

NATIONAL ASSEMBLY

FIRST SESSION

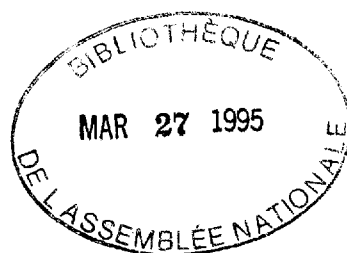
THIRTY-FIFTH LEGISLATURE

Bill 72

An Act to amend the Forest Act

Introduction

**Introduced by
Mr François Gendron
Minister of Natural Resources**



**Québec Official Publisher
1995**

EXPLANATORY NOTES

The purpose of this bill is to amend the Forest Act to allow dues prescribed under the Act to be paid by the carrying out or financing of new forest management activities intended to promote the protection or development of forest resources.

Forest management activities carried out by an agreement holder will be required to be included in a forest management plan and to be accepted by the Minister following the presentation of an annual forest management report. To be admitted as payment of dues, the financing of forest management activities will be required to be described in a prior agreement, approved by the Minister, between the agreement holder and the person to whom financing is granted for the carrying out of those activities. The conditions governing the granting of credits applicable to the payment of the prescribed dues will be determined by the Government.

In addition to the new measures proposed, the bill contains consequential amendments to help implement the new methods of payment proposed by the bill.

Bill 72

An Act to amend the Forest Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 25.4 of the Forest Act (R.S.Q., chapter F-4.1), enacted by section 8 of chapter 55 of the statutes of 1993, is amended

(1) by replacing the word “do” in the first line by the word “shall”;

(2) by adding, at the end, the words “except with the written authorization of the Minister of the Environment and Wildlife”.

2. Section 51 of the said Act is amended by adding the words “or to promote the protection or development of forest resources” at the end of the second paragraph.

3. Section 52 of the said Act is amended by striking out the words “to attain the annual yield indicated in the agreement” in the fourth and fifth lines of the second paragraph.

4. Section 55 of the said Act is amended by adding the words “or by the carrying out of other forest management activities” at the end of the second paragraph.

5. Section 61 of the said Act is amended by inserting the words “and necessary for the attainment of the annual yield indicated in the agreement” after the word “plan” in the second line of the first paragraph.

6. Section 70 of the said Act is amended

(1) by replacing the words “in the year and on the evaluation of the quality and quantity of silvicultural treatments applied in

accordance with the terms and conditions prescribed in the agreement” in the fourth, fifth and sixth lines of the first paragraph by the words “by the agreement holder in the year and on the evaluation of the quality and quantity of silvicultural treatments necessary for the attainment of the annual yield indicated in the agreement, or of other forest management activities intended to promote the protection or development of forest resources”;

(2) by replacing the words “stipulated in the annual forest management plan which have been effectively applied” in the second and third lines of the second paragraph by the words “or other forest management activities stipulated in the annual forest management plan which have actually been applied or carried out”.

7. Section 73.1 of the said Act is amended

(1) by adding the words “carried out to attain the annual yield in accordance with section 60” at the end of the first paragraph;

(2) by replacing the second paragraph by the following paragraphs:

“The Minister may authorize, as payment of dues, any other silvicultural treatment or any other forest management activity intended to promote the protection or development of forest resources.

To be admitted as payment of dues, the silvicultural treatments or other forest management activities applied or carried out by the agreement holder must have been accepted by the Minister following the presentation of the annual report prescribed by section 70.

The Minister may also authorize, as payment of dues, the financing, by the agreement holder, of any forest management activity carried out by a third person in a forest management unit, a public forest reserve or a private forest, in accordance with this Act. The financing must be evidenced in a prior agreement, approved by the Minister, between the agreement holder and the person to whom financing is granted for the carrying out of the activities. The prior agreement must provide for, in particular, a plan of the forest management activities, the costs of carrying out such activities and their sources of financing as well as a report approved by a forest engineer on the forest management activities carried out in the year. The conditions governing the granting of credits applicable to the payment of the prescribed dues shall be determined by regulation of the Government.”

8. Section 73.2 of the said Act is amended

(1) by inserting the words “, for the forest management activities he carries out,” after the word “may” in the first line of the first paragraph and by replacing the words “silvicultural treatment progress report approved by a forest engineer” in the third line of the said paragraph by the words “progress report, approved by a forest engineer, on silvicultural treatment and other forest management activities”;

(2) by inserting the words “or other forest management activities” after the word “treatments” in the second line of the second paragraph;

(3) by replacing the words “silvicultural treatments” in the third line of the third paragraph by the words “treatments or other forest management activities” and by inserting the words “the third paragraph of” after the word “with” in the third line of the said paragraph.

9. Section 73.3 of the said Act is amended by replacing the words “silvicultural treatments referred to in the second paragraph of” in the first and second lines by the words “treatments, other activities and assessments or other contributions to financing referred to in”.

10. Section 86 of the said Act, amended by section 14 of chapter 55 of the statutes of 1993, is again amended by replacing the words “to be applied” in the third line of the second paragraph by the words “or other forest management activities to be applied or carried out”.

11. Section 92.0.2 of the said Act, enacted by section 15 of chapter 55 of the statutes of 1993, is amended by inserting the words “or other forest management activities” after the word “treatments” in the second line.

12. Section 106 of the said Act, amended by section 23 of chapter 55 of the statutes of 1993, is again amended by replacing the third paragraph by the following paragraph:

“The dues payable by the contractor shall be paid in money, in silvicultural treatments or by the carrying out of other forest management activities in accordance with the first, second and third paragraphs of section 73.1 and with sections 73.2 and 73.3, adapted as required.”

13. Section 123 of the said Act is amended by adding, at the end of paragraph 3, the following sentence: "Such work cannot include work financed for the purposes of section 73.1."

14. Section 172 of the said Act, amended by section 30 of chapter 55 of the statutes of 1993, is again amended

(1) by replacing paragraph 3 by the following paragraph:

"(3) establish rules for calculating the value of silvicultural treatments and other forest management activities as well as assessments or other contributions to the financing of the treatments or activities admitted as payment of prescribed dues and establish the conditions governing the granting of credits applicable to the payment of the dues referred to in the fourth paragraph of section 73.1;"

(2) by replacing the words "silvicultural treatment progress report" in the first and second lines of paragraph 3.1 by the words "progress report on silvicultural treatments or other forest management activities".

15. This Act comes into force on (*insert here the date of assent to this Act*), except the provisions of sections 2 to 8 and 10 to 13 which will come into force on the date or dates to be fixed by the Government.