

Legislation and Other Breaking News

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Recently Introduced Legislation

Monday, March 24th was a busy day for local government oriented legislation with Minister Abbott introducing three Bills and Health Services Minister Colin Hansen introducing one Bill pertaining to regional hospital districts.

Minister Abbott introduced a companion set of Bills (#19 and #20) to bring into place the longstanding change to the safety system legislation. Briefly the *Safety Standards Act* (Bill 19) consolidates four acts into one to address the regulation and work of products related to electrical and gas equipment and systems such as amusement rides, elevating devices, boilers and pressure vessels, etc. The Act will continue to delegate to interested local governments the ability to provide safety services. The accompanying legislation, the *Safety Authority Act* (Bill 20) will establish an independent provincial safety authority to oversee the province's safety system.

The only direct effect is on a limited number of local governments who currently provide gas and electrical inspections, but the legislation signals a changed relationship for all other local governments who looked to the provincial government for such inspections in the past – this responsibility is being transferred to a "special authority" (see more on Bill 19 & 20 following).

The MCAWS third Bill is mostly related to housekeeping type changes that relate to specific local governments (or

to non-governments) but two measures of general interest are the new powers to allow councils:

- to appoint all members of the board of variance and discontinues provincial appointments;
- to reduce or waive DCCs for non-profit, assisted living housing. This extends the current provision which applied to non-profit rental housing only. (the original provision originated with endorsed UBCM resolutions 1998-B15 and 1990-B48)

Bill 19 - Safety Standards Act

As noted earlier this Bill confirms the direction by government to consolidate all safety systems legislation into one Act. Bill 19 provides for the continued delegation of administration of the Act and its regulations to local government or to the new Safety Authority (Bill 20). In an effort to modernize and make safety system legislation more effective, a number of elements have been included in the Bill:

- provides for the establishment of a registry of licensed contractors that will include name, type of license, status and scope of work permitted, and whether or not any orders, penalties or convictions for offences have been issued to the contractor. Local governments will want to have some discussions with provincial staff about how the registry will work at an operational and technical level.
- provides for the issuing of multi-year and multi-disciplined permits and licenses.
- provides for equivalent standards agreements (ESAs) or alternative approaches to regulated work or use of a regulated product if the safety manager deems that the proposal would be consistent with the objectives of the regulations and would not lead to any additional risk or personal injury or property damage. The Bill notes that local safety managers (local governments) will only be permitted to undertake ESAs that are specific to their area of jurisdiction and to the disciplines administered by that local government.

Under the transitional provisions of the Bill, provisions have been made for the establishment of pilot equivalent standards agreements.

accepted accounting principles in the provincial government for the next fiscal year.

Specific provisions in the Bill which reduce provincial oversight include:

- recognition that RHD boards are comprised of democratically elected local officials who are accountable to local taxpayers, by clarifying that the provincial government does not have the unhindered right to appoint or remove directors from the RHD boards; and
- giving RHD boards greater autonomy by reducing the need for the Minister of Health Services to approve their annual budgets, capital expenditures, bylaws and tax requisitions.

The Ministry advises that the Bill was intended to make the minimum amendments necessary to implement the changes in provincial reporting entities. For this reason, there are some oversight provisions remaining in the legislation including, for example, the authority for the minister to specify the accounting policies to be followed by RHDs. The Ministry notes that any remaining provisions like this that may be of concern are open for discussion under the RHD cost sharing study currently being undertaken with RHDs. UBCM encourages RHDs to raise any concerns of this type with the study's consultants during the consultation opportunities.

The Bill also removes the authority for the Ministry to pay at least 60% of the approved cost of projects eligible for prepaid capital advances. The rationale is that the Ministry no longer funds these projects directly; this is the responsibility of the health authorities. It should be noted, however, that the provision of the *Hospital Insurance Act Regulations* still remain in force which empower the province to provide financial assistance for construction projects and equipment purchases, not to exceed 60% of the approved sharable cost of a project. This Bill, therefore, does not alter the 60/40 split in funding with RHDs.

Other New Bills

Bill #18 – Coastal Ferry Act

This Bill when proclaimed will establish a corporation known as the B.C. Ferry Authority. It will also establish the position of B.C. Ferries Commissioner whose role it will be to regulate each ferry operator in relation to the core ferry services that are to be provided by that operator and the tariffs that may be charged for those core ferry services. The Commissioner must regulate them in accordance with principles outlined in the Act.

Bill #21 – University of British Columbia Services Continuation Act

This Bill provides that the Minister of Skills Development and Labour, may impose one or more cooling-off periods under the Act with respect to any or all disputes between the employer and trade unions.

Bill #23 – Procurement Services Act

This Bill when enacted will replace the "*Purchasing Commission Act*". This Bill will modernize the government's procurement legislation and will better enable current procurement practices.

Under this new Act, the minister may recommend to government organizations, and local public bodies practices, the form and content of agreements, and arrangements that promote fair and open procurement, competition, demand aggregation, value for money, transparency, and accountability.

Progress of Legislation

A key piece of legislation for local government, the Community Charter, has been introduced. It has not yet received second reading. A large Bill containing the transitional and consequential amendments to the *Local Government Act* is expected to be introduced later in the session.

Most of the other legislation introduced so far in the session has had consequential impacts on local government such as:

- the repeal of the *Holiday Shopping Regulation Act* (Bill 11)
- flexibility over definition of a mine under the *Mines Act* – that could remove all or part of a site not integral to a mining operation from provincial regulations and place it directly under local jurisdiction (Bill 10)
- clarification of the definition of the "dust and particulate" equipment tax exemption (Bill 6)
- broadening the scope of Surveyor of Taxes administration fees (Bill 6)
- extending the time beyond 8:00 a.m. to 5:00 p.m. for the km/hr speed zones on regular school days if the extended times are stated on the signs (Bill 11)
- computerized information management system for law enforcement agencies (Bill 12)

For further details see the March 21st In the House circular.

More Legislation to Come

Some significant legislative changes of interest to local government are still to be introduced such as the Local

Government Bylaw Forum, expected pesticides legislation and amendments to the *Waste Management Act*. Correspondence from the Premier and Solicitor General indicated that there could be changes to allow police costs to be levied against small communities. The Throne Speech also talked of legislation to enable planning for agriculture and the right to farm.

Breaking News

Additional Funding for Keep of Prisoners – UBCM has advised affected CAOs that the Ministry of Public Safety and Solicitor General has made available \$400,000 in funding to augment the keep of prisoners program for the January–March 2003 period (March 20th memo). This funding will be available to both “own-force” and municipalities policed under RCMP contracts.

Private Liquor store size limits removed – Cabinet has removed the 2000 sq. ft. maximum size for new private liquor outlets. The new wording is:

- (3) A licence in respect of a licensee retail store must not be issued, renewed or transferred unless
- (a) the applicant for the licence or the licensee, as the case may be, is also the licensee of a liquor primary establishment that
- (i) is located on the same property as the licensee retail store, or
 - (ii) in the opinion of the general manager, appears to be on the same property as the licensee retail store and
- (b) in the opinion of the general manager, the licensee retail store
- (i) does not appear to be a standalone liquor store unassociated with the liquor primary establishment referred to in paragraph (a) and
 - (ii) does not appear to be associated with another business in the near vicinity.

Heritage fund established – Hon. George Abbott, has announced the creation of the BC Heritage Legacy Fund and provided a \$5 million endowment. The Heritage Society of BC and Land Conservancy BC will develop the new model to manage the funding. The endowment will be placed with the Vancouver Foundation. BC Heritage Trust will be wound up (Bill 22).

Forest Policy

On March 26, provincial forests Minister Michael de Jong introduced the province’s “comprehensive forestry revitalization plan” to an audience of industry, community and First Nations representatives. Following that briefing, the Minister introduced three bills into the Legislature - Bill 27, 28 and 29 - that will effect the forest policy changes. The changes deal with who will hold the rights to cut timber for a period of years (tenure); how much they must cut in a period (cut control); the revenues the Crown receives for the timber cut (stumpage); if the timber must be processed locally (appurtenancy) and rules about transferring tenures. The following changes are proposed:

- reallocation of 20% of the logging rights (tenure) from major licensees. One half of that 20% will be made available to First Nations, woodlot owners and communities. The remaining one-half of the 20% will be available for auction. (\$200 million has been set aside to compensate the major licensees for the reallocation)
- new stumpage rates to be established based on the prices received from auctioned wood.
- \$75 million Trust Fund has been established for transition assistance for forest workers and contractors.
- forest tenure holders will be permitted to subdivide or transfer all or part of their cutting rights to other operators in BC without penalty.
- elimination of timber-processing requirements (appurtenancy).
- change cut control regulations to provide greater flexibility but companies will be restricted from carrying over unharvested volumes to another cut control period. The uncut portion from a cut control period will be auctioned off.
- reiterated the government’s commitment to no raw log exports.

CHECK US OUT!!

UBCM Circulars are posted on our website:

www.civicnet.bc.ca

Recent circulars of interest:

- In the House (February 18) Budget Day
- Member Release (March 5) Highlights of February Executive Meeting
- In the House (March 21) Recent Legislation, other Activities and Announcements

Highlights from the Bills are as follows:

Bill 27 - Forests Statutes Amendment Act, 2003

- renames the small business forest enterprise program to BC Timber Sales and defines the position of timber sales manager.
- amends s. 44 of the Forest Act to streamline the process for awarding new woodlot licenses.
- repeals the listed uses of wood from Crown land to state that the timber must be “manufactured in British Columbia into wood products to the extent of manufacture specified by regulation.”

Bill 28 - Forestry Revitalization Act

- confirms the direction announced by the Minister to take back harvesting rights from existing licence holders in the amount of 20% and the confirms that compensation for the 2002-2003 year to licence holders has been set at a maximum of \$200 million out of the consolidate revenue fund.
- establishes the BC Forestry Revitalization Trust “to mitigate adverse financial impacts suffered by any person, ...as a result of the restructuring of the forestry sector and forestry operations within British Columbia, arising out of reductions under the Forestry Revitalization Act of harvesting rights available to licensees under the Forest Act.” The Act confirms that the amount allocated to the Trust for the 2002-2003 fiscal year is \$75 million.

Bill 29 - Forest (Revitalization) Amendment Act, 2003

- repeals sections 14(f), 35(1)(m) and 71 of the Forest Act which pertained to the appurtenancy clause that required licensees to operate timber processing facilities where they cut and the ability for the Minister to reduce the cut allocation when a mill was closed.
- sections 19, 39 and 43 are re-enacted to allow a forest licence holders, tree farm licence holders and pulpwood agreement holders to subdivide a licence or consolidate licences.
- repeals sections 53 (1.1), 64 to 66 relating to annual cut control requirements.
- re-enacts sections 54, and repeals 55, 56 and 56.1 allowing the holder of an agreement to sell their licence to another person but provides that the requirements set out

in s. 54 (sufficient competition) be met or the agreement will not be permitted.

- repeals s. 67 of Forest Act relating to existing cut control provisions, and allowing carry over of unharvested volumes from one cut control period to a subsequent period.
- enacts division 3.1 relating to new cut control provisions.
- enacts s. 80.1 to provide relief for certain licence holders from appurtenancy requirements, processing requirements or other requirements related to timber processing.
- amends s. 151 to provide for regulation making power to prescribe what constitutes unduly restricting competition for the purposes of s. 54.1.

CivicNet®

CivicNet, UBCM’s website, is scheduled for a major “make-over” in April 2003. However, we continue to update the policy section, the popular “Links” to other organizations and other content. Recently updated were the civil liability, aboriginal affairs, forest, energy and Community Charter policy tracking. Other new information includes:

- 2003 resolutions process
- provincial responses to 2002 resolutions
- Net•Work•Book online order form

The Police Costs information for small communities has been kept reasonably up to date throughout the turmoil of these last few months.

Representing UBCM with the Provincial Government

President Patricia Wallace was invited to make comments on behalf of local government to the 2nd Annual Provincial Congress hosted by Premier Campbell. She also represented UBCM at the Provincial Budget introduction.

First Vice-President, Frank Leonard represented UBCM at the introduction of the Community Charter.

Councillor Corinne Lonsdale, Chair of the Communities and Resources Committee, represented UBCM at two recent events – launch of the BC Market Outreach Network – a \$3 million commitment to promote BC’s forest practices and products; and the announcement on forest policy (inside this issue).