**

**“PART III.01
First Nations Trust**

“Interpretation of Part

25.01 In this Part:

- (a) **‘fiscal year’** means the period commencing on April 1 in one year and ending on March 31 in the following year;
- (b) **‘former fund’** means the First Nations Fund established pursuant to section 17, as that section existed on the day before the coming into force of this section;

(c) **‘trust’** means the First Nations Trust established by the Federation of Saskatchewan Indian Nations to receive and distribute gaming funds in accordance with:

- (i) the Gaming Framework Agreement entered into by the Federation of Saskatchewan Indian Nations and the Government of Saskatchewan in June 2002, as that agreement is amended or renewed from time to time; and
- (ii) any subsequent agreement entered into by the parties mentioned in subclause (i) respecting the trust, as that agreement is amended or renewed from time to time.

“Payments to the trust

25.02(1) At the beginning of each fiscal year, the minister shall estimate the net profits of the corporation for that fiscal year.

(2) Subject to section 25.03, for each fiscal year, the minister may pay to the trust, out of moneys appropriated by the Legislature for the trust, an amount not exceeding 25% of the corporation’s estimated net profits for that fiscal year as estimated pursuant to subsection (1).

(3) At the end of each fiscal year, the minister shall determine the net profits of the corporation for that fiscal year.

(4) Subject to the minister’s right to withhold moneys from the trust pursuant to subsections (6) and 25.03(4), if the amount paid to the trust pursuant to subsection (2) for a fiscal year is less than 25% of the net profits of the corporation for that fiscal year as determined pursuant to subsection (3), the minister shall pay from the general revenue fund to the trust an amount equal to that difference.

(5) If the amount paid to the trust pursuant to subsection (2) for a fiscal year is greater than 25% of the net profits of the corporation for that fiscal year as determined pursuant to subsection (3), an amount equal to that difference:

- (a) is a debt due to the Government of Saskatchewan; and
- (b) is payable by the trust to the Government of Saskatchewan.

(6) The minister may collect any debt due pursuant to subsection (5) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the trust or in any other manner allowed by law.

“Transitional – payments to former fund

25.03(1) Any reference in this section to section 22 is a reference to that section as it existed on the day before the coming into force of this section.

(2) For the purposes of section 25.02 for the fiscal year in which this section comes into force, any amount paid to the former fund pursuant to subsection 22(2) for that fiscal year is deemed to be an amount paid to the trust pursuant to subsection 25.02(2) for that fiscal year.

(3) On the coming into force of this section, any amount that remains payable to the former fund pursuant to subsections 22(3), (4) and (5) for the fiscal year preceding the fiscal year in which this section comes into force is an asset of the trust and is to be paid to the trust instead of to the former fund.

(4) The minister may collect any debt due to the Government of Saskatchewan pursuant to subsection 22(6) by withholding an amount equal to the debt from any future amounts to be paid from the general revenue fund to the trust or in any other manner allowed by law”.

Transitional – winding-up of First Nations Fund

7(1) In this section:

(a) **“assets of the former fund”** means the assets of the former fund as they exist on the day on which this section comes into force, and the proceeds of any investment of those assets pursuant to clause (3)(g);

(b) **“board of trustees”** means:

(i) the board of trustees of the trust; or

(ii) until the members of the board of trustees mentioned in subclause (i) take office, the board of trustees of the former fund appointed pursuant to section 18 of *The Saskatchewan Gaming Corporation Act*;

(c) **“former fund”** means the First Nations Fund established pursuant to Part III of *The Saskatchewan Gaming Corporation Act*;

(d) **“minister”** means the minister responsible for the administration of Part III of *The Saskatchewan Gaming Corporation Act*;

(e) **“trust”** means the trust mentioned in section 6 of this Act.

(2) In this section, a reference to a provision of *The Saskatchewan Gaming Corporation Act* means a reference to that provision as it existed on the day before the coming into force of this section.

(3) Notwithstanding the repeal of Part III of *The Saskatchewan Gaming Corporation Act* pursuant to section 5 of this Act:

(a) that Part, except section 22, remains in force for the purposes of winding-up the former fund;

(b) until the members of the board of trustees mentioned in subclause (1)(b)(i) take office, the board of trustees of the former fund remains in place and the members of that board of trustees continue to hold office as members, subject to:

(i) any retirement or resignation or vacancy in the membership; and

(ii) the appointment of new members to that board of trustees in accordance with section 18 of *The Saskatchewan Gaming Corporation Act*;

- (c) the remuneration and expenses of the members of the board of trustees and the necessary expenses of administering the former fund are a charge on and payable out of the former fund in accordance with section 19 of *The Saskatchewan Gaming Corporation Act*;
 - (d) the board of trustees shall ensure that all liabilities of the former fund are satisfied;
 - (e) subject to clause (d), the board of trustees may make a payment of not more than \$400,000 from the former fund to the Bear Claw Community Development Corporation;
 - (f) subject to clauses (d) and (e), the board of trustees shall pay out all remaining assets of the former fund in accordance with section 20 of *The Saskatchewan Gaming Corporation Act*;
 - (g) until the assets of the former fund have been paid out, the board of trustees may invest those assets in accordance with section 21 of *The Saskatchewan Gaming Corporation Act*; and
 - (h) until the former fund is wound up, the fiscal year of the fund remains the period commencing on April 1 in one year and ending on March 31 of the following year.
- (4) After the liabilities of the former fund have been satisfied and the assets of the former fund have been paid out, the board of trustees shall provide a written report to that effect to:
- (a) the minister; and
 - (b) the Federation of Saskatchewan Indian Nations.
- (5) On receipt of the written report mentioned in subsection (4), the minister may, by order, wind up the former fund.
- (6) The winding-up of the former fund is effective on and from the date specified in the order made pursuant to subsection (5).
- (7) The minister shall cause the order made pursuant to subsection (5) to be published in the Gazette.
- (8) Notwithstanding the winding-up of the former fund in accordance with subsection (5), the Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the former fund:
- (a) for the fiscal year ending on March 31, 2003;
 - (b) for the period commencing on April 1, 2003 and ending on the date on which the former fund is wound-up; and
 - (c) for any other period that the Lieutenant Governor in Council or the Federation of Saskatchewan Indian Nations may require.

(9) Notwithstanding the winding-up of the former fund in accordance with subsection (5), the board of trustees shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister and to the Federation of Saskatchewan Indian Nations a report on the activities of the former fund and a financial statement showing the business of the former fund:

- (a) for the fiscal year ending on March 31, 2003;
- (b) for the period commencing on April 1, 2003 and ending on the date on which the former fund is wound-up; and
- (c) for any other period that the minister or the Federation of Saskatchewan Indian Nations may require.

(10) The financial statement mentioned in subsection (9) is to be in a form required by Treasury Board.

(11) 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 (9).

(12) If, after the winding-up of the former fund, it is determined that there are assets of the former fund that have not been paid out or liabilities of the former fund that have not been satisfied, those assets and liabilities are deemed to be assets and liabilities of the trust.

R.R.S. c.S-18.2 Reg 2 repealed

8 *The Saskatchewan Gaming Corporation (First Nations Fund) Regulations* are repealed.

Coming into force

9(1) Subject to subsection (2), this Act comes into force on assent.

(2) Sections 5 to 8 of this Act come into force on proclamation.

