



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 39
(2004, chapter 6)

An Act to amend the Forest Act

Introduced 11 March 2004
Passage in principle 24 March 2004
Passage 21 April 2004
Assented to 22 April 2004

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EXPLANATORY NOTES

This bill amends the Forest Act to provide that a holder of a wood processing plant operating permit must pay a contribution to the forestry fund if, once the silvicultural treatments stipulated in an annual forest management plan for a forest management unit have been carried out, that permit holder acquires timber that has not been allocated to an agreement holder. The bill also amends the Act to provide that if the holder of the wood processing plant operating permit is a member of forest protection organizations and their by-laws provide for it, an assessment must be paid to the forest protection organizations. The bill amends the Act to impose the same obligations on persons who obtain accreditation for one-time harvests when another person has waived the right provided for in a reservation agreement or failed to exercise that right in a previous year.

The bill gives the employees of the Ministère des Ressources naturelles, de la Faune et des Parcs who are designated to verify the application of the scaling standards for timber harvested in forests in the domain of the State, the power, in the exercise of their functions, to intercept, on a road in a forest environment, a road vehicle used for the conveyance of timber, and demand that the driver stop the vehicle so that the documents relating to timber transportation can be controlled and verified.

The bill also allows the Government to determine by regulation which of the documents referred to in the Forest Act must be submitted to the Minister using the medium or technology the Government specifies in the regulation. Furthermore, the bill provides that, at the request of a Native community or on the Minister's own initiative following consultation with a Native community, the Minister may delegate to a member of the department's personnel the power to impose, in a forest management plan, standards of forest management that differ from those prescribed by regulation, in order to facilitate the conciliation of forest management activities with the activities pursued by the community for food, ritual or social purposes.

Lastly, the bill amends the provisions relating to the forest management funding program.

Bill 39

AN ACT TO AMEND THE FOREST ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Forest Act (R.S.Q., chapter F-4.1) is amended by inserting the following sections after section 26 :

“26.0.1. Any employee of the department designated by the Minister to ascertain compliance with the scaling standards provided in or enacted under this Act for timber harvested in forests in the domain of the State may, in the exercise of the functions of office, intercept, on a road in a forest environment, a road vehicle used for the conveyance of timber, and demand that the driver stop the vehicle so that the documents relating to timber transportation that the driver is required to have in his possession be controlled and verified. For that purpose, the employee may

(1) establish stopping points and control points in a forest environment ;

(2) require that the driver submit the said documents and all related information for examination ;

(3) require that the driver or any person accompanying the driver provide reasonable assistance during verification.

The driver of the vehicle and any person accompanying the driver must immediately comply with the relevant requirements.

“26.0.2. On request, the person designated by the Minister shall produce identification and a certificate signed by the Minister attesting the person’s capacity.”

2. Section 37 of the said Act is amended by inserting “referred to in section 73.4, 92.0.2 or 92.0.11” after “contributions to the forestry fund” in the second paragraph.

3. Section 82 of the said Act, amended by section 70 of chapter 6 of the statutes of 2001, is again amended by replacing “or the contribution payable under section 73.4” in subparagraph 2 of the first paragraph by “or the contributions to the forestry fund payable under section 73.4, 92.0.2 or 92.0.11”.

4. Section 92.0.2 of the said Act, amended by section 77 of chapter 6 of the statutes of 2001, is again amended by adding the following paragraphs at the end:

“A holder of a wood processing plant operating permit who acquires timber from an agreement holder authorized to send it to the permit holder in accordance with the first paragraph must pay a contribution to the Minister for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the permit holder from the agreement holder.

The Minister shall collect the contributions of the permit holders and pay them into the forestry fund.”

5. Section 92.0.11 of the said Act is amended by adding the following paragraphs at the end:

“The accredited permit holder must also, in the case provided for in subparagraph 3 of the first paragraph of section 92.0.3, pay a contribution to the Minister for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation.

The Minister shall collect the contributions of the accredited permit holders referred to in the second paragraph and pay them into the forestry fund.”

6. Section 124.37 of the said Act is amended by striking out “of 80 hectares or more and the establishment or development of forest service enterprises”.

7. Section 126 of the said Act, amended by section 34 of chapter 16 of the statutes of 2003, is again amended by inserting the following paragraph after the first paragraph:

“The by-laws may also provide for the payment of a special assessment by any organization member who acquires timber from an agreement holder who has been authorized to send it to the organization member in accordance with the first paragraph of section 92.0.2, or who has been accredited by the Minister under subparagraph 3 of the first paragraph of section 92.0.3 for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the member’s wood processing plant.”

8. Section 147 of the said Act, amended by section 38 of chapter 16 of the statutes of 2003, is again amended by inserting the following paragraph after the first paragraph:

“The by-laws may also provide for the payment of a special assessment by any organization member who acquires timber from an agreement holder who has been authorized to send it to the organization member in accordance with the first paragraph of section 92.0.2, or who has been accredited by the Minister under subparagraph 3 of the first paragraph of section 92.0.3 for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the member’s wood processing plant.”

9. Section 170.2 of the said Act is amended by inserting “and the fourth paragraph of sections 92.0.2 and 92.0.11,” after “section 73.5” in the second paragraph.

10. Section 170.4 of the said Act, amended by section 44 of chapter 16 of the statutes of 2003, is again amended by adding “and the fourth paragraph of sections 92.0.2 and 92.0.11” at the end of paragraph 1.

11. Section 172 of the said Act, amended by section 119 of chapter 6 of the statutes of 2001 and by section 45 of chapter 16 of the statutes of 2003, is again amended

(1) by inserting the following subparagraph after subparagraph 18.2 of the first paragraph:

“(18.2.1) set the rate referred to in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;”;

(2) by adding the following subparagraph after subparagraph 19 of the first paragraph:

“(20) determine, from among the documents to be submitted to the Minister under this Act, those that must be submitted using the medium or technology the Government specifies in the regulation and specify, from among the categories of persons or organizations that must submit the documents, those that must submit them using that medium or technology.”

12. Section 186.8 of the said Act is amended by replacing “in section 70.1 or 169.1” in paragraph 1 by “in section 26.0.1, 70.1 or 169.1”.

13. Section 256.1 of the said Act is amended by adding the following paragraph at the end:

“The Minister may also, for the purposes of the second paragraph of section 25.2, generally or specially delegate, in writing, the exercise of the powers conferred on the Minister under this section to a member of the personnel of the department or to the incumbent of a position. In such a case, the delegatee must hold the necessary consultations with the other departments concerned. If no agreement is reached, the delegatee shall so inform the Minister.”

14. This Act comes into force on 22 April 2004, except section 6, which comes into force on the date to be set by the Government.