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NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 22
(1999, chapter 73)

An Act to amend various legislative provisions concerning the pension plans in the public and parapublic sectors

Introduced 3 November 1999
Passage in principle 10 November 1999
Passage 15 December 1999
Assented to 16 December 1999

Québec Official Publisher
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EXPLANATORY NOTES

This bill amends various legislative provisions concerning pension plans in the public and parapublic sectors.

The bill provides for the adjustment, following an actuarial valuation, of the pension credits determined in respect of employees when they cease to be members of certain pension plans to become members of the Government and Public Employees Retirement Plan.

The bill modifies certain time limits in the Act respecting the Government and Public Employees Retirement Plan. For instance, the period of time within which prior service can be purchased by employees, within which a decision must be rendered by an arbitrator, or within which the amount of a pension must be reviewed by the Commission administrative des régimes de retraite et d'assurances is extended.

The bill authorizes the Government to broaden, by regulation, the powers of the committees of employer and employee representatives set up to monitor the temporary measures applicable in the context of the voluntary retirement program.

The bill provides that new bodies will be subject to the Government and Public Employees Retirement Plan. It contains other clarifications relating to the administration of the main pension plans administered by the Commission administrative des régimes de retraite et d'assurances.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

– Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

– Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

– Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

– Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

– Act to amend various legislative provisions concerning retirement (1997, chapter 71).

Bill 22

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING THE PENSION PLANS IN THE PUBLIC AND PARAPUBLIC SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

1. Section 31 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting "pertaining to the month of death" after "credit" in the fourth line.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

2. Section 55 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by inserting "pertaining to the month of death that" after "pension" in the third line.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

3. Section 42 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting "pertaining to the month of death that" after "pension" in the third line.

4. Section 84 of the said Act is amended by inserting "pertaining to the month of death that" after "pension" in the third line of the second paragraph.

5. Section 86 of the said Act is amended by replacing "1998" in the fourth line of subparagraph 2 of the first paragraph by "2000".

6. Section 87 of the said Act is amended by replacing "1998" in the second line by "2000".

7. Section 91 of the said Act is amended by inserting "pertaining to the month of death that" after "credit" in the third line of the second paragraph.

8. The said Act is amended by inserting the following section after section 107:

"107.1. The Government may, by regulation, increase the pension credits credited under section 101 where the actuarial valuation of the pension credits determines a surplus. The Government shall determine the portion of the surplus to be applied to the increase.

The increase may vary according to the nature of the pension credits and the supplemental pension plan under which they have been credited. The Government shall determine the date from which the increase is granted."

9. Section 134 of the said Act is amended by inserting the following subparagraph after subparagraph 13 of the first paragraph:

"(13.1) determine, for the purposes of sections 107.1 and 158.0.1, the increase in pension credits according to their nature and the pension plan under which they have been credited and the date from which the increase is granted;".

10. Section 147.0.1 of the said Act is amended

(1) by inserting "or a deferred pension the payment of which began after 31 December 1994" after "1992" in the second line of the first paragraph;

(2) by replacing "the pension became payable" in subparagraph 1 of the first paragraph by "participation in the pension plan ceased".

11. Section 147.0.2 of the said Act is repealed.

12. The said Act is amended by inserting the following section after section 158:

"158.0.1. Where a transfer agreement grants pension credits, the pension credits may be increased if the actuarial valuation of those pension credits determines a surplus.

Section 107.1 applies to the increase, with the necessary modifications."

13. Section 184 of the said Act is amended by replacing "30" in the second line by "90".

14. Schedule I to the said Act, amended by Orders in Council 730-98 dated 3 June 1998, 764-98 dated 10 June 1998, 1155-98 dated 9 September 1998, 1524-98 dated 16 December 1998, 231-99 dated 24 March 1999, 467-99 dated 28 April 1999, 633-99 dated 9 June 1999 and 902-99 dated 11 August 1999 and by section 61 of chapter 17 of the statutes of 1998, section 48 of chapter 42 of the statutes of 1998, section 53 of chapter 44 of the statutes of 1998, section 54 of chapter 11 of the statutes of 1999 and section 54 of chapter 34 of the statutes of 1999, is again amended by inserting the following, in alphabetical order, in paragraph 1:

(1) "Hôpital Marie-Clarac des Sœurs de charité de Ste-Marie (1995) Inc.";

(2) "La Maison des Futailles, S.E.C., as regards employees who, immediately before being hired, held employment with the Société des alcools du Québec";

(3) "Québec-Transplant".

ACT RESPECTING THE TEACHERS PENSION PLAN

15. Section 43 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting "pertaining to the month of death that" after "pension" in the third line.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

16. Section 75 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting "pertaining to the month of death that" after "pension" in the third line.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING RETIREMENT

17. Section 37 of the Act to amend various legislative provisions concerning retirement (1997, chapter 71) is amended

(1) by inserting the following paragraph after the first paragraph:

"The Government may, by regulation, determine the powers that may be exercised by the committees concerning the application of the measures referred to in the preceding paragraph insofar as such powers can be exercised to grant to a person advantages that the law would not otherwise have granted to the person. The regulation may have effect only from a date subsequent to 21 March 1997.";

(2) by replacing "first paragraph" in the first line of the second paragraph by "first and second paragraphs".

TRANSITIONAL AND FINAL PROVISIONS

18. The listing of the Syndicat des enseignants et des enseignantes du CEGEP Limoilou in Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) has effect since 1 October 1981.

19. Where section 10 of this Act would, in respect of a situation in progress, operate to extend the time allowed the Commission administrative des régimes de retraite et d'assurances to revise the amount of a pension under sections 147.0.1 and 147.0.2 of the Act respecting the Government and Public Employees Retirement Plan, the former time limit applies.

20. Section 5 has effect from 1 January 1998.

21. Section 6 has effect from 1 July 1998.

22. Paragraphs 1, 2 and 3 of section 14 have effect from 1 April 1997, 31 May 1999 and 1 January 2000, respectively.

23. Section 17 has effect from 22 March 1997.

24. This Act comes into force on 16 December 1999.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 85
(1999, chapter 72)

An Act to amend the Savings and Credit Unions Act

Introduced 11 November 1999
Passage in principle 23 November 1999
Passage 15 December 1999
Assented to 16 December 1999

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EXPLANATORY NOTES

The object of this bill is to allow savings and credit unions, federations and the confederation to acquire or transfer claims except in the cases prescribed by regulation of the Government. It facilitates the transfer of assets and the acquisition of securities between credit unions and legal persons forming part of the same group as well as La Caisse centrale Desjardins du Québec, insofar as such transfers or acquisitions need not be approved by the board of directors of the credit unions.

The bill proposes to allow the Inspector General of Financial Institutions to prescribe accounting standards that include particular requirements, or requirements different from those applicable according to generally accepted accounting principles, in respect of the financial statements of credit unions, La Caisse centrale Desjardins du Québec, the federations and the confederation.

Lastly, credit unions, federations and the confederation will be authorized to hypothecate their property for purposes other than those already provided for by law where such purposes are authorized by the Inspector General and, in the case of an affiliated credit union, by the federation.

LEGISLATION AMENDED BY THIS BILL:

– Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

– Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec (1989, chapter 113).

Bill 85

AN ACT TO AMEND THE SAVINGS AND CREDIT UNIONS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 213 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1), amended by section 517 of chapter 37 of the statutes of 1998, is again amended by replacing paragraph 8 by the following paragraph:

"(8) acquire or transfer claims, except in the cases prescribed by regulation of the Government;".

2. Section 220 of the said Act is amended

(1) by inserting "not referred to in paragraph 6 of section 217" after "party" in the second line of the first paragraph;

(2) by replacing "in the case of a transfer of assets *en bloc* authorized by the Inspector General as part of a reorganization or where the transfer is a condition inherent in a contract entered into under paragraph 8 of section 213 or paragraph 11 of section 364" at the end of the second paragraph by "where the transaction is authorized by the federation with which the credit union is affiliated or, if it is not affiliated, by the Inspector General".

3. Section 263 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 4 of the first paragraph:

"(5) for any other purpose authorized by the Inspector General and, where applicable, by the federation with which the credit union is affiliated.";

(2) by replacing "such security" in the first line of the second paragraph by "security for any of the purposes referred to in subparagraphs 1 to 4 of the first paragraph";

(3) by adding the following paragraph at the end:

"An authorization given by the Inspector General under subparagraph 5 of the first paragraph may include conditions and restrictions and may apply to a group of credit unions."

4. The said Act is amended by inserting the following section after section 303:

"303.1. The financial statements referred to in paragraph 4 of section 303 shall be prepared in accordance with generally accepted accounting principles.

However, the Inspector General may, in respect of the financial statements he indicates and where the Inspector General considers it expedient, prescribe accounting standards that include particular requirements or requirements different from those applicable according to generally accepted accounting principles."

5. Section 364 of the said Act is amended by striking out paragraph 11.

6. Section 438 of the said Act is amended by inserting the following paragraph after the first paragraph:

"The Inspector General may, in respect of the financial statements he indicates and where the Inspector General considers it expedient, prescribe accounting standards that include particular requirements or requirements different from those applicable according to generally accepted accounting principles."

7. The said Act is amended by inserting the following section after section 481:

"481.1. The financial statements of a confederation shall be prepared in accordance with generally accepted accounting principles.

However, the Inspector General may, in respect of the financial statements he indicates and where the Inspector General considers it expedient, prescribe accounting standards that include particular requirements or requirements different from those applicable according to generally accepted accounting principles."

8. Section 516 of the said Act is amended by inserting the following paragraph after paragraph 5.1:

"(5.2) determine, for the purposes of paragraph 8 of section 213, the cases where a credit union or federation may not acquire or transfer claims;".

9. Section 74 of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec (1989, chapter 113) is amended by adding ", subject to the accounting standards prescribed by the Inspector General under the second paragraph of section 303.1 of the Savings and Credit Unions Act" at the end of subparagraph 2 of the first paragraph.

10. This Act comes into force on 16 December 1999.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 90
(1999, chapter 75)

An Act to amend the Environment Quality Act and other legislation as regards the management of residual materials

Introduced 11 November 1999
Passage in principle 1 December 1999
Passage 15 December 1999
Assented to 16 December 1999

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EXPLANATORY NOTES

The object of this bill is to establish new rules to regulate the management of residual materials in Québec, by introducing amendments to the Environment Quality Act and other legislative provisions.

The bill defines the objectives of the new provisions that govern the reclamation and elimination of residual materials, and specifies the responsibilities of the Government and the Minister of the Environment as regards the development and implementation of a policy on residual materials management.

The bill establishes a regional planning process that will require each urban community and regional county municipality to adopt a residual materials management plan, taking public concerns into account. The plan, which must be consistent with government policy, will be implemented by local municipalities, and both the Government and the Minister will be bound by the provisions of each management plan.

The bill recognizes the right of urban communities and regional county municipalities to restrict or prohibit the disposal or incineration in their territory of residual materials originating outside the territory, provided certain conditions are observed.

The regulatory powers of the Government are strengthened to enhance control over the production and elimination of residual materials, and to place greater emphasis on reclamation. The bill specifies the conditions subject to which the Commission municipale du Québec may continue to control the rates charged for certain services relating to residual materials elimination.

Lastly, the bill includes certain transitional measures, including provisions concerning existing intermunicipal agreements on waste management and agreements entered into by municipal bodies for the supply of waste elimination services.

LEGISLATION AMENDED BY THIS BILL:

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);

– Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

– Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

– Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);

– Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001);

– Act to amend the Environment Quality Act and other legislative provisions (1994, chapter 41).

Bill 90

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT AND OTHER LEGISLATION AS REGARDS THE MANAGEMENT OF RESIDUAL MATERIALS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing paragraphs 11 and 12 by the following paragraph:

"(11) "residual materials": any residue resulting from a production, treatment or utilization process and any substance, material or product or, more generally, any object that is discarded or that the holder intends to discard;".

2. Section 2 of the said Act is amended by replacing "or waste and" in the fourth line of paragraph *e* by "or residual materials and".

3. Section 31 of the said Act is amended

(1) by replacing "waste materials" in paragraph *h.*1 by "residual materials";

(2) by striking out "59," in paragraph *n*.

4. Section 31.7 of the said Act is amended by replacing "54" by "55".

5. Section 31.12 of the said Act is amended by replacing "waste material" in the third line of paragraph 6 by "residual material".

6. Section 31.13 of the said Act is amended by replacing "waste" in paragraph 2.1 by "residual materials".

7. Section 31.15.2 of the said Act is amended

(1) by replacing "a management plan for the waste produced" in the first paragraph by "a residual materials management plan for the residual materials produced";

(2) by replacing "waste" wherever it occurs in the second and third paragraphs by "residual materials";

(3) by replacing "waste management", "each waste" and "the waste" in the fourth paragraph by "residual materials management", "each residual material" and "residual material", respectively.

8. Section 31.29 of the said Act is amended by replacing "waste" in subparagraph 1.3 of the first paragraph by "residual materials".

9. Section 31.34 of the said Act is amended by replacing ", subparagraphs *a*, *c* and *k* of the first paragraph of" in paragraph 4 by "and".

10. Section 31.52 of the said Act is amended by adding the following paragraphs after paragraph *d*:

"(*e*) prescribe conditions or prohibitions to apply to the contaminated soil burial sites determined by the Government after their closure, in particular with regard to site maintenance and supervision, prescribe the period of time during which the conditions and prohibitions are to apply, and determine who is to be responsible for their application;

"(*f*) require, as a condition for the operation of any contaminated soil burial site determined by the Government, that financial guarantees be set up as provided in section 56 for residual materials elimination facilities, and that section shall then apply, with the necessary modifications."

11. Section 46 of the said Act is amended by replacing "waste" in paragraph *j* by "residual materials".

12. The heading of Division VII of Chapter I of the said Act is amended by replacing "WASTE" by "RESIDUAL MATERIALS".

13. Division VII of Chapter I of the said Act is amended by inserting the following after the heading of the Division:

"§1. — *General provisions*

"53.1. For the purposes of this division,

"**elimination**" means any operation involving the final deposit or discharge of residual materials in or into the environment, in particular by dumping, storage or incineration, including operations involving the treatment or transfer of residual materials with a view to their elimination;

"**reclamation**" means any operation the purpose of which is to obtain usable substances or products, or energy, from residual materials through re-use, recycling, composting, regeneration or any other process that does not constitute elimination.

"53.2. The provisions of this division do not apply to gaseous substances, mine tailings, or soils containing contaminants in quantities or concentrations exceeding those fixed by regulation under paragraph *a* of section 31.52.

"53.3. The objects of this division are

(1) to prevent or reduce the production of residual materials, in particular having regard to the manufacturing and marketing of products;

(2) to promote the recovery and reclamation of residual materials;

(3) to reduce the volume of residual materials to be eliminated, and to ensure safe management of elimination facilities; and

(4) to ensure that product manufacturers and importers are conscious of the effects their products have on the environment and of the costs involved in recovering, reclaiming and eliminating the residual materials generated by their products.

"53.4. To further the achievement of the objects mentioned in section 53.3, the Minister shall propose a residual materials management policy to the Government. In addition to stating the principles upon which it is based, the policy may establish short, medium and long-term objectives for recovery and reclamation and for reduced levels of residual materials elimination, and establish strategies and measures to facilitate the attainment of the objectives within the stated times.

Before proposing a policy to the Government pursuant to this section, the Minister shall publish the policy in the *Gazette officielle du Québec*, together with a notice inviting all interested persons to make point of view known within the stated time.

Every policy adopted by the Government pursuant to this section shall be published in the *Gazette officielle du Québec*. The Minister is responsible for the application of the policy.

"53.5. Urban communities, regional county municipalities, local municipalities and all other municipal entities authorized to act in matters concerning residual materials management shall, when acting in connection with that management, perform the duties assigned to them by law in a manner that is conducive to the implementation of the government policy adopted pursuant to section 53.4.

"§2. — *Regional planning*

"53.6. The provisions of this subdivision do not apply to hazardous materials, except those of domestic origin.

The provisions of this subdivision do not apply to biomedical waste governed by a regulation made under section 70.

"53.7. Every urban community or regional county municipality must, within two years from (*insert here the date of coming into force of this subdivision*), establish a residual materials management plan. Where an application is made to the Minister before the sixth month preceding the expiry of that two-year period, the Minister may grant an extension of not more than one year for the establishment of the management plan.

Two or more regional county municipalities or urban communities may agree to establish a joint residual materials management plan. In such a case, the procedure for adopting a management plan prescribed by this subdivision shall continue to apply, with the necessary modifications, to each regional county municipality or urban community concerned, except that the commission established under section 53.13 may be a joint commission.

A local municipality may, with the consent of the urban community or regional county municipality of which it is a part, be excluded from the management plan of the urban community or regional county municipality and may, with its consent, be included in the management plan of another urban community or regional county municipality.

"53.8. The Communauté urbaine de Montréal is authorized to delegate to the Régie intermunicipale de gestion des déchets sur l'Île de Montréal the responsibilities incumbent upon it under this subdivision; the Régie is, in such a case, considered to be an urban community for the purposes of this subdivision.

Similarly, a regional county municipality is authorized to delegate to an intermunicipal board or to any other group formed by local municipalities the responsibility of preparing the draft management plan it is required to adopt under section 53.12. The delegation must be authorized by the Minister of the Environment.

"53.9. Each management plan must

(1) describe the territory to which it applies;

(2) identify the local municipalities covered by the plan and the intermunicipal residual materials management agreements that apply in all or part of the territory;

(3) list the organizations and enterprises in the territory that engage in residual materials recovery, reclamation or elimination;

(4) contain an inventory of residual materials produced in the territory, whether they are of domestic, industrial, commercial, institutional or other origin, and list them by type;

(5) contain a statement of policies and of objectives to be attained, which must be compatible with the government policy enacted pursuant to

section 53.4, that concern the recovery, reclamation and elimination of residual materials, and describe the services to be offered to attain the objectives;

(6) list any recovery, reclamation or elimination facilities existing in the territory and any new facilities required in order to attain the above objectives, and mention any possibility of using facilities located outside the territory;

(7) formulate a proposal for the implementation of the plan that encourages public participation and the cooperation of organizations and enterprises engaging in residual materials management;

(8) establish a budgetary forecast and a timetable for the implementation of the plan;

(9) establish a system to supervise and monitor the plan for the purpose of periodically verifying its application, in particular the degree to which the objectives fixed have been attained and the effectiveness of the implementation measures taken by the urban community, regional county municipality or local municipalities, as the case may be, covered by the plan.

Where an urban community or regional county municipality intends to restrict or prohibit the dumping or incineration in its territory of residual materials from outside the territory, it must state that intention in the plan and where a limit is set, indicate the quantities applicable to the residual materials concerned.

"53.10. In preparing a management plan, an urban community or regional county municipality must take into account the residual materials elimination capacity needs of any neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the plan.

"53.11. The management plan preparation process begins with a resolution passed for that purpose by the council of the urban community or regional county municipality, notice of which must be published in a newspaper circulated in the territory of the urban community or regional county municipality.

A copy of the resolution must also be sent to the Minister and to any neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the plan.

"53.12. Within 12 months after the plan preparation process has begun, the council of the urban community or regional county municipality must adopt a draft management plan by way of a resolution.

The resolution must state the time within which the draft plan is to be submitted for public consultation.

"53.13. The public consultation on the draft management plan shall be held by a commission established by the council of the urban community or regional county municipality and composed of not more than 10 members designated by the council, including at least one representative from the business sector, one representative from the organized labour sector, one representative from the social and community service sector, and one representative of environmental protection groups.

The commission must hold a public meeting in at least two local municipalities in the territory of the urban community or regional county municipality concerned within the time specified in the resolution referred to in section 53.12; the commission shall determine the date, time and place of each public meeting.

Subject to the provisions of this Act, the commission shall define its operating and consultation procedures.

"53.14. At least 45 days before the public meetings are to be held, a summary of the draft plan must be published in a newspaper circulated in the territory of the urban community or regional county municipality concerned, together with a notice stating the date, time and place of the public meetings and that the draft plan may be examined at the offices of each local municipality covered by the plan.

"53.15. At the public meetings, the commission shall ensure that the explanations necessary for a proper understanding of the draft plan are provided; it shall hear the persons, groups and bodies wishing to be heard.

After the public meetings, the commission shall make a report on the observations received from the public and the procedure for the public consultation, and send the report to the council of the urban community or regional county municipality. The report shall be made available to the public as soon as it is sent to the council.

"53.16. Following the public consultation, the draft plan, amended as the case may be to take into account the comments received, shall be sent to the Minister and to each neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the draft plan, together with the commission's report.

"53.17. The Minister may, within 60 days after receiving the draft plan, give an opinion to the urban community or regional county municipality on the compliance of the plan with the government policy adopted pursuant to section 53.4.

Where the draft management plan states that the urban community or regional county municipality intends to restrict or prohibit the dumping or incineration in its territory of residual materials from outside the territory, the Minister shall indicate whether, in the Minister's opinion, the restriction or

prohibition is likely to compromise public health or safety ; if that is the case, the Minister shall call on the parties concerned to collaborate and to reassess the residual materials elimination capacity needs of each neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the draft plan, so as to prevent adverse effects on public health or safety.

The Minister's opinion must also be sent to each neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the draft plan.

If the Minister fails to give an opinion within the time provided in the first paragraph, the draft plan is deemed to comply with government policy.

"53.18. On the expiry of the time provided in the first paragraph of section 53.17, the council of the urban community or regional county municipality shall, in accordance with the provisions of sections 201 to 203 of the Act respecting land use planning and development (chapter A-19.1), pass a by-law to adopt the management plan, with or without amendment.

A copy of the management plan shall be forwarded without delay to the Minister and to any neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the plan.

Notice of the adoption of the management plan shall be published in a newspaper circulated in the territory of the urban community or regional county municipality, together with a summary of the plan.

"53.19. The management plan shall come into force 120 days after the date on which it is sent to the Minister, subject to the following provisions.

"53.20. Where the Minister considers that the management plan does not comply with government policy, or that the provisions of the plan restricting or prohibiting the dumping or incineration in the territory of the urban community or regional county municipality of residual materials from outside the territory are likely to compromise public health or safety, a notice of refusal must be notified by the Minister to the urban community or regional county municipality concerned before the plan comes into force. The notice must also be sent to each neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the plan.

The notice of refusal must state the grounds for the refusal and indicate the amendments to be made and sent to the Minister within the time specified. If no opinion on the amendments is given by the Minister within 45 days of receiving them, the Minister's opinion is deemed to be favourable.

"53.21. If the urban community or regional county municipality has not amended its management plan within the time specified in the notice of refusal or within any additional time granted by the Minister, or if the latter gives an unfavourable opinion within that time on the amendments made to the plan, the Minister may exercise the regulatory powers in the place and instead of the urban community or regional county municipality in order to bring the management plan into compliance with government policy or to prevent adverse effects on public health or safety.

A regulation made by the Minister pursuant to the first paragraph is not subject to any preliminary formalities.

The regulation comes into force on the day of its publication in the *Gazette officielle du Québec* and has the same effect as a by-law passed by the urban community or regional county municipality. Notice of the coming into force of the regulation must be sent to the urban community or regional county municipality concerned and to any neighbouring urban community or regional county municipality, or urban community or regional county municipality served by an elimination facility located in the territory covered by the plan.

"53.22. No management plan in respect of which a notice of refusal has been issued by the Minister may come into force before

(1) the date of the expiry of the time available to the Minister under the second paragraph of section 53.20 to give an opinion on the amendments made by the urban community or regional county municipality to its management plan, provided the Minister has not given an unfavourable opinion on the amendments within that time; or

(2) the date of coming into force of a regulation made by the Minister pursuant to section 53.21.

A notice of the coming into force of a management plan referred to in the first paragraph must be published in a newspaper circulated in the territory of the urban community or regional county municipality concerned, together with a summary of the amendments made to the plan.

"53.23. The management plan may be amended at any time by the council of the urban community or regional county municipality.

The management plan must be revised every five years by the council.

The procedure provided for in sections 53.11 to 53.22 for the adoption of the management plan applies, with the necessary modifications, to any amendment to or revision of the plan, except that if the general scheme of the plan is not affected by the amendment or revision, the amended or revised plan need not be submitted for public consultation.

"53.24. The management plan in force in the territory of an urban community or regional county municipality is binding on the local municipalities covered by the plan.

Every local municipality bound by the management plan shall take the necessary measures to implement the plan in its territory.

The local municipality is also required to bring its regulation into compliance with the provisions of the plan within 12 months of the date on which the plan comes into force.

"53.25. From the date of coming into force of a management plan or of an amendment to a plan that contains a restriction or prohibition referred to in the second paragraph of section 53.9, the council of the urban community or regional county municipality concerned may, in accordance with the provisions of sections 201 to 203 of the Act respecting land use planning and development, pass a by-law to restrict or prohibit, to the extent specified in the plan, the dumping or incineration in its territory of residual materials from outside its territory.

A by-law passed under the first paragraph may not, however, apply to an elimination facility established before the date of coming into force of the plan or amendment, up to the authorized elimination capacity on that date. In addition, the by-law does not apply to an elimination facility that belongs to a business and is used exclusively to eliminate the residual materials produced by the business.

A by-law passed under the first paragraph may not apply to residual materials produced by pulp and paper mills.

"53.26. An urban community or regional county municipality may, in order to obtain the information it considers necessary to establish or revise its management plan, require every local municipality covered by the plan and every person whose domicile, enterprise or place of business is situated in its territory, to provide information on the origin, nature, quantity, destination and mode of recovery, reclamation or elimination of the residual materials that are generated, delivered to a third person or taken in charge by the local municipality or person.

"53.27. The powers of authorization granted by this Act to the Government or to the Minister of the Environment must, where they concern the establishment, extension or alteration of a recovery, reclamation or elimination facility for residual materials, be exercised having regard to the provisions of any management plan in force in the territory of the urban community or regional county municipality concerned.

"§3. — *Reduction in the production of residual materials*

"53.28. The Government may, by regulation, determine the conditions or prohibitions applicable to the manufacture of the containers, packaging,

packaging materials, printed matter or other products it designates with a view to reducing the quantity of residual materials to be eliminated or to facilitate reclamation of residual materials. The regulations may, in particular,

(1) fix the minimum proportion of recovered materials or elements to be used in the manufacture of the designated containers, packaging, packaging materials, printed matter or other products;

(2) prohibit certain materials or certain mixtures or associations with other materials or elements in the manufacture of the designated containers, packaging, packaging materials, printed matter or other products;

(3) regulate the composition, form, volume, size and weight of the designated containers or packaging, among other things for the purposes of standardization;

(4) regulate the labelling or the marking of the designated containers, packaging, printed matter or other products, among other things to prescribe or prohibit the use on them of terms, logos, symbols or other representations intended to inform users of the advantages or disadvantages that the container, packaging, printed matter or other product entails for the environment.

"53.29. No one may, as part of a commercial operation, offer for sale, sell, distribute or otherwise place at the disposal of users

(1) any containers, packaging, packaging materials, printed matter or other products that do not satisfy the regulatory standards prescribed under section 53.28;

(2) any products that are in containers or packaging not in conformity with the above-mentioned standards.

"§4. — *Recovery and reclamation of residual materials*

"53.30. The Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec. The regulations may, in particular,

(1) classify recoverable and reclaimable residual materials;

(2) prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

(3) require any municipality to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials, on the conditions fixed;

(4) determine the conditions or prohibitions applicable to the establishment, operation and closure of any recovery or reclamation facility, in particular composting and storage facilities, including facilities where sorting and transfer

operations are carried out and determine the conditions or prohibitions to apply after the closure;

(5) determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation. For that purpose, the regulations may make the standards fixed by a certifying or standards body mandatory, and provide that in such a case, the references to the standards will include such amendments as may be made to the standards from time to time;

(6) require any class of establishment, in particular industrial and commercial establishments, which manufacture, market or otherwise distribute containers, packaging or packaging materials, printed matter or other products, which market products in containers or packaging acquired for that purpose, or, more generally, whose activities generate residual materials,

(*a*) to carry out studies, on the conditions fixed, on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on their environmental impacts or on measures capable of mitigating or eliminating those impacts;

(*b*) to develop, implement and contribute financially to, on the conditions fixed, programs or measures to reduce, recover or reclaim residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities;

(*c*) to keep registers and furnish to the Minister, on the conditions fixed, reports on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on the residual materials generated by their activities, and on the results obtained in terms of reduction, recovery or reclamation;

(7) exempt from all or any of the requirements prescribed pursuant to paragraph 6 any person that is a member of an organization

(*a*) the function or one of the functions of which is to implement or to contribute financially towards the implementation of a system to recover or reclaim residual materials in accordance with the conditions determined by agreement between the organization and the Minister; and

(*b*) the name of which appears on a list drawn up by the Minister and published in the *Gazette officielle du Québec*;

(8) prescribe, in the cases and on the conditions it determines, any consignment system applicable to containers, packaging, materials or products;

(9) fix a deposit payable on the purchase of any reclaimable container, packaging, material or product which is refundable on return, either in full or, according to the provisions of paragraph 10, in part only;

(10) determine the proportion of the deposit paid pursuant to paragraph 9 that constitutes the charge payable for the management, promotion or development of reclamation and that will not be refundable on return;

(11) designate the classes of persons required to collect and refund, in the cases and on the conditions it determines, the deposits prescribed under paragraph 8;

(12) determine the indemnities payable to compensate for management costs, in particular for the handling and storage of containers, packaging, materials or products following their return, as well as the categories of persons who are entitled to receive indemnities, the categories of persons who are required to pay indemnities and the conditions for payment and, where applicable, for reimbursement;

(13) make the recovery of any returnable container, packaging, material or product subject to the making with the Minister or the Société québécoise de récupération et de recyclage of an agreement establishing the conditions governing recovery and the territory in which recovery may be carried out.

The provisions of any agreement entered into under subparagraph 7 of the first paragraph must allow recovery and reclamation levels to meet or exceed the levels that would be achieved through the application of the regulatory standards. The provisions of the agreement are public information.

"53.31. Every person or municipality must, on the conditions fixed by the Minister, provide the Minister with all information requested concerning the origin, nature, characteristics, quantities, destination and mode of recovery or reclamation of the residual materials that are generated, delivered to a third person or taken in charge by the person or municipality.

"§5. — *Elimination of residual materials*".

14. Sections 54 to 59 of the said Act are replaced by the following sections:

"54. The provisions of this subdivision, other than section 65, do not apply to hazardous materials.

"55. No residual materials elimination facility may be established or altered without the authorization of the Minister required pursuant to section 22, except where the facility must also have the authorization of the Government under Division IV.1 of Chapter I as regards environmental assessment.

"56. No residual materials elimination facility determined by regulation of the Government may be operated without the operator having set up financial guarantees in the form of a social trust, on the conditions prescribed by the regulation, for the purpose of covering, after the facility is closed, the costs incurred by

(1) the application of the regulatory standards, in particular the standards relating to the maintenance and supervision of the facility, and the application of any conditions to which an authorization is subject;

(2) an intervention authorized by the Minister to remedy a situation arising out of non-compliance with the standards or conditions, or in the case of a contamination of the environment, resulting from an accident or the presence of the facility.

The provisions of a regulation made by the Government may, in particular,

(1) fix the sums to be paid into the trust patrimony by the operator, or the method and parameters to be used in calculating such sums, and the conditions for their payment;

(2) authorize the Minister to verify the application of the regulatory provisions made under subparagraph 1 and to require an operator to communicate the information necessary for the verification, and to adjust the amounts paid by the operator where an assessment made by an outside expert shows that an adjustment is needed to ensure the fulfilment of the trust;

(3) determine the classes of persons qualified to act as trustee;

(4) prescribe the conditions applicable to the setting up and administration of the trust, its modification, control and termination, in particular with respect to the allocation of any sum remaining on termination of the trust;

(5) determine the conditions in which the Minister may authorize the payment of sums under the trust, without prejudice to any court decision the effect of which is to authorize such a payment.

"57. The operator of a residual materials elimination facility determined by regulation of the Government is required to establish a committee to oversee and monitor the operation, closure and post-closure management of the facility.

The regulation shall determine the conditions applicable to the establishment, operation and financing of the committee, in particular the information or documents to be furnished to the committee by the operator, the conditions of access to the facility and its equipment, and the obligations of the committee members, especially as regards public information.

"58. Where the Minister ascertains that an elimination facility has not been established or is not being operated in compliance with the provisions of this Act, the regulations or the certificate of authorization, or that the provisions applicable at the time the facility is closed or thereafter are not being complied with, the Minister may order the operator or any other person or municipality required to oversee the application of the provisions to take any remedial measures the Minister may indicate.''

15. Section 60 of the said Act is amended by replacing "require, on the conditions he determines, a municipality to establish, alter, extend or terminate a waste management system or part of it" by "require a municipality, on the conditions the Minister determines, to establish or alter a residual materials elimination facility or to close it''.

16. Section 61 of the said Act is amended

(1) by replacing "system of waste management or part of it'' in the third line of the first paragraph by "residual materials elimination facility'';

(2) by replacing "included in a waste management system'' in the fifth and sixth lines of that paragraph by "necessary for the elimination of residual materials''.

17. Section 64 of the said Act is repealed.

18. Section 64.1 of the said Act is replaced by the following section:

"64.1. A regulation of the Government shall determine the residual materials elimination facilities that are subject to the provisions of sections 64.2 to 64.12."

19. Section 64.2 of the said Act is amended by replacing "waste elimination site" by "residual materials elimination facility".

20. Section 64.3 of the said Act is amended

(1) by replacing "forty-five" in the second line of the first paragraph by "90" and by striking out "daily" in the second and fourth lines of that paragraph;

(2) by adding the following sentence at the end of the second paragraph: "No change may, however, come into force until 1 January of the year following the year during which the 90-day time period for publication expires.";

(3) by adding the following paragraph at the end:

"In addition, as soon as the tariff or any change therein is published, the operator must send a copy of the tariff or change to the Minister, to the regional county municipality or urban community in whose territory the operator's facility is situated, to every local municipality in that territory and to any person or municipality bound by contract to use the operator's services."

21. Section 64.8 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"64.8. The Commission shall render its decision on the application referred to in section 64.5 on the basis of the following criteria in particular,

(1) the investments made by the operator to equip and operate the elimination facility, to take the corrective measures required to ensure compliance with the applicable standards or to implement a new technology designed to ensure increased environmental protection;

(2) the costs connected with the gradual closure of residual materials deposit sites, the setting up of financial guarantees for the post-closure management of the facility, the supervision and environmental monitoring program and the financing of the committee established under section 57;

(3) the quantities of residual materials that will be eliminated during the reference years;

(4) the revenue generated by the sale of by-products from the operation of the elimination facility, such as biogas.

The decision of the Commission must be rendered not later than 120 days after the expiry of the time provided in the first paragraph of section 64.5."

22. Section 64.11 of the said Act is amended by replacing "waste elimination site" by "residual materials elimination facility".

23. Section 64.12 of the said Act is amended

(1) by replacing the word "waste" in paragraph 1 by "residual materials";

(2) by replacing "waste", wherever it occurs in paragraph 2, by "residual materials".

24. Section 64.13 of the said Act is amended by replacing "waste", wherever it occurs, by "residual materials".

25. Section 65 of the said Act is amended by replacing "waste", wherever it occurs, by "residual materials" and by striking out "or hazardous materials".

26. Section 66 of the said Act is replaced by the following section:

"66. No one may deposit or discharge residual materials or allow residual materials to be deposited or discharged at a place other than a site at which the storage, treatment or elimination of residual materials is authorized by the Minister or the Government pursuant to the provisions of this Act and the regulations.

Where residual materials have been deposited or discharged at a place other than an authorized site, the owner, the lessee or any other person in charge of the place must take the necessary measures to ensure that the residual materials are stored, treated or eliminated at an authorized site.''

27. Section 68.1 of the said Act is replaced by the following section:

"68.1. Every person or municipality must, on the conditions fixed by the Minister, provide the Minister with all information requested concerning the origin, nature, characteristics, quantities, destination and mode of elimination of the residual materials that are generated, delivered to a third person or taken in charge by the person or municipality.''

28. Section 69 of the said Act is repealed.

29. Section 70 of the said Act is replaced by the following section:

"70. The Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec. The regulations may, in particular,

(1) classify residual materials elimination facilities and residual materials, and exempt certain classes from the application of all or certain of the provisions of this Act and the regulations;

(2) prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

(3) fix the maximum number of residual materials elimination facilities that may be established in any part of the territory of Québec;

(4) prohibit the establishment, in any part of the territory of Québec, of residual materials elimination facilities or certain residual materials elimination facilities;

(5) determine the conditions or prohibitions applicable to the establishment, operation and closure of any residual materials elimination facility, in particular incinerators, landfills and treatment, storage and transfer facilities;

(6) prescribe the conditions or prohibitions applicable to residual materials elimination facilities after they are closed, including the conditions or prohibitions relating to maintenance and supervision, prescribe the period of time during which the conditions or prohibitions are to be applied and determine who will be required to ensure that they are applied;

(7) authorize the Minister to determine, for the classes of residual materials elimination facilities specified in the regulation, the parameters to be measured and the substances to be analyzed on the basis of the composition of the residual materials received for elimination, and to fix the limits to be respected for such parameters or substances. The limits may be in addition to, or substituted for, the limits fixed by regulation;

(8) determine the conditions or prohibitions applicable to the transportation of designated classes of residual materials."

30. Section 70.19 of the said Act is amended by inserting the following subparagraph after subparagraph 16 of the first paragraph:

"(16.1) require, as a condition for the operation of any hazardous materials elimination facility, that financial guarantees be set up as provided in section 56 for residual materials elimination facilities, and that section shall then apply, with the necessary modifications;".

31. Section 95.7 of the said Act is amended by replacing "54" by "55".

32. Section 96 of the said Act is amended

(1) by replacing "57, 59" in the first paragraph by "58";

(2) by striking out "fixes the term of the renewal of a permit under section 55 at less than five years," in the second paragraph.

33. Section 104 of the said Act is amended

(1) by replacing ", water treatment or waste management system or any part of it'' in subparagraph *b* of the first paragraph by "or water treatment system or any residual materials recovery, reclamation or elimination facility";

(2) by replacing "waste management or water treatment system'' in subparagraph *c* of the first paragraph by "water treatment system or residual materials recovery, reclamation or elimination facility''.

34. Section 118.5 of the said Act is amended

(1) by striking out "54," in subparagraph *a* of the first paragraph;

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

"(*p*) all agreements made under subparagraph 7 of the first paragraph of section 53.30 for the implementation or financing of a system to recover or reclaim residual materials."

35. Section 122.3 of the said Act is amended by replacing the last sentence by the following sentence: "They also apply in the cases provided for in section 32.8, without, however, restricting the application of that section.''

36. Schedule A to the said Act is amended by replacing "solid waste" in paragraph *l* by "residual materials, except mine tailings and hazardous materials".

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

37. Article 678 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph:

"The regional county municipality shall also exercise the competence conferred on it by sections 53.7 to 53.27 of the Environment Quality Act in connection with the management of residual materials."

38. Section 84.1 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by adding the following paragraph after paragraph 2:

"(3) the Environment Quality Act (chapter Q-2)."

39. Section 121.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by adding the following paragraph after paragraph 2:

"(3) the management of residual materials under the Environment Quality Act (chapter Q-2)."

40. Section 94.1 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by adding, after paragraph 2, the following paragraph:

"(3) the Environment Quality Act (chapter Q-2)."

41. Section 20 of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01) is amended by replacing "subparagraph *i*, *j*, *j*.0.1, *j*.1 or *j*.2 of the first paragraph of section 70" in the first paragraph by "section 53.30".

42. The Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001) is amended by replacing "70'' in the sixth line of section 3 and in the fourth line of section 4 by "53.30''.

43. For the purposes of sections 44 to 50, "new section" and "former section" mean, respectively, the section as enacted by this Act and the section as it read before being replaced by this Act.

44. Notwithstanding the repeal of former section 54 of the Environment Quality Act, certificates of conformity issued under that section before the date of coming into force of section 14 of this Act retain their effects until amended or replaced pursuant to section 22 of the Environment Quality Act, subject to any regulatory provision enacted by the Government.

45. New section 55 of the Environment Quality Act, enacted by section 13, applies to every application for a certificate made under former section 54 of that Act and pending on the date of coming into force of new section 55.

46. Orders made pursuant to former sections 57 and 59 of the Environment Quality Act, and any decision made under those sections, continue to have effect.

47. Except where it provides greater environmental protection, a standard established in a certificate of authorization pursuant to section 3 of the Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1) ceases to have effect on the date on which the sanitary landfill site or dry materials disposal site to which the certificate applies becomes governed by a standard relating to the same matter prescribed under new section 70 of the Environment Quality Act.

48. The Government may, by regulation, notwithstanding any inconsistent provision of a certificate of conformity, certificate of authorization or permit issued under the Environment Quality Act, reduce on the conditions it determines the total or annual storage or disposal capacity, as the case may be, and the period of operation of

(1) any used tire storage site to which the Regulation respecting used tire storage, made by Order in Council 29-92 (1992, G.O. 2, 485), applies, and that exists at the time this section comes into force;

(2) any dry materials disposal site or in-trench disposal site for solid waste to which the Regulation respecting solid waste (R.R.Q., 1981, chapter Q-2, r.14) applies, and that exists at the time this section comes into force.

49. When making a regulation under new section 56 of the Environment Quality Act, the Government may, notwithstanding any contrary stipulation in the constituting act of a trust, make any provision of the regulation applicable to a trust established pursuant to an order made before the coming into force of this section that authorizes the establishment or extension of a sanitary landfill or dry materials disposal site.

50. In every statute and statutory instrument made thereunder, any reference to former sections 54, 55 or 69, or to subparagraphs *i*, *j*, *j*.0.1 and *j*.1 of the first paragraph of former section 70 of the Environment Quality Act, becomes a reference, respectively, to new sections 55 and 53.29 and to new paragraphs 8, 9, 10 and 11 of section 53.30 of that Act.

Similarly, any reference to another subparagraph of the first paragraph of former section 70 becomes a reference to the corresponding paragraph of section 53.30 or of new section 70 of that Act.

51. Notwithstanding the provisions of section 53.24, every intermunicipal residual materials management agreement entered into before the date of coming into force of this section continues to have effect until its date of expiry, excepting any renewal.

52. Notwithstanding any inconsistent provision of a general or special Act, no agreement relating to residual materials elimination services entered into by a municipal body on or after 11 November 1999 may exceed five years.

The first paragraph also applies to any draft agreement agreed to by a municipal body before that date which, on that date, had yet to be authorized by the Minister of Municipal Affairs and Greater Montréal as required by law.

For the purposes of this section, "municipal body" means any local municipality, regional county municipality, urban community, intermunicipal board, mixed enterprise company established under the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41), and any body whose board of directors is composed, in the majority, of the members of municipal councils.

The time limit prescribed by the first paragraph ceases to apply to a municipal body from the date of coming into force of a residual materials management plan binding each local municipality covered by an agreement referred to in the first paragraph entered into by the municipal body.

53. The *Québec Action Plan for Waste Management, 1998-2008*, released in 1998 by the Minister of the Environment, together with any amendments made thereto to ensure compliance with the provisions of this Act, shall constitute the Government's policy on residual materials management for the purposes of section 53.4 of the Environment Quality Act, enacted by section 13.

Once published in the *Gazette officielle du Québec*, the policy is deemed to satisfy the requirements of the said section 53.4 and shall remain in force until amended or replaced in accordance with the provisions of that section.

54. Sections 1 to 19 and 22 to 34 of the Act to amend the Environment Quality Act and other legislative provisions (1994, chapter 41) are repealed; section 20 of that Act will take effect on the date of coming into force of this section.

55. The provisions of this Act come into force on the date or dates to be fixed by the Government.

However, before fixing the date of coming into force of subdivision 2 of Division VII of Chapter I of the Environment Quality Act, enacted by section 13 of this Act, the Government shall consult the Union des municipalités du Québec and the Fédération québécoise des municipalités.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 92
(1999, chapter 77)

An Act respecting the Ministère des Finances

Introduced 11 November 1999
Passage in principle 18 November 1999
Passage 14 December 1999
Assented to 16 December 1999

Québec Official Publisher
1999

EXPLANATORY NOTES

This bill enacts the Act respecting the Ministère des Finances.

The bill defines the mission of the Minister of Finance which consists in promoting economic growth and advising the Government on financial matters. The Minister will be responsible for developing policies on economic, tax, budgetary and financial matters and for proposing them to the Government. The mission of the Minister of Finance will include the preparation of financial assistance and fiscal incentive measures which the Minister is also to propose to the Government.

The bill provides for the appointment and defines the functions of a Comptroller of Finance at the Ministère des Finances.

The bill maintains the legislative provisions in the current Financial Administration Act that relate to the financing fund.

Lastly, the bill contains amending and consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

– Deposit Act (R.S.Q., chapter D-5);

– Act to foster the development of manpower training (R.S.Q., chapter D-7.1);

– Forest Act (R.S.Q., chapter F-4.1);

– Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);

– Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17);

– Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);

– Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);

– Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

– Act respecting family benefits (R.S.Q., chapter P-19.1);

– Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1);

– Act respecting subsidies for the payment in capital and interest of loans of public or municipal bodies (R.S.Q., chapter S-37.01);

– Act respecting assistance and compensation for victims of crime (1993, chapter 54).

Bill 92

AN ACT RESPECTING THE MINISTÈRE DES FINANCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RESPONSIBILITIES OF THE MINISTER

1. The Ministère des Finances shall be under the direction of the Minister of Finance appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The mission of the Minister is to promote economic development and to advise the Government on financial matters. To that end, the Minister shall develop economic, fiscal, budgetary and financial policies and propose them to the Government.

3. In order to promote and support economic growth, the growth of investment and the creation of employment opportunities, the Minister shall develop and propose to the Government financial assistance and fiscal incentive measures.

4. The functions of the Minister are, more specifically, to

(1) prepare and table in the National Assembly the Budget Speech setting out the economic, fiscal, budgetary and financial policies of the Government;

(2) establish and propose to the Government the overall expenditure level;

(3) make policy proposals to the Government on revenue matters, and advise the Government on its investments;

(4) monitor, control and manage all matters related to State finances not assigned to another authority;

(5) manage the consolidated revenue fund and the public debt;

(6) cause the public accounts and the other financial reports of the Government to be prepared;

(7) in cooperation with the chair of the Conseil du trésor, develop policies and guidelines applicable to capital expenditures and establish the level of financial commitments involved in the renewal of collective agreements;

(8) develop and propose to the Conseil du trésor the accounting policies to be used by the departments and bodies, the rules applicable to payments made out of the consolidated revenue fund and the rules governing the collection and management of State revenue.

5. The Minister shall also exercise any other function assigned to the Minister by the Government.

CHAPTER II

DEPARTMENTAL ORGANIZATION

6. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of Finance.

7. Under the direction of the Minister, the Deputy Minister shall administer the department.

The Deputy Minister shall, in addition, exercise any other function assigned by the Government or by the Minister.

8. In the exercise of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

9. The Deputy Minister may, in writing and to the extent indicated, delegate the exercise of deputy-ministerial functions under this Act to a public servant or the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions indicated, and in that case shall specify the public servant or holder of a position to whom the functions may be subdelegated.

10. The personnel of the department shall consist of the public servants required for the exercise of the functions of the Minister; they shall be appointed in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants to the extent that they are not determined by law or by the Government.

11. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

Subject to the other provisions of this Act or any other Act, a deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only to the extent determined by the Government.

12. The Government may, subject to the conditions it determines, allow that a signature be affixed by an automatic device or by electronic means.

The Government may also allow, on the conditions it determines, that a facsimile of such a signature be engraved, lithographed or printed. Except in the cases prescribed by the Government, the facsimile signature must be authenticated by the countersignature of a person authorized by the Minister.

13. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in section 11 or authorized by the Minister, is authentic.

14. An intelligible transcription of a decision or other data stored by the department on a computer or by any other means is a document of the department and is proof of its contents where certified true by a person authorized by the Minister.

15. The Minister may enter into agreements, as provided by law, with a government other than the Government of Québec, with a department or body of that government, or with an international organization or one of its agencies.

The Minister may also enter into agreements with a government department or body or with any other person in a field under the Minister's jurisdiction.

16. The Minister shall table a report in the National Assembly on the activities of the department within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

COMPTROLLER OF FINANCE

17. A Comptroller of Finance and a Deputy Comptroller of Finance shall be appointed at the Ministère des Finances in accordance with the Public Service Act.

18. The Comptroller of Finance shall be responsible for government accounting and for the integrity of the Government's accounting system. In addition, the Comptroller shall see that the financial data recorded in the accounting system is accurate and ensure compliance with the Government's accounting standards, principles and policies.

19. The functions of the Comptroller of Finance shall include the preparation, for the Minister, of the public accounts and other financial reports of the Government.

20. The Comptroller of Finance shall carry out any mandate assigned to the Comptroller by the Minister or the Government.

21. The Comptroller of Finance may provide advisory, support and training services to government departments, bodies and enterprises governed by the Financial Administration Act (*insert here the year and chapter number of Bill 94 of 1999*) on matters coming under the Comptroller's authority.

22. The Comptroller of Finance may require such information relating to the financial operations and business of the government departments, bodies and enterprises as is necessary for the carrying out of the Comptroller's functions or mandates, and may require that any book, register, account, record or other document relating thereto be produced.

The Comptroller of Finance may make copies of any document containing such information and may require the production of any report considered necessary.

Every person having custody, possession or control of the documents shall, on request, give access thereto to the Comptroller of Finance and facilitate the Comptroller's examination of the documents.

23. The Comptroller of Finance may, in writing and to the extent indicated, delegate the exercise of the functions of Comptroller of Finance to a public servant or to the holder of a position.

CHAPTER IV

FINANCING FUND

24. A fund, to be known as the "financing fund", is hereby established at the Ministère des Finances for the financing of the following bodies, enterprises and special funds:

(1) a general and vocational college governed by the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(2) the Conseil scolaire de l'île de Montréal or a school board governed by the Education Act (R.S.Q., chapter I-13.3), or a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(3) a university establishment governed by the University Investments Act (R.S.Q., chapter I-17);

(4) a public institution governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2), or a regional board established under that Act;

(5) a public institution governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), or a regional council established under that Act;

(6) any body or enterprise of the Government whose borrowings may, by law, be guaranteed by the Government;

(7) any body whose constituting Act provides that its borrowings may be authorized by the Government or a minister, where such borrowing is repaid in whole in the case of a municipality or other municipal body, or in whole or in part in other cases, by a subsidy granted for such purpose;

(8) any special fund or public body designated by the Government, except a municipality or other municipal body.

The Government shall determine the nature of the loans that may be granted, the criteria for fixing the rates of interest that may be charged on the loans and the nature of the costs that may be charged in computing interest rates or in computing the repayment of loans.

25. The fund shall also serve to finance the financial services provided to government departments, and to the bodies, enterprises and special funds mentioned in section 24.

The Government shall determine the nature of the financial services financed by the fund, the nature of the costs that may be charged to the fund, and the departments, enterprises, bodies and special funds that must, to the extent it indicates, apply to the fund for such financial services.

26. The Government shall fix the date on which the fund begins to operate and determine the fund's assets and liabilities.

27. The fund shall be made up of the following sums, exclusive of interest earned on bank balances:

(1) the sums collected for the financial services provided and the sums received as repayment of the principal of and interest on loans;

(2) the sums paid by the Minister out of appropriations granted for that purpose by Parliament;

(3) the advances paid by the Minister under section 30;

(4) the sums collected following the assignment of loans or following transactions effected pursuant to section 31 or 32.

28. The management of the sums making up the fund is entrusted to the Minister. Such sums shall be paid to the credit of the Minister and deposited with the financial institutions designated by the Minister.

The Minister shall keep the accounts for and record the financial commitments chargeable to the fund. The Minister shall also ensure that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

29. The Minister, as the manager of the fund, may grant loans, on the terms and conditions the Minister determines, to the bodies, enterprises and special funds referred to in section 24.

30. The Minister may, for any purpose consistent with section 25, make advances to the fund out of the consolidated revenue fund with the authorization of the Government and on the conditions it determines.

The Minister may also, for any purpose consistent with section 29, with the authorization of the Government and on the conditions it determines, make advances to the fund out of the consolidated revenue fund. The authorization of the Government shall specify the intervals at which the advances are to be paid into the fund and the costs reimbursable out of the advance or chargeable in computing the applicable rates of interest.

Where the sums advanced are borrowed under a borrowing plan, the Minister shall determine the amount of each advance and the time it is paid into the fund within the limits fixed in the order authorizing the advance made in the context of the borrowing plan.

Conversely, the Minister may make advances to the consolidated revenue fund, on a short-term basis and on the conditions determined by the Minister, out of any sums making up the fund that are not required for its operation.

Any advance made to a fund shall be repayable out of that fund.

31. The Minister may, for the purposes of securitization, assign loans granted under section 29. The Minister may make any commitment payable out of the fund, conclude any contract in that respect and continue to manage the loans for the benefit of the assignee.

32. The Minister may also, in managing the financing fund, perform a transaction referred to in section 16 of the Financial Administration Act between the financing fund and the consolidated revenue fund.

Sections 16 to 19 of the said Act apply to such a transaction, with the necessary modifications.

33. The Government shall establish a schedule of administrative, commitment and professional fees for the financial services offered to departments, bodies, enterprises and special funds.

34. The sums required for the following purposes are taken out of the fund:

(1) the granting of a loan pursuant to section 29;

(2) the payment of any expense incurred for the carrying out of the functions entrusted to the Minister by this chapter, including the payment of the

remuneration and expenses pertaining to employee benefits and other conditions of employment of the public servants assigned, in accordance with the Public Service Act, to activities related to the fund;

(3) the payment of any sum required for the performance of any obligation contracted by the Minister as the manager of the fund in respect of loans, assignments of loans or transactions under section 29, 31 or 32.

35. All surpluses accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

36. The provisions of sections 20, 21, 26 to 28, Chapter IV, Chapter VI and sections 88 and 89 of the Financial Administration Act (*insert here the year and chapter number of Bill 94 of 1999*) apply to the fund, with the necessary modifications.

37. The fiscal year of the fund ends on 31 March.

38. Notwithstanding any provision to the contrary, the Minister shall, in the event of a deficiency in the consolidated revenue fund, pay out of the financing fund the sums required for the execution of a judgment against the State that has become *res judicata.*

CHAPTER V

AMENDING AND FINAL PROVISIONS

39. Section 7 of the Deposit Act (R.S.Q., chapter D-5) is amended by striking out "without interest" in the first paragraph.

40. The said Act is amended by inserting the following section after section 7:

"7.1. The Government may fix a tariff of fees and duties payable for deposits, payments or reimbursements made under this Act or any other Act. The tariff may prescribe fees and duties that vary according to whether they are payable for the deposit of a sum of money, a security or a suretyship and determine the persons, departments and bodies that are exempted from payment of the fees and duties. The Government may also establish the conditions and terms governing payment of the fees and duties.

The Government may, in addition, fix the rate of interest payable on deposits, to the extent and subject to the conditions it determines. The interest shall be paid out of the consolidated revenue fund."

41. The said Act is amended by inserting the following section after section 27.1:

"27.2. The provisions of section 27.1 apply, with the necessary modifications, to money transferred to the Minister from an inactive account pursuant to section 245 of the Savings and Credit Unions Act (chapter C-4.1).

The right to recover such amounts, with interest computed from 1 July 1999, is exercisable against the Minister."

42. Section 36 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1) is amended by replacing "section 69.1 of the Financial Administration Act (chapter A-6)" by "the Act respecting the Ministère des Finances (1999, chapter 77)."

43. Section 170.5.2 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

44. Section 63 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

45. Section 17.5 of the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17) is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

46. Section 26 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" in subparagraph 3 of the first paragraph by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

47. Section 29 of the said Act is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" by "established under the Act respecting the Ministère des Finances".

48. Section 30 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1) is amended by replacing "or section 69.6 of the Financial Administration Act (chapter A-6)" in subparagraph 3 of the second paragraph by "or section 29 of the Act respecting the Ministère des Finances (1999, chapter 77)".

49. Section 35.3 of the said Act is amended by replacing "or section 69.6 of the Financial Administration Act (chapter A-6)" in subparagraph 2 of the first paragraph by "or section 29 of the Act respecting the Ministère des Finances".

50. Section 97.5 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

51. Section 35 of the Act respecting family benefits (R.S.Q., chapter P-19.1) is amended by replacing "of the Ministère des Finances established under section 69.1 of the Financial Administration Act (chapter A-6)" in the first paragraph by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

52. Section 16.1 of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) is amended by replacing "established under section 69.1 of the Financial Administration Act (chapter A-6)" in the first paragraph by "established under the Act respecting the Ministère des Finances (1999, chapter 77)".

53. Section 1 of the Act respecting subsidies for the payment in capital and interest of loans of public or municipal bodies (R.S.Q., chapter S-37.01) is amended by replacing "listed in subparagraphs 1 to 4 of the first paragraph of section 69.6 of the Financial Administration Act (chapter A-6)" by "listed in subparagraphs 1 to 5 of the first paragraph of section 24 of the Act respecting the Ministère des Finances (1999, chapter 77)".

54. Section 171 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54) is amended by replacing "69.6 of the Financial Administration Act" in paragraph 6 by "29 of the Act respecting the Ministère des Finances (1999, chapter 77)".

55. Any regulation made under section 8 of the Financial Administration Act (R.S.Q., chapter A-6) as it read on (*insert here the date preceding the date of coming into force of section 11 of this Act*) shall retain its effects as if it had been adopted under section 11 of this Act.

56. Section 41 has effect from 1 July 1999.

57. The provisions of this Act come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 96
(1999, chapter 78)

An Act to amend the Act respecting farm income stabilization insurance

Introduced 30 November 1999
Passage in principle 10 December 1999
Passage 15 December 1999
Assented to 16 December 1999

Québec Official Publisher
1999

EXPLANATORY NOTES

This bill amends the Act respecting farm income stabilization insurance to allow the Government to amend the Farm Income Stabilization Insurance Scheme for the insurance year 1999-2000, in respect of "Piglets" and "Hogs", as regards the conditions of participation and items to be considered in computing annual receipts, net annual income and stabilized net annual income.

The amendments apply in respect of stabilization insurance contracts in force on 1 April 1999 as well as contracts entered into subsequently.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting farm income stabilization insurance (R.S.Q., chapter A-31).

Bill 96

AN ACT TO AMEND THE ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting farm income stabilization insurance (R.S.Q., chapter A-31) is amended by inserting the following section after section 45:

"45.1. The Government may, with effect from 1 April 1999, amend the Farm Income Stabilization Insurance Scheme made by Order in Council 1670-97 dated 17 December 1997 (1997, G.O. 2, 6293), for the "Piglets" and "Hogs" products, in accordance with the powers conferred on the Government by sections 2 and 6.

Such an amendment applies in respect of stabilization insurance contracts in force on 1 April 1999 and in respect of contracts entered into subsequently.

However, the Government may amend the scheme on the conditions set out in the first paragraph only during the insurance year 1999-2000."

2. This Act comes into force on 16 December 1999.

Regulations and other acts

Gouvernement du Québec

O.C. 21-2000, 12 January 2000

Forest Act
(R.S.Q., c. F-4.1)

Forest royalties
— Amendments

Regulation to amend the Regulation respecting forest royalties

WHEREAS under the first paragraph of section 5 of the Forest Act (R.S.Q., c. F-4.1), no one may hold a forest management permit unless he pays the dues prescribed by the Minister;

WHEREAS under the second paragraph of that section the Minister shall prescribe the dues according to the unit rate applicable to the species or groups of species and to the quality of timber the harvest of which is authorized by the permit or, where such is the case, according to the unit rate applicable per surface unit in the forest area covered by the permit;

WHEREAS under paragraph 1 of section 172 of the Forest Act, the Government may, by regulation, determine, for each species, group of species and quality of timber, the unit rate or the rules of calculation of the unit rate at which the Minister is to determine, for any class of forest management permit, the dues payable by the permit holder;

WHEREAS under paragraph 2 of section 172 of the Act, the Government may, by regulation, establish forest tariffing zones for the establishment of the unit rates at which the amounts of dues are to be determined by the Minister and, under the fourth paragraph of section 5 of the Act, unit rates may vary according to forest tariffing zones;

WHEREAS under paragraph 3 of section 172 of the Act, the Government may, by regulation, establish rules for calculating the value of silvicultural treatments and other forest management activities as well as 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 dues referred to in the fourth paragraph of section 73.1;

WHEREAS under paragraph 9 of section 172 of the Act, the Government may, by regulation, prescribe a schedule for the payment of the dues payable under that Act;

WHEREAS the Government made the Regulation respecting forest royalties by Order in Council 372-87 dated 18 March 1987;

WHEREAS it is expedient to further amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 October 1999, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting forest royalties, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting forest royalties*

Forest Act
(R.S.Q., c. F-4.1, ss. 5 and 172, pars. 1, 2, 3 and 9)

1. Section 1 of the Regulation respecting forest royalties is amended:

(1) by substituting “One hundred and sixty-one” for “Sixty-five” in the first paragraph; and

* The Regulation respecting forest royalties, made by Order in Council 372-87 dated 18 March 1987 (1987, *G.O.* 2, 1099), was last amended by the Regulation made by Order in Council 52-99 dated 27 January 1999 (1999, *G.O.* 2, 109). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

(2) by substituting "on the maps" for "in the map" in the second paragraph.

2. Section 3 is amended by inserting the following after the first paragraph:

"Costs related to management planning such as research of areas to be treated and inventories, costs related to monitoring, costs related to repair of road infrastructures providing access to the work sites, as well as any other cost not directly incurred for the carrying out of silvicultural treatments or other forest management activities, shall not be considered as part of the cost of carrying out the silvicultural treatments and other forest management activities.".

3. The following is substituted for the first paragraph of section 5:

"**5.** The unit rate for holders of a forest management permit for sugar bush management for acericultural purposes is fixed, for the year 2000, at $50, $45, $40, $35 or $30 per hectare according to the location of the sugar bush in one of the following forest tariffing zones:

Zone 1 ($50 per hectare)
05 – Estrie administrative region
12 – Chaudière-Appalaches administrative region, except L'Islet and Montmagny regional county municipalities
16 – La Montérégie administrative region

Zone 2 ($45 per hectare)
01 – Bas Saint-Laurent administrative region, except La Matapédia and Matane regional county municipalities
La Jacques-Cartier and Portneuf regional county municipalities
04 – Mauricie administrative region, except municipalité régionale de comté Le Haut-Saint-Maurice
La Vallée-de-la-Gatineau, Les Collines-de-l'Outaouais and Papineau regional county municipalities
14 – Lanaudière and 15 – Les Laurentides administrative regions

Zone 3 ($40 per hectare)
Charlevoix, Charlevoix-Est and La Côte-de-Beaupré regional county municipalities
Municipalité régionale de comté Pontiac

Zone 4 ($35 per hectare)
La Matapédia and Matane regional county municipalities
Municipalité régionale de comté Avignon
Municipalité régionale de comté Témiscamingue

Zone 5 ($30 per hectare)
1. All other territories not included in zones 1 to 4
The administrative regions are those determined by the Government by Décret 2000-87 dated 22 December 1987, as amended by Décret 1399-88 dated 14 September 1988, Décret 1389-89 dated 23 August 1989, Décret 965-97 dated 30 July 1997 and Décret 1437-99 dated 15 December 1999.".

4. Section 6 is revoked.

5. Section 6.1 is amended:

(1) by substituting "rate provided for in section 4" for "rates provided for in sections 4 and 6" in the first paragraph; and

(2) by substituting the following for the second paragraph:

"The amount indexed in the manner prescribed in the first paragraph shall be reduced to the nearest fraction of $0.10/m^3 where it contains a fraction less than $0.03/m^3; it shall be rounded off to the nearest fraction of $0.05/m^3 where it contains a fraction equal to or greater than $0.03/m^3 but less than $0.08/m^3; and it shall be increased to the nearest fraction of $0.10/m^3 where it contains a fraction equal to or greater than $0.08/m^3.".

6. Section 8 is amended:

(1) by substituting ", for mining activities and for a wildlife or recreational development project" for "and for mining activities" in the first paragraph; and

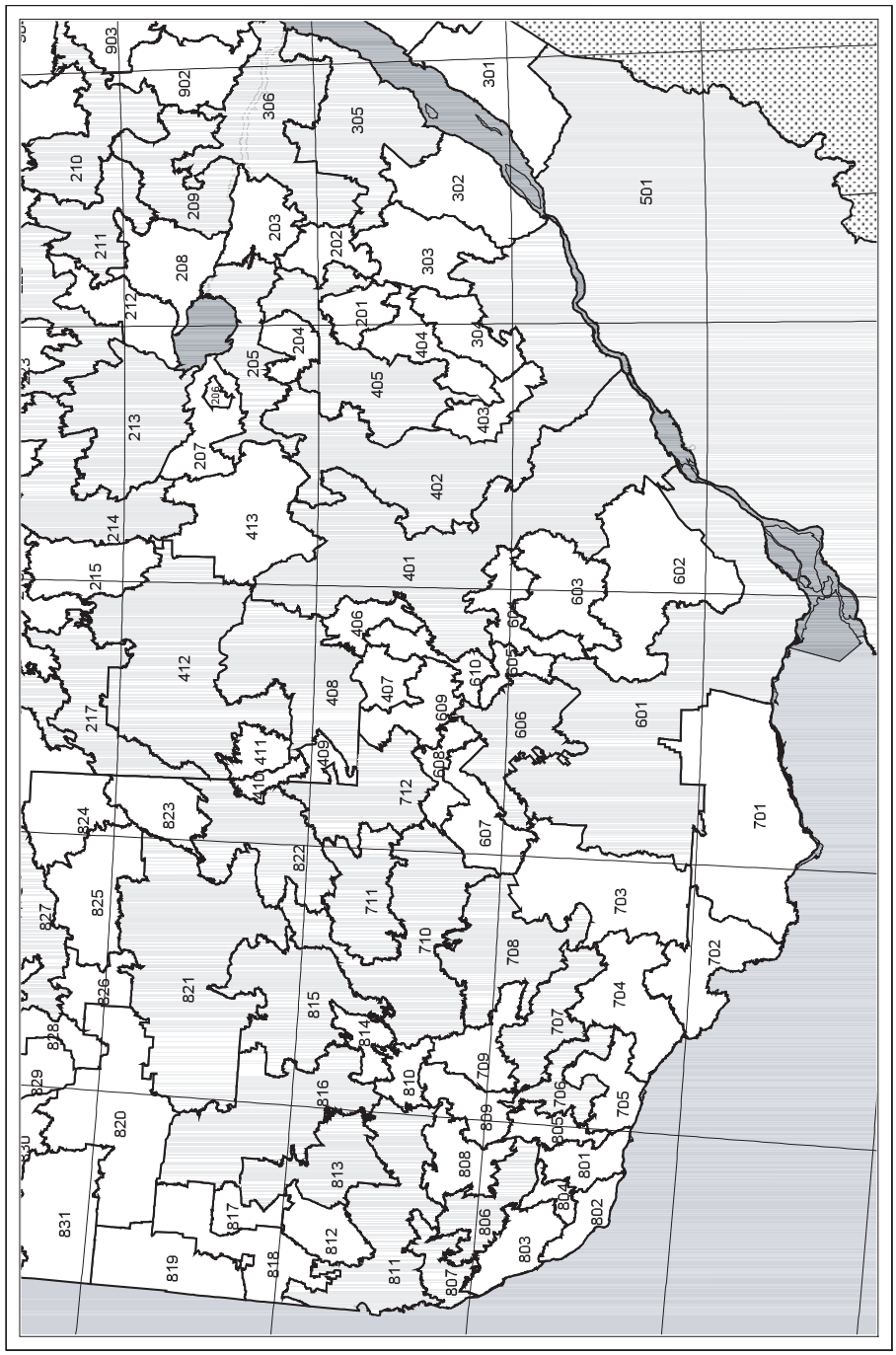
(2) by deleting ", in section 6 and in section 234 of the Act" in the second paragraph.

7. The Schedule attached hereto is substituted for Schedule I to the Regulation.

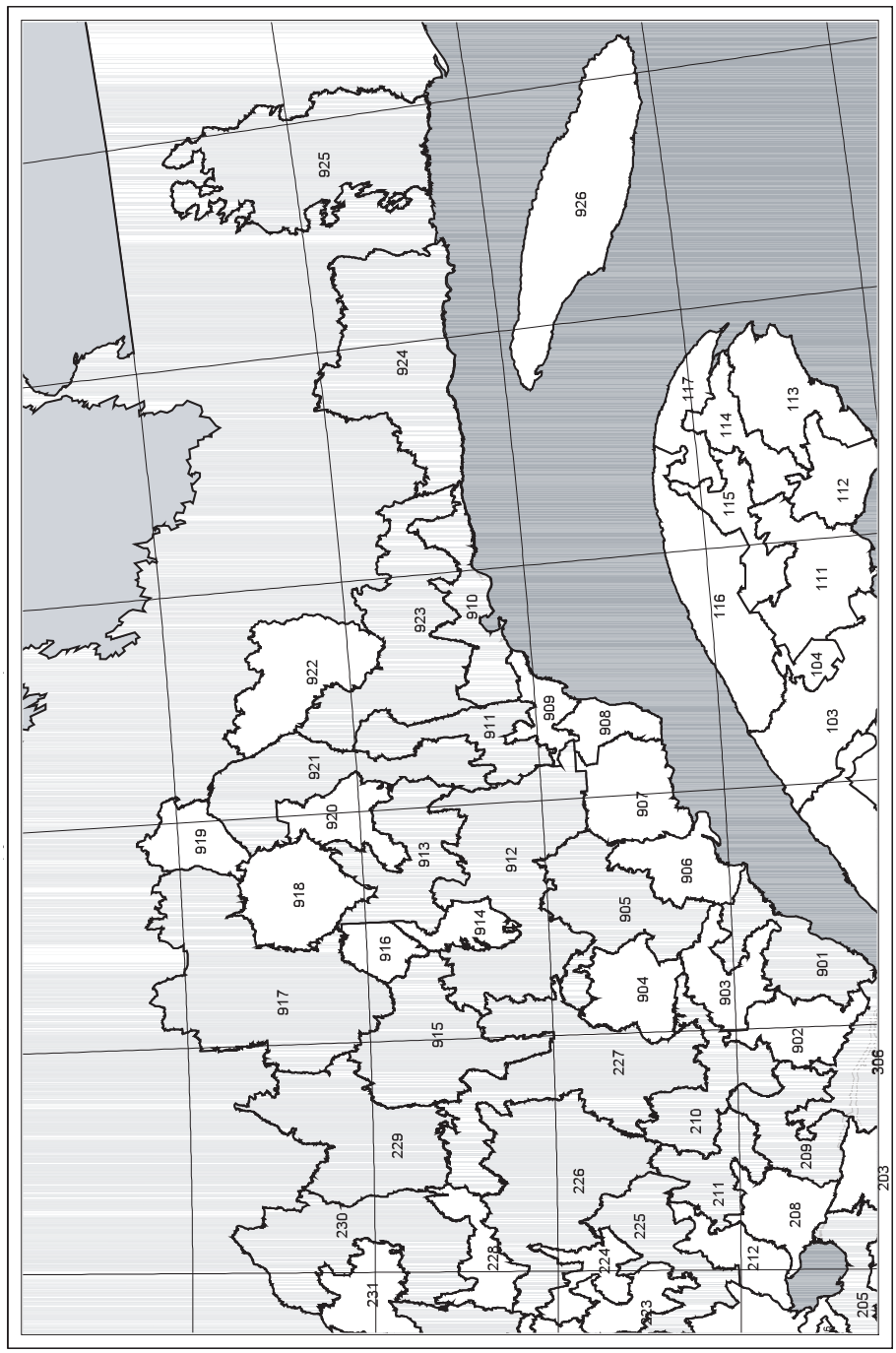
8. This Regulation comes into force on 1 April 2000, except section 3 which comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE 1
FOREST TARIFFING ZONE (south-eastern section)

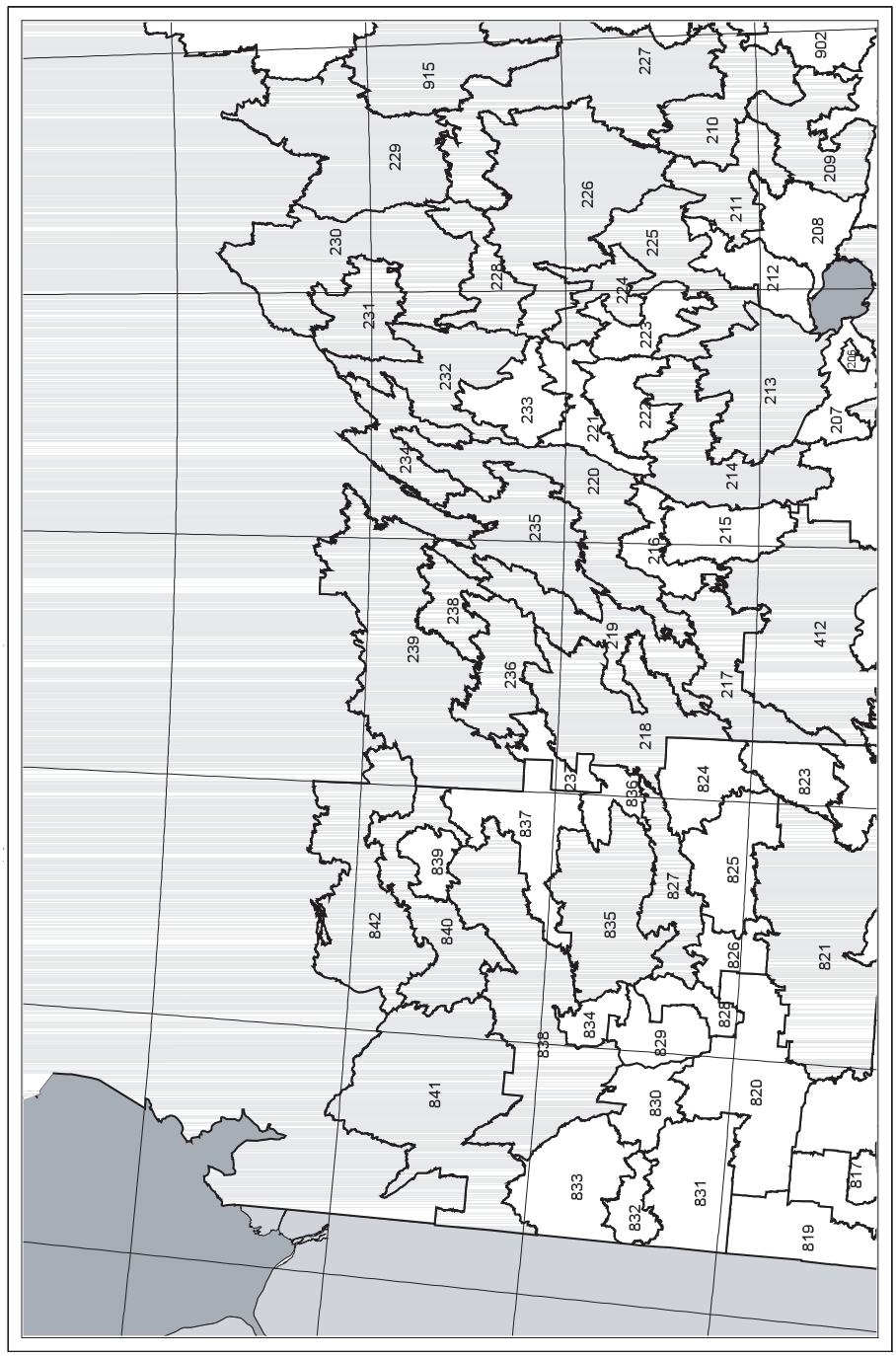
SCHEDULE 1
FOREST TARIFFING ZONE (south-western section)



SCHEDULE 1
FOREST TARIFFING ZONE (north-eastern section)



SCHEDULE 1
FOREST TARIFFING ZONE (north-western section)



Draft Regulations

Draft Regulation

Cullers Act
(R.S.Q., c. M-12.1)

Culler's licences
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting culler's licences, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation introduces new conditions for obtaining a culler's licence and provides that the licence holders must submit an application to obtain a new identity card before its expiry. As regards the conditions for obtaining a licence, it provides in particular:

— that a person who holds an attestation of studies awarded by an educational institution outside Québec will need to perfect his training by taking a course on the scaling methods applicable to timber harvested in the public forests of the domain of the State if he wishes to obtain a culler's licence;

— that the application for a culler's licence will have to be submitted before the expiry of the fifth year following the date on which the applicant passed the examinations developed to obtain the licence.

As regards tariffing, the draft Regulation adjusts the duties payable, namely those for obtaining a culler's licence or for having a new identity card issued or those payable for the issue of a duplicate of any of those documents so that the duties prescribed be similar to the costs related to the application of the Cullers Act.

Lastly, the draft Regulation introduces a new index clause for the application of a cumulative rate of increase of the general Consumer Price Index where the amount of the duties to be indexed is lower than $35 and amends certain provisions to take into account the abolition of the Board of Examiners for Cullers by the Act to abolish certain bodies (1997, c. 83).

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Rémy Girard, Associate Deputy Minister, Forêt Québec, ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4.

JACQUES BRASSARD,
Minister of
Natural Resources

Regulation to amend the Regulation respecting culler's licences*

Cullers Act
(R.S.Q., c. M-12.1, s. 30)

1. The Regulation respecting culler's licences is amended in section 2:

(1) by substituting the following for the part preceding paragraph 1:

"That person must also hold any of the following diplomas, certificates or attestations of studies:";

(2) by adding the following after the first paragraph:

"A person who holds a diploma, certificate or attestation of studies referred to in subparagraph 4 of the first paragraph must also perfect his training by taking a course of at least 90 hours on the scaling methods used for timber harvested in forests in the domain of the State offered by an educational institution located in Québec.".

2. The following is substituted for sections 3 and 4:

"**3.** A person who wishes to obtain a culler's licence must apply therefor in writing to the Minister, using the form put at his disposal for that purpose by the Minister no later than five years following the date on which that person passed the examinations developed by the Minister to obtain the licence.

4. The following documents and the duties prescribed in section 5 must be enclosed with an application for a licence:

* The Regulation respecting culler's licences, made by Order in Council 1588-85 dated 7 August 1985 (1985, *G.O.* 2, 3737), was amended once by the Regulation made by Order in Council 792-92 dated 27 May 1992 (1992, *G.O.* 2, 2857).

(1) a copy of the act of birth of the applicant or his birth certificate, if he was born in Canada;

(2) a copy of the certificate of Canadian citizenship of the applicant or a copy of his landing record attesting to his status as a permanent resident, if he was born outside Canada;

(3) a copy of the diploma, certificate or attestation of studies, required in the first paragraph of section 2, or a certificate attesting that he has obtained that diploma, certificate or attestation of studies from the educational institution that has awarded it;

(4) where the applicant holds a diploma, certificate or attestation of studies referred to in subparagraph 4 of the first paragraph of section 2, a document issued by an educational institution located in Québec attesting that the applicant took the training course required in the second paragraph of that section;

(5) a photograph of the applicant taken no more than one year prior to the application, measuring approximately 25 mm by 25 mm and signed on the back by the applicant.

The application for a licence must be supported by an affidavit attesting to the truth of the facts and information mentioned in the application and in the documents enclosed with it.".

3. Section 5 is amended by substituting the figure "40" for the figure "20".

4. The following is substituted for sections 6 to 8:

"**6.** Cullers' licences issued by the Minister to the persons who meet the conditions provided for in this Regulation and who are deemed capable of performing the duties of cullers shall be drawn up according to Schedule I.

7. An identity card drawn up according to Schedule II shall be given by the Minister to a licence holder at the time of the issue of his licence.

A licence holder must, before the expiry date indicated on his identity card, submit an application in writing to the Minister to obtain a new identity card, using the form put at his disposal for that purpose by the Minister. The duties in the amount of $20 and a photograph of the licence holder taken no more than one year prior to the application, measuring approximately 25 mm by 25 mm and signed on the back by the applicant, must be enclosed with the application.

The period between the date of issue of the identity card and its expiry date may not be less than five years.

8. The duties payable by a person who sits for examinations developed by the Minister to obtain a culler's licence are $30.

The duties payable by a person who sits for examinations developed by the Minister to verify the competence of holders of culler's licences are $30.".

5. Section 9 is amended by substituting the figure "25" for the figure "20".

6. The following is substituted for section 9.1:

"**9.1.** The duties provided for in this Regulation that are equal to or greater than $35 shall be indexed on 1 April 2001 and thereafter on 1 April of each year according to the increase in the general Consumer Price Index for Canada, for the preceding year. That increase shall be computed from the ratio of the index for the preceding year over the index for the year preceding the latter. The index for one year shall be the average of the monthly indexes published by Statistics Canada.

The duties provided for in this Regulation that are lower than $35 shall be indexed on 1 April 2001 and thereafter on 1 April every five years according to the increase in the general Consumer Price Index for Canada, for the last five years. That increase shall be computed from the ratio of the index for the preceding year over the index for the five years preceding the latter. The index for one year shall be the average of the monthly indexes published by Statistics Canada.

The amount of the duties indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than $0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than $0.50.

The Minister of Natural Resources shall publish the result of the annual indexing in Part 1 of the *Gazette officielle du Québec*. In addition, he may ensure a wider circulation by any other means.".

7. Schedules I and II attached to this Regulation are substituted for Forms I to III of the Regulation.

8. This Regulation comes into force on 1 April 2000.

SCHEDULE I
(s. 6)

CULLER'S LICENCE

The Minister of Natural Resources issues this licence to

This is to certify that the abovementioned person meets all the conditions provided for in the Cullers Act (R.S.Q., c. M-12.1) and the regulations made under the Act to obtain this licence and that this person is deemed capable of performing the duties of a culler in Québec.

Issued at
On Minister of Natural Resources

SCHEDULE II
(s. 7)

Gouvernement du Québec
Ministère des
Ressources naturelles

LICENCE No. _____

Card issued in: _____

Expiry date: March 31, _____

Name _____

Address _____

_____

POSTAL CODE

is a culler within the meaning of the Cullers Act.

_____
Minister of Natural Resources

WARNING

1- This card certifies that the abovementioned person holds a culler's licence and that he is authorized to act in Québec in that capacity.

2- The abovementioned person must, in the performance of his duties as a culler, have this identity card in his possession and show it upon request in accordance with section 5 of the Cullers Act.

3- He must notify the Minister of Natural Resources of any change in his address and ensure that an application to obtain a new identity card has been submitted to the Minister before the expiry date indicated on this card.

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Chartered appraisers
— Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act, (R.S.Q., c. R-18), that the Bureau of the Ordre des évaluateurs agréés du Québec has adopted the "Code of ethics of the members of the Ordre des évaluateurs agréés du Québec", the text of which appears below. This regulation replaces the "Code of ethics of chartered appraisers" (R.R.Q., 1981, c. C-26, r.91) .

The said regulation will be subject to the examination by the Office des professions du Québec in application of section 95 of the Professional Code. Following, it will be submitted, with the recommendation of the Office, to the Government which may approve it, with or without amendment, upon the expiry of forty-five days following the present publication.

According to the Ordre des évaluateurs agréés du Québec, the purpose of the draft regulation is to update the provisions of the actual Code of ethics of chartered appraisers. More particularly, the draft regulation contains the necessary provisions prescribed by the Professional Code on accessibility and correction of files of clients and on the conditions, obligations and prohibitions in respect of advertising by chartered appraisers.

This regulation will have a major impact towards the public by enhancing considerably its protection and by contributing significantly to maintaining the quality of professional services offered by chartered appraisers and the excellence of the profession. There is no impact on enterprises, small businesses or others.

Further information concerning this regulation may be obtained by contacting Ms. Céline Viau, secretary of the Ordre des évaluateurs agréés du Québec at the following address: 2075, rue University, bureau 1200, Montréal (Québec) H3A 2L1; tel.: (514) 281-9888; fax: (514) 281-0120.

Any person having comments to make on the matter is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that adopted the Regulation and to the interested persons, departments and agencies.

JEAN-K. SAMSON,
Chairman of the Office
des professions du Québec

Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER 1
GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties incumbant upon all members of the Ordre des évaluateurs agréés du Québec in the practice of his professional activities.

In particular, it determines the acts that are derogatory to the dignity of the profession, sets out provisions to preserve the secrecy of confidential information that becomes known to an appraiser in the practice of his profession, and establishes the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code as well as conditions, obligations, and prohibitions in respect of advertising by an appraiser.

CHAPTER II
DUTIES TOWARD CLIENTS, THE PROFESSION, AND THE PUBLIC

DIVISION I
COMPETENCE AND INTEGRITY

2. Every appraiser must discharge his professional obligations with competence and integrity.

He must provide high-quality professional services.

3. Every appraiser shall maintain and increase his knowledge and skills. He shall also constantly seek to improve his professional outlook.

4. Every appraiser must practice his profession in keeping with generally accepted standards of practice and the rules of the profession.

5. Every appraiser shall bear in mind the limitations of his skills, knowledge, experience, and the means at his disposal. He shall, in particular, avoid undertaking or continuing an appraisal for which he is insufficiently qualified without obtaining the necessary assistance.

6. In addition to the provision in section 54 of the Professional Code, no appraiser shall practise his profession or perform professional acts under conditions or in situations likely to impair the dignity of the profession or the quality of the services he provides.

7. Every appraiser shall bear in mind the general effect that his research and work could have on society.

8. Every appraiser shall promote all measures likely to improve the availability and quality of professional services in the area in which he practises his profession.

He shall, among other things, promote all training or information designed to make such services known to the public and must, at the request of the Order, participate in the implementation of such measures, unless he has serious reason not to do so.

DIVISION II
CONDUCT

9. Every appraiser's conduct must be irreproachable.

He shall, in particular, act with courtesy, dignity, moderation, and objectivity.

10. Every appraiser shall avoid any attitude or method likely to diminish the reputation of the profession or his ability to serve the public interest. He shall avoid discriminatory, fraudulent, or illegal practices, and must refuse to participate in such practices.

11. Every appraiser shall show respect toward all commissions of inquiry, bodies, and courts, and the members thereof.

No appraiser shall, directly or indirectly, broadcast or publish comments or remarks that he knows to be false or that are manifestly false, concerning a commission of inquiry, a body, or a court, or any member thereof.

12. No appraiser shall, directly or indirectly, comment publicly in any manner whatsoever on any case pending before a commission of inquiry, a body, or a court, and in which he or one of his partners or employees has acted.

13. No appraiser shall

(a) lead or attempt to lead a court into error, create doubt in favour of his client, or restrict or deform reality by his testimony;

(b) prevent or try to prevent another party from being assisted by an appraiser or represented by an advocate.

DIVISION III
IMPARTIALITY AND INDEPENDENCE

14. Every appraiser shall subordinate his personal interests to those of his client.

For the purposes of this Regulation, the word "client" means mandator or the person requiring the services of the appraiser.

15. No appraiser shall accept to provide professional services when a contract regarding the same services has already been entered into with another appraiser, unless he advises his client of a possible duplication of costs and services.

16. No appraiser shall refuse to provide professional services without reasonable grounds.

However, he shall not accept more contracts than are dictated by the interests of his clients and the respect of his professional obligations.

17. Every appraiser shall safeguard his professional independence at all times. He shall, in particular:

1° ignore any intervention by a third party that could influence the fulfilment of his professional obligations to the detriment of his client;

2° retain his professional independence when called upon to collaborate with another person, notably, another member of the Order or a member of another professional order;

3° avoid performing a task contrary to his professional conscience, to the rules of his profession, or to generally accepted standards of practice;

4° avoid appraising, examining, or holding a consultation on a thing or a right in which he or his partners have an interest, whether direct or indirect, present or future;

5° refrain from sitting as a member of an adjudicatory body in a decision or recommendation relating to the rights and obligations of his client or the client of a partner;

6° refrain from acting in a situation where he could derive personal advantage, whether direct or indirect, present or future.

18. Every appraiser who acts solely as a real estate broker in a brokerage transaction must disclose this fact in writing to his client and obtain the client's acknowledgment to the effect that none of his acts will be considered an assessment of value.

When in the same transaction, the appraiser acts for a client as broker and appraiser and that his professional independence is not at risk, he must disclose in writing to his client his double role as his way of remuneration and attest that his independence is not at risk in the said transaction. He will have nevertheless to cease to act if the situation becomes irreconcilable with his duty to be independent.

19. Every appraiser shall avoid any situation in which he could be in a conflict of interest. Without restricting the generality of the foregoing, the appraiser is in a conflict of interest:

1° where he serves opposing interests, notably, where he agrees to appraise for a third party an immovable situated in the territory of a municipality for which he prepares and maintains the valuation roll;

2° where the interests in question are such that he might favour some of them over those of his client or where his judgment and loyalty toward his client could be unfavourably affected.

As soon as he becomes aware that he is in a situation of conflict of interest, or apparent conflict of interest, the appraiser must disclose this fact in writing to the clients concerned and request authorization to continue to act for them. Mention of this must be made by the appraiser in his report.

20. Generally, an appraiser shall act for only one party in any given case.

If his professional duties require him to act for more than one party, such as in the capacity of arbitrator or amiable compositeur, the appraiser must specify to all parties concerned the nature of his duties or responsibilities and must inform them that he will cease to act if the situation becomes irreconcilable with his duty to be independent.

21. Every appraiser shall refuse any benefit, commission, or return in relation to the practice of his profession that is in addition to the remuneration to which he is entitled. Similarly, he shall not pay, offer to pay, or undertake to pay such benefit, commission, or return.

DIVISION IV
DILIGENCE AND AVAILABILITY

22. Every appraiser shall display reasonable availability and diligence. He shall, among other things, inform his client upon request of the approximate time required for the execution of the professional services.

DIVISION V
FEES

23. Every appraiser must charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and in proportion to the services provided.

24. In determining the amount of his fees, every appraiser shall, in particular, bear in mind the following factors:

1° the knowledge or skill required to execute the professional services;

2° the degree of responsibility assumed;

3° the complexity and extent of the professional services;

4° his experience;

5° the need to perform unusual professional services or services requiring exceptional celerity or competence;

6° the tariff suggested by the Order for the professional services rendered;

7° the time required to perform the professional services.

He shall not, in whole or in part, determine his fees as a percentage of taxes saved through contestation, or a percentage of a surplus expropriation indemnity.

25. No appraiser shall request payment of his fees in advance. However, he may accept an advance to cover the payment of disbursements and the payment of part of his fees.

26. Every appraiser must receive fees from only one source in payment of a professional service, unless all parties concerned explicitly agree otherwise.

He shall inform his client before receiving payment of his fees from another person.

The agreement contemplated in paragraph 1 must also state whether the fees, payment of costs, or other amounts he may receive from another person will be deducted from the fees established in the agreement.

27. No appraiser shall share his fees with another person unless responsibilities and services are also shared.

28. No appraiser shall collect interest on an outstanding statement of fees without first notifying his client. The interest thus charged must be at a reasonable rate.

29. Before having recourse to legal proceedings, every appraiser must have exhausted all other available means for obtaining payment of his fees.

30. Every appraiser who entrusts the collection of his fees to another person must, as far as possible, ensure that that person acts with tact and moderation.

DIVISION VI
LIABILITY

31. Every appraiser shall assume full civil liability. He shall not, directly or indirectly, insert in whole or in part in a contract for professional services, any clause excluding his civil liability.

He shall sign no contract containing such a clause.

32. Every appraiser shall ensure that the provisions of the law and regulations applicable to members of the Order are respected by the persons or partners with whom he acts. In particular, every appraiser is liable for any work he has caused to be executed by other persons. He must train and supervise such persons and review their work to ensure that it complies with the laws, regulations, and standards of practice applicable to members of the Order.

DIVISION VII
ADDITIONAL DUTIES IN THE PRACTICE OF PROFESSIONAL ACTIVITIES

33. Every appraiser shall identify himself to his client as a member of the Ordre des évaluateurs agréés du Québec.

34. Every appraiser shall seek to establish a relationship of mutual trust between himself and his client.

35. Every appraiser shall refrain from intervening in the personal affairs of his client on issues that are not relevant to the profession or to the reasons for which his client required his professional services.

36. Every appraiser must recognize his client's right to consult at any time another member of the Order, a member of another professional order, or any other competent person.

37. If the good of his client so requires, the appraiser shall, with his client's authorization, consult another member of the Order, a member of another professional order, or any other competent person, or refer him to one of these persons.

38. Every appraiser shall explain to his client, in a complete and objective manner, the nature and scope of the problem as he sees it on the basis of facts brought to his knowledge by the client.

He shall also, without delay, inform his client of the scope of the professional services required from him and the terms and conditions for carrying it out, and must obtain the client's consent thereto.

If, during the execution of the required professional services, a new fact arises that could alter their scope or the terms and conditions for carrying them out, the appraiser shall inform his client thereof as soon as possible and must obtain his consent to continue.

39. Every appraiser must attempt to acquire full knowledge of the facts before giving advice to or counselling his client.

He shall refrain from counselling or giving his client advice that is contradictory or incomplete.

40. Every appraiser must agree in advance with his client on the nature and form of the report. He must present his report in accordance with generally accepted standards, and in particular, he must describe the methodology used and the scope of the research carried out in the execution of the required professional services. In the case of an appraisal, he must submit a report to his client, unless the client relieves him of this obligation in writing.

41. Every appraiser shall provide the explanations required by his client to evaluate and understand the professional services received.

Further, he shall notify his client of the approximate and foreseeable costs of his professional services, in disbursements and fees.

42. Every appraiser shall provide his client with the explanations necessary to understand his statement of fees and the terms and conditions of payment.

43. Every appraiser shall avoid performing or creating professional acts that are not justified by the nature of the professional services required from him by his client.

44. Every appraiser shall submit to his client all offers of settlement relating to the professional services required from him by the client.

45. Every appraiser shall, upon his client's request, account for the progress of the professional services required from him by the client.

46. Every appraiser shall cease providing professional services to his client if the client terminates the contract.

47. No appraiser shall, without valid and reasonable grounds, unilaterally terminate a contract entrusted to him by a client.

The following, in particular, constitute valid and reasonable grounds:

1° the client is deceitful or fails to cooperate;

2° the appraiser is in a conflict of interest or in a situation in which his professional independence could be questioned;

3° the client refuses to pay the appraiser's fees;

4° it is impossible for the appraiser to communicate with his client or to obtain from him the elements deemed necessary to carry out the required professional services;

5° the client attempts to induce the appraiser to commit a discriminatory, fraudulent, or illegal act;

6° the appraiser loses his client's confidence.

48. Every appraiser who, on valid and reasonable grounds, unilaterally terminates a contract must give to the client prior notice to that effect, indicating when it will be terminated.

He must give the notice within a reasonable time and ensure, as far as possible, that it is not prejudicial to his client.

49. Every appraiser must appear in person, or be represented, at the time fixed for any proceeding relating to the practice of his profession, unless he is prevented therefrom for good and sufficient cause and, where possible, has given prior notice of his absence to his client and the other parties involved.

DIVISION VIII
ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION

50. In addition to the acts to which section 59 of the Professional Code applies, the act mentioned in section 59.1 of the Code, and those that may be determined under subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:

1° communicating with a complainant without the prior written permission of the syndic, or the assistant or corresponding syndic, where he is informed that he is the subject of an inquiry into his conduct or professional competence or where he has been served notice of a complaint against him;

2° repeatedly or insistently inciting a person to have recourse to his professional services;

3° failing to notify the syndic of the Order that he has reasonable grounds to believe that another member of the Order is incompetent or contravenes the Professional Code or a regulation made pursuant to the Code;

4° ordering or inciting another appraiser to perform an act that contravenes the regulations of the Order;

5° conspiring with any person, in any manner whatsoever, to procure clients or business;

6° participating alone or with the aid of another, in any manner whatsoever, in the violation of the laws and regulations governing the practice of the profession;

7° drawing up a declaration or report that he knows to be incomplete, without qualifying it, or that he knows to be false, or the conclusion of which has been predetermined in respect of the value of a thing or a right;

8° refusing or neglecting, without just cause, to meet or communicate with the syndic, or the assistant or corresponding syndic, after being informed that he is the subject of an inquiry into his conduct or professional competence, or after being served notice of a complaint against him;

9° refusing or neglecting, without just cause, to transmit information or documents required by the syndic or the assistant or corresponding syndic;

10° attempting to obtain a contract that, to his knowledge, has already been entrusted to a colleague.

DIVISION IX
PROVISIONS TO PRESERVE THE SECRECY OF CONFIDENTIAL INFORMATION

51. For the purpose of preserving the secrecy of confidential information brought to his knowledge in the practice of his profession, every appraiser shall:

1° refrain from using such information to the prejudice of his client or for purposes other than those for which it was given to him, such as, in particular, obtaining a direct or indirect benefit for himself or another person;

2° take the measures required to prevent persons under his authority or supervision from disclosing or making use of confidential information that becomes known to them in the performance of their duties;

3° avoid initiating or participating in indiscreet conversations concerning his client or the services provided to him;

4° refrain from revealing that a person has requested his services unless it is required by the nature of the case or the person has given him written authorization to do so;

5° ensure, where he asks his client to disclose information of a confidential nature or allows such information to be confided to the him, that the client is fully aware of the purpose of the interview and of the various uses that could be made of such information.

DIVISION X
ACCESSIBILITY AND CORRECTION OF FILES

§1. *General*

52. In addition to respecting the special rules established by law, every appraiser shall respond to a client's request for access or correction in respect of any record concerning the client within 20 days after receipt of the request. If the appraiser fails to reply within this period, he shall be deemed to have refused to grant it.

§2. *Terms and conditions for the exercise of the right of access provided for in section 60.5 of the Professional Code*

53. Every appraiser may, in respect of a request for a copy of a document, charge reasonable fees not exceeding the transcription or reproduction costs and the cost of forwarding the copy.

The appraiser who requests such fees must, before copying, transcribing, or sending the information, inform the client of the approximate amount that must be paid.

54. Every appraiser who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies his client access to information contained in a record established in the client's respect must indicate to him in writing that its disclosure would be likely to cause serious harm to him or to a third person, and must inform him of his recourses.

§3. *Terms and conditions for the exercise of the right of correction provided for in section 60.6 of the Professional Code*

55. Every appraiser who grants a request for correction must issue to his client, free of charge, a copy of the document or part of document that allows the client to see for himself that the information has been corrected or deleted, or as the case may be, an attestation that the written comments prepared by the client have been filed in the record.

56. Every appraiser must, upon his client's written request and without charging him, forward a copy of the corrected information, or an attestation that the information has been deleted or that written comments have been filed in the record, as applicable, to any person from whom the appraiser has received information that has been corrected, deleted, or commented upon, and to any person to whom the information has been provided.

Every appraiser who refuses his client's request for correction must notify the client in writing of his refusal, giving reasons, and must inform him of his recourses.

§4. *Obligation for the appraiser to give documents to his client*

57. Every appraiser shall promptly honour his client's written request to retrieve a document entrusted to him, even if the fees for his services have not been paid in full.

DIVISION XI
CONDITIONS, OBLIGATIONS, AND PROHIBITIONS IN RESPECT OF ADVERTISING

58. Every appraiser shall ensure that his name and professional title appear in his advertising.

59. No appraiser shall, by whatever means, engage in or allow the use of advertising that is false, incomplete, misleading, or liable to be misleading.

60. Every appraiser who, in his advertising, claims to possess skills or specific qualities, particularly in respect of the effectiveness or scope of his services or of those generally ensured by other members of his profession or persons with his level of competence, must be able to substantiate such a claim.

61. No appraiser shall use or allow to be used, in his advertising, any endorsement or statement of gratitude in his regard, save awards for excellence and other prizes received in recognition of a contribution or achievement, the honour of which is reflected on the profession as a whole.

Similarly, no appraiser shall use or allow to be used, in whole or in part, his list of clients, unless he has obtained a written authorization from each of them.

62. No appraiser shall resort to advertising practices likely to discredit or denigrate another person with whom he has dealings in the practice of the profession, in particular another member of the Order or a member of another professional order.

63. Every appraiser who advertises professional fees or prices must do so in a manner easily comprehensible by the public, and in particular, must:

1° set fixed prices;

2° specify the services included in his fees or prices;

3° indicate whether expenses or other disbursements are included in his fees or prices;

4° indicate whether additional services may be required, incurring additional fees or costs;

5° give as much significance to the professional services offered as to fees and prices.

64. In any advertising relating to fees, special prices, or discounts, the appraiser must specify the period during which such fees, prices, or discounts, as the case may be, are valid. This period must not be less than 90 days after the last broadcast or publication.

However, he may agree with his client on an amount lower than the one broadcast or published.

65. No appraiser shall, by any means whatever, engage in or allow the use of any advertising intended for persons who may be emotionally or physically vulnerable as a result of a specific event.

66. Every appraiser shall retain copies of all documents relating to every advertisement in its original form for a period of the least five years following the date on which it was last published or broadcast.

67. Where an appraiser uses the graphic symbol of the Order in his advertising, he must, except on a professional card, include the following warning: “This advertisement does not originate from the Ordre des évaluateurs agréés du Québec.”

DIVISION XII
RELATIONS WITH THE ORDER AND OTHER PERSONS IN THE PRACTICE OF THE PROFESSION

68. Every appraiser who is asked by the Bureau or the administrative committee of the Order to be a member of the professional inspection committee, the committee on discipline, the review committee constituted under section 123.3 of the Professional Code, or the council for the arbitration of accounts established pursuant to the provisions of the regulation adopted under section 88 of the Code, must accept that duty unless he has reasonable grounds to refuse it.

69. Every appraiser shall reply as soon as possible to any correspondence from the Secretary of the Order, the syndic of the Order, the assistant or corresponding syndic, an expert appointed by the syndic, or a member, investigator, expert, or inspector of the professional inspection committee.

70. No appraiser shall breach the trust or betray the good faith of, or voluntarily mislead or use unfair practices toward any person with whom he has dealings in the practice of his profession, in particular, any other member of the Order or any member of another professional order.

No appraiser shall take credit for work performed by another person, particularly another member of the Order.

DIVISION XIII
CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION

71. Every appraiser shall, as far as he is able, contribute to the development of the profession by sharing his knowledge and experience with other members of the Order and with students and trainees, and by taking part in activities, courses, and continuing education sessions organized for members of the Order.

DIVISION XIV
USE OF THE APPRAISER'S NAME IN A PARTNERSHIP NAME

72. No appraiser shall include his name in a partnership name unless the partnership name includes the names of other members of the Order who practice together.

He shall not allow his name to appear in a partnership name that includes the expression "and associate" or any similar expression unles he has a partner and at least one partner's name does not appear in the partnership name.

His name may appear in a partnership name where that name includes the name of a deceased or retired partner.

73. Every appraiser who withdraws from a partnership must ensure that his name no longer appears in the partnership name or in any advertising of the partnership after one year following his withdrawal.

When an appraiser ceases to exercise his profession or deceases, his name must not appear in the partnership name, unless a written authorization has been obtained from him or his representatives.

DIVISION XV
REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER

74. Every appraiser who, for any purpose whatsoever, reproduces the graphic symbol of the Order must ensure that it is identical to the original held by the Secretary of the Order and shall add the following phrase: "Member of the Ordre des évaluateurs agréés du Québec."

CHAPTER III
FINAL PROVISIONS

75. This Regulation replaces the Code of ethics of chartered appraisers (R. R. Q., 1981, c. C-26, r.91) and, in accordance with section 10 of the Act to amend the Professional Code and various acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), the Regulation respecting advertising by chartered appraisers (R.R.Q. 1981, c. C-26, r.96) ceases to have effect on the date on which this Regulation comes into force.

76. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Municipal Affairs

Gouvernement du Québec

O.C. 5-2000, 12 January 2000

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Village de Rougemont and Paroisse de Saint-Michel-de-Rougemont

WHEREAS each of the municipal councils of Village de Rougemont and of Paroisse de Saint-Michel-de-Rougemont adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Village de Rougemont and Paroisse de Saint-Michel-de-Rougemont, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Rougemont".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 23 September 1999; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality shall be part of the Municipalité régionale de comté de Rouville.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors shall alternate as mayor and deputy mayor at each sitting of the provisional council. The mayor of the former Village de Rougemont shall act as mayor of the new municipality for the first sitting.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as they were receiving before the coming into force of this Order in Council.

Throughout the term of the provisional council, the mayors of the former municipalities shall continue to be qualified to act within the Municipalité régionale de comté de Rouville.

6. The first sitting of the provisional council shall be held at the town hall located at 61, Chemin Marieville, on the territory of the former parish.

7. The first general election shall be held on the first Sunday of the third month following the coming into force of this Order in Council. If the third month is January, the election shall be postponed to the first Sunday in February. The second general election shall be held in 2003.

8. For the first general election, the council of the new municipality shall be composed of seven members, that is, a mayor and six councillors. The councillors' seats shall be numbered from 1 to 6.

9. For the first general election, the only persons eligible for seats 1, 2 and 3 are the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of

the former Village de Rougemont and the only persons eligible for seats 4, 5 and 6 are the persons who would be eligible under that Act if such election were an election of the members of the council of Paroisse de Saint-Michel-de-Rougemont.

For the second general election, the new municipality shall divide its territory into electoral districts, in accordance with the Act respecting elections and referendums in municipalities.

10. Ms. Louise Berthiaume, director general and secretary-treasurer of the former Village de Rougemont shall act as director general and secretary-treasurer of the new municipality.

11. Any budgets adopted by one of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality, and the expenditures and revenues shall be accounted for separately as if those municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each former municipality in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in their financial statements for the last fiscal year ending before this Order in Council comes into force.

The subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation shall constitute a reserve to be paid into the general fund of the new municipality for the first year in which it does not apply separate budgets.

12. The terms and conditions for apportioning the costs of shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. In order to take into account the contribution of the general fund of the former Village de Rougemont to the payment of the hypothec affecting the immovable at 11, Chemin Marieville in Rougemont, purchased by the former village before the coming into force of this Order in Council, the new municipality shall transfer an amount of $35 000 from the surplus accumulated on behalf of the former Paroisse de Saint-Michel-de-Rougemont into the surplus accumulated on behalf of the former Village de Rougemont. If there is no surplus accumulated or if it is insufficient, the new municipality shall impose, during the first complete fiscal year following the coming into force of this Order in Council, a special tax on all the taxable immovables in the sector made up of the territory of that former municipality according to their value as it appears on the assessment roll in force.

14. The working fund of the former Village de Rougemont shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of the fund that is not committed on that date shall be added to the surplus accumulated on behalf of that former municipality.

A working fund in the amount of $50 000 shall be constituted for the new municipality from a contribution of which each former municipality's share, taken directly from the surplus accumulated on its behalf, shall be established in proportion to their standardized property value determined in accordance with the Regulation respecting the equalization scheme as it appears in the financial statements of the former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

If, for a former municipality, there is no surplus accumulated or that surplus is insufficient, the new municipality shall impose, during the first complete fiscal year following the coming into force of this Order in Council, a special tax on all the taxable immovables in the sector made up of the territory of that former municipality according to their value as it appears on the assessment roll in force.

15. An amount of $50 000 shall be allocated to the general fund of the new municipality from a contribution of which each former municipality's share, taken directly from their accumulated surplus, shall be established in accordance with section 14. The third paragraph of section 14 shall apply *mutatis mutandis.*

16. Any balance of the surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used for carrying out public works in that sector, for reducing taxes applicable to all the taxable immovables of that sector or for repaying debts charged to all that sector.

The amounts in the accumulated surplus that have been reserved by resolution of the council for specific purposes shall be used for the purposes contemplated unless the council of the new municipality decides to use them, in whole or in part, for the benefit of the

ratepayers in the sector made up of the territory of the former municipality that accumulated that surplus for the purposes provided for in the first paragraph.

Notwithstanding the foregoing, the cost of the work for replacing the water main between the main well and the water filtration plant, located on the territories of the former Paroisse de Saint-Michel-de-Rougemont and of Paroisse de Sainte-Angèle-de-Monnoir, for which the former Village de Rougemont reserved amounts, shall be apportioned in accordance with the intermunicipal agreement on the supply of drinking water by Village de Rougemont to Paroisse de Saint-Michel-de-Rougemont in force before the coming into force of this Order in Council; that is: 88.7 % charged to the sector made up of the territory of the former Village de Rougemont and 11.3 % charged to the sector made up of the territory of the former Paroisse de Saint-Michel-de-Rougemont, after deducting any government subsidy related thereto.

17. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

18. At the end of the last fiscal year for which the municipalities adopted separate budgets, the annual repayment of instalments in principal and interest of the loan made by the former Village de Rougemont under By-law 220-91 for the part charged to all the taxable immovables of the territory of that former municipality, and the loan made by the former Paroisse de Saint-Michel-de-Rougemont under By-law 189, shall be charged to all the taxable immovables of the territory of the new municipality according to their value as it appears on the assessment roll in force each year.

The taxation clauses of those by-laws shall be amended accordingly.

19. At the end of the last fiscal year for which the municipalities adopted separate budgets, and subject to section 18, the annual repayment of instalments in principal and interest of all loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the taxable immovables in the sector made up of the territory of the former municipality that made the loans. If the council of the new municipality decides to amend those by-laws in accordance with the law, those amendments may affect only the taxable immovables located on the territory of that former municipality.

20. If the infrastructure work in Rang Double described in the subsidy application under the “Eaux vives” program, dated 19 October 1998, is carried out before the end of the last fiscal year for which the former municipalities adopted separate budgets, their cost, after deducting any government subsidy related thereto and any contribution from the sector benefiting therefrom, shall be charged to all the taxable immovables located on the territory of the new municipality in a proportion of 42 % charged to the taxable immovables in the sector made up of the territory of the former Village de Rougemont and 58 % charged to the taxable immovables in the sector made up of the territory of the former Paroisse de Saint-Michel-de-Rougemont.

If the work is carried out after the end of the last fiscal year for which the former municipalities adopted separate budgets, the council of the new municipality shall determine the methods of payment of the work and, where applicable, the method of taxation related thereto.

21. For the first complete fiscal year following the coming into force of this Order in Council, a property tax credit of $0.04 per $100 of assessment shall be granted to all the taxable immovables in the sector made up of the territory of the former Village de Rougemont. For the second and third fiscal years, that credit shall be respectively $0.02 and $0.01 per $100 of assessment.

22. For the first complete fiscal year following the coming into force of this Order in Council, the rate of the surtax on non residential immovables in the sector made up of the territory of the former Paroisse de Saint-Michel-de-Rougemont shall be $0.08 per $100 of assessment. For the second fiscal year, the rate shall be $0.17 per $100 of assessment. For those same fiscal years, the rate of that surtax for the sector made up of the territory of the former Village de Rougemont shall be $0.35 per $100 of assessment. For the third fiscal year, the rate shall be standardized for both sectors.

23. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall remain charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

24. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

25. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all

the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within five years of the coming into force of this Order in Council.

Such a by-law shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

26. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ DE ROUGEMONT, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE ROUVILLE

The current territory of Paroisse de Saint-Michel-de-Rougemont and of Village de Rougemont, in the Municipalité régionale de comté de Rouville, comprising in reference to the cadastres of the parishes of Saint-Césaire, Saint-Damase and Saint-Jean-Baptiste, the lots or parts of lots and their present and future subdivisions as well as the roads, routes, streets, railway rights-of-way (not shown on the original cadastre), islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the eastern angle of lot 303 of the cadastre of Paroisse de Saint-Damase; thence, successively, the following lines and demarcations: southerly, successively, part of the dividing line between the cadastres of the parishes of Saint-Damase and Saint-Césaire to the apex of the northeastern angle of lot 615 of the cadastre of Paroisse de Saint-Césaire, the eastern line of lots 615 in declining order to 600 then the eastern line of lots 591 to 595; southwesterly, the southeastern line of lot 595 to the northeast side of the right-of-way of Route 112, northwesterly, the northeast side of the right-of-way of the said route to the northeastern extension of lot 489; southwesterly, the said extension and the southeastern line of the said lot, that line crossing the railway (not shown on the original cadastre); northwesterly, the dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Jean-Baptiste and the cadastres of the parishes of Sainte-Angèle and Sainte-Marie-de-Monnoir to the apex of the western angle of lot 475 of the cadastre of Paroisse de Saint-Jean-Baptiste, that line crossing the railway (not shown on the original cadastre), Route 112 and Chemin des Dix-Terres; in reference to the latter cadastre, easterly, the southern line of lots 419 to 421; northwesterly, the southwestern line of lot 462; in a general northeasterly direction, the northwestern line of lots 462 to 469 and 471 to 474; southeasterly, the northeastern line of lot 474; northeasterly, successively, part of the dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Jean-Baptiste then the northwestern line of lots 481, 482, 492, 493, 501, 502, 503 and 504 of the latter cadastre, that line crossing Route 229 that it meets; southeasterly, the northeastern line of lots 504 to 508; notheasterly, part of the dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Jean-Baptiste to the dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Damase; easterly, that latter dividing line of the cadastres; in reference to the cadastre of Paroisse de Saint-Damase, northerly, part of the western line of Rang de Corbin to the northeastern line of lot 355; finally, southeasterly, the northeastern line of lots 355, 354, 353 and 303, to the starting point, that line extended across Route 231 that it meets.

The said limits define the territory of Municipalité de Rougemont.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 23 September 1999

Prepared by: _____
JEAN-PIERRE LACROIX,
Land surveyor

R-164/1

3360

Gouvernement du Québec

O.C. 6-2000, 12 January 2000

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Paroisse de Saint-Malachie-d'Ormstown and Village d'Ormstown

WHEREAS each of the municipal councils of Paroisse de Saint-Malachie-d'Ormstown and Village d'Ormstown adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendment proposed by the Minister of Municipal Affairs and Greater Montréal which was approved by the councils of the applicant municipalities;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Paroisse de Saint-Malachie-d'Ormstown and Village d'Ormstown, on the following conditions:

1. The name of the new municipality shall be "Municipalité d'Ormstown".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 16 September 1999; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality shall be part of Municipalité régionale de comté du Haut-Saint-Laurent.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors will alternate each month as mayor and deputy mayor of the provisional council. The mayor of the former Paroisse de Saint-Malachie-d'Ormstown will act as mayor for the first month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as they were receiving before the coming into force of this Order in Council.

The mayor of the former Paroisse de Saint-Malachie-d'Ormstown and the mayor of the former Village d'Ormstown shall continue to sit on the council of Municipalité régionale de comté du Haut-Saint-Laurent until the first general election is held and they shall have the same number of votes as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the recreational and cultural centre of the former Village d'Ormstown, at 87, rue Roy.

7. The first general election shall be held on the first Sunday in the fourth month following the coming into force of this Order in Council. If that date falls on the first Sunday in January, the election shall be postponed to the first Sunday in February. The second general election shall be held in 2003.

The council of the new municipality shall be composed of nine members, that is, a mayor and eight councillors. The councillors' seats shall be numbered from 1 to 8 from the first general election.

For the second general election, the council will evaluate if the same number of councillors indicated in the second paragraph will be kept or if it will be reduced to six in accordance with the Act.

8. For the first general election and the second one, if applicable, the only persons eligible for seats 1, 2, 3 and 4 are the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Paroisse de Saint-Malachie-d'Ormstown and the only persons eligible for seats 5, 6, 7 and 8 are the persons who would be eligible under that Act if such election were an election of the members of the council of the former Village d'Ormstown.

Notwithstanding the foregoing, if, for the second general election, the number of councillors is reduced in accordance with the third paragraph of section 7, the only persons eligible for seats 1, 2 and 3 are the persons who would be eligible under the Act respecting elections and referendums in municipalities if such election were an election of the members of the council of the former Paroisse de Saint-Malachie-d'Ormstown and the only persons eligible for seats 4, 5 and 6 are the persons

who would be eligible under that Act if such election were an election of the members of the council of the former Village d'Ormstown.

9. Mona Dumouchel, acting secretary-treasurer of the former Paroisse de Saint-Malachie d'Ormstown and of the former Village d'Ormstown, shall act as acting secretary-treasurer of the new municipality, until the council composed of persons elected at the first general election appoints someone to that position.

Notwithstanding the foregoing, if Jean-Claude Marcil, secretary-treasurer of the former Paroisse de Saint-Malachie-d'Ormstown and of the former Village d'Ormstown, is reinstated in his job before the coming into force of this Order in Council, he shall act as secretary-treasurer of the new municipality.

10. Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality, and the expenditures and revenues must be accounted for separately as if those municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of those former municipalities for the last fiscal year ending before this Order in Council comes into force.

11. If section 10 applies, the portion of the subsidy paid under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed by that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality for the first fiscal year for which it does not apply separate budgets.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. The working fund of the former Paroisse de Saint-Malachie-d'Ormstown and that of the former Village d'Ormstown shall be abolished at the end of the last fiscal year for which a former municipality adopted a separate budget. The amounts of the fund that were not committed on that date shall be added to the surplus accumulated on behalf of each of the former municipalities and shall be dealt with in accordance with section 14.

A working fund in the amount of $150 000 shall be constituted for the new municipality, $85 500 of which comes from the surplus accumulated on behalf of the former Paroisse de Saint-Malachie-d'Ormstown and $64 500 from the surplus accumulated on behalf of the former Village d'Ormstown.

If the surplus accumulated on behalf of a former municipality is insufficient, the new municipality shall complete the amount by imposing a special tax on all the taxable immovables in the sector made up of the territory of that former municipality on the basis of their value as it appears in the assessment roll in force the first year of the coming into force of this Order in Council.

14. Any surplus accumulated on behalf of each former municipality shall constitute a reserve created on behalf of each one of them.

Subject to the second and third paragraphs of section 13, the reserve may be used for carrying out public works on the territory of that former municipality, reducing taxes applicable to all the taxable immovables of that former municipality or repaying debts contracted by the latter.

Notwithstanding the foregoing, the amounts of the surplus which, before the date of the coming into force of this Order in Council, were reserved for specific purposes shall continue to be reserved for those purposes.

15. For an eight-year period, the new municipality undertakes to conform as much as possible to the same level of expenses as regards local road maintenance charged to each former municipality on the date of the coming into force of this Order in Council as that appearing in the budget forecasts adopted by each of the former municipalities for the 1999 fiscal year. That commitment may be amended if the subsidy paid by the Ministère des Transports for taking in charge the tertiary road maintenance is reduced or abolished.

16. The subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM), less the amounts that may be spent under section 10, shall be paid into the general fund of the new municipality.

17. The annual repayment of instalments in principal and interest of all loans made under by-laws adopted by a former municipality shall remain charged to the sector made up of the territory of that former municipality, in accordance with the taxation clauses of those by-laws. If the council of the new municipality decides to amend the taxation clauses of those by-laws in accordance with the law, those amendments may affect only the taxable immovables in the sector made up of the territory of that former municipality.

18. Notwithstanding section 17, the aliquot share payable to the Société d'assainissement des eaux by the former Paroisse de Saint-Malachie-d'Ormstown and by the former Village d'Ormstown under the agreements signed respectively on 2 November 1993 and 4 November 1993 with the Government, shall become charged to the users served by the wastewater treatment system and shall be reimbursed by means of a compensation that the council shall fix annually.

19. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

20. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

21. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within three years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

22. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Municipalité d'Ormstown".

That municipal bureau shall succeed to the municipal housing bureau of the former Village d'Ormstown, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of Chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new municipality as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau shall be the members of the municipal housing bureau of the former Village d'Ormstown.

23. Notwithstanding section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), amended by section 202 of Chapter 40 of the Statutes of 1999, the new municipality shall use the values entered on the property assessment rolls filed for the 2000 fiscal year for each of the former municipalities, updated and adjusted as of the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the property assessment roll of the former Village d'Ormstown are divided by the median proportion of such roll and multiplied by the median proportion of the property assessment roll of the former Paroisse de Saint-Malachie-d'Ormstown; the median proportions used are those established for the 2000 fiscal year.

The roll in force in the former Paroisse de Saint-Malachie for the 2000 fiscal year and the roll of the former Village d'Ormstown amended in accordance with the second paragraph shall constitute the roll of the new municipality for the first fiscal year of the new municipality. The median proportion and the comparative factor of that roll shall be those of the former Paroisse de Saint-Malachie-d'Ormstown. The first fiscal year of the new municipality is deemed to be the first year of application of the roll.

24. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

25. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ D'ORMSTOWN, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU HAUT-SAINT-LAURENT

The current territory of Paroisse de Saint-Malachie-d'Ormstown and Village d'Ormstown, in Municipalité régionale de comté du Haut-Saint-Laurent, comprising, in reference to the cadastre of Paroisse de Saint-Malachie, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 174; thence, successively, the following lines and demarcations: southeasterly, successively, the northeastern line of lot 174 extended across Chemin Lower Concession, the northeastern line of lot 173 then the northeastern line of lot 39 crossing Chemin de la Rivière-Châteauguay and extended to the right bank of the Rivière Châteauguay; successively, southwesterly, southerly and southeasterly, the right bank of the said river to its meeting point with the northeastern line of lot 606; southeasterly, part of the northeastern line of the said lot to the northwest side of the right-of-way of a public road shown on the original (Route 138); easterly, a straight line across the said road to the meeting point of the southeastern right-of-way of the said road with the northeastern right-of-way of another public road shown on the original (Montée du Rocher); southeasterly, the northeastern right-of-way of the said road to the limiting line of the cadastres of the parishes of Saint-Malachie and Saint-Antoine-Abbé, the said right-of-way intersecting Rang de Tullochgorum, 4e Rang and Greig roads that it meets; in a general southwesterly direction, the broken dividing line between the cadastre of Paroisse de Saint-Malachie and the cadastres of Paroisse de Saint-Antoine-Abbé and of Canton de Franklin, that line crossing Route 201 and Montée Guérin that it meets; northwesterly, the dividing line between the cadastre of Paroisse de Saint-Malachie and the cadastres of the townships of Hinchinbrook and Godmanchester, that line crossing Chemin Rang des Botreaux, the Rivière aux Outardes Est, Chemin 3e Rang, again the Rivière aux Outards Est, Chemin de la Rivière-aux-Outardes, the Rivière aux Outardes, Chemin Island, the Rivière Châteauguay, a public road, Route 138, the right-of-way of a railway and Chemin Upper Concession that it meets; finally, in a general northeasterly direction, successively, the broken dividing line between the cadastre of Paroisse de Saint-Malachie and the cadastre of Paroisse de Saint-Stanislas-de-Kostka, crossing Route 201 that it meets, then part of the broken dividing line between the cadastres of the parishes of Saint-Malachie and Saint-Louis-de-Gonzague to the starting point.

The said limits define the territory of Municipalité d'Ormstown.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 16 September 1999

Prepared by: _____
JEAN-FRANÇOIS BOUCHER,
Land surveyor

O-36/1

3366

Gouvernement du Québec

O.C. 7-2000, 12 January 2000

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Ville d'Acton Vale and Paroisse de Saint-André-d'Acton

WHEREAS each of the municipal councils of Ville d'Acton Vale and Paroisse de Saint-André-d'Acton adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS objections to the application were made and the Minister of Municipal Affairs and Greater Montréal did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville d'Acton Vale and Paroisse de Saint-André-d'Acton, on the following conditions:

1. The name of the new town shall be "Ville d'Acton Vale".

2. The territory of the new town shall be the territory described by the Minister of Natural Resources on 11 November 1999; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The new town shall be part of Municipalité régionale de comté d'Acton.

5. A provisional council shall hold office until the first general election. It shall be composed of all the council members in office on the date of the coming into force of this Order in Council; the quorum shall be half the members in office plus one.

The mayor of the former Ville d'Acton Vale and the mayor of the former Paroisse de Saint-André-d'Acton shall act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council to the last day in the month of the coming into force, then the roles shall be reversed for the following month, and so on, according to that alternation principle, until the first general election.

For every councillor's seat that is vacant on the council of a former municipality at the time of the coming into force of this Order in Council or that becomes vacant during the term of the provisional council, one additional vote shall be allotted, in the provisional council, to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council and until the council composed of members elected in the first general election decides otherwise, by-law 1236-97 respecting the salary of the elected members of the former Ville d'Acton Vale shall apply to the provisional council and each mayor shall receive, for that period, the remuneration for the mayor under that by-law regardless of the alternation provided for in the second paragraph.

The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté d'Acton until the mayor elected in the first general election begins his term and they shall have the same number of votes as they had before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the town hall room of the former Ville d'Acton Vale.

7. The first general election shall be held on 5 November 2000 and the second one in 2004.

8. For the purposes of the first general election, the new town shall divide its territory into six electoral districts in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), *mutatis mutandis*, considering the following in particular:

(1) sections 14 and 16 to 20 of that Act shall not apply to that division;

(2) section 15 shall apply to the by-law in itself;

(3) notwithstanding section 21, the by-law shall be passed within 60 days following the coming into force of this Order in Council;

(4) the clerk shall publish the notice covered by section 22 even if a public meeting in respect of a draft by-law was not held;

(5) the by-law shall come into force before 1 October 2000.

9. Rita Parent, clerk of the former Ville d'Acton Vale, shall act as clerk of the new town.

10. Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new town, and the expenditures and revenues must be accounted for separately. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of those municipalities for the last fiscal year ending before this Order in Council comes into force.

11. If section 10 applies, the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council as resulting from the amalgamation and directly financed by that amount, shall be paid into the general funds of the new town for the first fiscal year for which separate budgets were not adopted.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which separate budgets were adopted.

13. A tax credit, applicable to all the taxable immovables in the sector made up of the territory of the former Paroisse de Saint-André-d'Acton, shall be granted according to the following terms and conditions:

— for the five fiscal years following that for which separate budgets were adopted, at a rate of $0.10 per $100 of assessment;

— for the sixth fiscal year, at a rate of $0.07 per $100 of assessment;

— for the seventh fiscal year, at a rate of $0.04 per $100 of assessment;

— for the eighth fiscal year, at a rate of $0.02 per $100 of assessment.

14. The working fund of the new town shall be constituted of the working funds of the former municipalities as they exist at the end of the last fiscal year for which separate budgets were adopted.

Moneys borrowed from the working fund of each former municipality shall be repaid out of the general funds of the new town.

15. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used for repaying loans contracted by that municipality, for reducing taxes in that sector, for carrying out works in that sector or for capital expenditures intended for that sector.

16. Any subsidy or financial assistance that is not yet accounted for in the financial statements of a former municipality and paid to the new town under a promise made to that former municipality before the coming into force of this Order in Council, or related to works carried out by that municipality before that coming into force, shall be deemed to be a surplus and dealt with in accordance with section 15.

17. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted will remain charged to all the taxable immovables in the sector made up of the territory of that former municipality on behalf of which the deficit was accumulated.

18. Taxes imposed under by-laws 818-79, 1077-91 and 1087-91 of the former Ville d'Acton Vale shall be replaced by taxes imposed annually on all the taxable immovables on the territory of the new town on the basis of their value as it appears in the assessment roll.

19. Only the taxable immovables in the sector made up of the territory of a former municipality may be affected by the taxation clause of a loan by-law adopted by that former municipality before the coming into force of this Order in Council and only those immovables may be affected by an amendment to such a clause.

20. Notwithstanding section 14.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), amended by section 2 of Chapter 31 of the Statutes of 1999 and by section 133 of Chapter 40 of the Statutes of 1999, the roll of rental values of the former Ville d'Acton Vale shall become the roll of rental values of the new town on the coming into force of this Order in Council and shall remain in force until 31 December 2001.

The business establishments of the former Paroisse de Saint-André-d'Acton shall be entered on the roll by altering it in accordance with sections 174.2 to 184 of the Act respecting municipal taxation *mutatis mutandis.* Those alterations shall take effect for the first fiscal year following that for which separate budgets were adopted. For that fiscal year, only one-third of the rate of the business tax of the new town shall apply to the establishments covered by those alterations; for the following fiscal year, two-thirds of that rate shall apply to them.

21. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

22. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

23. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville d'Acton Vale".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville d'Acton Vale. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of Chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau shall be the members of the municipal housing bureau to which it succeeds.

24. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE D'ACTON VALE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ACTON

The current territory of Paroisse de Saint-André-d'Acton and Ville d'Acton Vale, in Municipalité régionale de comté d'Acton, comprising in reference to the cadastres of Paroisse de Saint-André-d'Acton and Village d'Acton Vale, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northeastern angle of lot 443 of the cadastre of Paroisse de Saint-André-d'Acton; thence, successively, the following lines and demarcations: in reference to that cadastre, southerly, successively, the eastern line of lot 443 crossing the right-of-way of a railway (lot 362), a straight line across Chemin 4e Rang joining the apex of the southeastern angle of lot 443 to the apex of the northeastern angle of lot 405, the eastern line of that latter lot, a straight line across Route 116 joining the apex of the southeastern angle of the said lot to the apex of the northeastern angle of lot 234 then the eastern line of that latter lot; westerly, the southern line of lots 234 to 245, that line crossing a road (Route Dupuis) that it meets; southerly, the eastern line of lots 166 and 39, that line crossing Chemin 1er Rang that it meets; westerly, part of the dividing line between the cadastre of Paroisse de Saint-André-d'Acton and the cadastres of Canton de Roxton and of Paroisse de Saint-Valérien-de-Milton to the apex of the southwestern angle of lot 100 of the cadastre of Paroisse de Saint-André-d'Acton, that line crossing Route 139, the right-of-way of a railway (lot 60 of the cadastre of Paroisse de Saint-André-d'Acton), the Jaune and Noire rivers and Route Laliberté that it meets; northerly, part of the dividing line between the cadastres of the parishes of Saint-André-d'Acton and Saint-Éphrem-d'Upton to the centre line of the Rivière Noire passing south of lot 101 of that first cadastre, that line crossing once the said river then Montée de la Rivière that it meets; in general northeastern, northern and northwestern directions, the centre line of the said river downstream to its meeting with the dividing line between the cadastres of the parishes of Saint-André-d'Acton and of Saint-Éphrem-d'Upton; northerly, the dividing line between the said cadastres to the apex of the northwestern angle of lot 314 of the cadastre of Paroisse de Saint-André-d'Acton, that line crossing Route 116 and the right-of-way of a railway (lot 313 of the cadastre of Paroisse de Saint-André-d'Acton) that it meets; in reference to that cadastre, easterly, successively, the northern line of lots 314 to 337, 339, 340 and 347 then the north side of the right-of-way of Chemin 4e Rang limiting to the south lots 498 in declining order to 487 to the apex of the southwestern angle of lot 486; northerly, the western line of the said lot and its extension to its meeting point with the dividing line between ranges V and VI of the original survey of Canton d'Acton; finally, easterly, successively, the dividing line between the said ranges then the northern line of lots 477, 475, 474, 473, 367 (railway) and 472 in declining order to 443 of the cadastre of Paroisse de Saint-André-d'Acton to the starting point, that line crossing Route 139 and the Rivière le Renne that it meets.

The said limits define the territory of the new Ville d'Acton Vale, in Municipalité régionale de comté d'Acton.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 11 November 1999

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

A-248/1

3361

Gouvernement du Québec

O.C. 8-2000, 12 January 2000

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of the Paroisse de Sainte-Emmélie and the Village de Leclercville

WHEREAS each of the municipal councils of the Paroisse de Sainte-Emmélie and the Village de Leclercville adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal, and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of the Paroisse de Sainte-Emmélie and the Village de Leclercville be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Leclercville".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 4 October 1999; that description is attached as Schedule A to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality is part of the Municipalité régionale de comté de Lotbinière.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors will alternate as mayor and deputy mayor each month. The mayor of the former Village de Leclercville shall serve as mayor for the first month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the mayors of the former municipalities shall continue to sit on the council of the Municipalité régionale de comté de Lotbinière and they shall have the same number of votes as before the coming into force of this Order in Council.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the municipal hall of the former Village de Leclercville.

7. The first general election shall be held on the second Sunday of the fourth month following the month of the coming into force of this Order in Council. The second general election shall be held on the first Sunday in November 2003.

The council of the new municipality shall be composed of seven members, that is, a mayor and six councillors. From the first general election, the councillors' seats shall be numbered from 1 to 6.

8. For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Village de Leclercville, shall be eligible for seats 1, 2 and 3; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Sainte-Emmélie shall be eligible for seats 4, 5 and 6.

9. Ms. Francine Demers, secretary-treasurer of the former Paroisse de Sainte-Emmélie, shall act as the secretary-treasurer of the new municipality until the council composed of officers elected in the first general election appoints someone to the position.

Ms. Rachel Héroux, secretary-treasurer of the former Village de Leclercville, shall act as the deputy secretary-treasurer of the new municipality until the council composed of officers elected in the first general election appoints someone to the position.

10. Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality and the expenditures and revenues shall be accounted for separately as if the former municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized property values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992 amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of those former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

11. If section 10 applies, the part of the subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year of the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and financed by that part shall constitute a reserved amount to be paid into the general fund of the new municipality for the first fiscal year for which the new municipality does not apply separate budgets.

12. The terms and conditions for the allocation of expenditures for shared services provided for in intermunicipal agreements in force before the coming into force of the Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

14. The subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM), except $20 000 included in the first payment and that will be paid into the general fund of the new municipality in accordance with section 11, shall be apportioned as follows:

— former Paroisse de Sainte-Emmélie: 52.19 %;

— former Village de Leclercville: 47.81 %.

The part of the subsidy attributable to the former Paroisse de Sainte-Emmélie shall be paid in full into the reserve created in the name of that former municipality in accordance with section 15. The part of that subsidy attributable to the former Village de Leclercville shall be paid in full into the reserve created in the name of that former municipality in accordance with section 16.

15. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall constitute a reserve created for the benefit of ratepayers in the sector made up of the territory of that former municipality and it shall be used as follows:

(a) former Paroisse de Sainte-Emmélie:

A tax reduction applicable to all the taxable immovables in the sector made up of the territory of that former municipality on the basis of their values, as appearing on the assessment roll in force each year, shall be granted from the first fiscal year for which the new municipality does not apply separate budgets.

The following amounts shall be deducted from that reserve and shall be used to reduce real estate taxes:

— $7 137 for the first full fiscal year following the coming into force of this Order in Council;

— $4 282 for the second fiscal year;

— $8 564 for the third fiscal year;

— $6 000 for the fourth fiscal year;

— $5 000 for the fifth fiscal year.

Any available balance of that reserve may be used to further reduce the taxes applicable to all the taxable immovables in the sector made up of the territory of the former Paroisse de Sainte-Emmélie, to repay debts charged to all that sector or to carry out municipal works in that sector.

(b) former Village de Leclercville:

The amounts accumulated in that reserve shall be used as a priority to carry out improvement or repair works on the municipal water system serving the ratepayers of the former Villlage de Leclercville.

16. A reserve intended to financially contribute to future infrastructure works on the sewer and waste water treatment system shall be created for the benefit of the ratepayers in the sector made up of the territory of the former Village de Leclerville, except for the owners of assessment units whose file numbers appear in Schedule B, from the first fiscal year for which the new municipality does not apply separate budgets.

In order to constitute that reserve, an annual compensation of $100 per taxable immovable shall be required from each owner in the sector made up of the territory of the former Village de Leclercville, except for those referred to in Schedule B, for five years from the first fiscal year for which the former municipalities do not adopt separate budgets. No work on the sewer and waste water treatment system may be undertaken during that period.

If the new municipality, during the sixth, seventh or eighth fiscal year following the last fiscal year for which separate budgets are applied, adopts a loan by-law to cover the cost of the works referred to in the first paragraph, the loan shall, during those three years, be repaid in whole by the sector benefiting from the works. On the other hand, as of the ninth fiscal year, with respect to such loan or any later loan by-law adopted for the same purposes, at least 12 % in the proportions of the loan shall be repaid by the sectors mentioned in the fourth paragraph, according to the sharing provided for therein.

As for the portion of the loan which, in accordance with the third paragraph, is not to be repaid by the sector benefiting from the works, one third shall be repaid by the sector made up of the former Village de Leclercville and two thirds by the sector made up of the territory of the former Paroisse de Sainte-Emmélie.

If, on the expiry of 10 years following the coming into force of this Order in Council, the amount accumulated in the reserve provided for in the first paragraph has not been used for the prescribed purposes, it may be used to reduce the general property taxes applicable to the taxable immovables covered by the compensation mentioned in the second paragraph.

17. For the first two fiscal years following the coming into force of this Order in Council, a special tax based on the value appearing on the assessment roll in force each year shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former Village de Leclercville.

The rate of that tax shall be determined by dividing $6 849 by the total amount of the taxable assessment of the immovables in the sector made up of the territory of the former Village de Leclercville, according to the assessment roll in force.

18. Subject to section 15, for each of the first two fiscal years following the coming into force of this Order in Council, a tax credit shall be granted on all the taxable immovables located in the sector made up of the territory of the former Paroisse de Sainte-Emmélie.

The rate of that tax credit shall be determined by dividing $6 849 by the total amount of the taxable assessment of the immovables in the sector made up of the territory of the former Paroisse de Sainte-Emmélie, according to the assessment roll in force.

19. The annual repayment of the instalments in principal and interest on all the loans made under by-laws adopted by a former municipality shall remain charged to the taxable immovables in the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses in those by-laws. If the council of the new municipality decides to amend the taxation clauses in those by-laws in accordance with the Act, such amendments may only affect the taxable immovables in the sector made up of the territory of that former municipality.

20. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall remain charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that former municipality.

21. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

22. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the municipality, provided that such a by-law comes into force within two years following the coming into force

of the revised development plan of the Municipalité régionale de comté de Lotbinière.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

23. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE LECLERCVILLE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LOTBINIÈRE

The current territory of the Paroisse de Sainte-Emmélie and of the Village de Leclercville, in the Municipalité régionale de comté de Lotbinière, comprising in reference to the cadastres of the parishes of Sainte-Emmélie and Saint-Jean-Deschaillons and of the Village de Leclercville, the lots or parts thereof and their present and future subdivisions, as well as the roads, routes, streets, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the southeast shore of the St. Lawrence River with the dividing line between the cadastres of the Village de Leclercville and the Paroisse de Saint-Louis-de-Lotbinière; thence, successively, the following lines and demarcations: southeasterly, part of the said line dividing the cadastres to the apex of the eastern angle of lot 109 of the cadastre of the Village de Leclercville, that line crossing Route 132 that it meets; southwesterly, the southeast line of lot 109 of the said cadastre and its extension to the left bank of Rivière du Chêne; in a general easterly direction, the left bank of the said river to the southwesterly extension of the dividing line between the cadastres of the parishes of Sainte-Emmélie and Saint-Edouard bordering on the southeast lot 291A of the cadastre of the Paroisse de Saint-Édouard; successively northeasterly and southeasterly, the said extension and part of the said broken line dividing the said cadastres to a point 2 748.2 metres to the northwest of the meeting point of the said dividing line between the cadastres with the back line of Rang 5 of the cadastre of the Paroisse de Sainte-Emmélie, measured along the said dividing line between the cadastres, that line crossing in its second segment Rivière Huron that it meets; southwesterly, a straight line in lot 192 of the cadastre of the Paroisse de Sainte-Emmélie to its meeting with the dividing line between the cadastres of the parishes of Sainte-Emmélie and Saint-Jean-Deschaillons at a distance of 1 754.1 metres to the northwest of the back line of Rang 5 of the cadastre of the Paroisse de Sainte-Emmélie measured along the said dividing line between the cadastres, that line crossing Rivière Henri and Rivière du Chêne that it meets; northwesterly, part of the said dividing line between the cadastres to the apex of the eastern angle of lot 4 of the cadastre of the Paroisse de Sainte-Emmélie, that line crossing Ruisseau L'Espérance, Chemin Rang du Castor and Route 226 that it meets; southwesterly, the southeast line of lot 4 of the said cadastre being the northwest side of the right-of-way of the public road shown on the original (Route 226) bordering on the northwest lot 232 of the cadastre of the Paroisse de Saint-Jean-Deschaillons; northwesterly, part of the southwestern line of lot 4 of the cadastre of the Paroisse de Sainte-Emmélie to the centre line of the Ruisseau du Castor; in a general northwesterly direction, in the cadastre of the Paroisse de Saint-Jean-Deschaillons, the centre line of the said stream to the right bank of Petite Rivière du Chêne; finally, in a general northeasterly direction, successively, the right bank of the said river to its mouth then the southeast shore of the St. Lawrence River to the starting point, that line extended across the mouth of Rivière du Chêne that it meets.

The said limits define the territory of the Municipalité de Leclercville.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 4 October 1999

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

L-356/1

SCHEDULE "B"

8958-69-1904, 8958-85-9560, 8958-86-2032, 8958-86-5051, 8958-93-7391, 8958-94-6497, 8958-95-6070, 8958-96-0570, 8958-96-1005, 8958-96-8015, 8959-13-5762, 8959-24-4944, 8959-87-1009, 8959-89-0187, 8959-99-9769, 8960-70-4208, 8960-80-4762, 9058-03-7095, 9058-04-3525, 9058-04-5590, 9058-04-8570, 9058-05-4515, 9058-08-6071, 9058-11-3929, 9058-14-2030, 9058-22-4161, 9058-38-6398, 9058-68-3937, 9059-09-7128, 9059-19-1815, 9059-19-3708, 9059-27-4070, 9059-40-7030, 9059-95-5199, 9060-13-6608, 9060-41-9065.

3362

Gouvernement du Québec

O.C. 9-2000, 12 January 2000

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Ville de Saint-Césaire and Paroisse de Saint-Césaire

WHEREAS each of the municipal councils of Ville de Saint-Césaire and Paroisse de Saint-Césaire adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Saint-Césaire and Paroisse de Saint-Césaire, on the following conditions:

1. The name of the new town shall be "Ville de Saint-Césaire".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 8 November 1999; that description is attached as Schedule A to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The new town shall be part of Municipalité régionale de comté de Rouville.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors shall alternate as mayor and deputy mayor of the provisional council for two equal periods. The mayor of the former Paroisse de Saint-Césaire shall serve first.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The mayor of the former Ville de Saint-Césaire and the mayor of the former Paroisse de Saint-Césaire shall continue to sit on the council of Municipalité régionale de comté de Rouville until the first general election and they shall be allotted the same number of votes as before the coming into force of this Order in Council.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as that in force for the former Ville de Saint-Césaire at the time of the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the public hall of the former Ville de Saint-Césaire.

7. The first general election shall be held on the first Sunday of June 2000. The second general election shall be held in 2003.

The council of the new town shall be composed of seven members, that is, a mayor and six councillors. From the first general election, the councillors' seats shall be numbered from 1 to 6.

8. For the first general election, the only persons eligible for seats 1, 2 and 3 are the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Ville de Saint-Césaire and the only persons eligible for seats 4, 5 and 6 are the persons who would be eligible under that Act if such election were an election of the members of the council of the former Paroisse de Saint-Césaire.

For the second general election, the territory of the new town shall be divided into six electoral districts in accordance with the Act respecting elections and referendums in municipalities.

9. Pierre Despars, secretary-treasurer of the former Ville de Saint-Césaire shall act as director general and treasurer of the new town. Louise Benoit, secretary-treasurer of the former Paroisse de Saint-Césaire, shall act as clerk of the new town.

10. If the former municipalities adopted budgets for the fiscal year during which this Order in Council comes into force, they shall continue to be applied by the council of the new town and the expenditures and revenues shall be accounted for separately as if the former municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each former municipality in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in their financial statements for the last fiscal year ending before this Order in Council comes into force.

11. If section 10 applies, the portion of the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year foll owing the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed by that portion of the subsidy, shall constitute a reserve that is paid into the general funds of the new town for the first fiscal year for which it does not apply separate budgets.

12. The subsidy granted under under the Programme d'aide financière au regroupement municipal shall be apportioned as follows:

(a) an amount of $20 000 shall be used to increase the working fund of the new town according to the terms and conditions provided for in section 14;

(b) an amount of $20 000 shall be paid into the general funds of the new town to finance the special costs related to the amalgamation;

(c) the surplus shall be added to the surplus accumulated on behalf of the former Ville de Saint-Césaire and shall be dealt with in accordance with the provisions of section 15.

13. The terms and conditions for apportioning the costs of shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

14. The working fund of the new town shall be made up of the working fund of each of the former municipalities as it exists at the end of the last fiscal year for which the former municipalities adopted separate budgets and of an amount of $20 000 taken directly from the subsidy received under the Programme d'aide financière au regroupement municipal.

The sums borrowed from the working fund of each of the former municipalities shall be repaid directly into the general funds of the new town.

15. Any surplus accumulated on behalf of a former municipality, at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used as follows:

(a) an amount of $50 000 shall be subtracted from the surplus accumulated on behalf of each of the former municipalities and it shall be paid into the general funds of the new town; if a surplus does not comprise at least the amount of $50 000, the amount that is subtracted from each surplus shall be equal to the amount of the lowest accumulated surplus, or to zero in the case where there is no accumulated surplus for at least one of the former municipalities;

(b) any balance of the surplus accumulated on behalf of the former Ville de Saint-Césaire shall be used for the benefit of the ratepayers in the sector made up of the territory of that former town. It may be used to carry out public works in that sector, to reduce the taxes applicable to all the taxable immovables in that sector or to repay debts charged to that sector; any balance in the surplus accumulated on behalf of the former Paroisse de Saint-Césaire shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used to carry out public works in that sector, to reduce the taxes applicable to all the taxable immovables in that sector, to repay debts charged to that sector or to tax credits granted to the users of the waterworks system. The total of tax credits granted to the users of the waterworks system may not exceed $35 000.

16. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

17. Any tax imposed under By-laws 378, 388, 389, 391, 494, 470, 498, 527, 551, 585, 596 and 600 of the former Ville de Saint-Césaire shall be replaced by a tax imposed on all the taxable immovables of the new town

according to their value as it appears on the assessment roll in force each year. The taxation clauses of those by-laws shall be amended accordingly.

18. Any tax imposed under By-laws 380, 471, 541 and 542 of the former Ville de Saint-Césaire shall be replaced by a tax imposed on all the taxable immovables of the new town that are served by the waterworks system. The taxation clauses of those by-laws shall be amended accordingly.

19. Any tax imposed under By-laws 365, 379, 383, 457, 461, 466, 467, 473, 495, 502, 504, 510, 512, 561, 563, 564, 573 and 591 of the former Ville de Saint-Césaire shall be replaced by a tax imposed on all the taxable immovables of the sectors listed in Schedule B to this Order in Council according to the proportions mentioned in that Schedule. The taxation clauses of those by-laws shall be amended accordingly.

20. If the former Ville de Saint-Césaire adopted, before the coming into force of this Order in Council, a loan by-law ordering waterworks on the crossing of Rivière Yamaska, the repayment of instalments in principal and interest of that loan shall be charged to all the taxable immovables of the new town, served by the waterworks system, on the basis of their value as it appears on the assessment roll in force each year. The taxation clauses of those by-laws shall be amended accordingly.

21. If the former Ville de Saint-Césaire adopted, before the coming into force of this Order in Council, a loan by-law ordering the acquisition of the sports complex of the former Collège de Saint-Césaire, the repayment of instalments in principal and interest of that loan shall be charged to all the taxable immovables of the new town on the basis of their value as it appears on the assessment roll in force each year. The taxation clauses of those by-laws shall be amended accordingly.

22. The annual repayment of the instalments in principal and interest of all loans made under the by-laws adopted by a former municipality before the coming into force of this Order in Council and not referred to in sections 17, 18, 19, 20 and 21, shall be charged to the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses provided for in those by-laws. If the new town decides to amend the taxation clauses of those by-laws in accordance with the law, those amendments may only affect the taxable immovables located in the sector made up of the territory of that former municipality.

23. Any debt or gain that may result from legal proceedings for an act performed by a former municipality shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

24. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new town.

25. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Saint-Césaire".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Saint-Césaire, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of Chapter 40 of the Statutes of 1999, apply to the municipal housing bureau of the new Ville de Saint-Césaire as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

26. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town.

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE SAINT-CÉSAIRE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE ROUVILLE

The current territory of Paroisse de Saint-Césaire and Ville de Saint-Césaire, in Municipalité régionale de comté de Rouville, comprising in reference to the cadastres of Village de Saint-Césaire and the parishes of Sainte-Angèle, Sainte-Brigide and Saint-Césaire, the lots or parts thereof and their present and future subdivisions, as well as the roads, routes, autoroutes, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the two perimeters described hereinafter, namely:

Outside perimeter

Starting from the apex of the northeastern angle of lot 337 of the cadastre of Paroisse de Saint-Césaire; thence, successively, the following lines and demarcations: in reference to the cadastre of Paroisse de Saint-Césaire, in a general southerly direction, successively, the eastern line of lots 337 in declining order to 329, 327 in declining order to 317 and 313 in declining order to 302 then part of the eastern line of lot 301 to the apex of the northwestern angle of lot 50; easterly, successively, the northern line of lot 50, a straight line crossing Chemin Rang Saint-Ours joining the apex of the northeastern angle of the said lot to the apex of the northwestern angle of lot 17 then the northern line of the latter lot; in general southerly and easterly directions, part of the broken dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Paul-d'Abbotsford to the west side of the right-of-way of a public road shown on the original (Route 235) limiting to the east lots 104, 103, 102, 105, 106 and 107 of the cadastre of Paroisse de Saint-Césaire, that line crossing Route 112 and the railway right-of-way that it meets; southerly, the west side of the right-of-way of the said road to the apex of the southeastern angle of lot 107 of the said cadastre; in a general southwesterly direction, part of the dividing line between the cadastres of the parishes of Saint-Césaire and l'Ange-Gardien to the apex of the southern angle of lot 181 of the cadastre of Paroisse de Saint-Césaire, that line passing by the southwest side of the right-of-way of roads Rang Rosalie and Rang Saint-Charles and crossing Autoroute des Cantons-de-l'Est and Chemin Rang Casimir that it meets; in reference to the latter cadastre, northwesterly, the southwestern line of the said lot 181 and its extension to the centre line of the Rivière Yamaska, that line crossing Chemin Rang du Haut-de-la-Rivière Sud that it meets; in a general southerly direction, the centre line of the said river upstream to its meeting point with the southeasterly extension of the southwestern line of lot 468; northwesterly, the said extension and the southwestern line of lots 468, 467, 466, 465 and 464, that line crossing Chemin Rang du Haut-de-la-Rivière Nord that it meets; northerly, part of the dividing line between the cadastres of the parishes of Saint-Césaire and Sainte-Brigide to the apex of the southern angle of lot 232 of the latter cadastre, that line running along in part Chemin Rang des Écossais and crossing a road (shown on the original) that it meets; in reference to the latter cadastre, northwesterly, part of the southwestern line of lot 232 to the apex of the eastern angle of lot 233, that line crossing Autoroute des Cantons-de-l'Est that it meets; westerly, the southern line of lots 233 to 237; northwesterly, part of the southwestern line of lot 237 to the apex of the southern angle of lot 242; successively northeasterly, northwesterly and southwesterly, the southeastern, northeastern and northwestern lines of the said lot; in a general northwesterly direction, successively, part of the southwestern line of lot 237, the southwestern line of lots 241 and 240, a straight line crossing Chemin Rang Chaffers joining the apex of the western angle of lot 240 to the apex of the southern angle of lot 239, the southwestern line of lots 239, 238, 218 and 219, a straight line crossing Chemin Rang du Pipeline joining the apex of the western angle of lot 219 to the apex of the southern angle of lot 221, the southwestern line of the said lot then its extension crossing Chemin Saint-François (shown on the original) to the northwest side of the right-of-way of the said road; successively northeasterly, northerly and again northeasterly, the northwest side of the said right-of-way to the southwestern line of lot 48 of the cadastre of Paroisse de Sainte-Angèle; in reference to that cadastre, northwesterly, part of the southwestern line of the said lot over a distance of 90.53 metres; in lots 48 and 47, northeasterly, a straight line being at an inside angle of 87°27'29" with the preceding line and measuring 91.43 metres; in lot 47, successively southeasterly and northeasterly, a straight line being at an inside angle of 92°32'25" with the preceding line and measuring 84.81 metres then a straight line being at an inside angle of 269°42'11" with the preceding line and measuring 57.58 metres; in lots 47 and 46, northeasterly, a straight line being at an inside angle of 181°37'02" with the preceding line and measuring 30.05 metres; in lot 46, northeasterly, successively, a straight line being at an inside angle of 184°29'43" with the preceding line and measuring 21.22 metres then a straight line being at an inside angle of 185°27'41" with the preceding line and measuring 21.19 metres; in lots 46 and 45, northeasterly, a straight line being at an inside angle of 184°56'35" with the preceding line and measuring 65.50 metres; in lots 45 and 44, northeasterly, a straight line being at an inside angle of 176°29'36" with the preceding line and measuring 69.69 metres, that is, to the northeastern line of lot 44; northwesterly, part of the dividing line between the cadastres of the parishes of Saint-Césaire and

Sainte-Angèle to the apex of the western angle of lot 488 of the cadastre of Paroisse de Saint-Césaire; in reference to that cadastre, northeasterly, the northwestern line of lot 488 and its extension to the northeast side of the right-of-way of Route 112, that line crossing the railway right-of-way that it meets; southeasterly, the northeast side of the right-of-way of the said route to the apex of the western angle of lot 596; northeasterly, the northwestern line of the said lot; in a general northerly direction, successively part of the western line of lot 390 to the apex of the northwestern angle of the said lot then the eastern line of lots 388, 387, 386, 384, 383, 382, 380, 379 in declining order to 356, 354 in declining order to 341 and 339; finally, easterly, part of the dividing line between the cadastres of the parishes of Saint-Césaire and Saint-Damase to the starting point, that line crossing Chemin Rang du Bas-de-la-Rivière Nord, the Rivière Yamaska and Chemin Rang du Bas-de-la-Rivière Sud that it meets.

Inside perimeter

Starting from the meeting point of the southeast side of Chemin Saint-François (shown on the original) and the northeastern line of lot 51 of the cadastre of Paroisse de Sainte-Angèle; thence, successively, the following lines and demarcations: in reference to that cadastre, southwesterly, the southeast side of the right-of-way of the said road to the southwestern line of lot 53-1; successively southeasterly and northeasterly, the southwestern and southeastern lines of the said lot; southeasterly, part of the southwestern line of lot 52 over a distance of 335.68 metres; in lot 53, successively southwesterly and southeasterly, a straight line being at an inside angle of 270°21'25" with the preceding line and measuring 41.58 metres then a straight line being at an inside angle of 89°47'56" with the preceding line and measuring 82.65 metres, that is to the southeastern line of the said lot; northeasterly, part of the southeastern line of lot 53 and the southeastern line of lots 52 and 51; finally, northwesterly, the northeastern line of lot 51 to the starting point.

Those perimeters define the limits of the territory of the new Ville de Saint-Césaire, in Municipalité régionale de comté de Rouville.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 8 November 1999

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

C-286/1

SCHEDULE B

TERMS AND CONDITIONS FOR FINANCING CERTAIN LOAN BY-LAWS OF THE FORMER VILLE DE SAINT-CÉSAIRE

By-law number	Sector of the former Ville de Saint-Césaire	Sector of the former Ville de Saint-Césaire served by the waterworks system	Sector of the former Ville de Saint-Césaire served by the sewer system
365	20 %	20 %	60 %
379	—	—	100 %
383	30 %	12 %	58 %
457	17 %	25 %	58 %
461	38 %	19 %	43 %
466	—	100 %	—
467	—	38 %	62 %
473	37 %	15 %	48 %
495	40 %	19 %	41 %
502	24 %	23 %	53 %
504	—	100 %	—
510	35 %	17 %	48 %
512	42 %	23 %	35 %
561	30 %	17 %	53 %
563	33 %	16 %	51 %
564	38 %	16 %	46 %
573	38 %	19 %	43 %
591	34 %	46 %	20 %

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Notices

Notice

Ecological Reserves Act
(R.S.Q., c. R-26.1)

Des Grands-Ormes Ecological Reserve
— Modifications to the limits

Notification is hereby given in accordance with section 2 of the Ecological Reserves Act of the Minister of the Environment's intent to propose to the government modifications to the limits of the Grands-Ormes Ecological Reserve located within the Charlevoix-Est regional county municipality.

The projected modifications involve the substraction from the existing ecological reserve of the southernmost part and of a section in the eastern part, as well as the addition of a new section to the north. The modified ecological reserve will therefore consist of two blocks separated by a 30-metre corridor. As a result, the total area of the ecological reserve will be increased by 215 hectares.

Anyone interested in commenting these modifications can do so within 30 days of this notification by writing to the Minister of the Environment, Mr. Paul Bégin, at 675, boulevard René-Lévesque Est, 30e étage, Québec (Québec) G1R 5V7.

DIANE JEAN,
Deputy Minister

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified