

# BILL

No. 132

## An Act to amend *The Management and Reduction of Greenhouse Gases 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 Management and Reduction of Greenhouse Gases Amendment Act, 2018*.

### SS 2010, c M-2.01 amended

2 *The Management and Reduction of Greenhouse Gases Act* is amended in the manner set forth in this Act.

### New section 2

3 **Section 2 is repealed and the following substituted:**

#### “Definitions

2 In this Act:

‘**CO<sub>2</sub>e**’ means the mass of carbon dioxide that would produce the same global warming potential as a given mass of another greenhouse gas determined in the prescribed manner;

‘**code**’ means the code adopted by the Lieutenant Governor in Council in the regulations;

‘**compliance obligation**’ means the action that a regulated emitter is required to take pursuant to this Act and the regulations if the regulated emitter’s emissions exceed the emissions prescribed for that regulated emitter;

‘**compliance option**’ means a prescribed method by which a regulated emitter may satisfy its compliance obligation;

‘**compliance period**’ means a prescribed period;

‘**environment officer**’ means an environment officer appointed pursuant to section 9;

‘**greenhouse gas**’ means:

- (a) carbon dioxide (CO<sub>2</sub>);
- (b) methane (CH<sub>4</sub>);
- (c) nitrous oxide (N<sub>2</sub>O);

- (d) prescribed categories of hydrofluorocarbons (HFCs);
- (e) prescribed categories of perfluorocarbons (PFCs);
- (f) sulphur hexafluoride (SF<sub>6</sub>); or
- (g) any other prescribed gas;

**‘greenhouse gas emission baseline’** means the baseline amount of greenhouse gas emissions for Saskatchewan, expressed in CO<sub>2</sub>e, in the year selected in accordance with section 4;

**‘minister’** means the member of Executive Council to whom for the time being the administration of this Act is assigned;

**‘ministry’** means the ministry over which the minister presides;

**‘offset credit’** means a credit for any prescribed activity that:

- (a) reduces the emission of greenhouse gases;
- (b) sequesters greenhouse gases; or
- (c) captures greenhouse gases and prevents their release into the atmosphere;

**‘performance credit’** means, subject to the regulations, a credit expressed in CO<sub>2</sub>e that is approved by the minister for a regulated emitter whose actual emissions for a compliance period are below the emissions prescribed for that regulated emitter;

**‘prescribed’** means prescribed in the regulations;

**‘qualified person’** means:

- (a) a member of a class of persons that is prescribed or is set out in the code; or
- (b) a person or a member of a class of persons designated by the minister for one or more purposes or activities that are governed by this Act;

**‘regulated emitter’** means a prescribed person, or a person who is a member of a class of prescribed persons, who:

- (a) emits a greenhouse gas; and
- (b) meets the prescribed requirements;

**‘standards’** means standards, policies or protocols developed or established by the minister;

**‘technology fund’** means the Saskatchewan Technology Fund established pursuant to Part VI.1”.

**New section 3.1****4 The following section is added after section 3:****“Application of Act**

**3.1** If the minister is satisfied that the greenhouse gas emissions of a regulated emitter or class of regulated emitters are regulated by another Act or an Act of the Parliament of Canada, the Lieutenant Governor in Council may exempt that regulated emitter or class of regulated emitters from this Act”.

**Section 7 amended****5(1) Subsection 7(2) is amended:****(a) by repealing clause (i) and substituting the following:**

“(i) establish, maintain or approve the use of registries of offset credits and, if the minister approves the use of a registry of offset credits, the minister may determine:

- (i) the manner in which the registry may be used;
- (ii) the manner in which offset credits may be used as a compliance option; and
- (iii) the terms and conditions governing the use of the registry or offset credits recorded in the registry”;

**(b) by repealing clauses (j), (k), (n) and (o); and****(c) by repealing clause (p) and substituting the following:**

“(p) subject to subsections (10) to (12), for the purposes of determining qualified persons:

- (i) designate persons or classes of persons who are qualified persons;
- (ii) reject persons or classes of persons from classification as qualified persons; and
- (iii) impose any terms and conditions that the minister considers appropriate on qualified persons;

“(p.1) subject to the regulations, award performance credits to regulated emitters whose actual emissions for a compliance period are below the emissions prescribed for that regulated emitter and, if credits are awarded:

- (i) determine the manner in which performance credits may be used as a compliance option; and
- (ii) impose any terms and conditions on the manner in which performance credits may be used;

“(p.2) subject to the regulations, determine:

- (i) how a compliance obligation of a regulated emitter is to be calculated;
- (ii) which compliance options may be used by a regulated emitter or class of regulated emitters to fulfil a compliance obligation; and
- (iii) the date by which a compliance obligation must be fulfilled”.

**(2) Subsection 7(3) is amended by striking out “shall recommend” and substituting “may recommend”.**

**(3) Subsections 7(7) and (8) are repealed.**

**(4) Subsection 7(10) is repealed and the following substituted:**

“(10) Before the minister takes any action pursuant to subsection (9) or rejects a person as a qualified person or imposes terms and conditions on a qualified person, the minister shall give the person:

(a) written notice of the minister’s intended action and the reasons for that intended action; and

(b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the intended action should not be taken”.

**New section 9**

**6 Section 9 is repealed and the following substituted:**

**“Environment officers**

**9(1)** The minister may appoint any persons or class of persons as environment officers for the purpose of enforcing or overseeing the enforcement of this Act, the regulations and the code.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

(3) All prescribed environment officers or members of a prescribed class of environment officers have the powers of peace officers to enforce this Act, the regulations and the code”.

**Parts IV and V repealed**

**7 Parts IV and V are repealed.**

**New section 16.1**

**8 The following section is added before section 17:**

**“Required greenhouse gas reductions—greenhouse gas reduction programs**

**16.1(1)** In accordance with the prescribed programs, prescribed regulated emitters shall reduce their greenhouse gas emissions:

(a) in the prescribed manner;

(b) through the prescribed means; and

(c) by the prescribed date.

(2) Subject to the regulations, any regulated emitter that does not reduce its greenhouse gas emissions as required by subsection (1) accrues a compliance obligation.

(3) Every regulated emitter that accrues a compliance obligation shall fulfil that compliance obligation in the prescribed manner and by the prescribed date”.

**Section 18 repealed**

**9 Section 18 is repealed.**

**New section 19**

**10 Section 19 is repealed and the following substituted:**

**“Returns of certain regulated emitters**

**19(1)** Every member of a prescribed class of regulated emitters must submit to the minister a return that:

- (a) shows the regulated emitter’s greenhouse gas emissions; and
- (b) contains the prescribed information.

(2) A return required by subsection (1) must be submitted on or before the prescribed date.

(3) When submitting the return required by subsection (1), the regulated emitter must include an opinion from a qualified person establishing to the satisfaction of the minister the accuracy of the return”.

**Section 20 repealed**

**11 Section 20 is repealed.**

**Section 21 amended**

**12 Subsections 21(3) and (4) are repealed.**

**Section 22 repealed**

**13 Section 22 is repealed.**

**New Part VI.1**

**14 The following Part is added after Part VI:**

**“PART VI.1**

**Saskatchewan Technology Fund**

**“Saskatchewan Technology Fund established**

**23.1(1)** The Saskatchewan Technology Fund is established.

(2) Subject to the regulations, the minister may use the technology fund:

- (a) to support initiatives in Saskatchewan that lead to mitigation, sequestration or capture of greenhouse gases;
- (b) to undertake the prescribed programs and fulfil the prescribed purposes;
- (c) to pay the expenses of administering the technology fund;
- (d) to undertake any other program or do any other thing that the Lieutenant Governor in Council may direct.

(3) The minister shall administer the technology fund in accordance with this Part.

(4) Subject to the approval of the Lieutenant Governor in Council, the minister may delegate the administration of all or any portion of this Part to another person, other than the power to delegate pursuant to this section.

(5) If the minister delegates to a person pursuant to subsection (4), that person, subject to the terms and conditions of the delegation, may exercise the powers of the minister and shall perform the duties of the minister pursuant to this Part.

(6) The fiscal year of the technology fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

**“Advisory committee**

**23.2(1)** Subject to the approval of the Lieutenant Governor in Council, the minister may appoint an advisory committee, which shall meet on the request of the minister, to advise the minister respecting the use and administration of the technology fund.

(2) The advisory committee shall act in an advisory capacity to the minister on matters of general interest respecting the provisions of this Part.

(3) The members of the advisory committee are entitled to:

(a) except in the case of those members who are also members of the public service of Saskatchewan, remuneration for their services at the rates established by Treasury Board; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.

**“What technology fund consists of**

**23.3** Notwithstanding *The Financial Administration Act, 1993*, the following shall be deposited in the technology fund and not in the general revenue fund:

(a) payments made pursuant to this Act to fulfil a compliance obligation or to satisfy a debt associated with a compliance obligation, including interest payments at the prescribed rate;

(b) administrative penalties assessed pursuant to section 78;

(c) all moneys acquired through gift, donation, grant or bequest;

(d) all moneys appropriated by the Legislature for the purposes of the technology fund;

(e) any other moneys collected by the Government of Saskatchewan that are related to limiting, mitigating, reducing or managing greenhouse gases and that the regulations, another Act or the regulations made pursuant to another Act direct are to be deposited in the technology fund.

**“Investments**

**23.4(1)** The minister may invest any moneys in the technology fund not presently required for the purposes of the technology fund in any class of investments authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(2) Profits or interest earned on money invested pursuant to subsection (1) shall be deposited to the technology fund.

(3) The minister may dispose of any securities in which any part of the technology fund has been invested pursuant to subsection (1), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.

**“Reports and audit**

**23.5(1)** With respect to each fiscal year of the technology fund, the minister shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the Lieutenant Governor in Council:

- (a) a report on the business of the technology fund for the preceding fiscal year; and
- (b) a financial statement showing the business of the technology fund for the preceding fiscal year, in any form that Treasury Board may require.

(2) The minister must, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report and statement mentioned in subsection (1).

(3) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and transactions of the technology fund:

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

**Part VII repealed**

**15 Part VII is repealed.**

**New section 61**

**16 Section 61 is repealed and the following substituted:**

**“Public information**

**61(1)** Subject to subsections (3) to (11), all applications, information, data, test results, reports, returns and records and responses to a direction of the minister submitted to the minister pursuant to this Act, the regulations, the code or a greenhouse gas emission reduction program are deemed to be public information.

(2) The minister may disclose to the public any application, information, data, test result, report, return or record or response to a direction of the minister mentioned in subsection (1) at any time and in any manner that the minister considers appropriate.

(3) Subject to the regulations, a person who submits an application or any information, data, test result, report, return or record or responds to a direction of the minister pursuant to this Act may request in writing that all or any part of the application, information, data, test result, report, return, record or response be kept confidential for a period of up to 5 years after the date of submission.

(4) Before the expiry of the period mentioned in subsection (3) or, if a request by the person mentioned in that subsection has been approved pursuant to this subsection, before the expiry of the most recent period, the person may request in writing that the application, information, data, test result, report, return, record or response be kept confidential for a further period of up to 5 years.

(5) A request made pursuant to this section is to be dealt with in the prescribed manner.

(6) On receipt of a written request pursuant to subsection (3) or (4), the minister may approve the request if the minister is satisfied that the application, information, data, test result, report, return, record or response:

- (a) contains matters that:
  - (i) are of a commercial, financial, scientific or technical nature; and
  - (ii) would reveal proprietary business, competitive or trade secret information about that person's business; or
- (b) meets any prescribed criteria.

(7) If the minister does not approve the written request pursuant to subsection (3) or (4), the minister shall:

- (a) notify the person who made the request of the minister's decision along with reasons for the decision; and
- (b) wait for a period of 30 days after sending the notice mentioned in clause (a) before disclosing the application, information, data, test result, report, return, record or response with respect to which the request was made to the public.

(8) A person who makes a request pursuant to subsection (3) or (4) may appeal the minister's decision made pursuant to subsection (7) on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the decision.

(9) The record of an appeal pursuant to subsection (8) consists of:

- (a) the application, information, data, test result, report, return, record or response to a direction of the minister with respect to which the request was made;
- (b) the written representations made to the minister by the person concerning the request that the person made;
- (c) the minister's decision; and
- (d) any other material that the Court of Queen's Bench may require.

(10) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the minister's decision to disclose the application, information, data, test result, report, return, record or response to the public; or
- (b) directing that all or any portion of the application, information, data, test result, report, return, record or response with respect to which the request was made be kept confidential for a period of up to 5 years.

(11) Unless otherwise ordered by the judge of the Court of Queen's Bench, an appeal pursuant to this section stays the operation of the decision of the minister with respect to which the appeal is made”.

**Section 66 repealed**

**17 Section 66 is repealed.**

**New sections 67 to 74**

**18 Sections 67 to 74 are repealed and the following substituted:**

**“Audits and inspections**

**67(1)** An environment officer may conduct an audit or inspection in accordance with this section.

(2) An audit may be conducted on any person who engages in an activity that is governed by this Act, the regulations or the code.

(3) An audit conducted pursuant to this section must contain:

(a) an assessment of how well the person mentioned in subsection (2) has complied with this Act, the regulations or the code; and

(b) if the obligations imposed by this Act, the regulations or the code have not been met, an explanation for the differences between the results and those obligations, terms and conditions.

(4) Subject to subsection 70(4), for any purpose relating to the administration or enforcement of this Act, an environment officer may do any of the following:

(a) enter at any reasonable time and inspect any commercial premises used by a regulated emitter or any other person who the environment officer has reasonable grounds to believe has records of a regulated emitter or any other person who engages in an activity that is governed by this Act, the regulations or the code;

(b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the environment officer has reasonable grounds to believe that:

(i) there is anything to which this Act applies;

(ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or

(iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;

(c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director or employee of the owner or person to:

(i) answer any questions that may be relevant to the administration or enforcement of this Act; and

(ii) provide the environment officer with all reasonable assistance;

(d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the environment officer;

- (e) require any of the persons mentioned in clause (c) to produce:
  - (i) anything to which this Act applies; or
  - (ii) any records that:
    - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
    - (B) the environment officer reasonably requires;
- (f) inspect anything to which this Act applies or any record that is required to be kept pursuant to this Act or that relates to the administration of this Act.

(5) If the environment officer requires any records to be produced pursuant to this section, the environment officer may examine the records and make copies of the records in accordance with section 71.

(6) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the environment officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.

(7) If an environment officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the environment officer may, after giving a receipt:

- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
- (b) produce that record with reasonable dispatch; and
- (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
  - (i) the place from which they were removed; or
  - (ii) any other place that may be agreed to by the environment officer and the person from whom they were taken.

**“Additional powers on inspection**

**68** In addition to the powers mentioned in section 67, in carrying out an inspection pursuant to this Act, an environment officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the environment officer believes on reasonable grounds contains anything to which this Act applies;
- (b) take samples of anything to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

**“Duty to assist**

**69(1)** No person shall fail to answer questions or to provide reasonable assistance in accordance with section 67 or 68 in the manner and within the period specified by the environment officer.

(2) No person shall fail to produce any records or thing to which this Act applies in accordance with section 67 or 68 within the period reasonably required by the environment officer.

**“Investigations**

**70(1)** If a justice or provincial court judge is satisfied by information on the oath of an environment officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place, including any premises or vehicle, named or described in the warrant;
- (b) seize and remove anything that may be evidence of an offence against this Act.

(2) With a warrant issued pursuant to subsection (1), an environment officer may do all or any of the following:

- (a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;
- (b) open and examine anything that the environment officer finds in the place, premises or vehicle;
- (c) require the production of and examine any records or other things to which this Act applies that the environment officer has reasonable grounds to believe may contain information related to an offence against this Act;
- (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
- (e) do any of the things mentioned in clauses 68(b) and (c);
- (f) do any of the things mentioned in section 72.

(3) Subject to subsection (4), an environment officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the environment officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
  - (i) in danger to human life or safety; or
  - (ii) in the loss, removal or destruction of evidence.

(4) No environment officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

(5) If, pursuant to this section, an environment officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the environment officer shall:

- (a) produce that record with reasonable dispatch; and
- (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
  - (i) the place from which they were removed; or
  - (ii) any other place that may be agreed to by the environment officer and the person from whom they were taken.

**“Copies of records**

71(1) If any records are inspected, examined, removed, produced or provided pursuant to section 67 or 70, an environment officer may make copies of those records.

(2) An environment officer shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the originals of the records to:
  - (i) the place from which they were removed; or
  - (ii) any other place that may be agreed to by the environment officer and the person who provided them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the environment officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, an environment officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person; and
- (b) has the same probative force as the original record.

**“Seizure of certain objects**

72(1) In addition to the powers mentioned in sections 67, 68 and 70, in conducting an inspection pursuant to section 67 or 68 or in carrying out an investigation pursuant to section 70, an environment officer may seize anything to which this Act applies that the environment officer has reasonable grounds to believe is required for the purposes of determining compliance or non-compliance with this Act, the regulations or the code.

(2) Anything to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the environment officer considers appropriate for the preservation and containment of the thing to which this Act applies.

(3) If an environment officer has custody of anything to which this Act applies that is seized pursuant to this Act and is perishable or susceptible to deterioration, the minister, the ministry or the environment officer may dispose of it, in whole or in part, in any manner approved by the minister, and any proceeds realized from the disposition are to be dealt with in the prescribed manner.

**“Obstruction**

73 No person shall resist, obstruct, hinder, delay or interfere with an environment officer, or a person aiding an environment officer, in the performance of the environment officer’s duties.

**“Entry on land**

74(1) An environment officer and any person lawfully accompanying the environment officer may, for the purposes of carrying out the environment officer’s duties, enter on or pass over any land, whether enclosed or not.

(2) Notwithstanding anything in *The Expropriation Procedure Act*, the minister or any person designated by the minister may enter on any land for the purposes of:

(a) securing data and obtaining information respecting greenhouse gas emissions, climate change and adaptation to climate change; and

(b) inspecting any works related to greenhouse gas emissions, climate change and adaptation to climate change”.

**Section 75 amended****19(1) Subsection 75(1) is repealed and the following substituted:**

“(1) No person shall:

(a) make a false statement or provide false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;

(b) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an environment officer, the ministry or any person acting on behalf of the minister;

(c) fail to comply with an order of the minister issued pursuant to this Act, the regulations, any terms and conditions imposed by the minister on an order issued pursuant to this Act or the code; or

(d) fail to comply with any provision of this Act, the regulations, any terms and conditions imposed by the minister pursuant to this Act or the code”.

**(2) Subsection 75(4) is amended:****(a) by repealing clauses (b) and (c) and substituting the following:**

“(b) directing the convicted person to undertake any action to reduce or limit emissions of greenhouse gases in a manner and within the period specified by the order”; **and**

**(b) by repealing clause (e) and substituting the following:**

“(e) in the case of a convicted person that is a regulated emitter who the minister establishes to the satisfaction of the court has an unfulfilled compliance obligation, directing that the convicted person fulfil its compliance obligation by paying to the technology fund:

(i) the amount of the compliance obligation; and

(ii) interest on the amount mentioned in subclause (i) at the prescribed rate”.

**(3) Subsection 75(5) is repealed.**

**(4) Subsection 75(6) is repealed and the following substituted:**

“(6) Any amount paid to the technology fund pursuant to clause (4)(e):

(a) with respect to any unfulfilled compliance obligation is to be applied to reduce the outstanding amount of the compliance obligation remaining unsatisfied by the convicted person; and

(b) with respect to interest outstanding that ought to have been paid to the technology fund as an interest penalty is to be applied to reduce the outstanding amount of any interest penalty remaining unpaid by the convicted person”.

**Section 77 repealed**

**20 Section 77 is repealed.**

**Section 78 amended**

**21(1) Subsection 78(1) is repealed and the following substituted:**

“(1) Subject to the regulations, the minister may assess a prescribed penalty against any regulated emitter, qualified person or any other prescribed person if that regulated emitter, qualified person or other prescribed person has contravened any prescribed provision of this Act, the regulations or the code”.

**(2) Subsection 78(11) is repealed and the following substituted:**

“(11) Any amount paid to the minister as an administrative penalty with respect to failure to fulfil a compliance obligation or interest accrued due to a failure to fulfil a compliance obligation is to be paid to the technology fund”.

**Section 80 amended**

**22 Section 80 is amended by striking out “the ministry, any enforcement officer, any person lawfully accompanying an enforcement officer” and substituting “the ministry, any member of the advisory committee, any environment officer, any person lawfully accompanying an environment officer”.**

**Section 84 amended**

**23 Subsection 84(1) is repealed and the following substituted:**

“(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) for the purposes of the definition of ‘CO<sub>2</sub>e’ in section 2, prescribing the manner for determining the CO<sub>2</sub>e amount, and the global warming potential, for each particular greenhouse gas;

(c) for the purposes of the definition of ‘greenhouse gas’ in section 2, prescribing additional greenhouse gases;

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- (d) for the purposes of the definition of 'offset credit' in section 2, respecting offset credits, including:
- (i) prescribing activities that may qualify as generating offset credits; and
  - (ii) prescribing the manner in which offset credits may be used and the terms and conditions that must be complied with in order to use offset credits and authorizing the minister to determine the manner in which offset credits may be used and the terms and conditions that must be complied with in order to use offset credits;
- (e) for the purposes of the definition of 'regulated emitter' in section 2, prescribing regulated emitters and the requirements to determine who is a regulated emitter or a member of a class of regulated emitters;
- (f) for the purposes of section 5, establishing a greenhouse gas emission reduction target for Saskatchewan;
- (g) for the purposes of clause 17(1)(b), prescribing classes of regulated emitters and the manner of establishing a baseline emission level for members of a class of regulated emitters;
- (h) for the purposes of clause 7(2)(1) and section 19, prescribing matters that the minister must consider when determining other amounts of CO<sub>2</sub>e that regulated emitters may deduct when calculating greenhouse gas emissions for the purposes of a return pursuant to section 19;
- (i) for the purposes of clause 7(2)(p.1), respecting performance credits;
- (j) for the purposes of clause 7(2)(p.2), respecting compliance obligations;
- (k) for the purposes of subsection 17(2), prescribing the manner of calculating the baseline emission level, including authorizing the minister to determine the manner of calculating the baseline emission level;
- (l) for the purposes of subsection 17(3), prescribing dates, including authorizing the minister to determine dates;
- (m) for the purposes of subsection 17(10), prescribing circumstances in which the minister may direct regulated emitters to provide information and documentation, establish new baseline emission levels or amend or revise baseline emission levels for a regulated facility;
- (n) for the purposes of section 19:
- (i) prescribing the dates for returns required from a regulated emitter;
  - (ii) prescribing the required contents for returns; and
  - (iii) prescribing the means by which the returns must be submitted;
- (o) for the purposes of section 21:
- (i) prescribing entities;
  - (ii) prescribing programs with respect to which reports must be made and the manner in which reports must be made;
  - (iii) prescribing elements to be included in reports for the purposes of subsection 21(2), and, for that purpose, prescribing different elements for different entities or different classes of entities; and
  - (iv) prescribing the required information to be contained in reports;

- (p) for the purposes of section 61:
  - (i) prescribing the manner in which a request may be made and dealt with; and
  - (ii) prescribing the criteria that must be considered when deciding whether or not to keep information confidential pursuant to a request, including authorizing the minister to determine additional criteria to be considered in making that decision;
- (q) for the purposes of section 63, prescribing circumstances when the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection 63(5);
- (r) for the purposes of subsection 72(3), respecting proceeds realized from dispositions;
- (s) for the purposes of subsection 81(2), prescribing means of service;
- (t) providing for and respecting the cancellation, alteration, suspension or renewal of approvals issued pursuant to this Act, the regulations or the code;
- (u) requiring persons whose activities result in greenhouse gas emissions or who are involved in a program to mitigate the effects of climate change to keep records or make reports and prescribing the nature of those records or reports;
- (v) respecting administrative penalties;
- (w) with respect to any matter governed by this Act:
  - (i) adopting, as amended from time to time or otherwise, all or any part of any standard or guideline;
  - (ii) amending for the purposes of this Act, the regulations or the code any standard or guideline adopted pursuant to subclause (i); and
  - (iii) requiring compliance with a standard or guideline adopted pursuant to subclause (i);
- (x) adopting a code;
- (y) for the purposes of the definition of 'performance credit' in section 2 and clause 7(2)(p.1), respecting performance credits, including:
  - (i) determining the manner in which performance credits may be awarded to a regulated emitter;
  - (ii) determining a threshold of emissions before performance credits may be awarded; and
  - (iii) prescribing the manner in which performance credits may be used and the terms and conditions that must be complied with in order to use performance credits and authorizing the minister to determine the manner in which performance credits may be used and the terms and conditions that must be complied with in order to use performance credits;
- (z) for the purposes of the definition of 'qualified person' in section 2 and clause 7(2)(p), prescribing the necessary criteria to determine who may be considered a qualified person and imposing terms and conditions on a qualified person;

(aa) for the purposes of the definition of 'compliance option' in section 2 and clause 7(2)(p.2):

- (i) respecting compliance options; and
- (ii) determining what credits, payment, or other mechanism constitutes a compliance option;

(bb) for the purposes of section 16.1, respecting programs for the reduction of greenhouse gas emissions by regulated emitters including, for each program:

- (i) establishing the program;
- (ii) prescribing the regulated emitters or classes of regulated emitters who are subject to the program;
- (iii) establishing the basis on which regulated emitters are required to reduce their greenhouse gas emissions, including on an absolute basis or emissions intensity basis;
- (iv) prescribing the manner in which and means by which regulated emitters are required to reduce greenhouse gas emissions;
- (v) prescribing the date by which greenhouse gases emissions are to be reduced by regulated emitters;
- (vi) establishing compliance obligations for regulated emitters who do not reduce their greenhouse emissions as required by the program;
- (vii) prescribing the manner in which and the date by which compliance obligations must be fulfilled;
- (viii) prescribing that the minister may deem an unfulfilled compliance obligation as debt due and owing to the technology fund, together with interest on the amount of the unfulfilled compliance obligation at a prescribed rate;
- (ix) requiring compliance by regulated emitters who are subject to the program;
- (x) prescribing information that must be retained by regulated emitters and the period for which that information must be retained;
- (xi) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or appropriate for the program;

(cc) for the purposes of Part VI.1, respecting the technology fund, including:

- (i) establishing purposes for which moneys in the technology fund may be used;
- (ii) prescribing other purposes for the use of moneys in the technology fund;
- (iii) prescribing terms, conditions, restrictions and criteria for approval of applications to the technology fund pursuant to programs established in the technology fund;
- (iv) prescribing the manner in which and the dates by which applications to the technology fund may be made;

- (v) prescribing information that must be retained by persons whose applications have been approved and the period for which that information must be retained;
- (vi) requiring persons whose applications have been approved to provide information and reports to the minister for the purposes of administering the technology fund;
- (vii) authorizing the minister to deem as overpayments any moneys paid from the technology fund to persons who provide false or misleading information to the minister or who fail to comply with the terms and conditions of their approval and prescribing the means by which those overpayments may be recovered;
- (viii) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or appropriate for the programs established for the purposes of the technology fund;
- (dd) prescribing a rate of interest and requiring the payment of interest on debts due to the Crown and on unpaid administrative penalties;
- (ee) requiring regulated emitters or classes of regulated emitters set out in the regulations to be registered and respecting registrations, including:
  - (i) prescribing the criteria that must be met in order to be registered;
  - (ii) prescribing the manner and procedures to be followed in order to be registered;
  - (iii) prescribing the information to be submitted along with an application for registration;
  - (iv) authorizing the minister to impose terms and conditions on a regulated emitter that is registered; and
  - (v) prescribing measures that may be used to enforce compliance with the terms and conditions mentioned in subclause (iv);
- (ff) prescribing environment officers or classes of environment officers who are peace officers;
- (gg) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (hh) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act”.

**Coming into force**

**24** This Act comes into force on assent.



THIRD SESSION  
**Twenty-eighth Legislature**  
SASKATCHEWAN

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**B I L L**

No. 132

An Act to amend *The Management and Reduction  
of Greenhouse Gases Act*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Dustin Duncan

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