

BILL

No. 98

An Act to amend *The Saskatchewan Public Safety Agency Act* and to make consequential amendments to *The Wildfire Act*

(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 Saskatchewan Public Safety Agency Amendment Act, 2022*.

SS 2019, c S-32.4 amended

2 *The Saskatchewan Public Safety Agency Act* is amended in the manner set forth in this Act.

Section 1-2 amended

3 The following definition is added in section 1-2 in alphabetical order:

“‘**emergency response**’ means actions taken to address an emergency”.

Section 2-4 amended

4 Subsection 2-4(1) is amended:

(a) by adding the following clause after clause (k):

“(k.1) establish policies and procedures with respect to emergency response cost recovery”; and

(b) by adding the following subclause after subclause (m)(i):

“(i.1) recover any incurred costs or expenses for emergency response services as it considers appropriate to fulfil the objects and purpose of SPSA”.

New sections 4-8 and 4-9:

5 The following sections are added after section 4-7:

“Liability for emergency

4-8 A person is responsible for an emergency if that person:

(a) without lawful authority, causes or is otherwise at fault for an emergency;

(b) contravenes any of the provisions of a public safety Act or regulation or disobeys, or refuses or neglects to carry out, an order made by a public safety officer as defined in section 7-2 or by any SPSA employee authorized to make the order pursuant to a public safety Act or regulation, and that act or omission caused or worsened an emergency; or

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(c) owns or has charge or control of the land on which another person causes or is otherwise at fault for the emergency, and fails to establish to the satisfaction of the SPSA that the other person's acts or omissions with respect to the emergency took place without that person's express or implied consent.

“Emergency response cost recovery

4-9(1) If SPSA incurs any cost or expense with respect to an emergency response provided in accordance with this Act to or for the benefit of a municipality or any other prescribed legal entity, SPSA may, subject to the regulations, require that municipality or other legal entity to reimburse the amount of that cost or expense, or a portion of it, on any terms that SPSA may specify.

(2) If a municipality or prescribed legal entity is required to reimburse costs or expenses incurred by SPSA pursuant to subsection (1), the amount of that reimbursement is a debt due to the Crown.

(3) If SPSA incurs any cost or expense for an emergency response with respect to an emergency for which a person not mentioned in subsection (1) is responsible in accordance with section 4-8, the SPSA may, subject to the regulations, require that person to reimburse the amount of that cost or expense, or a portion of it, on any terms that SPSA may specify.

(4) If a person not mentioned in subsection (1) is required to reimburse costs or expenses incurred by SPSA pursuant to subsection (3), the amount of that reimbursement is a debt due to the Crown.

(5) Subject to the regulations, if the minister is satisfied that the reimbursement required pursuant to all or any of subsections (1) and (3) constitute an excessive financial burden on a municipality or any other person, as the case may be, the minister may provide a partial remission of liability for that reimbursement.

(6) Subject to the regulations, the minister may determine how the amount of costs or expenses incurred with respect to an emergency response mentioned in this section is to be calculated”.

Section 6-1 amended**6 The following clause is added after clause 6-1(c):**

“(c.1) for the purposes of section 4-9:

- (i) prescribing other legal entities; and
- (ii) respecting the recovery of the costs or expenses incurred as a result of an emergency response”.

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SS 2014, c W-13.01 amended

7(1) *The Wildfire Act* is amended in the manner set forth in this section.

(2) Subsections 12(5) and (6) are repealed.

(3) Subsection 13(3) is repealed and the following substituted:

“(3) If a person described in subsection (1) is responsible for the fire getting out of control and a municipality or any other person incurs costs or suffers loss or damage resulting from the fire, the person is liable to the municipality or the other person for the costs or expenses incurred by the municipality or other person in controlling and extinguishing the fire and in investigating the fire, and for any other property damaged or destroyed by the fire.

“(3.1) If a person described in subsection (1) is responsible for the fire getting out of control and the minister incurs costs or suffers loss or damage resulting from the fire, the person is liable to the Crown for:

- (a) the value of Crown timber or forest resources damaged or destroyed;
- (b) the costs necessary to rehabilitate or reforest the land; and
- (c) any other property damaged or destroyed”.

(4) Subsection 13(4) is amended by striking out “clause (3)(b)” and substituting “clause (3.1)(a)”.

(5) The following subsection is added after subsection 13(4):

“(5) The costs or expenses described in subsection (3.1) are a debt due to the Crown”.

(6) Subsection 19(6) is repealed and the following substituted:

“(6) If a wildfire was started as a direct or indirect result of the activities of an industrial or commercial operation or if those activities contributed to the spread of a wildfire or interfered with or impeded the ability to suppress a wildfire, sections 4-8 and 4-9 of *The Saskatchewan Public Safety Agency Act* apply with respect to the operator”.

(7) Subsection 25(4) is repealed and the following substituted:

“(4) If the minister takes action pursuant to clause (3)(c):

- (a) sections 4-8 and 4-9 of *The Saskatchewan Public Safety Agency Act* apply with respect to the railway company; and
- (b) the railway company is liable to the Crown for any damage caused to the Crown by the wildfire”.

(8) Clause 81(1)(g) is repealed.

Coming into force

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

THIRD SESSION

Twenty-ninth Legislature

SASKATCHEWAN

BILL

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Received and read the

First time

Second time

Third time

And passed

Honourable Christine Tell
