

## HIGHLIGHTS OF PROVINCIAL LEGISLATION AND ANNOUNCEMENTS

The following provides highlights of recently introduced provincial legislation and announcements of interest to local governments.

### ***Marijuana Grow-ops***

The Province has introduced amendments to the Safety Standards Act (Bill 25), which will assist local government to target and shut down marijuana grow operations. It provides a new tool that local governments can use to ensure that neighbourhoods are safe from the fire hazards and other potential problems created by marijuana grow operations.

The legislation will allow local governments to obtain electricity consumption information from electricity distributors and to share this information with local fire and safety inspectors and police. This will provide an additional tool for local governments to determine where potential safety hazards may exist in the community and undertake action to address potential problems.

The new legislation is not designed to deal with criminal activity directly, but is focused on ensuring safer neighbourhoods. The safety/fire inspector will be required to provide the homeowner/resident with 48 hours notice of any proposed inspection.

The legislation responds directly to a resolution endorsed by the local governments at the 2005 UBCM Convention (2005-A2 Strategy to Eliminate Marijuana Grow-Ops).

### ***Timber Management for All-Season Resorts in Controlled Recreation Areas***

The Province has introduced the Resort Timber Administration Act (Bill 24) to provide

a consistent and coordinated approach to the management of timber resources on Crown land that lies within controlled recreation areas.

The concept is to have a single ministry responsible for both the Crown land and the associated timber harvesting and timber management issues related to an all season resort. Under this designation the responsibility for forestry licences would be transferred to the tourism minister for all season resorts located in controlled recreation areas. The Act fulfills one of Government's commitments under the 2004 Resort Strategy and Action Plan to simplify application and approval processes. Crown land leaseholders must still meet statutory standards and requirements regarding forest health by subscribing to Forest Health Plans, and all resort proposals must pass by the Environmental Assessment Office before a master plan is developed.

### ***Market-Based Timber Pricing System Announced for the Interior***

Effective September 1, 2006 the Province will be launching a new market-based timber pricing system for the Interior. A market-based pricing system for the Coast was introduced in February 2004 as part at the Province's forest revitalization plan. The move to a market-based pricing system for both the Coast and Interior will assist the Province in US softwood discussions by dispelling any claims by US officials that the BC forest industry is being subsidized. In addition to the announcement of a new pricing system for the

Interior, the Province advised that \$10.5 million will be provided to BC's forest industry to promote forest products and pine beetle wood in international markets. Of the \$10.5 million, \$9 million will be provided to 37 market and project development projects. The remaining \$1.5 million will be directed to another 17 projects to develop new uses and markets for beetle-attacked wood, as part of the Province's Mountain Pine Beetle Action Plan.

### ***Funding for Regional Film Commissions to be Maintained or Increased***

On March 30, 2006, Tourism, Sport and the Arts Minister, The Honourable Olga Ilich, announced that Regional Film Commission Assistance funding will be maintained or increased in all regions. Through the BC Film Commission, the Province will provide \$275,000 to the Regional

Film Commission Assistance Program, an increase of \$75,000 above the 2005/06 levels.

UBCM endorsed resolution A8 from Smithers at the 2005 UBCM Convention requesting that funding for the Regional Film Commissions be maintained or increased. As well, UBCM's Community Economic Development Committee had written to the Province in 2004 and again in 2005 with the same request.

As part of the recent announcement, each of the eight Regional Film Commission offices will receive individual funding envelopes. Previously, the funding had been divided between five regions. There will be a small amount of additional funding earmarked to develop an inventory of unique locations throughout the province previously without direct financial support, including the Fraser Valley, the Sea to Sky Corridor and the Sunshine Coast.

### ***Brief to Supreme Court***

On April 7, 2006, UBCM filed its brief with the Supreme Court of Canada in the case concerning the use of civilian support staff in assisting the RCMP to carry out its functions under a Municipal Policing Agreement. The argument is based on:

#### **1. Constitutional Context**

Provincial legislative power encompasses the administration of criminal justice and the provision of police services within the province and the RCMP is being contracted to perform functions that fall within provincial jurisdiction. Provinces have constitutional jurisdiction over municipalities in the province and can delegate to municipalities matters within provincial jurisdiction, such as policing. Both the federal and the provincial government have the constitutional ability to delegate the provision of specific services in an area without an abdication of the power to legislate in respect of the delegated matter. In this case, the issue relates to the contracting of RCMP services and the use of municipal civilian support staff to assist them in the process.

#### **2. History of Policing Arrangements**

The provinces have had a number of cost-sharing agreements with the federal government providing for the use of local staff to support the RCMP and these agreements have not previously been challenged. In the case of British Columbia, it has had cost-sharing agreements with the federal government since 1953. All of these agreements have provided, in some fashion, for the use of local support staff to assist the RCMP in providing policing services.

#### **3. Interpretation of RCMP Act (Section 10)**

The final argument is based on the fact that Section 10 of the RCMP Act, properly construed, does not restrict the various levels of government from structuring the provision of support services under municipal or provincial policing agreements with the federal government as they see fit.