

# BILL

No. 64

## An Act to amend *The Power Corporation Act* and *The SaskEnergy Act*

(Assented to \_\_\_\_\_)

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 Miscellaneous Statutes (SaskPower and SaskEnergy) Amendment Act, 2017*.

### Purpose of Act

**2** The purpose of this Act is to provide authority for Saskatchewan Power Corporation and SaskEnergy Incorporated to redirect to the general revenue fund the amounts that are currently paid to municipalities as payments or grants in lieu of taxes.

### RSS 1978, c P-19, new section 44.1

**3** The following section is added after section 44 of *The Power Corporation Act*:

#### “Annual payments

**44.1(1)** In accordance with the regulations, the corporation shall, in each of its financial years, pay to the following the amount prescribed in the regulations based on its revenues from the supply of energy in the financial year:

- (a) the Minister of Finance for deposit in the general revenue fund;
- (b) municipalities designated in the regulations.

(2) For the purposes of this section, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the amount to be paid, which is not to exceed 5% of the corporation’s revenues from the supply of energy in a financial year;
- (b) prescribing the manner in which the amount is to be calculated;
- (c) designating municipalities to which payments may be made;
- (d) determining the amounts to be paid to the Minister of Finance and to a municipality.

(3) A regulation made pursuant to this section may be made retroactive to a date not earlier than April 1, 2017”.

**SS 1992, c S-35.1 amended**

4(1) *The SaskEnergy Act* is amended in the manner set forth in this section.

**(2) The following section is added after section 44:**

**“Annual payments**

**44.1(1)** In accordance with the regulations, the corporation shall:

(a) include in the monthly account for a service related to distributing, selling or transporting gas within a municipality of customers in the municipality a surcharge in an amount not to exceed 5% of the monthly account; and

(b) pay the proceeds of the surcharge to the following in the amounts determined in accordance with the regulations:

(i) the Minister of Finance for deposit in the general revenue fund;

(ii) the municipality.

(2) For the purposes of this section, the Lieutenant Governor in Council may make regulations:

(a) prescribing the amount of the surcharge;

(b) designating municipalities in which the surcharge is to be included;

(c) prescribing the manner in which the surcharge is to be calculated;

(d) determining the amounts of the surcharge to be paid to the Minister of Finance and to a municipality.

(3) A regulation made pursuant to this section may be made retroactive to a date not earlier than April 1, 2017”.

**(3) Section 59 is repealed.**

**(4) Clause 64(1)(c) is repealed.**

**Agreements are terminated**

5(1) In this section, “**agreement**” means an agreement entered into by Saskatchewan Power Corporation or SaskEnergy Incorporated with a municipality to make a payment or grant in lieu of taxes to the municipality that is in existence on the day on which this Act comes into force.

(2) Subject to the regulations, all agreements are terminated and all obligations and liabilities arising out of the agreements and all rights acquired under them are extinguished.

(3) The Lieutenant Governor in Council may make regulations:

(a) exempting an agreement or category of agreements from the application of this section;

(b) prescribing:

(i) the provisions of agreements or categories of agreements that are not terminated; and

(ii) the obligations, liabilities and rights under agreements or categories of agreements that are not extinguished.

(4) A regulation made pursuant to this section may be made retroactive to a date not earlier than April 1, 2017.

**Actions and rights extinguished re coming into force of Act**

**6(1)** No action or proceeding based on any claim for loss or damage as a result of the enactment or application of this Act lies or shall be commenced against:

- (a) the Crown in right of Saskatchewan;
- (b) a member or former member of the Executive Council;
- (c) Saskatchewan Power Corporation;
- (d) SaskEnergy Incorporated;
- (e) TransGas Limited; or
- (f) any officer, director, employee or agent or former officer, director, employee or agent of the Crown or of the corporations mentioned in clauses (c) to (e).

(2) Every claim for loss or damage resulting from the enactment or application of this Act is extinguished.

**Act to prevail**

**7** This Act prevails in the case of any conflict between this Act and any other Act, regulation, agreement or law.

**Coming into force**

**8** This Act comes into force on proclamation, but, on proclamation, is retroactive and is deemed to have been in force on and after April 1, 2017.

FIRST SESSION  
**Twenty-eighth Legislature**  
SASKATCHEWAN

---

**B I L L**

No. 64

An Act to amend *The Power Corporation Act*  
and *The SaskEnergy Act*

---

Received and read the

First time

Second time

Third time

And passed

---

Honourable Donna Harpauer

---