

2018

CHAPTER 32

An Act to amend *The Reclaimed Industrial Sites Act*

(Assented to May 30, 2018)

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

Short title

1 This Act may be cited as *The Reclaimed Industrial Sites Amendment Act, 2018*.

SS 2006, c R-4.21 amended

2 *The Reclaimed Industrial Sites Act* is amended in the manner set forth in this Act.

Section 5 amended

3 Section 5 is amended:

- (a) by striking out “and” after clause (a);**
- (b) by adding “and” after clause (b); and**
- (c) by adding the following clause after clause (b):**

“(c) the site holder has provided a financial assurance in the form and amount acceptable to the minister”.

New section 10.1

4 The following section is added after section 10:

“Transfer of closed site

10.1(1) The minister may transfer responsibility for a closed site that has been accepted into the Institutional Control Program to a responsible person if:

- (a) the minister is satisfied that the person to whom the closed site is to be transferred meets the prescribed conditions;
- (b) the person to whom the closed site is to be transferred has agreed to accept responsibility for the closed site in the prescribed manner; and
- (c) the person to whom the closed site is to be transferred:
 - (i) provides evidence satisfactory to the minister that the person has sufficient resources to cover the anticipated future monitoring and maintenance costs for the closed site, determined in the prescribed manner; and
 - (ii) if requested by the minister, agrees to provide any financial assurance in the form and amount acceptable to the minister with respect to the closed site.

(2) Subject to the regulations, the minister shall, as soon as is reasonably practicable after the minister transfers responsibility for a closed site pursuant to subsection (1):

- (a) with respect to the site holder:
 - (i) refund the moneys paid to the minister on that site holder's account in the Institutional Control Monitoring and Maintenance Fund and any amounts remaining to cover the anticipated future monitoring and maintenance costs for the closed site; and
 - (ii) return any financial assurance taken from him or her with respect to the closed site; or
- (b) if the site holder no longer exists or his or her whereabouts are unknown, dispose of the moneys on account and any financial assurance taken in the prescribed manner".

New section 12.1

5 The following section is added after section 12:

"Fund Advisory Committee

12.1(1) The minister may, in the prescribed manner, appoint a committee to be called the Fund Advisory Committee to advise the minister with respect to any matter related to the administration of the Institutional Control Monitoring and Maintenance Fund and the Institutional Control Unforeseen Events Fund and to perform any other prescribed functions.

(2) No action or proceeding lies or shall be commenced against any member of the Fund Advisory Committee if that member is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that member pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations".

Section 16 amended

6 Subsection 16(1) is repealed and the following substituted:

- "(1) The minister shall conduct a review of this Act:
- (a) within five years after this Act comes into force; and
 - (b) subject to the regulations, every five years after the review conducted pursuant to clause (a)".

Section 18 amended**7 Subsection 18(1) is amended:****(a) by adding the following clause after clause (g):**

“(g.1) for the purposes of section 10.1:

- (i) prescribing the conditions that a person to whom responsibility for a closed site is to be transferred must meet;
- (ii) prescribing the manner in which a person to whom responsibility for a closed site is to be transferred accepts responsibility for the closed site;
- (iii) prescribing the manner in which the resources of a person to whom responsibility for a closed site is to be transferred are to be determined; and
- (iv) respecting the disposition of moneys paid on account in the Institutional Control Monitoring and Maintenance Fund and any financial assurance taken from a site holder after the transfer of responsibility for a closed site to a responsible person pursuant to section 10.1, if the site holder no longer exists or his or her whereabouts are unknown”; **and**

(b) by adding the following clauses after clause (i):

“(i.1) for the purposes of section 12.1, respecting the appointment of and the functions to be carried out by the Fund Advisory Committee;

“(i.2) for the purposes of section 16, respecting the conducting of a review of this Act by the minister”.

Coming into force

8 This Act comes into force on proclamation.

