

BILL

No. 95

An Act to amend *The Surface Rights Acquisition and Compensation Act*, to make a related amendment to *The Oil and Gas Conservation Act* and to make consequential amendments to *The Surface Rights Acquisition and Compensation Amendment Act, 1981*

(Assented to _____)

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

PART 1 Preliminary Matters

Short title

1 This Act may be cited as *The Surface Rights Acquisition and Compensation Amendment Act, 2022*.

PART 2 Amendments to *The Surface Rights Acquisition and Compensation Act*

RSS 1978, c S-65 amended

2 *The Surface Rights Acquisition and Compensation Act* is amended in the manner set forth in this Part.

Section 2 amended

3 The following clauses are added after clause 2(j):

“(j.1) ‘**prescribed**’ means prescribed in the regulations;

“(j.2) ‘**regulatory enactment**’ means:

(i) *The Oil and Gas Conservation Act* and any regulations made pursuant to that Act;

(ii) *The Pipelines Act, 1998* and any regulations made pursuant to that Act; or

(iii) any other prescribed Act or regulation”.

Section 15 amended

4 Section 15 is amended by striking out “prescribed” and substituting “approved”.

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Section 23 amended

5 Section 23 is amended in the portion preceding clause (a) by striking out “Sections 24 to 38” and substituting “Sections 24 to 37”.

Section 31 amended

6 Subsection 31(7) is amended by striking out “at its office in Regina, Saskatchewan,”.

New section 32

7 Section 32 is repealed and the following substituted:

“Service of notice

32(1) A notice to be served pursuant to this Act may be served:

- (a) personally;
- (b) by registered or certified mail to the last known address of the person to be served; or
- (c) electronically.

(2) A notice served pursuant to clause (1)(b) is deemed to have been served on the delivery date shown on the signed post office acknowledgment of receipt”.

Sections 38 to 40 repealed

8 Sections 38, 39 and 40 are repealed.

Section 54 amended

9 Subsection 54(1) is amended by striking out “section 55” and substituting “section 53”.

New section 55

10 Section 55 is repealed and the following substituted:

“Restoration of site

55(1) If a notice has been served pursuant to section 54, the operator shall, without delay, decommission and reclaim a well or facility site associated with a lease or order issued pursuant to section 26 or 33 in accordance with *The Financial Security and Site Closure Regulations*.

(2) A lease or order issued pursuant to section 26 or 33 terminates only on the issuance of an acknowledgement of reclamation pursuant to *The Financial Security and Site Closure Regulations*”.

Sections 56 to 59 repealed

11 Sections 56, 57, 58 and 59 are repealed.

Section 63 amended

12 Subsection 63(5) is amended by striking out “\$1,000” and substituting “the prescribed amount”.

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Section 85 amended**13(1) Subsection 85(1) is repealed and the following substituted:**

“(1) Unless the operator and the owner or occupant, if any, otherwise agree, every operator shall control all weeds and pests on the land on which the operations of the operator are being carried on”.

(2) Subsection 85(3) is amended by striking out “cut down or root out and destroy the weeds” and substituting “control the weeds or pests, or weeds and pests, as the case may be,”.

Section 86 amended

14 Subsection 86(3) is amended by striking out “sections 53 to 59” and substituting “sections 53 to 55”.

New section 86.1

15 The following section is added after section 86:

“Order for payment

86.1(1) If an operator fails to honour its compensation obligations pursuant to a lease, an agreement respecting any of the rights set out in section 41 or an order issued pursuant to clause 33(2)(c), section 45 or any of subsection 50(2), 63(1), 79(1) or 85(3), an owner may, subject to subsections (2) and (3), apply to the board, in an approved form and manner, for an order requiring the operator to comply with those compensation obligations.

(2) An application pursuant to subsection (1) must be made no earlier than 3 months after the date on which payment for compensation was due.

(3) An owner shall serve a copy of an application made pursuant to subsection (1) on the operator.

(4) If the operator wishes to object to the application made pursuant to subsection (1), the operator must, within 30 days after being served with a copy of the application, serve:

(a) a notice of objection, in an approved form and manner, on the board; and

(b) a copy of the notice mentioned in clause (a) on the owner.

(5) If the board receives a notice of objection described in subsection (4), the board may:

(a) hold a hearing; and

(b) issue an order requiring the operator to comply with its compensation obligations, including the amount owed and any terms and conditions that the board considers appropriate.

(6) If the board does not receive a notice of objection described in subsection (4), the board may issue an order requiring the operator to comply with its compensation obligations, including the amount owed and any terms and conditions that the board considers appropriate.

(7) An operator shall comply with an order issued pursuant to subsection (5) or (6) within the period specified in the order.

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(8) An operator shall provide proof of payment in the prescribed manner to the minister responsible for the administration of the applicable regulatory enactment no later than the last day of the payment period specified in the order issued pursuant to subsection (5) or (6).

(9) Subject to the regulations, the board shall immediately notify the minister responsible for the administration of the applicable regulatory enactment of the issuance of an order pursuant to subsection (5) or (6).

(10) The board shall, on making an order pursuant to subsection (5) or (6), notify the operator that the operator must provide proof of payment to the minister responsible for the administration of the applicable regulatory enactment in accordance with subsection (8) and that failure to do so may result in enforcement action by the minister”.

Section 95 amended**16 The following clauses are added after clause 95(c):**

“(d) prescribing the amount for the purposes of subsection 63(5);

“(e) for the purposes of section 86.1:

(i) prescribing the manner of proof of payment for the purposes of subsection (8); and

(ii) respecting notice to the minister responsible for the administration of the applicable regulatory enactment for the purposes of subsection (9)”.

PART 3

Related Amendment**RSS 1978, c O-2, new section 9.101****17 The following section is added after section 9.1 of *The Oil and Gas Conservation Act*:****“Compliance with orders pursuant to *The Surface Rights Acquisition and Compensation Act***

9.101 Every licensee shall comply with all orders issued pursuant to *The Surface Rights Acquisition and Compensation Act* and the proof of payment requirement set out in subsection 86.1(8) of that Act”.

PART 4

Consequential Amendments**SS 1980-81, c 86 amended**

18(1) *The Surface Rights Acquisition and Compensation Amendment Act, 1981* is amended in the manner set forth in this Part.

(2) Section 6 is repealed.

(3) Section 10 is repealed.

SURFACE RIGHTS ACQUISITION AND COMPENSATION AMENDMENT ACT, 2022

PART 5
Coming into Force

Coming into force

19 This Act comes into force by order of the Lieutenant Governor in Council.

THIRD SESSION

Twenty-ninth Legislature

SASKATCHEWAN

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Received and read the

First time

Second time

Third time

And passed

Honourable Jim Reiter
