

# BILL

No. 151

## An Act to amend *The SaskEnergy Act* respecting the distribution of natural gas in Saskatchewan

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

HIS 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 SaskEnergy (Carbon Tax Fairness for Families) Amendment Act, 2023*.

### SS 1992, c S-35.1 amended

**2** *The SaskEnergy Act* is amended in the manner set forth in this Act.

### New sections 7.1 to 7.5

**3 The following sections are added after section 7:**

#### “Crown as registered distributor

**7.1(1)** For the purposes of Part 1 of the *Greenhouse Gas Pollution Pricing Act* (Canada), the Crown shall, before January 1, 2024, register as a registered distributor of marketable and non-marketable natural gas in Saskatchewan.

(2) As of January 1, 2024:

(a) for the purposes of Part 1 of the *Greenhouse Gas Pollution Pricing Act* (Canada), the Crown shall be the sole registered distributor of marketable natural gas and non-marketable natural gas in Saskatchewan in place of the corporation, and all of the corporation’s powers, rights, authority, responsibilities and obligations as a registered distributor in Saskatchewan for the purposes of Part 1 of that Act shall be exclusive to the Crown;

(b) all powers, rights, authority, responsibilities and obligations of the corporation, other than those mentioned in clause (a), shall continue to be vested in the corporation;

(c) any charge, tax, levy, remittance or other payment required by Part 1 of the *Greenhouse Gas Pollution Pricing Act* (Canada) and associated regulations to be paid to the Receiver General by the Crown as a registered distributor in Saskatchewan shall be paid out of the general revenue fund and at the sole direction of the minister; and

(d) neither the corporation nor any director, officer, employee, agent, member, affiliate or other representative of the corporation shall have the power, right, authority, responsibility or obligation:

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(i) to pay or withhold payment of any charge, tax, levy, remittance or other payment arising from the delivery of marketable natural gas or non-marketable natural gas required by Part 1 of the *Greenhouse Gas Pollution Pricing Act* (Canada); or

(ii) to direct, authorize, assent to, acquiesce in or participate in payment of or withholding payment of any charge, tax, levy, remittance or other payment arising from the delivery of marketable natural gas or non-marketable natural gas as required by Part 1 of the *Greenhouse Gas Pollution Pricing Act* (Canada).

**“Directives of minister**

**7.2 (1)** The minister may approve and issue directives to the corporation with respect to any matters respecting physical distribution and delivery of marketable natural gas and non-marketable natural gas in Saskatchewan on behalf of the Crown.

(2) Notwithstanding subsection 6(1), directives mentioned in subsection (1) are limited to the corporation’s role as a service provider to the Crown, including matters respecting the Crown’s powers, rights, authority, responsibilities and obligations pursuant to Part 1 of the *Greenhouse Gas Pollution Pricing Act* (Canada).

(3) A directive approved and issued pursuant to subsection (1):

(a) must be published on the corporation’s website and may be made public in any other manner the minister considers appropriate to bring the directive to the attention of the public; and

(b) is effective on the date of publication.

**“Indemnification**

**7.3(1)** Notwithstanding any other Act, regulation or agreement, the Crown indemnifies the corporation and the following individuals against all damages, costs, charges and expenses, including legal fees, that the corporation or individual incurs with respect to any civil, criminal, administrative, investigative or other matter in which the corporation or individual is implicated in relation to the *Greenhouse Gas Pollution Pricing Act* (Canada) or that may otherwise arise from the implementation of section 7.1 or 7.2:

(a) directors of the corporation;

(b) officers of the corporation;

(c) employees of the corporation;

(d) agents of the corporation;

(e) members of the corporation;

(f) affiliates of the corporation;

(g) other representatives of the corporation; and

(h) former directors, officers, employees, agents, members or other representatives of the corporation.

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(2) Without restricting the generality of subsection (1), the Crown assumes all responsibilities pursuant to any indemnity agreement made between the corporation and any individual mentioned in clauses (1)(a) to (h), and the terms and conditions of an indemnity agreement do not derogate from the indemnity established in subsection (1).

**“No cause of action**

**7.4** No cause of action lies against and no action or proceeding may be commenced against the corporation or a director, officer, employee, agent, member, affiliate or other representative of the corporation with respect to any act or thing done or omitted to be done in relation to section 7.1 or 7.2 or in relation to any directive approved and issued pursuant to section 7.2.

**“Repeal**

**7.5** Subject to section 4 and subsection 5(2) of *The SaskEnergy (Carbon Tax Fairness for Families) Amendment Act, 2023*, the Lieutenant Governor in Council may, by regulation, repeal sections 7.1 to 7.4 and this section”.

**Sections 7.1 to 7.5 repealed**

**4 Sections 7.1 to 7.5 are repealed.**

**Coming into force**

**5(1)** Subject to subsection (2), this Act comes into force by order of the Lieutenant Governor in Council.

(2) Section 4 comes into force one year after the day on which this Act comes into force.

FOURTH SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 151

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distribution of natural gas in Saskatchewan

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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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