

## Regulations and Other Acts

Gouvernement du Québec

### **O.C. 360-97, 19 March 1997**

An Act respecting the Régie de l'énergie  
(1996, c. 6)

The adjustment of rates for the supply of electric power by Hydro-Québec

WHEREAS under section 165 of the Act respecting the Régie de l'énergie (1996, c. 61) the Government may, until the coming into force of Chapter IV of that Act, fix or modify a rate for the supply of electric power by Hydro-Québec by adjusting the rates then in effect by not more than the average variation in the annual Consumer Price Index for Canada for the 12 months of the preceding year in relation to such Index for the 12 months of the year preceding that year;

WHEREAS under Order in Council 144-97 dated 5 February 1997 that provision came into force on 5 February 1997;

WHEREAS it is expedient to fix at 1.6 % the adjustment of rates for the supply of electric power by Hydro-Québec as of 1<sup>st</sup> of May 1997;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources;

To fix at 1.6 % the adjustment of rates for the supply of electric power by Hydro-Québec as of 1<sup>st</sup> of May 1997.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 362-97, 19 March 1997**

Agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities in the field of public forest management and land regulations

WHEREAS a specific agreement on the management and development of the intramunicipal public territory

in the Saguenay–Lac-Saint-Jean region was signed on 29 August 1996 by the Conseil régional de concertation et de développement du Saguenay–Lac-Saint-Jean and, among others, the Minister of State for Natural Resources, the Minister for Mines, Lands and Forests and the Minister of Municipal Affairs;

WHEREAS the regional county municipalities in that region have accepted by resolution all the obligations, terms and conditions of that agreement;

WHEREAS the said agreement provides that powers and responsibilities in the field of forest management and land regulations will be delegated to the RCM's;

WHEREAS for those purposes, the said agreement provides for the implementation of a permanent mechanism of delegation to the RCM's, which will require amendments to the Forest Act (R.S.Q., c. F-4.1) and to municipal statutes;

WHEREAS it seems expedient, however, to transfer to the RCM's, on an experimental basis, the powers and responsibilities of the Minister of Natural Resources in the field of forest management and the powers of the Government in the field of land regulations;

WHEREAS under the Forest Act, the Minister of Natural Resources holds the powers and responsibilities in the field of forest management;

WHEREAS under the Act respecting the lands in the public domain (R.S.Q., c. T-8.1), the Government has the power to make regulations respecting the management of land;

WHEREAS under section 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1, amended by Chapter 20 of the Statutes of 1995 and by Chapter 27 of the Statutes of 1996), a regional county municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis;

WHEREAS under section 10.6 of the Municipal Code of Québec, such agreement must set out, in particular, the conditions governing the exercise of the responsibility, the duration and the rules relating to its implementation;

WHEREAS under section 10.8 of the Municipal Code of Québec, such agreement shall prevail over any inconsistent provision of any general law or special Act or any regulation thereunder;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Natural Resources, of the Minister for Mines, Lands and Forests and of the Minister of Municipal Affairs:

THAT the Minister of Natural Resources be authorized to sign for and on behalf of the Government an agreement with the regional county municipalities of Fjord-du-Saguenay, Lac Saint-Jean Est, Domaine Du-Roy and Maria-Chapdelaine of the Saguenay-Lac-Saint-Jean region, under which they will be temporarily entrusted with the following powers and responsibilities, on an experimental basis:

(1) management responsibilities over public forests presently erected into public forest reserves;

(2) power to make regulations respecting land management.

Those powers and responsibilities are identified in the Schedule to this Order in Council.

THAT the experimental project last 3 years, subject to renewal, and that it may be terminated in whole or in part before the end of the 3-year period to the extent that amendments to the Forest Act and to the Municipal Code of Québec will be made so as to provide therein for a permanent mechanism of delegation to municipalities;

THAT the agreement comply with the provisions in the specific agreement signed on 29 August 1996;

THAT the agreement be entered into on the following conditions:

#### IN THE FIELD OF FOREST MANAGEMENT:

(1) in exercising the responsibilities transferred to them, the RCM's will have to comply with the provisions of the Forest Act and the regulations made thereunder, as amended, particularly as regards the sustainable development of forests, preservation of forest production and forests;

(2) the RCM's will neither adopt provisions making it more difficult for businesses to get their supplies from public forests, nor restrictions favouring the use of the resource on a local level, to the detriment of more promising projects with respect to job creation and future development;

(3) the RCM's will submit a report to the Minister of Natural Resources on the results of the experimental project, within 90 days of its end;

(4) the Minister of Natural Resources will continue to assume the powers and responsibilities not expressly transferred to the RCM's by the agreement;

(5) if need be, the Minister of Natural Resources may specify the scope of the transferred powers in the field of forest management.

#### IN THE FIELD OF LAND REGULATIONS:

(1) regulations respecting administrative expenses will have to pertain exclusively to cases already provided for in the regulations made under the Act respecting the lands in the public domain;

(2) in preparing the said regulations, the RCM's will have to respect the Government's principles and objectives as to land management; in particular, they will have to respect the following principles, namely: maintaining the delegated public lands open to the public; imposing tariffs on the basis of market value and granting no privilege to any person who illegally occupies or uses land in the public domain;

(3) prior to their implementation, regulations adopted by the RCM's will have to be submitted to the Minister of Natural Resources for approval, so that he can examine the content thereof and ensure compliance with the Government's principles and objectives and regional coherency; furthermore, the regulations may not come into force unless the Minister of Natural Resources has exempted, in accordance with section 17.15 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2), all the territory or a part thereof from the application of one or more provisions of the Act respecting the lands in the public domain or the regulations thereunder; those regulation will come into force according to the rules prescribed by the Municipal Code of Québec;

(4) the RCM's will submit a report to the Minister of Natural Resources and to the Minister of Municipal Affairs on the results of the experimental project, within 90 days of its end.

#### SCHEDULE

##### IN THE FIELD OF LAND MANAGEMENT

Responsibilities defined in the Forest Act and referred to in the draft agreement with the RCM's on the experimental transfer of forest management:

— the granting of forest management permits (other than permits for the supply of wood processing plants and for a punctual activity referred to in section 24.1 of the Act which are not applicable in public forest reserves);

— the management of public forest reserves and the sale of timber;

— the conclusion of forest management agreements;

— the granting of permits or authorizations for the construction of forest roads;

— control of the access to forest roads in cases of fire, in the thaw period or for safety reasons;

— prescribing forest management standards, in accordance with the Regulation respecting standards of forest management for forests in the public domain or with any other standards authorized under the Forest Act;

— the collection of dues payable by holders of authorizations, permits or rights granted by the RCM's under the applicable regulations;

— the supervision and control of forest management activities, in accordance with the Forest Act and the regulations thereunder.

#### IN THE FIELD OF LAND REGULATIONS

Within the framework of the experimental delegation of land regulations, the RCM's will be authorized to adopt regulations on the following matters:

— the conditions and rules for computing prices, rentals, fees or other costs regarding sales, leases, exchanges, gratuitous transfers, occupation licences or the granting of any other right;

— the norms and conditions under which persons may have access to and stay on land and the circumstances under which access to or staying on the land may be prohibited, while preserving the right of every person to pass through lands in the public domain covered by a delegation;

— the conditions and circumstances under which authorization is not required to erect or maintain a building, installations or works on land otherwise than in the exercising of a right or the performing of a duty imposed by law;

— norms respecting the location, construction, maintenance and use of roads other than forest or mining roads;

— norms respecting the right to use the roads referred to in the preceding paragraph for the safety of users and the protection of roads.

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#### **O.C. 431-97, 26 March 1997**

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

#### **Basic prescription drug insurance plan**

##### **— Regulation**

##### **— Amendment**

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

WHEREAS under subparagraph 3 of the first paragraph of section 78 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), the Government may, after consulting the Régie de l'assurance-maladie du Québec, make regulations to determine the cases, conditions and therapeutic indications in and for which the cost of certain medications included in the list drawn up by the Minister under section 60 of the Act is covered by the basic plan; the conditions may vary according to whether the coverage is provided by the Board or under a group insurance contract or an employee benefit plan;

WHEREAS under section 79 of the Act, such a regulation is not subject to the requirements concerning publication and date of coming into force contained in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS the Government made the Regulation respecting the basic prescription drug insurance plan by Order in Council 1519-96 dated 4 December 1996;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with section 78 of the Act respecting prescription drug insurance and amending various legislative provisions, the Régie de l'assurance-maladie du Québec has been consulted;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services: