The SaskEnergy Act

being

Chapter S-35.1* of the *Statutes of Saskatchewan, 1992* (consult Table of Public Statutes for effective dates) as amended by the *Statutes of Saskatchewan,* 1993, c.C-50.101 and 38; 1996, c.21; 1997, c.32; 1998, c.P-12.1, P-42.1 and 20; 2000, c.L-5.1; 2002, c.C-11.1 and 58; 2003, c.18 and 39; 2004, c.10; 2005, c.M-36.1; 2007, c.40; 2010, c.31; 2014, c.19; and 2015, c.21.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-35.1

An Act to continue SaskEnergy Incorporated, to make certain consequential amendments to certain Acts resulting from that continuance and to validate certain transactions involving SaskEnergy Incorporated

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The SaskEnergy Act*.

Interpretation

2 In this Act:

(a) **"corporation"** means SaskEnergy Incorporated continued pursuant to section 3;

(b) **"Crown"** means Her Majesty the Queen in right of Saskatchewan;

(c) **"gas"** means all natural gas and manufactured gas, both before and after it has been treated or processed by absorption, purification, scrubbing or other means;

(d) **"minister"** means the member of the Executive Council to whom, for the time being, the administration of this Act is assigned;

(e) **Repealed.** 2002, c.C-11.1, s.410.

(f) **"predecessor corporation"** means the body corporate resulting from the amalgamation on May 15, 1992 of SaskEnergy Incorporated and Saskatchewan Energy Holdings Ltd.;

(g) **"provincial highway"** means a provincial highway within the meaning of *The Highways and Transportation Act*;

(h) **"Saskatchewan Energy Holdings Ltd."** means the body corporate incorporated under *The Business Corporations Act* on April 25, 1988 as Saskatchewan Energy Corporation and which changed its name on December 20, 1990 to Saskatchewan Energy Holdings Ltd.;

(i) **"SaskEnergy Incorporated"** means the body corporate incorporated under *The Business Corporations Act* on March 30, 1988 as Provincial Gas Limited and which changed its name on December 20, 1990 to SaskEnergy Incorporated;

(j) **"SaskPower"** means the Saskatchewan Power Corporation continued under *The Power Corporation Act*;

(k) **"TransGas"** means the body corporate incorporated under *The Business Corporations Act* on March 30, 1988 as TransGas Limited and includes any continuation of that body corporate resulting from any amalgamation or reorganization.

1992, c.S-35.1, s.2.

PART II
SaskEnergy Incorporated
CORPORATION CONTINUED

Corporation continued

3(1) The predecessor corporation is continued as SaskEnergy Incorporated.

(2) SaskEnergy is the abbreviated name of the corporation and the abbreviation when used has the same legal effect and meaning as the full name of the corporation.

(3) The corporation shall not have any share capital or issue any shares.

1992, c.S-35.1, s.3.

***Business Corporations Act* not to apply**

4 On the coming into force of this Act, *The Business Corporations Act* ceases to apply to the corporation.

1992, c.S-35.1, s.4.

Members of corporation

5(1) The corporation consists of not more than 12 persons who may be appointed by the Lieutenant Governor in Council.

(1.1) **Repealed.** 1998, c.20, s.11.

(2) A person appointed pursuant to this section:

(a) holds office at pleasure for a period not exceeding five years and until a successor is appointed; and

(b) may be reappointed.

(3) Where the office of a person appointed pursuant to this section becomes vacant:

(a) the Lieutenant Governor in Council may appoint another person for the remainder of the term of the person who vacated the office or appoint a new person for the term mentioned in subsection (2); and

(b) the vacancy does not impair the power of the other persons constituting the corporation to act.

(4) **Repealed.** 2007, c.40, s.3.

(5) **Repealed.** 2007, c.40, s.3.

1992, c.S-35.1, s.5; 1993, c.C-50.101, s.56; 1998, c.20, s.11; 2007, c.40, s.3.

Agent of Crown

6(1) The corporation and its wholly owned subsidiaries are for all their purposes agents of the Crown, and the corporation's powers under this Act may be exercised only as an agent of the Crown.

(2) All property of the corporation and its wholly owned subsidiaries, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation and its wholly owned subsidiaries are the property of the Crown and are, for all purposes including taxation of whatever nature and description, deemed to be the property of the Crown.

1992, c.S-35.1, s.6.

Responsible to minister

7 The corporation is responsible to the minister for the performance of its duties and the exercise of its powers under this Act.

1992, c.S-35.1, s.7.

Head office

8 The head office of the corporation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

1992, c.S-35.1, s.8.

Capacity to contract

9(1) The corporation has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation was acquired or incurred on its own behalf.

(2) The corporation, on behalf of the Crown, may contract in its corporate name without specific reference to the Crown.

1992, c.S-35.1, s.9.

Perpetual succession

10 The corporation has perpetual succession.

1992, c.S-35.1, s.10.

Common seal

11 The corporation shall have a common seal.

1992, c.S-35.1, s.11.

Liability in tort

12(1) The corporation and its wholly owned subsidiaries may:

(a) sue with respect to any tort; and

(b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings Against the Crown Act*.

(2) Notwithstanding subsection (1), no action or proceeding lies against the corporation, its subsidiaries or any of their officers, directors, employees or agents for any injury, loss or damage to any person or property arising out of, or directly or indirectly resulting from:

(a) the failure to supply, distribute or transport gas due to any cause, except a failure by the corporation, its subsidiaries or any of their officers, directors, employees or agents to exercise a reasonable standard of care having regard to the circumstances; or

(b) the supply, distribution or transportation of gas to, or use of gas by a customer beyond, the point of delivery to the customer's premises.

1992, c.S-35.1, s.12; 1993, c.38, s.3.

Board of directors

13(1) A board of directors, consisting of those persons who are appointed to constitute the corporation pursuant to section 5, shall manage the affairs and business of the corporation.

(2) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and another member of the board as vice-chairperson of the board.

(3) The chairperson:

(a) shall preside over all meetings of the board; and

(b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.

(4) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

(4.1) The Lieutenant Governor in Council may fix the number of members of the board who are to constitute a quorum for the transaction of business at meetings of the board.

(5) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of members of the board.

1992, c.S-35.1, s.13; 1993, c.C-50.101, s.56; 1998, c.20, s.11; 2002, c.58, s.3.

Executive committee, advisory committee and boards

14(1) The board may:

(a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the corporation;

(b) prescribe the duties of any committee appointed pursuant to clause (a); and

(c) fix the remuneration and allowances for expenses of members of any committee appointed pursuant to clause (a).

(2) A member of a committee appointed pursuant to clause (1)(a) holds office until that member:

(a) is removed by resolution of the board; or

(b) has ceased to be a member of the board.

(3) A committee appointed pursuant to clause (1)(a) may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in the resolution.

(4) A committee appointed pursuant to clause (1)(a) shall fix its quorum, which shall not be less than a majority of its members.

(5) A committee appointed pursuant to clause (1)(a) shall:

(a) keep minutes of its proceedings; and

(b) submit to the board, at each meeting of the board, the minutes of the committee's proceedings during the period since the most recent meeting of the board.

(6) **Repealed.** 2002, c.58, s.4.

1992, c.S-35.1, s.14; 2002, c.58, s.4.

POWERS

Powers

15 The corporation may:

(a) purchase, distribute, sell, manufacture, produce, transport, gather, compress, process and store gas;

(b) promote, participate in or carry out programs to encourage the prudent, judicious and economic use, conservation or both use and conservation of gas;

(b.1) provide training to third parties in skills and practices related to the corporation's business;

(b.2) transport energy-related products and by-products other than gas by means of pipeline facilities, and construct and operate pipeline facilities for this purpose;

(c) administer any programs that the Lieutenant Governor in Council may assign and that are, in the opinion of the Lieutenant Governor in Council, related to the purposes of the corporation;

(d) carry out or engage in any other function or activity assigned to it by the Lieutenant Governor in Council;

(e) do all of those things that the corporation considers necessary, incidental or conducive to carry out its purposes or to exercise its powers.

1992, c.S-35.1, s.15; 2003, c.39, s.3; 2007, c.40, s.4.

Powers – special services

15.1(1) In this section:

(a) **"facility"** means any facility for:

(i) the generation, storage, transmission or distribution of electrical energy;

(ii) the production, extraction, collection, processing, storage, transmission or distribution of gas, steam, heat, oil, propane or other substances;

(iii) the transmission or distribution of telephone communications, cable television or other forms of telecommunications; or

(iv) the extraction, supply, collection, treatment, storage, transmission, distribution or disposal of water or sewage;

(b) **"facility operator"** means a person or body that engages in any of the activities described in subclauses (a)(i) to (iv).

(2) In addition to any other powers conferred by this Act, the corporation may:

(a) provide any of the following services to a facility operator:

(i) on behalf of the facility operator, receiving from third parties requests for locating facilities of the facility operator and notices with respect to proposed activities that might disturb facilities of the facility operator or the ground in which those facilities are situated;

(ii) transmitting to the facility operator the requests and notices received by the corporation pursuant to subclause (i);

(iii) locating and marking any of the facilities of the facility operator;

(iv) monitoring, maintaining or operating any of the facilities of the facility operator; and

(b) enter into agreements with facility operators with respect to the services described in clause (a).

2003, c.39, s.4.

Rates and charges, terms of service

16(1) The corporation may:

(a) in accordance with any rules prescribed in the regulations, establish rates and charges that persons who accept, use or receive services from the corporation are required to pay; and

(b) establish terms and conditions that persons who accept, use or receive services from the corporation are required to comply with.

(2) Subject to subsection (4), any person who accepts, uses or receives a service from the corporation shall:

(a) pay the rates and charges established for that service by the corporation; and

(b) comply with the terms and conditions established for that service by the corporation.

(3) The corporation shall describe all the charges, rates, terms and conditions for each service in a schedule.

(4) Notwithstanding subsection (3), the corporation is not required to set out charges, rates, terms and conditions in a schedule if it is providing a service that another person, other than a wholly owned subsidiary of the corporation, is lawfully entitled to provide in Saskatchewan.

(5) The corporation shall make the schedule mentioned in subsection (3) available for public inspection at the corporation's business offices during the corporation's normal business hours.

(6) No person is required to pay any charge or rate or to comply with any term or condition for a service, other than a charge, rate, term or condition with respect to a service mentioned in subsection (4) or (7), if:

(a) the charge, rate, term or condition is not described in a schedule mentioned in subsection (3); or

(b) the schedule is not made available for public inspection in accordance with subsection (5).

(7) The corporation may enter into an agreement with a person to provide a special service to that person if, in the opinion of the corporation, a charge, rate, term or condition described in a schedule mentioned in subsection (3) is not adequate to allow the corporation to provide that service to that person.

(8) An agreement entered into pursuant to subsection (7) may set out a charge, rate, term or condition that is different from those described in a schedule.

(9) In the case of any conflict between a charge, rate, term or condition described in a schedule mentioned in subsection (3) and one set out in an agreement entered into pursuant to subsection (7), the charge, rate, term or condition set out in the agreement prevails.

(10) Where any rates, charges or rents payable under this section are overdue, the corporation may charge interest on the overdue amount.

(11) The amount of interest charged pursuant to subsection (10) is a debt due to the corporation and the corporation may recover that amount in the same manner as the rates, charges or rents.

(12) When required to do so by the Crown Investments Corporation of Saskatchewan, the corporation shall submit to the Crown Investments Corporation of Saskatchewan for review and prior approval any rates, charges and prices at which any goods, utilities or services are sold or provided by the corporation and that the corporation proposes to establish or revise pursuant to this section.

1992, c.S-35.1, s.16; 1993, c.C-50.101, s.56; 1997, c.32, s.4.

Staff

17(1) Notwithstanding *The Public Service Act, 1998*, the corporation may:

(a) employ any officers and other employees that it considers necessary for the conduct of its operations; and

(b) determine their respective duties and powers, their conditions of employment and their remuneration.

(2) The corporation has control over and shall supervise its officers and employees.

(3) The corporation shall pay to its officers and employees the remuneration determined pursuant to subsection (1).

(4) The corporation may:

(a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and

(b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

1992, c.S-35.1, s.17; 1998, c.P-42.1, s.42.

Superannuation and other plans

18(1) The corporation may establish and support any of the following plans for the benefit of any officers and employees of the corporation and subsidiaries of the corporation and the dependants of those officers and employees:

(a) a superannuation plan;

(b) a group insurance program;

(c) any other pension, superannuation or employee benefit program.

(2) Notwithstanding any other Act or law, a person's service with the corporation or its subsidiaries shall be counted as service pursuant to a superannuation Act mentioned in clause (a) if that person:

(a) was, immediately prior to that person's employment by the corporation or a subsidiary of the corporation, a contributor to:

(i) *The Public Service Superannuation Act*;

(ii) *The Superannuation (Supplementary Provisions) Act*; or

(iii) *The Power Corporation Superannuation Act*; and

(b) continues to be a contributor pursuant to a superannuation Act mentioned in clause (a) while employed by the corporation or a subsidiary of the corporation.

1992, c.S-35.1, s.18.

Acquisition and disposal of property

19(1) Subject to subsection (4), the corporation and its subsidiaries may acquire by any means the corporation or subsidiary considers appropriate any property that the corporation or subsidiary considers necessary or desirable to carry out the corporation's or the subsidiary's purposes or to exercise the corporation's or the subsidiary's powers efficiently.

(2) Subject to subsection (4) and section 66, the corporation and any of its subsidiaries may lease or dispose of any of the corporation's or subsidiary's property in any manner that the corporation or subsidiary considers appropriate.

(3) Without limiting the generality of subsection (1), if the corporation or a subsidiary of the corporation acquires property by way of purchase:

(a) the corporation or subsidiary may make the purchase on deferred payments; and

(b) the corporation or subsidiary may give security on the purchased property:

(i) for the purchase money, or the unpaid balance of the purchase price, with interest; or

(ii) to a person who gives value that enables the corporation to pay the purchase money on the purchase, in whole or in part, if the value is applied to the purchase.

(4) Where the purchase price or sale price of real property included in one transaction entered into by the corporation or any of its subsidiaries exceeds the amount fixed by the Lieutenant Governor in Council, the corporation shall obtain the approval of the Lieutenant Governor in Council before the purchase or sale.

1992, c.S-35.1, s.19; 2002, c.58, s.5.

Securities of companies

20(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may acquire, by any means that it considers appropriate, shares, bonds, debentures or other securities of any incorporated company.

(2) The corporation may dispose of shares, bonds, debentures or securities acquired pursuant to this section by any means that it considers appropriate.

(3) All shares, bonds, debentures and securities acquired pursuant to this section are the property of the Crown.

(4) The corporation may appoint, through a document signed by the chairperson or vice-chairperson, any persons that the corporation considers appropriate to be the corporation's representatives at any meeting of any class of shareholders, bondholders, debenture-holders, security holders or creditors with respect to any shares, bonds, debentures or securities acquired pursuant to this section.

(5) The persons appointed pursuant to subsection (4) may exercise, on behalf of the corporation, all the powers that the corporation could exercise if it were an individual shareholder, bondholder, debenture-holder, security holder or creditor.

1992, c.S-35.1, s.20; 1993, c.C-50.101, s.56.

Subsidiaries

21(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may incorporate any other companies that it considers will directly or indirectly benefit the corporation.

(2) The corporation may exercise its powers and may fulfil its purposes through any of its subsidiaries.

1992, c.S-35.1, s.21; 1993, c.C-50.101, s.56.

Extraprovincial powers

22(1) The corporation may accept, directly or through any of its subsidiaries, any extraprovincial powers.

(2) The corporation and its subsidiaries may exercise their powers beyond Saskatchewan.

1992, c.S-35.1, s.22; 2015, c.21, s.64.

DISTRIBUTION OF GAS

Exclusive right to distribute gas

23(1) In this section and in section 24:

(a) **"distribution of gas"** means the movement of gas, by means of all gas pipeline facilities, that is:

(i) downstream of the outlet of the shut-off valves of gas transmission pipelines at stations where pressure reduction first occurs; and

(ii) upstream of the outlet of a metering point at the location where the gas is delivered to a person for consumption;

(b) **"metering point"** means the point at which gas is measured and physical possession of gas is transferred to a person for consumption;

(c) **"oilfield facility system"** means all the piping, process equipment, auxiliary devices and associated buildings involved with the extraction of oil from below the surface of the ground and with production processing before delivery to an oil transmission pipeline;

(d) **"supply system"** means a piping system and associated control devices, other than a gas gathering and processing system as defined in clause 60(1)(a), through which gas is moved from the outlet of a metering point or, where there is no metering point, from a well where gas is produced, to equipment or appliances for consumption.

(2) The corporation has the exclusive right to distribute gas in and through any area in Saskatchewan.

(3) The corporation's exclusive right to distribute gas pursuant to subsection (2) operates notwithstanding any other Act or any consent, permit, right, special franchise or privilege in the nature of a franchise granted before or after the coming into force of this section.

(4) The corporation's exclusive right to distribute gas pursuant to subsection (2) does not apply to the distribution of carbon dioxide or of gas derived from power generation.

(5) Except where the corporation consents, no person other than the corporation shall install, maintain or operate a supply system that moves gas to a parcel of land other than the parcel of land to which the corporation delivered the gas or, where the corporation did not deliver the gas, the parcel of land on which the gas was produced from a well.

(6) Notwithstanding subsection (5), a person who receives gas from the corporation or produces gas from a well may install, maintain or operate a supply system that moves the gas to a parcel of land other than the parcel of land to which the corporation delivered the gas or on which the gas was produced from a well, as the case may be, where:

(a) all of the gas that crosses the boundaries of the parcel of land to which the gas was delivered or on which the gas was produced is consumed in an oilfield facility system; and

(b) both the oilfield facility system and the supply system are owned exclusively by that person.

1992, c.S-35.1, s.23; 1996, c.21, s.3; 2002, c.58, s.6.

Consent to distribute gas

24(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may consent to the distribution of gas in Saskatchewan by other persons.

(2) The corporation may impose any terms and conditions that it considers appropriate on a consent given pursuant to subsection (1).

(3) If, prior to the coming into force of this section, a person was distributing or supplying gas in Saskatchewan with the consent of SaskPower, the corporation is deemed to have consented to the distribution of gas by that person on the same terms and conditions that SaskPower imposed.

(4) Notwithstanding any other provisions of this Act or *The Power Corporation Act*, the corporation may modify, alter or vary the terms and conditions of any consent given or deemed to have been given by the corporation under this section and may impose new terms and conditions at any time on the consent.

1992, c.S-35.1, s.24.

Cancellation of special franchise

25(1) On acquiring pipelines used or intended to be used to distribute gas in a municipality, the corporation may cancel any permit, right, special franchise or privilege in the nature of a special franchise to construct, maintain or operate any pipeline to distribute gas within the municipality.

(2) The corporation shall send by registered mail a written notice of a proposed cancellation under this section to:

(a) in the case of a municipality other than a rural municipality, the clerk or administrator, as the case may be, of the municipality;

(b) in the case of a rural municipality, the administrator of the municipality.

(3) The corporation shall state in a written notice of cancellation sent pursuant to this section the date on which the cancellation is to become effective.

1992, c.S-35.1, s.25; 2002, c.C-11.1, s.410; 2003, c.18, s.71; 2005, c.M-36.1, s.469.

Power to place and remove pipelines under certain public places

26(1) Subject to *The Pipe Lines Act, 1998* and subject to subsection (2), the corporation and TransGas may:

(a) maintain, construct or place pipelines on or under:

(i) a provincial highway, wherever situated; or

(ii) any other highway, road allowance, road, street, lane or other public place vested in the Crown and not in:

(A) a municipality, other than a rural municipality or that part of a municipal district that is prescribed in the regulations; or

(B) a hamlet or organized hamlet as defined in *The Municipalities Act;*

(b) carry its pipelines along or under a provincial highway or other highway, road allowance, road, street, lane or other public place described in clause (a); and

(c) remove or take up its pipelines described in clause (a).

(2) Before constructing a pipeline under this section, the corporation or TransGas shall submit a copy of its plan showing the location of each proposed pipeline to:

(a) the member of the Executive Council responsible for the administration of *The Highways and Transportation Act*;

(b) the member of the Executive Council responsible for the administration of *The Power Corporation Act*;

(c) the member of the Executive Council responsible for the administration of *The Saskatchewan Telecommunications Act*; and

(d) the administrator of each rural municipality or municipal district within which any part of the pipeline is to be constructed.

1992, c.S-35.1, s.26; 1998, c.P-12.1, s.33; 2005, c.M-36.1, s.469; 2014, c.19, s.56.

Power to place and remove pipelines in cities, etc.

27(1) Subject to *The Pipe Lines Act, 1998* and subject to subsection (2), the corporation and TransGas may:

(a) maintain construct or place pipelines on or under any highway, road allowance, road, street, lane or other public place vested in the Crown and in:

(i) a municipality, other than a rural municipality or that part of a municipal district that is prescribed in the regulations; or

(ii) a hamlet or organized hamlet as defined in *The Municipalities Act*;

(b) carry its pipelines along or under a highway, road allowance, road, street, lane or other public place described in clause (a); and

(c) remove or take up its pipelines described in clause (a).

(2) Before constructing a pipeline pursuant to this section, the corporation or TransGas shall submit a copy of its plan showing the location of each proposed pipeline to the clerk or administrator, as the case may be, of every municipality within which any part of the pipeline is to be constructed.

1992, c.S-35.1, s.27; 1998, c.P-12.1, s.33; 2002, c.C-11.1, s.410; 2005, c.M-36.1, s.469; 2014, c.19, s.56.

Power to break open highways, etc.

28(1) For the purpose of exercising their powers under sections 26 and 27, the corporation, TransGas or any person lawfully authorized by them may enter on and break open any highway, road allowance, road, street, lane or other public place vested in the Crown.

(2) The corporation, TransGas or any person lawfully authorized by them may exercise their powers under this section without the consent of any interested municipal council.

(3) In exercising their powers under this section, the corporation and TransGas shall ensure that the following precautions are taken:

(a) the surface of the ground that is broken or opened up shall be restored, as far as possible, to its former condition at the expense of the corporation or TransGas, as the case may be;

(b) the public right of travel shall not be unreasonably interfered with;

(c) the entrance to any door or gateway and the free access to any building shall not be unreasonably obstructed;

(d) no trees shall be unnecessarily cut down or mutilated.

1992, c.S-35.1, s.28.

Apportionment of certain costs

29(1) If the corporation or any of its subsidiaries is required to remove, take up or alter the location of any of its pipelines because of the construction, reconstruction, alteration or improvement of any highway, road allowance, road, street, lane or other public place vested in the Crown, the corporation's costs in removing, taking up or altering shall be apportioned in any manner that may be mutually agreed on between:

(a) the corporation or subsidiary; and

(b) the Department of Highways and Transportation, the municipality or any other authority having jurisdiction.

(2) If the corporation or subsidiary and the municipality or other authority are unable to agree on the apportionment pursuant to subsection (1), they shall submit the matter to the Saskatchewan Municipal Board.

(3) On receipt of a submission pursuant to subsection (2) and after any investigation that the Saskatchewan Municipal Board considers necessary, the Saskatchewan Municipal Board shall apportion the corporation's or subsidiary's costs in any manner that it considers appropriate.

1992, c.S-35.1, s.29.

Power of expropriation

30(1) Without the consent of the owner or any interested person, the corporation or TransGas may enter on, take possession of and expropriate and use any land or interest in land that the corporation considers necessary to:

(a) construct, operate or own a pipeline; or

(b) gather, treat, compress, store, distribute, transport, sell or otherwise handle gas.

(2) *The Expropriation Procedure Act* applies to any expropriation made pursuant to this Act.

1992, c.S-35.1, s.30.

Notice of requirement of easement

31(1) For the purpose of acquiring an easement on or with respect to a parcel of land, the corporation or TransGas may register, in the Land Titles Registry, an interest based on a notice of requirement of an easement pursuant to this Part:

(a) on terms and conditions stated in the notice; and

(b) signed by the president, vice-president, corporate secretary or assistant corporate secretary of the corporation or TransGas.

(2) A notice registered pursuant to subsection (1) must:

(a) contain a sufficient description of the land so that the land may be accurately determined; and

(b) in cases where a description of the land by words is insufficient, refer to a plan approved pursuant to *The Land Surveys Act, 2000*.

(3) An easement registered as an interest pursuant to this section:

(a) enures to the benefit of the corporation and its successors and assigns or TransGas and its successors and assigns;

(b) runs with the land;

(c) is binding on:

(i) the registered owner of the title to the land;

(ii) the registered owner's heirs, executors, administrators and assigns; and

(d) has priority and is binding on all other persons interested in the land.

(4) The corporation or TransGas shall without avoidable delay forward a copy of the notice mentioned in subsection (1) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land**".**

2000, c.L-5.1, s.495.

Non-application of certain Acts to easements

32 *The Homesteads Act, 1989* does not apply to any easements acquired by the corporation or TransGas for the purpose of constructing, maintaining or otherwise dealing with pipelines.

1992, c.S-35.1, s.32; 2000, c.L-5.1, s.496.

Unregistered easements

33(1) In this section:

(a) **"owner"** means:

(i) the person registered in the Land Titles Registry as owner of the title to a parcel of land; or

(ii) a person who has purchased the parcel from the person mentioned in subclause (i) pursuant to an agreement for sale;

(b) **"parcel"** or **"parcel of land"** means each quarter-section or portion of a quarter-section included in a title to land.

(c) **Repealed.** 2005, c.M-36.1, s.469.

(2) The corporation may enter on a parcel and may do those things on or under the parcel that it considers necessary or incidental in connection with constructing, maintaining, inspecting, replacing or removing a pipeline where:

(a) the corporation acquires or constructs the pipeline on or under a parcel situated outside the corporate limits of a municipality, other than a rural municipality or northern municipality or that part of a municipality that is prescribed in the regulations, for the purpose of distributing gas to one or more persons residing in the area in which the parcel is situated; and

(b) the current owner or a previous owner of the parcel mentioned in clause (a) has granted permission to construct the pipeline under the parcel to:

(i) an electrical utility acquired by SaskPower;

(ii) the Saskatchewan Power Commission;

(iii) SaskPower;

(iv) the predecessor corporation; or

(v) the corporation.

(3) The corporation's right to enter on a parcel pursuant to subsection (2) exists whether or not an interest based on an easement covering the pipeline is registered in the name of the corporation against the title to the parcel.

(4) Where the corporation has a right pursuant to subsection (2) to enter on a parcel and to construct, maintain, inspect, replace or remove a pipeline in or under the parcel:

(a) the corporation shall determine the number and location of above-ground structures installed as part of the pipeline with due regard to the agricultural or industrial operations of the owner of the parcel, within the limits permitted by the economic and technical requirements of the corporation;

(b) the corporation shall pay to the owner or lessee of the parcel, or to any other person who is entitled, reasonable compensation for any damage caused by the corporation to crops, buildings, fences, chattels or livestock during the course of entry on the parcel for the purpose of constructing, maintaining, inspecting, replacing or removing the pipeline; and

(c) if the corporation has received from the owner of a parcel a written notice of a proposed construction or excavation by the owner and, in the opinion of the corporation, it is necessary to modify the pipeline on or under the parcel or to move it in order to accommodate the proposed construction or excavation, the corporation may:

(i) make any modification to the pipeline that it considers necessary to accommodate the construction or excavation or move the pipeline if it considers it necessary to accommodate the construction or excavation; and

(ii) charge all or a portion of the cost of the modification or move to the owner of the parcel or to any other person that the corporation considers responsible for the construction or excavation.

(5) Where the corporation has a right pursuant to subsection (2), no owner of a parcel with respect to which that right applies shall undertake any construction or excavations without giving the corporation prior written notice of the proposed construction or excavation and providing those details that the corporation requires respecting the construction or excavation.

(6) Clauses (4)(b) and (c) apply, with any necessary modification, to an easement of the corporation that:

(a) covers a pipeline owned by the corporation;

(b) is registered as an interest against the title to a parcel located outside the corporate limits of a municipality, other than a rural municipality or northern municipality or the part of a municipality that is prescribed in the regulations; and

(c) the corporation gave not more than $1 and other valuable consideration for as a consideration to acquire.

(7) The rights of the corporation pursuant to subsection (2) are deemed to be a consent, right-of-way or easement for the purpose of clause 18(1)(h) of *The Land Titles Act, 2000*.

(8) This section is in addition to and does not affect any other right of the corporation to acquire or expropriate easements or rights-of-way for pipelines or other purposes under this or any other Act.

1992, c.S-35.1, s.33; 2000, c.L-5.1, s.497; 2005, c.M-36.1, s.469; 2014, c.19, s.56.

Entry on customers' premises

34 The corporation, its officers, employees and agents, its subsidiaries and any officers, employees and agents of its subsidiaries may enter, at any reasonable time, the premises of any of its customers to inspect service conditions, read meters and, when service is discontinued, to remove meters and other equipment belonging to the corporation or its subsidiaries.

1992, c.S-35.1, s.34.

Discontinuation of service

35(1) In accordance with the rules prescribed in the regulations, the corporation, its officers, employees and agents, its subsidiaries and any officers, employees and agents of its subsidiaries may enter, at any reasonable time, the premises of any of its customers and discontinue any service rendered by the corporation or its subsidiaries if:

(a) the customer fails to pay, when due, any indebtedness of the customer to the corporation or its subsidiaries; or

(b) any of the circumstances prescribed in the regulations are met.

(2) The corporation and its subsidiaries may demand and obtain any security that the corporation or any of its subsidiaries considers reasonable before providing any service to a customer.

1992, c.S-35.1, s.35.

Buildings, structures over pipelines, etc.

36(1) No person shall construct or allow the construction of any building or other structure over any of the regulators, shut-off valves, meters, pipelines, gas mains or other facilities of the corporation or TransGas without the prior written consent of the corporation or TransGas.

(2) If, in the opinion of the corporation or TransGas, a building or structure over or near any of the regulators, shut-off valves, meters, pipelines, gas mains or other facilities of the corporation or TransGas constitutes a safety hazard, the corporation or TransGas may demand in writing that the owner of the land on which the building or structure is situated remove the building or structure at the owner's expense.

(3) If the owner of land fails to comply with a written demand made pursuant to subsection (2) within the time specified in the demand or any further time that the corporation or TransGas may allow, the corporation or TransGas may enter on the land and do any of the following that it considers necessary to remove a safety hazard:

(a) remove the building or structure;

(b) reroute a pipeline or gas main;

(c) install a new pipeline or gas main;

(d) move any regulator, shut-off valve, meter or other facility of the corporation or TransGas.

(4) The corporation or TransGas may charge the owner with the corporation's or TransGas' costs in carrying out any of the activities mentioned in subsection (3).

(5) If the owner and the corporation or TransGas are unable to agree with respect to any of the costs mentioned in subsection (4) or with respect to any compensation that the owner may claim as a result of the corporation or TransGas carrying out any of the activities mentioned in subsection (3), both parties shall submit the issue to arbitration in accordance with *The Arbitration Act, 1992*.

2007, c.40, s.5.

FINANCE AND ACCOUNTING

Appropriation

37 The Minister of Finance shall pay to the corporation out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the corporation in the amounts and at the times requested by the corporation.

1992, c.S-35.1, s.37; 2004, c.10, s.17.

Borrowing power of Minister of Finance

38(1) The Minister of Finance may advance moneys to the corporation out of the general revenue fund for the purposes of the corporation in the amounts, at the times and on those terms and conditions that the Lieutenant Governor in Council may determine.

(2) In order to provide the moneys mentioned in subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to borrow, within the borrowing limitation prescribed by section 42, on the credit of the Government of Saskatchewan.

(3) For the purpose of exercising the borrowing power mentioned in subsection (2), the Lieutenant Governor in Council may authorize the Minister of Finance to issue those bonds, debentures or any other securities of the Government of Saskatchewan that the Lieutenant Governor in Council considers advisable.

(4) Any moneys that the Minister of Finance is authorized to borrow pursuant to subsection (2):

(a) are to be borrowed in accordance with *The Financial Administration Act, 1993*; and

(b) may be borrowed for any term approved by the Lieutenant Governor in Council.

(5) All moneys borrowed by the Minister of Finance pursuant to subsection (2) and interest and other amounts payable on those moneys, and the principal of and the interest, premium and other amounts payable on all securities issued for the purpose of the borrowing, are a charge on and are payable out of the general revenue fund.

1992, c.S-35.1, s.38; 2004, c.10, s.17 and 18.

Borrowing power of corporation

39(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow from time to time any moneys, within the borrowing limitation prescribed by section 42, that the corporation requires for its purposes, including:

(a) the repayment, renewal or refunding, from time to time, of the whole or any part of any moneys borrowed or securities issued by the corporation pursuant to this Act;

(b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;

(c) the payment in whole or in part of any loan or liability or of any bonds, debentures or other securities or indebtedness the payment of which is guaranteed or assumed by the corporation;

(d) the payment in whole or in part of any other liability or indebtedness of the corporation;

(e) funding any expenditure made by the corporation in carrying out any of its powers;

(f) repayment in whole or in part of any temporary borrowing of the corporation, where the borrowing is related to carrying out any of its powers.

(2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the corporation may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time, in any manner, in any place in Canada or elsewhere and in the currency of any country that the corporation, with the approval of the Lieutenant Governor in Council, may determine.

(3) The corporation may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net sums required for the purposes of the corporation.

(4) A recital or declaration in the resolutions or minutes of the corporation authorizing the issue of the securities, to the effect that the amount of those securities authorized is necessary to realize the net sums required for the purposes of the corporation, is conclusive evidence of that fact.

(5) Subject to the approval of the Lieutenant Governor in Council, the corporation may, on any terms and conditions that the corporation considers advisable:

(a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and

(b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security.

(6) The corporation may:

(a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued when:

(i) the securities are redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or

(ii) the corporation again becomes entitled to the securities; and

(b) subject to the approval of the Lieutenant Governor in Council and the borrowing limitation prescribed by section 42:

(i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of those securities on any terms and conditions that the corporation considers advisable; or

(ii) cancel and issue fresh securities in the same amount and in the same form in lieu of the unissued securities with the same consequences.

(7) On the issue or reissue of securities pursuant to subsection (6), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.

(8) The corporation, by resolution or minute, may determine the form and manner in which bonds, debentures and other securities issued pursuant to this section are to be executed.

(9) The corporation, by resolution or minute, may provide that:

(a) the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed; and

(b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities, may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.

(10) Where the seal of the corporation or any signature is mechanically reproduced pursuant to subsection (9):

(a) the seal of the corporation is of the same force and effect as if manually affixed; and

(b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the corporation.

1992, c.S-35.1, s.39.

Temporary borrowing

40(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, within the borrowing limitation prescribed by section 42, by way of temporary loans from any chartered bank or credit union or from any person, any moneys, on any terms and conditions and for any purpose that the corporation may determine:

(a) by way of bank overdraft or line of credit;

(b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the corporation pending their sale or in lieu of the selling of them; or

(c) in any other manner that the corporation may determine.

(2) The corporation may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (1) in any manner that the corporation may determine.

1992, c.S-35.1, s.40.

Charge on revenues

41 All interest and instalments of principal and all sinking fund and other debt service charges with respect to the securities mentioned in sections 38 to 40 shall be a first charge on the corporation's revenues.

1992, c.S-35.1, s.41.

Limitation on borrowing powers

42(1) Neither the Minister of Finance nor the corporation may borrow any moneys by the issue and sale of bonds, debentures or other securities or by way of temporary loans or otherwise, under the authority of this Act, where that borrowing would cause the aggregate principal amount of the outstanding bonds, debentures or other securities and the outstanding temporary loans of the corporation to exceed the aggregate sum of $1,700,000,000 unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act or incurred for the purpose of the predecessor corporation.

(2) Sums raised or authorized to be raised by the Minister of Finance by way of loan under the authority of *The Financial Administration Act, 1993* for any of the objects or purposes mentioned in that Act shall not in any way limit or restrict the borrowing powers of the Minister of Finance and the corporation under the authority of this Act.

1992, c.S-35.1, s.42; 2004, c.10, s.18; 2010, c.31, s.2.

Guarantee by Saskatchewan

43(1) The Lieutenant Governor in Council, on any terms and conditions the Lieutenant Governor in Council considers advisable, may guarantee the payment of:

(a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the corporation;

(b) any loans, temporary or otherwise, raised by the corporation;

(c) any indebtedness or liability for the payment of moneys incurred by the corporation or to which it may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is to be in a form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

(a) the principal, interest and premium, if any, of the bonds, debentures or other securities;

(b) the loans, temporary or otherwise; and

(c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the moneys required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

1992, c.S-35.1, s.43; 2004, c.10, s.17.

Investment

44(1) The corporation may from time to time:

(a) invest any part of the capital or operating moneys of the corporation in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;

(b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers expedient.

(2) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person to be the agent of the corporation for the purpose of making investments pursuant to subsection (1) or disposing of those investments.

(3) The Minister of Finance or other person appointed pursuant to subsection (2) may arrange all details, and do, transact and execute all those deeds, matters and things, that may be required for the purpose of making investments or disposing of investments pursuant to this section.

1992, c.S-35.1, s.44; 2004, c.10, s.17 and 18.

Fiscal year

45(1) Subject to subsection (2), the fiscal year of the corporation is the period:

(a) commencing on January 1 in one year; and

(b) ending on December 31 in the same year.

(2) The Lieutenant Governor in Council may fix any period, other than the period defined in subsection (1), as the fiscal year of the corporation.

1992, c.S-35.1, s.45.

Audit

46 The Provincial Auditor or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan with the approval of the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the corporation annually and at any other times that the Crown Investments Corporation of Saskatchewan may require.

1993, c.C-50.101, s.56.

Annual report

47 The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

1993, c.C-50.101, s.56.

GENERAL

Insurance

48 The corporation may enter into any contracts of insurance, on any terms and conditions that the corporation considers appropriate or necessary to insure the corporation, its directors or officers against any risks.

1992, c.S-35.1, s.48.

Use of unused property

49 The corporation may use, for any revenue producing activity that it considers appropriate, any of its property that it does not currently require for the purposes of the corporation.

1992, c.S-35.1, s.49.

Lease of equipment

50(1) The corporation may lease to any person any of its plant, machinery, apparatus or equipment.

(2) The corporation may impose any terms and conditions that it considers appropriate when leasing its plant, machinery, apparatus or equipment.

(3) All plant, machinery, apparatus and equipment leased by the corporation remains the property of the corporation and remains subject to all the rights of the corporation whether or not the person to whom the plant, machinery, apparatus or equipment is leased fastens the property to real property.

1992, c.S-35.1, s.50; 2007, c.40, s.6.

Loans or agreements respecting construction

51 Where the corporation or any of its subsidiaries incurs construction costs to provide a service to a customer and is entitled to recover all or a portion of the construction costs from the customer, the corporation or its subsidiaries may:

(a) advance to the customer, on any terms and conditions that the corporation considers or its subsidiaries consider appropriate, moneys sufficient to pay all or a portion of the customer's share of the construction costs; or

(b) require the customer to pay all or a portion of the customer's share of the construction costs over any period of time, and on any terms and conditions, that the corporation or its subsidiaries consider appropriate.

1992, c.S-35.1, s.51.

Extent of corporation's powers

52 The compulsory powers given to the corporation and its subsidiaries under this Act extend to any land, building, plant, machinery, apparatus and equipment even if they are, or are deemed to be, devoted to public use or their owner has the power of taking property compulsorily.

1992, c.S-35.1, s.52.

Load balancing

53 The corporation or its subsidiaries may take any steps that it considers or its subsidiaries consider appropriate to increase, stabilize or decrease the demand for gas on its system.

1992, c.S-35.1, s.53.

Offence and penalties

54(1) No person shall:

(a) wilfully or maliciously damage, destroy, pull down, deface, alter or remove or cause or knowingly permit the damaging, destroying, pulling down, defacing, altering or removing of any pipelines or other property of the corporation or its subsidiaries;

(b) wilfully alter or impair any of the corporation's meters or meters of its subsidiaries, or knowingly permit any of the corporation's meters or meters of its subsidiaries to be altered or impaired, so that the meter indicates less gas or other substance than the amount of gas or other substance that actually passes through it;

(c) by any improper or wrongful means increase the amount of gas or other substance delivered by the corporation or its subsidiaries over the amount of that the corporation has agreed or its subsidiaries have agreed to provide;

(d) fail to comply with any of the provisions of this Act.

(2) Any person who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than $5,000.

1992, c.S-35.1, s.54; 2007, c.40, s.7.

Registration requirements of certain transfers

55(1) Where SaskPower sold or assigned property to the predecessor corporation or TransGas prior to the coming into force of this section and the sale or assignment included an interest in land, whether registered pursuant to *The Land Titles Act, 2000* or not, it is not necessary:

(a) to:

(i) register or file the sale agreement evidencing the transaction, the assignment or any other instrument, document or certificate, or to make any entry showing the sale or assignment of the property in any registry office; or

(ii) in the case of lands under *The Land Titles Act, 2000*, have title issued in the name of the corporation or to have any mortgage, charge, easement, encumbrance, instrument or other document transferred, assigned or transmitted to the corporation; or

(b) to pay fees to any registry office in connection with the sale or assignment other than the fees mentioned in subsection (5).

(2) Where an interest in land that was sold or assigned by SaskPower to the predecessor corporation prior to the coming into force of this section was held jointly by SaskPower and Saskatchewan Telecommunications, and SaskPower:

(a) sold or assigned only a part of its interest in the land to the predecessor corporation, SaskPower, Saskatchewan Telecommunications and the corporation are deemed to own the interest in land jointly; or

(b) sold or assigned all of its interest in the land to the predecessor corporation, Saskatchewan Telecommunications and the corporation are deemed to own the interest in land jointly.

(3) It is not necessary to notify the Land Titles Registry that the interest in land is held jointly in accordance with subsection (2).

(4) Where SaskPower sold or assigned property to the predecessor corporation prior to the coming into force of this section, the corporation may apply to the Registrar of Titles to change the name and address shown on any title or interest to that of the corporation or a subsidiary of the corporation.

(5) An application pursuant to subsection (4) must be accompanied by an affidavit of an officer of the corporation:

(a) stating that the title has been transferred or the interest assigned to the predecessor corporation by SaskPower and is therefore owned by the corporation pursuant to this Act;

(b) stating that this section applies to the title or interest mentioned in the affidavit or a schedule to the affidavit; and

(c) specifying the name and address of the corporation to which the title is being transferred or interest is being assigned pursuant to this section.

(6) The Registrar of Titles shall charge the fees required by *The Land Titles Act, 2000* for a change of name and change of address with respect to a title or an interest, respectively.

(7) Notwithstanding subsection (6), no fees are to be charged for changes made to a title or interest pursuant to an application mentioned in subsection (4) where that application accompanies an application:

(a) to register a transfer of title;

(b) to register an interest based on a mortgage;

(c) to register an assignment or discharge of an interest; or

(d) to otherwise deal with the land.

1992, c.S-35.1, s.55; 2000, c.L-5.1, s.498.

Records of buried pipelines

56(1) The corporation and its subsidiaries shall keep a record of their pipelines that are buried within:

(a) each parcel of land; or

(b) land comprising a highway, road allowance, road, street, lane or other public place.

(2) A person may request from the corporation or its subsidiaries information describing generally any pipelines buried in the land described in the request.

(3) A request pursuant to subsection (2) shall be in writing.

(4) On receipt of a request pursuant to subsection (2) and on payment of any fee that the corporation or its subsidiaries may set, the corporation or its subsidiaries shall deliver the information to the person making the request.

1992, c.S-35.1, s.56.

Liability for damages to buried pipelines

57(1) No person shall dig, grade, level, excavate, blast or conduct any other activity on any land within which the corporation's or TransGas' buried pipelines are located, and no person shall request, or enter into a contract with, a third party to dig, grade, level, excavate, blast or conduct any other activity on that land, unless that person, at least two working days before the activity, has requested the corporation or TransGas to accurately locate the pipelines within that land.

(2) A person is liable to the corporation or TransGas for damages in an amount calculated pursuant to subsection (3) where that person:

(a) digs, grades, levels, excavates, blasts or conducts any other activity on land within which the corporation's or TransGas' pipelines are buried or requests or enters into a contract with a third party to dig, grade, level, excavate, blast or conduct any other activity on that land;

(b) fails to request the accurate location of those pipelines in accordance with subsection (1) or obtains an accurate location of those pipelines; and

(c) damages the pipelines.

(3) For the purposes of subsection (2), the damages are equal to the total of:

(a) the cost to the corporation or TransGas of repairing the pipeline, together with all other costs reasonably incurred by the corporation or TransGas as a result of the damage to the pipeline; and

(b) an amount equal to 50% of the costs described in clause (a) as compensation to the corporation or TransGas for loss of revenues.

(4) The corporation or TransGas is conclusively deemed to have accurately located a buried pipeline if it has identified the location or route of the pipeline by means of visible markers that are:

(a) attached along the surface of the land along the route above the pipeline; and

(b) spaced not more than 70 metres apart and not more than one metre in horizontal distance from the route of the pipeline.

1992, c.S-35.1, s.57; 2002, c.58, s.7.

Right of access in cases of public danger

58(1) Notwithstanding any other Act or law, the corporation and TransGas have the right of access to and egress from their pipelines when, in the opinion of the corporation or TransGas, as the case may be, there are reasonable and probable grounds to believe that there is imminent danger to property or human life resulting from or connected in any way with its pipelines.

(2) If the corporation or TransGas exercise their rights pursuant to this section, they shall exercise all precautions necessary to ensure that minimal damage to property arises as a result of their access or egress.

1992, c.S-35.1, s.58.

Payment in lieu of taxes

59(1) Subject to subsection (1.1), if SaskPower and a municipality, other than a rural municipality or northern municipality, have entered into an agreement before the coming into force of this section respecting payments in lieu of taxes based on any of the services mentioned in subsection (4), the corporation:

(a) shall perform the duties and responsibilities of SaskPower under that agreement; and

(b) may exercise the powers of SaskPower, under that agreement.

(1.1) If a municipality mentioned in subsection (1) has entered into an agreement mentioned in that subsection and the municipality is incorporated into a municipal district pursuant to *The Municipalities Act*, this section applies only to that part of the municipal district that was formerly the municipality.

(2) In addition to the payment in lieu of taxes described in subsection (1), the corporation may add to the monthly account of every customer or of customers of a subsidiary in a municipality mentioned in subsection (1) an amount calculated in accordance with the regulations and shall pay the amounts collected to the municipality, in the manner prescribed in the regulations, as a further payment in lieu of taxes.

(3) For municipalities that have not entered into an agreement described in subsection (1) and that are designated in the regulations, the corporation may add to the monthly account of every customer or of customers of a subsidiary in the municipality an amount calculated in accordance with the regulations and shall pay the amounts collected to the municipality, in the manner prescribed in the regulations, as a payment in lieu of taxes.

(4) The corporation or any of its subsidiaries may add to the account of every customer in a municipality, for a service related to distributing, selling or transporting of gas within the municipality, a sum equal to the amount to be paid in lieu of taxes pursuant to this section.

(5) **Repealed.** 1993, c.38, s.4.

(6) The corporation shall pay the amounts collected as payments in lieu of taxes pursuant to this section in the manner and at the times prescribed in the regulations.

(7) Notwithstanding any other Act or law or the provisions of any agreement, on the coming into force of this section, SaskPower is not obligated to:

(a) pay any payments in lieu of taxes respecting the services mentioned in subsection (4);

(b) make payments in lieu of taxes; or

(c) perform any duties or responsibilities under the agreements mentioned in subsection (1).

1992, c.S-35.1, s.59; 1993, c.38, s.4; 2002, c.C-11.1, s.410; 2005, c.M-36.1, s.469; 2014, c.19, s.56.

PART III
Transportation of Gas

Exclusive right to transport gas

60(1) In this section and in section 61:

(a) **"gas gathering and processing system"** means an interconnected system consisting of all or any combination of flowlines, pipelines, meters, dehydrators, compressors and gas processing plants, where the system:

(i) collects gas from gas wells, oilfield batteries or both; and

(ii) transfers the gas to the TransGas gas transmission pipeline at the location where TransGas agrees to receive the gas;

(b) **"TransGas gas transmission pipeline"** means an existing TransGas gas transmission pipeline or a TransGas gas transmission pipeline that TransGas plans or agrees to construct;

(c) **"transportation of gas"** means the movement of gas by means of any gas pipeline and compression facilities, where that movement is:

(i) downstream of the point where physical possession of the gas is transferred to a gas transmission pipeline from:

(A) a gas gathering and processing system;

(B) a gas gathering system;

(C) an interconnected interprovincial or international gas transmission pipeline; or

(D) a gas storage facility; and

(ii) upstream of:

(A) the outlet of the shut-off valves of gas transmission pipelines at stations where pressure reduction first occurs; or

(B) the point where physical possession of the gas is transferred to:

(I) an interconnected interprovincial or international gas transmission pipeline;

(II) a consumer of gas in Saskatchewan who takes delivery of the gas from a gas transmission pipeline; or

(III) a gas storage facility.

(2) TransGas has the exclusive right to transport gas in and through any area in Saskatchewan.

(3) TransGas' exclusive right to transport gas pursuant to subsection (2) operates notwithstanding any other Act or any consent, permit, right, special franchise or privilege in the nature of a franchise granted before or after the coming into force of this section.

(4) TransGas' exclusive right to transport gas pursuant to subsection (2) does not apply to the transportation of carbon dioxide or of gas derived from power generation.

(5) TransGas' exclusive right to transport gas pursuant to subsection (2) does not apply to the transportation of gas from a gas gathering and processing system to an oilfield production facility in Saskatchewan where the gas gathering and processing system and oilfield production facility are owned by the same person.

(6) TransGas' exclusive right to transport gas pursuant to subsection (2) does not apply to the transportation of gas to and from a gas storage facility where the gas storage facility is integrated in a gas gathering and processing system.

1992, c.S-35.1, s.60; 1996, c.21, s.4; 2002, c.58, s.8.

Consent to transport gas

61(1) Subject to the approval of the Lieutenant Governor in Council, TransGas may consent to the transportation of gas in Saskatchewan by other persons.

(2) TransGas may impose any terms and conditions that it considers appropriate on a consent given pursuant to subsection (1).

(3) If, prior to the coming into force of this section, a person was transporting gas in Saskatchewan with the consent of SaskPower, TransGas is deemed to have consented to the transportation of gas by that person on the same terms and conditions that SaskPower imposed.

(4) Notwithstanding any other provision of this Act or *The Power Corporation Act*, TransGas may modify, alter or vary the terms and conditions of any consent given or deemed to be given under this section and may impose new terms and conditions at any time on the consent.

(5) TransGas shall submit to the Crown Investments Corporation of Saskatchewan for prior review and approval the modified, altered or varied terms and conditions or any new terms and conditions that TransGas proposes to impose pursuant to this section.

1992, c.S-35.1, s.61; 1993, c.C-50.101, s.56.

Rates and charges, terms of service

62(1) TransGas may:

(a) in accordance with any rules prescribed in the regulations, establish rates and charges that persons who accept, use or receive services from TransGas are required to pay; and

(b) establish terms and conditions with which persons who accept, use or receive services from TransGas are required to comply.

(2) Subject to subsection (4), a person who accepts, uses or receives a service from TransGas shall:

(a) pay the rates and charges established for that service by TransGas; and

(b) comply with the terms and conditions established for that service by TransGas.

(3) TransGas shall describe all the charges, rates, terms and conditions for each service in a schedule.

(4) Notwithstanding subsection (3), TransGas is not required to set out charges, rates, terms and conditions in a schedule if it is providing a service that another person, other than a wholly owned subsidiary of the corporation, is lawfully entitled to provide in Saskatchewan.

(5) TransGas shall make the schedule mentioned in subsection (3) available for public inspection at the business offices of TransGas during the normal business hours of TransGas.

(6) No person is required to pay any charge or rate or to comply with any term or condition for a service, other than a charge, rate, term or condition with respect to a service mentioned in subsection (4) or (7), if:

(a) the charge, rate, term or condition is not described in a schedule mentioned in subsection (3); or

(b) the schedule is not made available for public inspection in accordance with subsection (5).

(7) TransGas may enter into an agreement with a person to provide a special service to that person if, in the opinion of TransGas, a charge, rate, term or condition described in a schedule mentioned in subsection (3) is not adequate to allow TransGas to provide that service to that person.

(8) An agreement entered into pursuant to subsection (7) may set out a charge, rate, term or condition that is different from those described in a schedule.

(9) In the case of any conflict between a charge, rate, term or condition described in a schedule mentioned in subsection (3) and one set out in an agreement entered into pursuant to subsection (7), the charge, rate, term or condition set out in the agreement prevails.

(10) Where any rates, charges or rents payable under this section are overdue, TransGas may charge interest on the overdue amount.

(11) The amount of interest charged pursuant to subsection (10) is a debt due to TransGas and TransGas may recover that amount in the same manner as the rates, charges or rents.

(12) When required to do so by the Crown Investments Corporation of Saskatchewan, TransGas shall submit to the Crown Investments Corporation of Saskatchewan for review and prior approval any rates, charges and prices at which any goods, utilities or services are sold or provided by TransGas and that TransGas proposes to establish or revise pursuant to this section.

1992, c.S-35.1, s.62; 1993, c.C-50.101, s.56; 1997, c.32, s.4.

PART IV
General

Crown bound

63 The Crown is bound by this Act.

1992, c.S-35.1, s.63.

Regulations

64(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the rules pursuant to which the corporation may establish rates and charges for the purposes of clause 16(1)(a) and, for that purpose, may make rules respecting how fees and charges are to be established and calculated;

(b) prescribing rules and circumstances for the purposes of section 35 pursuant to which the corporation may discontinue service;

(c) identifying municipalities for the purposes of subsection 59(3) to which payments in lieu of taxes are to be made and prescribing the manner in which those payments are to be calculated;

(d) prescribing the rules pursuant to which TransGas may establish rates and charges for the purposes of clause 62(1)(a) and, for that purpose, may make rules respecting how fees and charges are to be established and calculated;

(d.1) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(e) prescribing any matter or thing that the Lieutenant Governor in Council considers appropriate or necessary to carry out the purposes of this Act;

(f) prescribing any other matter or thing that is required to be prescribed in the regulations.

(2) A regulation made pursuant to this section may be made retroactive to a day not earlier than June 1, 1988.

1992, c.S-35.1, s.64; 2002, c.58, s.9.

Limits on powers of TransGas

65 TransGas is entitled to exercise the powers given to it under this Act and to receive the benefits of any privileges provided by this Act only while it remains a wholly owned subsidiary of the corporation.

1992, c.S-35.1, s.65.

Limits on powers of corporation and its subsidiaries

66(1) Notwithstanding any other provision of this Act, the corporation and its subsidiaries shall not:

(a) sell, assign, transfer, lease or otherwise dispose of all or substantially all of the assets of the corporation or its subsidiaries relating to the distribution or transportation of gas within Saskatchewan; or

(b) abandon, suspend or otherwise cease carrying on the business of distributing or transporting gas.

(2) Assets of the corporation or its subsidiaries mentioned in subsection (1) include shares in the subsidiaries and shares held by the subsidiaries.

1992, c.S-35.1, s.66.

PART V
Transitional

Certain agreements ratified

67(1) Notwithstanding *The Power Corporation Act*, SaskPower is conclusively deemed to have had the right and authority, on and after June 1, 1988, to:

(a) sell, transfer, assign and otherwise dispose of to the predecessor corporation and the corporation all its rights and interests in natural gas assets described in the Agreement of Purchase and Sale of Natural Gas Assets between SaskPower and Saskatchewan Energy Corporation dated June 1, 1988, in accordance with and subject to the terms and conditions specified in that agreement;

(b) sell, transfer, assign and otherwise dispose of to the Crown Investments Corporation of Saskatchewan all of the rights and interests of SaskPower in the shares of the capital stock of Saskatchewan Energy Corporation in accordance with and subject to the terms and conditions specified in the Share Sale Agreement between SaskPower and the Crown Investments Corporation of Saskatchewan dated December 31, 1989;

(c) sell its natural gas reserves and its Gross Overriding Royalty interest in accordance with the agreement between SaskPower and Saskatchewan Energy Corporation dated January 1, 1989.

(2) Saskatchewan Energy Corporation is conclusively deemed to have had the right and authority, on and after June 1, 1988, to sell, transfer, assign and otherwise dispose of:

(a) to Provincial Gas Limited all of its rights and interests in the natural gas distribution system assets described in the Agreement of Purchase and Sale of Distribution System Assets between Saskatchewan Energy Corporation and Provincial Gas Limited dated June 1, 1988, in accordance with and subject to the terms and conditions specified in that agreement;

(b) to TransGas all of its rights and interests in the natural gas transmission system assets described in the Agreement of Purchase and Sale of Transmission System Assets between Saskatchewan Energy Corporation and TransGas dated June 1, 1988, in accordance with and subject to the terms and conditions specified in that agreement;

(c) to Provincial Gas Limited, certain natural gas reserves described in the Gas Inventory Purchase Agreement between Saskatchewan Energy Corporation and Provincial Gas Limited dated January 1, 1989 in accordance with and subject to the terms and conditions specified in that agreement;

(d) to TransGas Limited, certain natural gas reserves described in the Gas Inventory Purchase Agreement between Saskatchewan Energy Corporation and TransGas Limited dated January 1, 1989 in accordance with and subject to the terms and conditions specified in that agreement;

(e) to Bayhurst Gas Limited, all its rights and interests in the Gross Overriding Royalty in accordance with the Assignment of Option Agreement between Saskatchewan Energy Corporation and Bayhurst Gas Limited dated January 1, 1989.

(3) All the agreements, and all transactions made pursuant to those agreements, that are mentioned in this section are ratified, confirmed and approved.

1992, c.S-35.1, s.67.

Authority to carry on business ratified

68(1) Notwithstanding *The Power Corporation Act*, on and after June 1, 1988, Saskatchewan Energy Holdings Ltd., SaskEnergy Incorporated and TransGas Limited are conclusively deemed to have had the exclusive right and authority to supply, transport, distribute and sell gas in Saskatchewan and to do all things that are incidental to those powers.

(2) All contracts entered into by Saskatchewan Energy Holdings Ltd., SaskEnergy Incorporated and TransGas Limited respecting the supply, transportation, distribution and sale of gas are ratified, confirmed and approved.

1992, c.S-35.1, s.68.

Power to exercise certain rights confirmed

69 Notwithstanding *The Power Corporation Act* or any other Act, on and after June 1, 1988:

(a) Saskatchewan Energy Holdings Ltd., SaskEnergy Incorporated and TransGas Limited are conclusively deemed to have had the right and authority to exercise all the powers and rights given to SaskPower under *The Power Corporation Act* to produce, purchase, supply, transport, distribute and sell gas and to do all things that are incidental to those powers, including the right to exercise powers relating to expropriation;

(b) SaskPower is conclusively deemed to have had the right to exercise the powers mentioned in clause (a) on behalf of the corporations mentioned in that clause including the right to exercise powers relating to expropriation.

1992, c.S-35.1, s.69.

PART VI
Consequential Amendments

70 to 76 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

PART VII
Coming into force

Coming into force

77 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1992, c.S-35.1, s.77.

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