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NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 60
(2001, chapter 68)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 15 November 2001
Passage in principle 11 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill introduces various rules relating to municipal governance.

The bill amends the Act respecting the Pension Plan of Elected Municipal Officers, in particular as regards the redemption of years of prior service and the distribution of the actuarial surpluses as at 31 December 2000. It also provides for special rules that are to apply to the participation of the chairman of the executive committee of the Kativik Regional Government in the Pension Plan of Elected Municipal Officers and to the participation of the members of a council governed by the Act respecting Northern villages and the Kativik Regional Government. Certain changes are also made to the rules in the Cities and Towns Act and the Municipal Code of Québec that apply to the pension plans of officers and employees, particularly as regards the composition of pension committees that administer the pension plans of which those persons are members.

The bill introduces changes to the formula for determining the appropriations for the office of chief auditor that are to be provided for in the budget of a local municipality having a population of 100,000 or more. As well, the bill authorizes municipalities, intermunicipal boards and metropolitan communities to establish financial reserves for the financing of capital expenditure.

The bill introduces changes to the electoral procedure, providing in particular for the establishment of mobile polling stations, and for polling day to be the date on which a person must have reached full age in order to be entitled to vote. The bill fixes 1 May of the calendar year in which the election is to be held as the date on which a rural regional county municipality must have a by-law in force ordering the election of the warden by universal suffrage.

The bill provides that the Communauté métropolitaine de Québec, the regional county municipalities of Fjord-du-Saguenay and des Chenaux, and the cities of Lévis, Gatineau, Sherbrooke, Trois-Rivières, Saguenay and Shawinigan have two years, as of 1 January 2002, to draw up a residual materials management plan. It also authorizes the council of the Communauté métropolitaine de Québec to appoint one person to fill two or more of the offices of director general, treasurer and secretary.

The bill provides that in the area of land use planning and development in the national capital region, the Minister of Municipal Affairs and Greater Montréal must seek the advice of the Commission de la capitale nationale before giving an opinion under the Act respecting land use planning and development.

The bill contains provisions under which agricultural operations whose gross income is between $5,000 and $10,000 are to be eligible for reimbursement of property taxes and compensations, and makes certain modifications to the method for calculating the reimbursement.

The bill contains various provisions that apply to regional county municipalities affected by the constitution of new cities, and in this regard makes a number of changes to the territories of municipalities. An obligation is imposed on the municipalities to enter into an agreement fixing the terms and conditions that are to govern those matters.

The bill makes various amendments to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, primarily to give a casting vote to the chair of each borough in Ville de Montréal, to provide for the designation of two vice-chairs to the executive committees of the cities of Montréal and Québec, to provide for the appointment of associate councillors to assist the executive committee of Ville de Québec, and to change the composition of the executive committee of the new Ville de Lévis and give the mayor a casting vote should there be a tie in a committee vote.

Lastly, the bill contains various provisions that address certain particular situations concerning municipal affairs.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;

– Cities and Towns Act (R.S.Q., chapter C-19) ;

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

– Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) ;

– Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) ;

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

– Act respecting municipal territorial organization (R.S.Q., chapter O-9);

– Environment Quality Act (R.S.Q., chapter Q-2);

– Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

– Act respecting certain facilities of Ville de Montréal (1998, chapter 47);

– Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27);

– Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

– Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

– Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25).

Bill 60

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 117.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by replacing "first" in the second line of the fourth paragraph by "second";

(2) by replacing "second" in the third line of the fourth paragraph by "first".

2. Section 264.0.2 of the said Act, enacted by section 100 of chapter 56 of the statutes of 2000 replaced by section 218 of chapter 25 of the statutes of 2001, is amended in the French text by inserting "loi" after "présente" in the second line of the first paragraph.

3. Section 267.2 of the said Act, replaced by section 102 of chapter 56 of the statutes of 2000 and by section 8 of chapter 25 of the statutes of 2001, is amended by replacing "second" in the second line of subparagraph 2 of the third paragraph by "third".

4. The said Act is amended by inserting the following section after section 267.2:

"267.3. The Minister shall, before giving an opinion pursuant to any of sections 51, 53.7, 56.14 and 65 to Ville de Québec, Ville de Lévis or a regional county municipality whose territory is situated in whole or in part in that of the Communauté métropolitaine de Québec, request an opinion from the Commission de la capitale nationale on the submitted document. The first sentence of the second paragraph of section 267.2 applies, with the necessary modifications.

On the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Québec, the first paragraph applies to the opinions given to the Community pursuant to the sections referred to in that paragraph."

CITIES AND TOWNS ACT

5. Section 107.5 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 15 of chapter 25 of the statutes of 2001, is amended

(1) by striking out the second sentence;

(2) by adding the following paragraphs at the end:

"Subject to the third paragraph, the appropriation must be equal to or greater than the product obtained by multiplying the total of the other appropriations provided for in the budget for operating expenses by

(1) 0.17% where the total of those appropriations is less than $100,000,000;

(2) 0.16% where the total of those appropriations is at least $100,000,000 and less than $200,000,000;

(3) 0.15% where the total of those appropriations is at least $200,000,000 and less than $400,000,000;

(4) 0.14% where the total of those appropriations is at least $400,000,000 and less than $600,000,000;

(5) 0.13% where the total of those appropriations is at least $600,000,000 and less than $800,000,000;

(6) 0.12% where the total of those appropriations is at least $800,000,000 and less than $1,000,000,000;

(7) 0.11% where the total of those appropriations is at least $1,000,000,000.

Where the budget of the municipality provides for appropriations for operating expenses related to the operation of a system of production, transmission or distribution of electric power, 50% only of those appropriations shall be taken into account in establishing the total of the appropriations referred to in the second paragraph."

6. Section 107.8 of the said Act, enacted by section 15 of chapter 25 of the statutes of 2001, is amended by inserting "or any legal person referred to in paragraph 2 of section 107.7" after "municipality" in the first line of subparagraph 2 of the third paragraph.

7. Section 108.2.1 of the said Act, enacted by section 20 of chapter 25 of the statutes of 2001, is amended by replacing "activities of" in subparagraph 1 of the first paragraph by "accounts relating to".

8. Section 108.3 of the said Act, enacted by section 21 of chapter 25 of the statutes of 2001, is amended in the French text by inserting "tard" after "plus" in the first line of the first paragraph.

9. Section 324 of the said Act is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, the requisition in relation to the calling of a special sitting of a borough council which is composed of three members may be presented by two members of that council."

10. Section 327 of the said Act is amended by inserting the following paragraph after the first paragraph:

"Where a sitting of a borough council has a quorum of two members, the sitting shall be adjourned as soon as it is established that there is no quorum."

11. Section 464 of the said Act is amended

(1) by replacing the first paragraph of subparagraph 8 of the first paragraph by the following paragraph:

"(8) To establish and maintain, on the conditions prescribed by the by-law, a pension plan for the benefit of the officers and employees of the municipality or to participate in such a plan; to make, for that purpose, if need be, any agreement with a life insurance company or a trust company or with a legal person or government issuing life annuities; to grant subsidies for the establishment and maintenance of the plan; to fix the maximum age of the officers and employees and the contributions which they and the municipality must pay into the plan's pension fund; to cause to be assumed by the municipality the contributions required to enable the officers and employees to be credited, for the purposes of the pension plan, with their previous years of service, and borrow the sums required for that purpose by the by-law creating or amending the plan.";

(2) by replacing the fourth, fifth and sixth paragraphs of subparagraph 8 of the first paragraph by the following paragraphs:

"A by-law establishing a pension plan requires only the approval of the majority of the officers and employees referred to in the by-law even if the by-law prescribes a loan. Such approval may, in respect of the officers and employees represented by a certified association, be given by the association.

The Supplemental Pension Plans Act (chapter R-15.1) applies to a pension plan referred to in this subparagraph, except where the plan is referred to in section 2 of that Act. Every by-law to establish or amend a pension plan may have effect retroactively to the first effective date of the pension plan or any amendment to it under the Supplemental Pension Plans Act."

12. Section 468.45.1 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended

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

"468.45.1. The management board may, by by-law, for the benefit of all of the municipalities in whose territory it has jurisdiction, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

(2) by inserting the following paragraph after the second paragraph:

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities in whose territory the management board has jurisdiction, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

13. Section 468.45.2 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended

(1) by inserting "from a contribution payable by the municipalities for whose benefit the reserve is established" after "468.45," in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities in whose territory the management board has jurisdiction, the reserve may not be made up of sums from the surpluses or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

14. Section 468.45.3 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

15. Section 468.45.4 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by replacing "in the territory under the jurisdiction of the management board" in the fourth and fifth lines of the third paragraph by "for whose benefit the reserve was established".

16. Section 468.45.5 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is replaced by the following section:

"468.45.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves

already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of section 468.45.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

17. Section 468.51 of the said Act, amended by section 4 of chapter 54 of the statutes of 2000 and by section 29 of chapter 25 of the statutes of 2001, is again amended by inserting "73.2," after "73.1," in the first line.

18. Section 474.0.1 of the said Act, enacted by section 30 of chapter 25 of the statutes of 2001, is amended

(1) by replacing "The" in the first line of the second paragraph by "Subject to the third paragraph, the";

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

"Where the budget of the municipality provides for appropriations for expenses related to the operation of a system of production, transmission or distribution of electric power, 50% only of those appropriations shall be taken into account in establishing the total of the appropriations referred to in the second paragraph."

19. Section 569.1 of the said Act is amended by striking out "other than capital expenditures" in the third and fourth lines of the first paragraph.

20. Section 569.2 of the said Act is amended

(1) by inserting ", of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act," after "council" in the third line of the second paragraph;

(2) by inserting "or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality in respect of that sector under section 244.1 of that Act" after "sector" in the third line of the third paragraph.

21. Section 569.3 of the said Act is amended by adding the following paragraph after the second paragraph:

"The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

22. Section 569.5 of the said Act is replaced by the following section:

"569.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 569, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the third paragraph of section 569.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

23. Section 573 of the said Act, amended by section 33 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out ", except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions" in the third, fourth and fifth lines of subparagraph 2 of the fourth paragraph of subsection 1;

(2) by striking out ", except a contract in respect of services related to cultural or artistic fields than can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the fourth paragraph of subsection 1;

(3) by striking out the fifth paragraph of subsection 1.

24. Section 573.3 of the said Act, amended by section 36 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting "a contract in respect of movable property or services related to cultural or artistic fields, a contract in respect of subscriptions or computer software for educational purposes or" after "apply to" in the first line of the second paragraph;

(2) by adding the following paragraphs after the second paragraph:

"Sections 573.1 and 573.3.0.2 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

Section 573.1 does not apply to a contract covered by the regulation in force made under section 573.3.0.1."

25. Section 573.3.0.1 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of section 573.1 or the third paragraph of section 573.1.0.1 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

26. Section 573.3.0.2 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001, is amended by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line.

MUNICIPAL CODE OF QUÉBEC

27. Article 614.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 7 of chapter 19 of the statutes of 2000, is amended

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

"614.1. The management board may, by by-law, for the benefit of all of the municipalities in whose territory it has jurisdiction, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

(2) by inserting the following paragraph after the second paragraph:

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities in whose territory the management board has jurisdiction, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

28. Article 614.2 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended

(1) by inserting "from a contribution payable by the municipalities for whose benefit the reserve is established" after "614," in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities in whose territory the management board has jurisdiction, the reserve may not be made up of sums from the surpluses or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

29. Article 614.3 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

30. Article 614.4 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended by replacing "in the territory under the jurisdiction of the management board" in the fourth and fifth lines of the third paragraph by "for whose benefit the reserve was established".

31. Article 614.5 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is replaced by the following article:

"614.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of article 614.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

32. Article 620 of the said Code, amended by section 11 of chapter 54 of the statutes of 2000 and by section 48 of chapter 25 of the statutes of 2001, is again amended by inserting "73.2," after "73.1," in the first line.

33. Article 678.0.5 of the said Code, enacted by section 49 of chapter 25 of the statutes of 2001, is replaced by the following article:

"678.0.5. The Government may, at the request of a regional county municipality designated as rural, allow it to affirm its jurisdiction with respect to residual materials management, local roads, the management of social housing or the transportation of handicapped persons in accordance with article 678.0.1, and a local municipality may not express its disagreement under articles 678.0.2 and 10.1.

The resolution making the request referred to in the first paragraph shall specify, among the matters and parts of matters mentioned therein, those to which the request applies and, where applicable, the name of the local municipalities in whose territory the jurisdiction will be exercised."

34. The said Code is amended by inserting the following article after article 678.1:

"678.2. Every regional county municipality may make an agreement with Hydro-Québec under which the regional county municipality is entrusted with the management of any land designated in the agreement.

The agreement may contain any condition relating to its application. It may in particular provide that the regional county municipality may, subject to any act or contract concerning the land and any applicable Act or regulation, lease the land as lessor or entrust its operation to a third person and develop the land for purposes within the regional county municipality's jurisdiction."

35. Article 704 of the said Code is amended by replacing the first paragraph by the following paragraph:

"704. A municipality may, by by-law, establish and maintain, on the conditions prescribed by the by-law, a pension plan for the benefit of the officers and employees of the municipality or to participate in such a plan; to make, for that purpose, if need be, any agreement with a life insurance company or a trust company or with a legal person or government issuing life annuities; grant subsidies for the establishment and maintenance of the plan; fix the maximum age of the officers and employees and the contributions

which they and the municipality must pay into the plan's pension fund; cause to be assumed by the municipality the contributions required to enable the officers and employees to be credited, for the purposes of the pension plan, with their previous years of service, and borrow the sums required for that purpose by the by-law creating or amending the plan."

36. Article 706 of the said Code is replaced by the following article:

"706. A by-law establishing a pension plan requires only the approval of the majority of the officers and employees referred to in the by-law even if the by-law prescribes a loan. Such approval may, in respect of the officers and employees represented by a certified association, be given by the association.

The Supplemental Pension Plans Act (chapter R-15.1) applies to a pension plan referred to in this article, except where the plan is referred to in section 2 of that Act. Every by-law to establish or amend a pension plan may have effect retroactively to the first effective date of the pension plan or any amendment to it under the Supplemental Pension Plans Act."

37. The said Code is amended by inserting the following articles after article 738:

"738.1. To determine the site of land that belongs to the municipality under article 738, the council shall approve by resolution the description of the land prepared by a land surveyor according to the cadastre in force.

The original of the description must be filed at the office of the secretary-treasurer of the municipality and a copy authenticated by a land surveyor must be filed at the registry office of the registration division in which the land concerned is located.

"738.2. The secretary-treasurer shall cause to be published twice, in a newspaper circulated in the territory of the municipality, a notice

(1) identifying the land that is the subject of a resolution referred to in article 738.1, using the name of the road or street concerned wherever possible;

(2) identifying the resolution approving the description of the land and mentioning its date and the date of the filing of the description at the registry office and the fact that the site of the land is determined pursuant to that description;

(3) mentioning that the real rights which could be asserted by any person in the land forming the subject of the notice are extinguished, that any such person may claim an indemnity as compensation for the extinction from the municipality and that failing an agreement with the municipality, the amount of the indemnity will be fixed by the Administrative Tribunal of Québec in accordance with the Expropriation Act (chapter E-24).

The second publication must be made after the 60th and not later than the 90th day following the first.

"738.3. Every real right which could be asserted by a person in a part of land that is the subject of a description referred to in article 738.1 is extinguished as of the filing of the description at the registry office in accordance with that article.

The holder of a real right extinguished under the first paragraph may, however, claim an indemnity as compensation for the extinction from the municipality. Failing an agreement, the amount of the indemnity shall be fixed by the Administrative Tribunal of Québec on the application of the person claiming the indemnity or the municipality, and sections 58 to 68 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

The right to the indemnity under the second paragraph is prescribed three years after the second publication made in accordance with article 738.2."

38. Article 935 of the said Code, amended by section 53 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out ", except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subcriptions" in the third, fourth and fifth lines of subparagraph 2 of the fourth paragraph of subarticle 1 of the first paragraph;

(2) by striking out ", except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the fourth paragraph of subarticle 1 of the first paragraph;

(3) by striking out the fifth paragraph of subarticle 1 of the first paragraph.

39. Article 938 of the said Code, amended by section 56 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting "a contract in respect of movable property or services related to cultural or artistic fields, a contract in respect of subscriptions or computer software for educational purposes or" after "apply to" in the first line of the second paragraph;

(2) by adding the following paragraphs after the second paragraph:

"Articles 936 and 938.0.2 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

Article 936 does not apply to a contract covered by the regulation in force made under article 938.0.1."

40. Article 938.0.1 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of article 936 or the third paragraph of article 936.0.1 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

41. Article 938.0.2 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001, is amended by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line.

42. Article 1094.1 of the said Code, amended by section 10 of chapter 19 of the statutes of 2000, is again amended by replacing "other than capital expenditures. However, no regional county municipality may establish such a reserve for the benefit of a specific sector" in the first paragraph by ". The sector determined by a regional county municipality must correspond to the whole territory of one or more local municipalities".

43. Article 1094.2 of the said Code, amended by section 11 of chapter 19 of the statutes of 2000, is again amended

(1) by inserting ", of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act or, in the case

of a reserve established by a regional county municipality, of a special share payable by all the municipalities whose territory is situated within the territory of the regional county municipality," after "council" in the third line of the second paragraph;

(2) by inserting "by a local municipality" after "established" in the first line of the third paragraph;

(3) by inserting "or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality in respect of that sector under section 244.1 of that Act" after "sector" in the third line of the third paragraph;

(4) by adding the following paragraph after the third paragraph:

"Where the reserve is established by a regional county municipality for the benefit of a specific sector, the reserve may not be made up of sums from a special share payable by the local municipalities for whose benefit the reserve is established or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the regional county municipality in respect of that sector under section 244.1 of that Act."

44. Article 1094.3 of the said Code, amended by section 12 of chapter 19 of the statutes of 2000, is again amended

(1) by striking out "of a local municipality" in the first line of the second paragraph;

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

"The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

45. Article 1094.4 of the said Code is amended by inserting "or, if the reserve was established by a regional county municipality for the benefit of a specific sector, to the municipalities in that sector" after "fund" in the fourth line of the third paragraph.

46. Article 1094.5 of the said Code is replaced by the following article:

"1094.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under article 1094, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the third paragraph of article 1094.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

47. Section 19.1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by adding the following paragraph at the end:

"However, special duties may not be imposed where, voluntarily, the transferee referred to in the first paragraph pays to the municipality, before the special duties become payable, the transfer duties that would have been payable if section 19 had not been applicable. In such a case, the interest provided for in the first paragraph of section 11 is added to the amount of the transfer duties, where applicable, as if an account had been sent on the thirtieth day following receipt of the documents transmitted pursuant to the first paragraph of section 10."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

48. Section 54 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 19 of chapter 19 of the statutes of 2000, is again amended by inserting the following paragraph after the first paragraph:

"The same applies to any person who, on that date, is not an elector solely because the person is not then of full age but will have attained full age on polling day. For the purposes of any other provision relating to entry on the list of electors, such a person is deemed to be an elector on the date mentioned in the first paragraph."

49. Section 100 of the said Act is amended by adding the following paragraph after the fourth paragraph:

"Except where they apply by reference for purposes other than the establishment of the list of electors of the municipality, the first two paragraphs apply with the following modifications:

(1) the reference in the first paragraph to electors whose names are entered on the permanent list of electors is also a reference to the persons referred to

in the second paragraph of section 54 who would be such electors if they were of full age;

(2) the request referred to in the second paragraph must also specify the date of polling day."

50. The said Act is amended by inserting the following section after section 134:

"**134.1.** Notwithstanding section 132, any person domiciled in a facility referred to in the second paragraph of section 50 or lodged in such a facility who wishes to avail himself of the third paragraph of that section may, not later than the last day fixed for making an application, forward to the returning officer a written application for entry, striking off or correction along with the documents referred to in the second paragraph of section 133.

The returning officer shall transmit all applications and documents received to the competent board of revisors."

51. Section 175 of the said Act is amended by adding the following paragraphs at the end:

"Any person whose name is entered on the list of electors as a person domiciled in a facility referred to in the second paragraph of section 50 may vote at a mobile polling station determined under section 177 if the following conditions are fulfilled:

(1) the person is unable to move about;

(2) the person applies therefor in writing to the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors.

The returning officer shall draw up a list of the persons who have made an application under subparagraph 2 of the second paragraph and shall send a copy of the list to each authorized party or recognized ticket and to each independent candidate concerned."

52. Section 177 of the said Act is amended

(1) by inserting "and determine, where applicable, any such station that is a mobile polling station" after "necessary" in the second line of the first paragraph;

(2) by replacing "en établit plusieurs" in the first line of the second paragraph of the French text by "établit plusieurs bureaux de vote par anticipation".

53. The said Act is amended by inserting the following section after section 177:

"177.1. Where the returning officer establishes a mobile polling station, the only persons from among the persons to which Divisions III and V of Chapter V apply who may be present in the polling station are the deputy returning officer and the poll clerk."

54. Section 178 of the said Act is amended by adding the following paragraph at the end:

"The executive director of an institution referred to in the second paragraph of section 50 shall ensure that the mobile polling station is made accessible to the electors."

55. Section 179 of the said Act is amended by adding the following paragraph at the end:

"However, a mobile polling station may receive the vote of electors from 8:00 a.m. to 11:00 a.m."

56. Section 284 of the said Act is amended by inserting "or officers or employees of a mandatary body of the municipality within the meaning of paragraph 1 or 2 of section 307" after "paragraph" in the third line of the second paragraph.

57. Section 318 of the said Act is amended

(1) by inserting ", he became a warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)" after "63" in the second line of the second paragraph;

(2) by replacing "that section or" in the fourth line of the second paragraph by "section 62 or 63, becomes a warden or".

58. Section 400.1 of the said Act, enacted by section 93 of chapter 25 of the statutes of 2001, is amended by replacing "seat" in the third line of the second paragraph by "office".

ACT RESPECTING MUNICIPAL TAXATION

59. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 37 of chapter 54 of the statutes of 2000 and by section 143 of chapter 56 of the statutes of 2000, is again amended by replacing the third paragraph by the following paragraph:

"As regards an immovable referred to in paragraph 1 of the definition of "immovable" in the first paragraph and in paragraphs 1, 1.2, 2.1 and 13 to 17 of section 204, paragraph 2 of that definition refers only to a movable that, in addition to being permanently attached to the immovable, ensures the utility of the immovable. However, that paragraph does not refer to such a movable

that is used, to whatever extent, for the operation of an enterprise or for the carrying on of activities in the immovable."

60. Section 208 of the said Act, amended by section 63 of chapter 54 of the statutes of 2000, is again amended by inserting "unless the immovable belongs to the Société immobilière du Québec," after "State," in the third line of the first paragraph.

61. Section 231.5 of the said Act, enacted by section 121 of chapter 25 of the statutes of 2001, is amended in the English text by replacing "Government" in the third line of the fourth paragraph by "Crown in right".

62. Section 232.2 of the said Act, enacted by section 66 of chapter 54 of the statutes of 2000, is amended by replacing the second and third paragraphs by the following paragraph:

"However, in the case of a municipality mentioned in this paragraph, the number 5.5 is replaced by the number mentioned in the following subparagraphs:

(1) in the case of Ville de Montréal: 9.0;

(2) in the case of Ville de Laval: 7.5;

(3) in the case of Ville de Longueuil: 10.0;

(4) in the case of Ville de Gatineau: 6.9;

(5) in the case of Ville de Québec: 6.7;

(6) in the case of Ville de Sherbrooke: 7.1;

(7) in the case of Ville de Trois-Rivières: 5.6;

(8) in the case of Ville de Lévis: 6.2;

(9) in the case of Ville de Saguenay: 5.8."

63. Section 233 of the said Act, amended by section 67 of chapter 54 of the statutes of 2000, is again amended by replacing the second and third paragraphs by the following paragraph:

"In the case of a municipality mentioned in this paragraph, the coefficients mentioned in subparagraphs 1 and 2 of the first paragraph are replaced, respectively, by the two coefficients mentioned in the following subparagraphs:

(1) in the case of Ville de Montréal: 1.50 and 9.0;

(2) in the case of Ville de Laval: 1.18 and 7.5;

(3) in the case of Ville de Longueuil : 1.42 and 10.0 ;

(4) in the case of Ville de Gatineau : 1.05 and 6.9 ;

(5) in the case of Ville de Québec : 1.13 and 6.7 ;

(6) in the case of Ville de Sherbrooke : 1.22 and 7.1 ;

(7) in the case of Ville de Trois-Rivières : 0.97 and 5.6 ;

(8) in the case of Ville de Lévis : 1.05 and 6.2 ;

(9) in the case of Ville de Saguenay : 0.99 and 5.8."

64. Section 243.8 of the said Act, enacted by section 76 of chapter 54 of the statutes of 2000, is amended by inserting ", sex, sexual orientation, race, colour" after "language" in the second line of subparagraph *a* of subparagraph 3 of the second paragraph.

65. Section 244.40 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing the second and third paragraphs by the following paragraph :

"However, in the case of a municipality mentioned in this paragraph, the applicable coefficient is the coefficient mentioned in the following subparagraphs :

(1) in the case of Ville de Montréal : 2.50 ;

(2) in the case of Ville de Laval : 2.18 ;

(3) in the case of Ville de Longueuil : 2.42 ;

(4) in the case of Ville de Gatineau : 2.05 ;

(5) in the case of Ville de Québec : 2.13 ;

(6) in the case of Ville de Sherbrooke : 2.22 ;

(7) in the case of Ville de Trois-Rivières : 1.97 ;

(8) in the case of Ville de Lévis : 2.05 ;

(9) in the case of Ville de Saguenay : 1.99."

66. Sections 261.6 and 261.7 of the said Act are repealed.

ACT RESPECTING ADMINISTRATIVE JUSTICE

67. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 164 of chapter 56 of the statutes of 2000, is again amended

(1) by inserting the following paragraph after paragraph 3:

"(3.0.1) proceedings under article 738.3 of the Municipal Code of Québec (chapter C-27.1);";

(2) by adding the following paragraphs after paragraph 11:

"(12) proceedings under sections 184 and 192 of Schedule I-C to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

"(13) proceedings under sections 56 and 86 of Schedule II-C to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais."

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

68. Section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by replacing "the amount prescribed by regulation" in the first and second lines of subparagraph 4 of the first paragraph by "$5,000".

69. Section 36.4 of the said Act is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraph:

"(2) where the amount of property taxes and compensations qualified for reimbursement is greater than $300, the Minister shall reimburse an amount corresponding to the result obtained by adding the following amounts:

(*a*) $300; and

(*b*) 70% of the amount of the property taxes and compensations qualified for reimbursement that exceeds $300."

70. Section 36.12 of the said Act is amended

(1) by striking out paragraph 4;

(2) by striking out paragraph 6.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

71. The Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following section after section 125.6, enacted by section 1 of chapter 27 of the statutes of 2000 and amended by section 99 of chapter 54 of the statutes of 2000:

"125.6.1. If the Commission broadens the scope of its study to include a municipality that has not received the writing referred to in section 125.2 or that is not mentioned in the notice published pursuant to section 125.6, it must publish as soon as possible a public notice in a newspaper circulated in the territory of the municipality and in the territories of the other municipalities concerned by the study. Section 125.6, with the necessary modifications, applies to the public notice.

Following the publication of such a notice, the period of time provided for in section 125.7 is 15 days."

72. The said Act is amended by inserting the following section after section 125.8, enacted by section 1 of chapter 27 of the statutes of 2000:

"125.8.1. Ten days before the holding of a public hearing, the Commission shall publish a notice indicating the place and time of the hearing in a newspaper circulated in the territory of the municipalities that are part of an amalgamation in respect of which the Commission may make a positive recommendation."

73. Section 125.10 of the said Act, enacted by section 1 of chapter 27 of the statutes of 2000, is amended by adding the following paragraph after the second paragraph:

"The first paragraph applies to a municipality that has not received the writing referred to in section 125.2 or that is not mentioned in the notice published pursuant to section 125.6 and in respect of which the Commission broadens the scope of its study if, on the date on which the public notice is published pursuant to section 125.6.1, the returning officer has not issued a notice of election in respect of the municipality."

74. Section 176.10 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing "60" in the first line of the second paragraph by "75".

75. Section 176.19 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000 and amended by section 177 of chapter 56 of the statutes of 2000 and by section 151 of chapter 26 of the statutes of 2001, is again amended by replacing the first, second and third paragraphs by the following paragraphs:

"176.19. Section 76, the first paragraph of section 80, sections 81 to 89, 91 to 93, 93.5 and 93.7 of the Labour Code (chapter C-27) and sections 176.20 to 176.21 of this Act apply to the arbitration.

Notwithstanding section 81 of that Code, the arbitrator shall hear the dispute within 210 days following the date of the notice given by the Minister pursuant to section 176.18. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, grant an extension for such time as is determined by the Minister.

The arbitrator must render an award within the earlier of 60 days after the last arbitration sitting and 60 days after the lapse of the period specified in the second paragraph. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the period within which the award must be rendered for such time as is determined by the Minister."

76. Section 176.22 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000 and amended by section 180 of chapter 56 of the statutes of 2000, is replaced by the following section:

"176.22. Sections 176.15 to 176.18 and the first, second and third paragraphs of section 176.19 do not apply to a dispute relating to the negotiation to make a first collective agreement for a group of employees made up of police officers or firefighters.

The settlement of such a dispute is governed by sections 94 to 99.4 and 99.7 to 99.9 of the Labour Code (chapter C-27), except section 90, and by the fourth paragraph of section 176.19 and sections 176.20 to 176.21 of this Act.

Notwithstanding section 81 of that Code, the arbitrator shall hear the dispute within 210 days following the date of the notice the arbitrator has given to the parties and to the Minister pursuant to section 99.1.1 of that Code. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, grant an extension for such time as is determined by the Minister.

The arbitrator must render an award within the earlier of 60 days after the last arbitration sitting and 60 days after the lapse of the period specified in the third paragraph. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the period within which the award must be rendered for such time as is determined by the Minister."

77. Section 210.29.1 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended by replacing "during the calendar year preceding" in the first and second lines of the second paragraph by "on or before 1 May of".

78. Section 210.29.3 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after paragraph 2:

"(3) section 318 is amended by replacing the second paragraph by the following paragraph:

"Where the disqualification of the warden results from the fact that, after his election, he became ineligible pursuant to section 62 or 63, he became a member of the council of a local municipality or he became a Member of the Parliament of Québec or Canada, his term ends on the day he begins to hold the office referred to in that section or becomes a member of the council of a local municipality or a Member of Parliament."."

ENVIRONMENT QUALITY ACT

79. Section 53.9 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 242 of chapter 34 of the statutes of 2000 and by section 192 of chapter 56 of the statutes of 2000, is again amended by adding the following paragraphs after the third paragraph:

"However, a regional county municipality and a metropolitan community referred to in subparagraph 1 of the third paragraph may agree

(1) that the territory to which the regional county municipality's plan applies includes the territory of one or more local municipalities that is part of the territory of the regional county municipality and of the territory of the metropolitan community;

(2) that the territory to which the metropolitan community's plan applies includes the territory of all or part of the local municipalities and unorganized territories that is part of the territory of the regional county municipality.

A regional county municipality referred to in subparagraph 1 of the third paragraph is exempt from the requirement to establish a residual materials management plan where, as a result of an agreement entered into pursuant to the third paragraph of section 53.7 or subparagraph 2 of the fourth paragraph of this section, all its territory is covered by the management plan of another regional county municipality or that of a metropolitan community."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

80. Section 26 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by adding the following paragraph at the end:

"Every contribution paid pursuant to the first paragraph must be a qualifying employer premium within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement)."

81. The said Act is amended by inserting the following section after section 27:

"27.1. For the purposes of sections 27, 51 and 52, a person eligible under the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) or a similar compensation program established by an amalgamation order made under the Act respecting municipal territorial organization (chapter O-9) is deemed to cease to be a member of the council of a municipality only at the end of the period covered by the program."

82. The heading of Chapter VI.0.1 of the said Act, enacted by section 166 of chapter 25 of the statutes of 2001, is amended by replacing "1989" by "2002".

83. Section 63.0.1 of the said Act, enacted by section 166 of chapter 25 of the statutes of 2001, is replaced by the following section:

"63.0.1. Every person who is a member of the council of a municipality that is a party to this plan in that person's respect may, for all or part of any year subsequent to 31 December 1974 and prior to 1 January 1989 during which the person was a member of the council of that municipality, obtain pension credits equivalent to those granted under this plan if the person has not already obtained such pension credits in respect of all or part of such a year. Section 58 applies to the determination of pensionable salary in relation to the years or parts of years redeemed in accordance with this paragraph.

Any person who, during the period referred to in the first paragraph, participated in a pension plan in which the municipality on whose council the person was a member was participating in respect of the members of its council, may be credited under this plan with all or part of his or her years of service, rather than under the plan he or she was participating in. The amounts accumulated in the plan in respect of the years credited pursuant to this chapter shall be applied to the payment of the cost of such pension credits determined pursuant to section 63.0.3 and the third and fourth paragraphs of section 59 apply, with the necessary modifications, in respect of those amounts.

Every person who is a member of the council of a municipality that is a party to this plan in that person's respect may obtain, for all or part of any year subsequent to 31 December 1988 and prior to 1 January 2002 during which the person was a member of the council of that municipality and did not participate in the plan, pension credits equivalent to those granted under this plan. Section 17 and the first paragraph of section 58 apply to the determination of pensionable salary in relation to the years or parts of years redeemed in accordance with this paragraph.

A person who has received a reimbursement of contributions paid to a plan referred to in this section is deemed not to have participated in that plan in respect of the period to which the reimbursed contributions pertain.

The credits obtained under this chapter in respect of years of service prior to 1 January 1992 may not exceed 2% of the pensionable salary paid."

84. The said Act is amended by inserting the following after section 63.0.4, enacted by section 166 of chapter 25 of the statutes of 2001:

"**CHAPTER VI.0.2**

"SPECIAL RULES APPLICABLE TO THE PARTICIPATION IN THE PLAN OF MEMBERS OF A COUNCIL GOVERNED BY THE ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

"**63.0.5.** Every person who is a member of the council of a northern village that is a party to this plan in that person's respect may obtain, for all or part of any year subsequent to 31 December 1988 and prior to 1 January 2002 during which the person was a member of the council of that municipality and did not participate in this plan, pension credits equivalent to those granted under this plan in respect of the person's pensionable salary determined in accordance with section 17.

The chairman of the executive committee of the Kativik Regional Government may, as of the time he becomes a member of this plan, obtain pension credits equivalent to those granted under this plan in respect of his pensionable salary in respect of any period referred to in the first paragraph during which he held the office of chairman and did not participate in this plan. The second paragraph of section 280.2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) applies, where applicable, in respect of that period of past service. The chairman may also obtain pension credits in respect of any such period during which he was also a member of the council of a northern village that has not become a party to the plan in his respect. In relation to the period redeemed for services as a member of the council of that village, the village is deemed to have been a party to the plan in respect of the chairman.

The credits obtained under this chapter in respect of years of service prior to 1 January 1992 may not exceed 2% of the pensionable salary paid.

"**63.0.6.** Every person referred to in section 63.0.5 must, in order to exercise the right provided for therein, apply to the Commission in writing. A copy of the application must be forwarded to the municipality of whose council the person is a member or, in the case of the chairman of the executive committee of the Kativik Regional Government, to that supramunicipal body. The notice shall in particular indicate all the years or parts of years to which the application pertains. All or part of a year of past service referred to in section 63.0.5 that has not been the subject of an application for redemption may, subject to the second paragraph, be the subject of a subsequent application.

Every application for redemption made under this chapter must be received by the Commission within 90 days following the date on which the person ceases to be a member of the council of the municipality or, in the case of the chairman of the executive committee of the Kativik Regional Government, of that supramunicipal body.

"63.0.7. The pensionable salary for the purposes of any redemption under this chapter is deemed to be the pensionable salary the person was receiving on 1 January 2001, calculated on an annual basis.

"63.0.8. A person who exercises the right provided for in section 63.0.5 must pay to the Commission the amount required so that the cost of redemption is borne entirely by the person, in accordance with the terms and conditions determined by regulation of the Government.

Section 61 applies in respect of the payment of the amount under the first paragraph.

"63.0.9. A person who is credited with years of service in accordance with this chapter is deemed, for every purpose other than the payment of surpluses, to have participated in this plan in respect of the years of service credited.

"63.0.10. Every person referred to in section 63.0.5 who participates in this plan is, notwithstanding section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), eligible for the severance allowance provided for in section 30.1 of that Act."

85. Section 67 of the said Act is amended by replacing "A" in the first line of the first paragraph by "Unless the rules governing the amalgamation or annexation provide otherwise, a".

86. The said Act is amended by inserting the following sections after section 67:

"67.1. Every municipality resulting from an amalgamation that adopts a by-law to become a party to this plan may provide, if at least one of the municipalities whose territory has been amalgamated was a party to this plan at the time of the amalgamation, notwithstanding section 2, that the by-law has effect from the date on which a majority of the council members of the new municipality make the oath provided for in section 313 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

The by-law referred to in the first paragraph must, to take effect in accordance with that paragraph, come into force before 31 December of the year following the year in which the new municipality is constituted.

"67.2. Every city constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and

the Outaouais (2000, chapter 56) that adopts a by-law to become a party to this plan may provide, if it pays remuneration to the members of its council for the period between the date on which a majority of the council members make the oath provided for in section 313 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and 31 December 2001, notwithstanding section 2, that the by-law has effect from the beginning of that period.

The by-law referred to in the first paragraph must, to take effect in accordance with that paragraph, come into force before 31 December 2002."

87. Section 75 of the said Act, amended by section 170 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(3.1) establish, for the purposes of section 80.2, the limit applicable to pensionable salary, the limit applicable to service that may be credited, and the rules and procedures for computing the pension;";

(2) by adding "or 63.0.8" at the end of subparagraph 6.

88. Section 76.1 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended by replacing "municipalities that, on that date, had become parties to the plan" in the third line by "local municipalities that, on that date, had become parties to the plan or to the bodies to which, on that date, section 20 applied".

89. Section 76.2 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is replaced by the following section:

"76.2. The portion of the surplus allocated to an eligible municipality or body must be in the proportion that the total of the sums paid, as the case may be, in accordance with sections 20 and 26, the second paragraph of section 57, the second paragraph of section 59 or section 60, until 31 December 2000, by each municipality or body, with interest compounded annually, is of the total of the sums paid, with interest compounded annually, by all the municipalities and bodies referred to in section 76.1.

The portion of the surplus allocated to an eligible body shall be paid to the local municipalities whose territories are situated within the territory of the body and that were parties to this plan on 31 December 2000. The amount so apportioned among those municipalities must be in proportion to the special shares paid by the municipalities to the bodies."

90. Section 76.4 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended

(1) by replacing "complémentaires" in the fourth line of the first paragraph of the French text by "supplémentaires";

(2) by adding "or having participated in the general retirement plan referred to in section 4 before 1 January 1989 and the sums of which were transferred to this plan" at the end of the first paragraph;

(3) by adding the following paragraphs after the second paragraph:

"Benefits accrued under the supplementary benefits plan during marriage form part of the family patrimony established under the Civil Code of Québec. Chapter VI.1 of this Act applies, with the necessary modifications, to that plan.

In addition, the amounts paid under that plan are inalienable and unseizable. However, they are unseizable only up to 50% in the case of partition of the family patrimony between spouses, the payment of support or the payment of a compensatory allowance.

Any regulation made under Chapter VI.1 in respect of the supplementary benefits plan may provide that it takes effect on 1 January 2002."

91. Section 76.5 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended by adding the following sentence at the end: "The order shall take effect on 1 January 2002."

92. Section 76.6 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is replaced by the following section:

"**76.6.** The Commission is responsible for the administration of the supplementary benefits plan. At least once every three years, the Commission shall cause an actuarial valuation of the plan to be prepared by the actuaries it designates.

Chapter X applies, subject to section 63.7, in respect of the Commission's decisions concerning the supplementary benefits plan."

93. The said Act is amended by inserting the following sections after section 80:

"**80.1.** The pension amounts computed pursuant to this Act shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

Any pension amount acquired under this plan, other than by redemption in accordance with Chapter VI.0.1 and Chapter VI.0.2, that exceeds the defined benefit limit established under the Income Tax Act shall be paid to the person who participated in the plan in the form of a supplementary benefits plan

established by order of the Government. That order shall determine the date on which such a plan takes effect; that date may be prior to the date on which the order is made.

The plan referred to in this section must, in particular, provide for the sums required of the municipalities or the computation method for determining those sums, the time limit within which any payment must be made, the rate of interest payable on any payable amount and the characteristics and conditions of any benefit to be paid.

The third, fourth and fifth paragraphs of section 76.4 and section 76.6 apply to the supplementary benefits plan, with the necessary modifications.

"80.2. No benefit resulting from the redemption under this plan of years or parts of years of prior service may exceed the applicable limits in respect of such years or parts of years under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation of the Government."

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

94. The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting the following section after section 280.2:

"280.3. The chairman of the executive committee, who is a member of the council of a northern village that has not become a party to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) in the chairman's respect, may at any time give written notice to the northern village of whose council he is a member, to the Regional Government and to the Commission administrative des régimes de retraite et d'assurances to the effect that he intends to participate in the plan.

The chairman of the executive committee may elect in the notice to participate in the plan in respect of the pensionable salary he is receiving both from the northern village of whose council he is a member and from the Regional Government or only in respect of the pensionable salary he is receiving from the Regional Government. If the chairman elects to participate in the pension plan in respect only of the pensionable salary he is receiving from the Regional Government, he may at any time give written notice of the same type as that referred to in the first paragraph, to modify his participation in the plan by electing to also participate therein in respect of the pensionable salary he is receiving from the northern village of whose council he is a member.

Participation in the pension plan and any modification to participation takes effect on the first day of the month following receipt of the notice by the Commission administrative des régimes de retraite et d'assurances. The Act respecting the Pension Plan of Elected Municipal Officers shall then apply, with the necessary modifications, in respect of the chairman of the executive committee as if the Regional Government and, as the case may be, the northern village, of whose council the chairman is a member, had become a party to the pension plan in the chairman's respect."

ACT RESPECTING CERTAIN FACILITIES OF VILLE DE MONTRÉAL

95. Section 21 of the Act respecting certain facilities of Ville de Montréal (1998, chapter 47) is amended by adding the following paragraph after the third paragraph:

"The transfer of ownership as a result of the failure to settle the claim mentioned in the second paragraph shall be registered in the land register on presentation of the order in council fixing the due date under that paragraph, the order in council authorizing the transfer, containing a description of the immovable property transferred under the second paragraph of section 20, and a certificate of the clerk of the city attesting that the claim was not settled on the due date referred to in the second paragraph."

ACT TO AMEND THE ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION AND OTHER LEGISLATIVE PROVISIONS

96. Sections 15 and 16 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27) are repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

97. Section 17 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) is amended by adding the following paragraph after the first paragraph:

"However, a member of the council, other than a member by virtue of office, may be replaced at any time before the expiry of the member's term in accordance with the rules that apply to the member's designation, subject to the requirement that the decision to replace a member be made by a two-thirds majority of the votes cast."

98. Section 106 of the said Act, amended by section 204 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out subparagraph 5 of the third paragraph;

(2) by adding the following subparagraph after subparagraph 8 of the third paragraph :

"(9) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes.";

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

"The second paragraph does not apply

(1) to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders;

(2) to a contract covered by the regulation in force made under section 112.1."

99. Section 108 of the said Act is amended

(1) by striking out ", except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions" in the third, fourth and fifth lines of subparagraph 2 of the third paragraph;

(2) by striking out ", except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the third paragraph.

100. Section 112.l of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of section 107 or the third paragraph of section 109 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

101. Section 112.2 of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001, is amended

(1) by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line;

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

"This section does not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders."

102. Section 190 of the said Act is amended

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

"190. The Community may, by by-law, for the benefit of all of the municipalities whose territory is situated within the territory of the Community, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

(2) by inserting the following paragraph after the second paragraph:

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities whose territory is situated within the territory of the Community, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

103. Section 191 of the said Act is amended

(1) by inserting ", from a special share payable by the municipalities for whose benefit the reserve is established" after "council" in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, the reserve may not be made up of sums from the general fund or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

104. Section 192 of the said Act is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

105. Section 193 of the said Act is amended by inserting "or, if the reserve was established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, to those municipalities" after "fund" in the fourth line of the third paragraph.

106. Section 194 of the said Act is replaced by the following section:

"194. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 189, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the second paragraph of section 192, the amount of such a reserve shall not enter into the calculation of the amount provided for in the first paragraph."

107. Schedule I to the said Act is amended by inserting "Municipalité de Saint-Jean-Baptiste," after "Paroisse de Saint-Isidore," in the twenty-seventh line.

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

108. Section 127 of the Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54) is amended by adding the following paragraphs at the end:

"The Minister of Municipal Affairs and Greater Montréal may pay a compensation to replace the amount provided for in section 254 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) which the Government ceases to pay by reason of the application of section 46.

The amount of the compensation provided for in either of the first two paragraphs may be determined according to rules which vary according to the immovables that are withdrawn from the property assessment roll under section 46."

109. Section 143 of the said Act is amended by striking out the second paragraph.

110. Section 144 of the said Act is repealed.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

111. Section 232.3 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), enacted by section 225 of chapter 25 of the statutes of 2001, is amended in the French text by inserting "de comté" after "régionale" in the sixth line of the first paragraph.

112. Section 247 of the said Act, amended by section 227 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraphs after the fourth paragraph:

"A revised planning program must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

113. Section 248 of the said Act, amended by section 228 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out the second sentence of the fourth paragraph;

(2) by adding the following paragraphs after the fourth paragraph:

"A revised planning program applicable to the whole territory of the city must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

114. Section 249 of the said Act, amended by section 229 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraphs after the fourth paragraph:

"A revised planning program must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

115. Section 250 of the said Act, amended by section 230 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraphs after the fourth paragraph:

"A revised planning program must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

116. Section 8 of Schedule I to the said Act, amended by section 238 of chapter 25 of the statutes of 2001 and by section 1 of Order in Council 1308-2001 dated 1 November 2001, is again amended by replacing subparagraph 4 of the fifth paragraph by the following subparagraph:

"(4) (*a*) subject to subparagraph *b*, revenues from the tax provided for in section 101 of Schedule I-C, where the occupants of residential immovables are, under the third paragraph of that section, exempt from the payment of that tax or where the tax is levied in accordance with the sixth paragraph of that section;

(*b*) revenues from the tax provided for in article 808 of the Charter of the city of Montréal (1959-60, chapter 102), where the occupants of residential immovables are, under subarticle 3 of that article, exempt from the payment of that tax or where that tax is imposed under subarticle 4 of that article, if the revenues considered for the purposes of the division provided for in the third paragraph of this section are the revenues for the fiscal year 2001; and".

117. Section 8.4 of Schedule I to the said Act, enacted by section 239 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

118. Section 9 of Schedule I to the said Act is amended by striking out the third paragraph.

119. Schedule I to the said Act is amended by inserting the following section after section 20:

"20.1. Where a vote taken by a borough council results in a tie-vote, the vote of the chair cast and forming part of the tie-vote becomes the casting vote."

120. Section 23 of Schedule I to the said Act is amended by replacing "the vice-chair" in the first line by "two vice-chairs".

121. Section 27 of Schedule I to the said Act is replaced by the following section:

"27. The chair may designate the vice-chair who shall replace the chair in the event that the chair is unable to act or if the office of chair is vacant. The designation may establish the order in which the vice-chairs are to replace the chair, on a periodic basis or according to any other criteria the chair determines.

The chair may designate a vice-chair to preside at any meeting of the executive committee."

122. Section 35 of Schedule I to the said Act, amended by section 249 of chapter 25 of the statutes of 2001 and by section 6 of Order in Council 1308-2001 dated 1 November 2001, is again amended by inserting "or Schedule I-C" after "in section 34.1".

123. Section 83.6 of Schedule I to the said Act, enacted by section 261 of chapter 25 of the statutes of 2001, is replaced by the following section:

"83.6. The city council may, by a by-law adopted by a two-thirds majority of the votes cast, fix the remuneration of the president and vice-president of the intercultural board. The other members are not remunerated. All are entitled to reimbursement by the intercultural board for expenses authorized by the intercultural board and incurred by them in the exercise of their functions."

124. Section 83.8 of Schedule I to the said Act, enacted by section 261 of chapter 25 of the statutes of 2001, is amended by inserting "council" after "city" in the fourth line of the English text.

125. The heading of subdivision 6 of Division III of Chapter III of Schedule I to the said Act, amended by section 278 of chapter 25 of the statutes of 2001, is replaced by the following heading:

"§6. — *Local economic, community, cultural and social development*".

126. Section 137 of Schedule I to the said Act, amended by section 279 of chapter 25 of the statutes of 2001, is again amended by replacing "local economic, cultural, community" in the fifth line by "local economic, community, cultural".

127. Section 150.1 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001 and amended by section 17 of Order in Council 1308-2001 dated 1 November 2001, is again amended by replacing the fourth paragraph by the following paragraph:

"The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation is not a general property tax rate to which the first paragraph and subparagraph 1 of the second paragraph applies. For the purposes of subparagraphs 2 and 3 of the second paragraph, "immovables" means business establishments when the business tax or the sum in lieu thereof is involved."

128. Section 150.2 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

129. Section 150.5 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 150.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 of that Act."

130. Section 151.1 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

131. Section 151.3 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"For each of the fiscal years from 2002 to 2006, the city must impose the general property tax under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.36 of

that Act, or impose the surtax on vacant land, and for that purpose comply with the rules provided for in the following paragraphs the effect of which, among other things, is to allow rates to be fixed that differ according to the sectors.

As regards a sector in which the general property tax was imposed for the fiscal year 2001 with such a specific rate or a sector in which the surtax was imposed for that fiscal year, the city is required, for each of the fiscal years from 2002 to 2006, to impose that tax or surtax, subject to any provision of an Act or order determining the fiscal year until which the city may impose the surtax. If the city imposes the general property tax with such a specific rate, the rate it fixes for that sector must be equal to the maximum provided for in section 244.49 of the Act respecting municipal taxation; if the city imposes the surtax under subsection 3 of section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the amount of the surtax for each immovable concerned in the sector must be equal to the maximum provided for in that subsection.

As regards a sector in which the general property tax was not imposed for the fiscal year 2001 with a rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation, and in which the surtax on vacant land was not imposed for that fiscal year:

(1) notwithstanding section 244.49 of that Act, the maximum applicable in respect of the particular rate fixed under the second paragraph for the sector is equal to the result of the increase in the basic rate provided for in section 244.38 of that Act that is applicable for the sector, that increase resulting in the maximum being increased by equal annual segments, from 2002 to 2006, to twice that basic rate; and

(2) the amount of the surtax fixed in subsection 1 of section 486 of the Cities and Towns Act or, as the case may be, the maximum of that amount provided for in subsection 3 of that section is not applicable for the sector and is replaced by a maximum applicable in respect of the rate of surtax fixed under the second paragraph for the sector, that maximum being equal to the maximum that would be established under subparagraph 1 if the expression "basic rate" were to mean the general property tax rate, and if only the portion of the increased rate that corresponds to the increase were taken into consideration."

132. Schedule I to the said Act is amended by inserting the following section after section 151.4, enacted by section 286 of chapter 25 of the statutes of 2001:

"**151.4.1.** For a fiscal year prior to the fiscal year in which the first property assessment roll drawn up specifically for the city comes into force, the city may avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) to impose the general property tax with a rate specific to the category provided for in section 244.35

of that Act, if it does not do so for the whole of its territory, separately for any of the sectors in which that tax was imposed with such a rate for the fiscal year 2001.

In such a case,

(1) the only other specific rate of the general property tax that may be fixed separately for the sector is the basic rate provided for in section 244.38 of the Act respecting municipal taxation;

(2) notwithstanding section 151.4, the coefficient referred to in section 244.47 of the Act respecting municipal taxation is the coefficient established for the fiscal year 2001 in respect of the municipality referred to in section 5 whose territory constitutes the sector."

133. Schedule I to the said Act is amended by inserting the following section after section 151.5, enacted by section 286 of chapter 25 of the statutes of 2001:

"151.5.1. For the fiscal year 2002,

(1) section 432.1 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted for Cité de Côte-Saint-Luc by section 1 of chapter 83 of the statutes of 1984, continues to apply in the sector corresponding to the territory of that municipality;

(2) the first paragraph of paragraph 13 of Order in Council 1276-99 dated 24 November 1999 respecting the constitution of Ville de Lachine continues to apply in the sector corresponding to the territory of that municipality."

134. Section 151.6 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

135. Schedule I to the said Act is amended by inserting the following section after section 186:

"186.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program."

136. Section 197.1 of Schedule I to the said Act, enacted by section 303 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

137. Section 27 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing the second paragraph by the following paragraph:

"The secretary shall, with the necessary modifications and for the purposes of the powers of the borough council, have the powers and perform the duties of the clerk of a municipality provided for in any law."

138. Section 33 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by adding the following paragraph at the end:

"A member of the council of the former Ville de Montréal, to whom the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) applies may participate in the group insurance taken out by the city for the period covered by the program. The member shall pay the full amount of the premium."

139. Section 95 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is repealed.

140. Section 115 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting "section 543," after "except".

141. Section 128 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 of 1 November 2001, is amended by adding the following paragraph at the end:

"The commitments arising from those loans constitute direct and general obligations of the city and rank concurrently and *pari passu* with all other general obligations of the city."

142. Section 192 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing the third paragraph by the following paragraph:

"The owner of the immovable expropriated under this section may claim an indemnity from the city. Where no agreement is reached, the indemnity shall be fixed by the Administrative Tribunal of Québec at the request of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., chapter E-24) apply, with the necessary modifications."

143. Section 202 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by striking out "transmission and" in the first paragraph.

144. Section 204 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing "control" in the third paragraph by "jurisdiction".

145. Section 207 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by striking out "or overhead constructions" in the second paragraph;

(2) by inserting the following paragraph after the second paragraph:

"Whenever the overhead network on the public domain is extended or altered, the commission shall approve the location of the proposed support structures."

146. Section 216 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "the underground conduits and overhead constructions under its jurisdiction" in the first paragraph by "its underground conduits and overhead constructions".

147. Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 255:

"255.1. The filing of a document of the Société de l'assurance automobile du Québec containing information relating to the identity of the owner of a vehicle the registration number of which is indicated on the statement of offence, whether the document is transmitted by the Société or obtained with its authorization in accordance with law, constitutes, failing any evidence to the contrary, proof of the identity of the owner of the vehicle in penal proceedings instituted before the municipal court for an offence against a provision of a traffic by-law, a motor vehicle parking by-law or a by-law respecting the use of a motor vehicle or its accessories, or for any offence against a provision of the Highway Safety Code (R.S.Q., chapter C-24.2), the Transport Act (R.S.Q., chapter T-12) or a regulation under any of those Acts.

To be admissible as evidence, the document need only bear the attestation of an employee of the city to the effect that the document emanates from the Société de l'assurance automobile du Québec."

148. Section 8.4 of Schedule II to the said Act, enacted by section 311 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

149. Section 9 of Schedule II to the said Act is amended by striking out the third paragraph.

150. Section 21 of Schedule II to the said Act is amended by replacing "vice-chair" in the second line by "two vice-chairs".

151. Section 25 of Schedule II to the said Act is replaced by the following section:

"25. The chair may designate the vice-chair who shall replace the chair in the event that the chair is unable to act or if the office of chair is vacant. The designation may also establish the order in which the vice-chairs are to replace the chair, on a periodic basis or according to any other criteria the chair determines.

The chair may designate a vice-chair to preside at any meeting of the executive committee."

152. Section 130.2 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

153. Section 130.5 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 130.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

154. Section 131.1 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

155. Section 131.3 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 130.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 130.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 130.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

156. Section 131.6 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

157. Schedule II to the said Act is amended by inserting the following section after section 165:

"165.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program."

158. Section 175.1 of Schedule II to the said Act, enacted by section 355 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

159. Part I of Schedule II-B to the said Act, replaced by section 359 of chapter 25 of the statutes of 2001, is amended by inserting "estuary" after "river" in the second line of the fourth paragraph of the English text of the description of Borough 6.

160. Section 10 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section:

"10. In the event that the chair and vice-chairs of the executive committee are simultaneously absent or unable to act, the committee may designate one of its members to exercise the duties and powers of the chair of the executive committee during that absence or inability.

The executive committee may also designate, if the chair has not already done so, the vice-chair who is to replace the chair in the event that the chair is absent or unable to act."

161. Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting the following sections after section 25:

"25.1. The mayor may, subject to section 25.2, appoint up to four councillors responsible for assisting the members of the executive committee as associate councillors. An associate councillor does not sit on the executive committee.

The mayor may at any time replace an associate councillor.

"25.2. The number of associate councillors and members of the executive committee shall not exceed the total of 11."

162. Section 29 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by replacing "Subject to the powers of a borough council, it" by "The executive committee".

163. Section 31 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by striking out ", the borough council" in the first paragraph.

164. Section 115 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is repealed.

165. Section 149 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section:

"149. The aggregate of the contributions that the city must pay into the pension fund of the Régime de retraite de la Ville de Québec, registered by the Régie des rentes du Québec under number 24450, may not be less, for each year between 1 January 2002 and 31 December 2010, than 13% of the total payroll of the participants.

The supplemental contributions which the city must pay pursuant to the first paragraph, with respect to supplemental contributions resulting from the application of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), shall burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of Ville de Québec as it existed on 31 December 2001."

166. Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting the following section after section 187:

"187.1. The filing of a document of the Société de l'assurance automobile du Québec containing information relating to the identity of the owner of a vehicle the registration number of which is indicated on the statement of offence, or indicating the classes, conditions and restrictions of the driver's licence of a prosecuted person, whether the document is transmitted by the Société or obtained with its authorization in accordance with law, constitutes, failing any evidence to the contrary, proof of the identity of the owner of the vehicle in penal proceedings instituted before the municipal court for an offence against a provision of a traffic by-law, a motor vehicle parking by-law or a by-law respecting the use of a motor vehicle or its accessories, or for any offence against a provision of the Highway Safety Code (R.S.Q., chapter C-24.2), the Transport Act (R.S.Q., chapter T-12) or a regulation under any of those Acts.

To be admissible as evidence, the document need only bear the attestation of an employee of the city to the effect that the document emanates from the Société de l'assurance automobile du Québec."

167. Section 8.4 of Schedule III to the said Act, enacted by section 362 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

168. Section 9 of Schedule III to the said Act is amended by striking out the third paragraph.

169. Sections 46 to 54 of Schedule III to the said Act are repealed.

170. Section 54.14 of Schedule III to the said Act, enacted by section 369 of chapter 25 of the statutes of 2001, is amended in the French text by replacing "du présent chapitre" in the first line by "de la présente section".

171. Schedule III to the said Act is amended by inserting the following sections after section 60:

"60.1. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may, to promote the economic development of the city, create a legal person

(1) to promote the economic development of the city; and

(2) to promote the establishment and maintenance of enterprises in its territory.

The board of directors of a legal person created under the first paragraph must have as a member a representative of a local development centre, although that member is not entitled to vote.

The chief auditor of the city shall audit the accounts and business of the legal person created under the first paragraph.

"60.2. Notwithstanding section 466.3 of the Cities and Towns Act (R.S.Q., chapter C-19), the city shall make an annual contribution to the support of the local development centre in its territory in the manner set out in the agreement provided for in section 12 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001).

The city shall enter into a first agreement under the first paragraph before 1 April 2002."

172. Section 87.2 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

173. Section 87.4 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001 and amended by section 15 of Order in Council 1310-2001 dated 1 November 2001, is again amended by inserting ", even after the contract expires" after "the related contract" in the second paragraph.

174. Section 87.5 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 87.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

175. Section 87.7 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001 and replaced by section 17 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting ", or by the Crown in right of Canada or one of its mandataries," after "Act" in the last line of the second paragraph.

176. Section 88.1 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

177. Section 88.3 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 87.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 87.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 87.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

178. Section 88.6 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

179. Schedule III to the said Act is amended by inserting the following section after section 122:

"122.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5, make with any such officer or employee any agreement necessary to the implementation of the program."

180. Section 134.1 of Schedule III to the said Act, enacted by section 403 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

181. Schedule III-B to the said Act is amended

(1) by replacing "**Longueuil Borough**" in Part I by "**Vieux-Longueuil Borough**";

(2) by replacing "Longueuil" in the seventh line of Part II by "Vieux-Longueuil".

182. Schedule III-C to the said Act, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting the following section after section 25:

"25.1. The city may enter into an agreement with any private educational institution or any university for the purpose of the joint establishment and use of a fibre optics communications network."

183. Section 27 of Schedule III-C to the said Act, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting "with a legal person created under section 60.1 of Schedule III" after "Montréal" in the second paragraph.

184. Section 8 of Schedule IV to the said Act, amended by section 408 of chapter 25 of the statutes of 2001 and by section 3 of Order in Council 1312-2001 dated 1 November 2001, is again amended

(1) by adding "to the extent of the commitments made before 4 November 2001" at the end of the sixth paragraph;

(2) by replacing "21 June 2001" in the seventh paragraph by "1 January 2002";

(3) by adding the following at the end of the seventh paragraph: "Every pension plan to which a municipality referred to in section 5 was required to contribute must, if it is subject to Chapter X of the Supplemental Pension Plans Act, be the subject of an actuarial valuation as at 31 December 2001. The executive committee must cause a report of each actuarial valuation to be prepared by the actuary it designates. Section 119 of the Supplemental Pension Plans Act applies, with the necessary modifications, to each report."

185. Section 8.4 of Schedule IV to the said Act, enacted by section 409 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

186. Section 9 of Schedule IV to the said Act is amended by striking out the third paragraph.

187. Section 76.2 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

188. Section 76.5 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 76.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

189. Section 77.1 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

190. Section 77.3 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 76.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 76.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 76.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

191. Section 77.6 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

192. Schedule IV to the said Act is amended by inserting the following section after section 123:

"123.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program."

193. Section 135.1 of Schedule IV to the said Act, enacted by section 435 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

194. Section 7 of Schedule IV-B to the said Act, enacted by section 15 of Order in Council 1312-2001 dated 1 November 2001, is repealed.

195. Section 22 of Schedule IV-B to the said Act, enacted by section 15 of Order in Council 1312-2001 dated 1 November 2001, is amended by striking out the second sentence of the third paragraph.

196. Section 8.4 of Schedule V to the said Act, enacted by section 441 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

197. Section 9 of Schedule V to the said Act is amended by striking out the third paragraph.

198. Section 20 of Schedule V to the said Act is amended by replacing "four" in the first line by "five".

199. Section 29 of Schedule V to the said Act is amended by adding the following paragraph at the end:

"However, in the case of a tie-vote, the vote of the mayor cast and forming part of the tie-vote becomes the casting vote. The mayor's casting vote cannot be exercised by the vice-chair who is presiding at the meeting, where that is the case."

200. Section 101.2 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

201. Section 101.5 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 101.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain

the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

202. Section 102.1 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

203. Section 102.3 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 101.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 101.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 101.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

204. Section 102.6 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

205. Schedule V to the said Act is amended by inserting the following section after section 136:

"136.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5, make with any such officer or employee any agreement necessary to the implementation of the program."

206. Section 147.1 of Schedule V to the said Act, enacted by section 480 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

207. Section 61 of Schedule VI to the said Act is amended by adding the following paragraph after the third paragraph:

"The council may appoint a single person to hold more than one position referred to in the first paragraph. The person shall have the same rights, powers and privileges and shall be liable to the same obligations and penalties as those determined and prescribed for the positions in respect of which the person is appointed."

208. Section 99 of Schedule VI to the said Act, amended by section 485 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out subparagraph 5 of the third paragraph;

(2) by adding the following subparagraph after subparagraph 8 of the third paragraph:

"(9) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes.";

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

"The second paragraph does not apply to

(1) a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders; or

(2) a contract covered by the regulation in force made under article 105.1."

209. Section 101 of Schedule VI to the said Act is amended

(1) by striking out ", except a contract in respect of property related to artistic or cultural fields as well as computer software for educational purposes, and subscriptions" in the third, fourth and fifth lines of subparagraph 2 of the third paragraph;

(2) by striking out ", except a contract in respect of services related to artistic or cultural fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the third paragraph.

210. Section 105.1 of Schedule VI to the said Act, enacted by section 488 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of article 100 or the third paragraph of article 102 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

211. Section 105.2 of Schedule VI to the said Act, enacted by section 488 of chapter 25 of the statutes of 2001, is amended

(1) by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line;

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

"This section does not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders."

212. Section 120 of Schedule VI to the said Act is amended by replacing "31 March" in the first line by "15 November".

213. Section 121 of Schedule VI to the said Act is amended by replacing "1 July" in the second line of the first paragraph by "15 December".

214. Schedule VI to the said Act is amended by inserting the following section after section 133:

"133.1. The Minister shall, before giving an opinion under section 130 or 133, seek the advice of the Commission de la capitale nationale.

In addition to reasons relating to the government aims referred to in sections 130 and 133, an objection or disapproval expressed by the Minister may be based on the opinion of the Commission de la capitale nationale."

215. Section 180 of Schedule VI to the said Act is amended

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

"180. The Community may, by by-law, for the benefit of all of the municipalities whose territory is situated within its territory, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

(2) by inserting the following paragraph after the second paragraph:

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities whose territory is situated within the territory of the Community, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

216. Section 181 of Schedule VI to the said Act is amended

(1) by inserting ", from a special share payable by the municipalities for whose benefit the reserve is established," after "council" in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, the reserve

may not be made up of sums from the general fund or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

217. Section 182 of Schedule VI to the said Act is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

218. Section 183 of Schedule VI to the said Act is amended by inserting "or, if the reserve was established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, to those municipalities" after "fund" in the fourth line of the third paragraph.

219. Section 184 of Schedule VI to the said Act is replaced by the following section:

"184. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 179, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the second paragraph of section 182, the amount of such a reserve shall not enter into the calculation of the amount provided for in the first paragraph."

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

220. Section 507 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) is amended by replacing "31 March 2002" in the first and second lines of the first paragraph by "31 December 2002".

221. Section 508 of the said Act is amended by replacing "January" wherever it appears in the third line of subparagraph 2 of the first paragraph by "May".

222. Section 512 of the said Act is amended

(1) by striking out "465," in the seventh line of the first paragraph;

(2) by inserting "465," after "464," in the fourth line of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

223. Notwithstanding the provisions enacted by paragraph 2 of section 24, paragraph 2 of section 39, paragraph 3 of section 98, paragraph 2 of section 101, paragraph 3 of section 208 and paragraph 2 of section 211, the contracting party may be chosen by agreement in the case of a professional services contract entered into with the designer of preliminary or final plans and specifications or other documents of the same nature prepared before 21 June 2001 for additional or supervision work in relation to those plans and specifications or other documents, even if the contract relating to their design was not the subject of a call for tenders.

224. Section 59 has effect for the purposes of any municipal fiscal year from the municipal fiscal year 2001.

225. Section 60 has effect for the purposes of any municipal fiscal year from the fiscal year 2002.

However, an assessor who has not altered the property assessment roll before 20 December 2001 is dispensed from doing so, for a fiscal year preceding the fiscal year 2002, to enter thereon, pursuant to the third paragraph of section 208 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as it read before that date, the name of the lessee or occupant of an immovable belonging to the Société immobilière du Québec.

In addition, any certificate signed by the assessor to make an alteration referred to in the second paragraph is null if, on the date mentioned therein, a copy of the notice of alteration has not been sent to the lessee or occupant in accordance with section 180 of the Act respecting municipal taxation.

226. For the purposes of subparagraph 4 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), enacted by section 68, and until the coming into force of the first amendment made, after 20 December 2001, to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 340-97 (1997, G.O. 2, 1275), any reference to a gross revenue of $10,000 in section 9 of that regulation shall be read as a reference to a gross revenue of $5,000.

227. Sections 68 to 70 and 226 apply for the purposes of any school fiscal year from the fiscal year 2001-2002 and for the purposes of any municipal fiscal year from the fiscal year 2002.

228. Any authorization or approval that a transition committee may give under section 177 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), section 157 of Schedule II to that Act, section 114 of Schedule III to that Act, section 115 of Schedule IV to that Act, section 128 of Schedule V to that Act or an order under section 125.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) may, after the mandate of the committee has ended, be given by the Minister of Municipal Affairs and Greater Montréal.

229. Every committee established before 20 December 2001, in accordance with subparagraph 8 of the first paragraph of section 464 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 704 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as those provisions read before that date, must, as of 1 April 2002, be in conformity with sections 147 and 147.1 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

230. Ville de Rouyn-Noranda, Ville de La Malbaie and Ville de Windsor must, to avail themselves of the first paragraph of section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 86, become a party to the plan by the adoption of a by-law that will come into force at the latest on 20 December 2002.

231. The agreement entered into between Hydro-Québec and Municipalité régionale de comté de Beauharnois-Salaberry on 25 August 1998 may not be contested on the ground that one of the parties lacked authority to enter into the agreement.

The first paragraph has effect from 21 June 2001.

232. A local municipality which, on 1 September 2002, is included in the list provided for in section 14 or 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27), applicable for the fiscal year 2002, may not receive an equalization amount for that fiscal year greater than 50% of the amount computed in accordance with the rules prescribed by the regulation made under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

233. For each of the municipal fiscal years 2002 and 2003, the sums which, by reason of the application of section 232 or the regulatory provision under subparagraph *e* of paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), are not paid as they would otherwise have been pursuant to the regulation made under that paragraph must, up to a maximum of $3,500,000, be used to finance any program of the Government, a minister or a government body developed to assist regional county municipalities in the exercise of their functions relating to residual materials management, fire safety or civil protection.

For each municipal fiscal year, the part of those sums exceeding $3,500,000 shall be paid, in the manner determined by the Government, to the local municipalities entitled to receive an equalization amount for the fiscal year under the regulation and that have not lost all or part of that right, proportionately to the amounts thus payable to them.

234. Ville de Montréal may amend the by-law passed under article 808 of the Charter of the city of Montréal (1959-60, chapter 102) to provide that, in the case of a business establishment referred to in the fourth paragraph of section 232 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the amount of the water-rate and service tax is established by applying 20% of the rate.

It may provide that the amendment referred to in the first paragraph has effect from 1 January 2001.

This section has effect from 15 November 2001.

235. A revised planning program must be adopted by the council of Ville de Gatineau in accordance with section 110.3.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the first paragraph, replaced by a time limit of 12 months.

236. By-laws 2000-313 and 2000-314 adopted by the council of Municipalité de Sainte-Brigide-d'Iberville may not be contested on the ground that the public notice required under section 572 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) was not given in their respect prior to the referendum poll.

The secretary-treasurer shall enter a reference to this section in the book of by-laws of the municipality, after each by-law referred to in the first paragraph.

The first paragraph has effect from 21 June 2001.

237. For the purposes of the application of section 53.7 of the Environment Quality Act (R.S.Q., chapter Q-2) by the Communauté métropolitaine de Québec, Municipalité régionale de comté des Chenaux, Municipalité régionale de comté du Fjord-du-Saguenay, Ville de Lévis, Ville de Gatineau, Ville de Sherbrooke, Ville de Trois-Rivières, Ville de Saguenay and Ville de Shawinigan, the date of 1 January 2001 set out in the first paragraph of that section is replaced by the date of 1 January 2002.

238. As of 15 November 2001, the cities of Chicoutimi, Jonquière, La Baie and Laterrière, the municipalities of Lac-Kénogami and Shipshaw and Canton de Tremblay may not adopt a budget for the fiscal year 2002.

Any budget already adopted for the fiscal year 2002 by one of those municipalities has no effect.

239. The budget relating to the fiscal year 2002 of Ville de Saguenay, constituted as of 18 February 2002 under Order in Council 841-2001 dated 27 June 2001, must include, for the period that begins on 1 January 2002 and that ends on 17 February 2002, the revenues and expenditures of the municipalities referred to in the first paragraph of section 238.

Notwithstanding section 474 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 954 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), the appropriations allocated to each of the municipalities for that period are the following:

(1) Ville de Chicoutimi: $15,000,000;

(2) Ville de La Baie: $3,900,000;

(3) Ville de Jonquière: $15,500,000;

(4) Ville de Laterrière: $480,000;

(5) Canton de Tremblay: $330,000;

(6) Municipalité de Shipshaw: $275,000;

(7) Municipalité de Lac-Kénogami: $210,000.

No temporary loan ordered for the payment of current administration expenses by any of those municipalities may exceed the amount of the appropriations allocated to the municipality under the second paragraph, except with the authorization of the Minister of Municipal Affairs and Greater Montréal.

240. The clerk of Ville de Saguenay appointed under section 132 of Order in Council 841-2001 dated 27 June 2001 may, before 18 February 2002, send the documents referred to in section 81 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) for the fiscal year 2002. The same applies with respect to the treasurer of Municipalité de Saint-Honoré to take into account the inclusion in the territory of that municipality, pursuant to that order in council, of part of the territory of Canton de Tremblay.

The first paragraph applies subject to the first and second paragraphs of section 503 of the Cities and Towns Act (R.S.Q., chapter C-19) and of article 1007 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

241. The treasurer or secretary-treasurer of a municipality mentioned in the first paragraph of section 238 is required to produce, before the adoption of the budget of Ville de Saguenay for the fiscal year 2002, at least the comparative statement on revenues provided for in section 105.4 of the Cities and Towns Act (R.S.Q., chapter C-19) or in article 176.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) for the fiscal year 2001, based on the data current to 31 December 2001.

242. For the purposes of Chapter IX of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and Chapter XV of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), Ville de Saguenay is considered to be the employer of the workers of the municipalities referred to in the first paragraph of section 238 for the period that begins on 1 January 2002 and that ends on 17 February 2002.

243. Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the vacancy in the office of councillor No. 3 of Ville d'Amos need not be filled before the holding of the next general election.

244. The Morin dam agreement entered into on 3 July 2001 between the Minister of the Environment and Municipalité régionale de comté de Rivière-du-Loup and the partnership agreement entered into between the dam beneficiaries to which the first agreement refers may not be contested on the ground that the regional county municipality lacked jurisdiction to enter into the agreements.

245. In accordance with the agreement signed between 23 October 2001 and 22 November 2001 by the cities of Sherbrooke, Bromptonville, Fleurimont, Lennoxville, Rock Forest and Waterville and the municipalities of Ascot, Deauville and Saint-Élie-d'Orford and under the terms and conditions set out therein, the intermunicipal agreement providing for the establishment of the Régie intermunicipale de police de la région sherbrookoise ends on 31 December 2001. The Board ceases its activities and is dissolved on that same date.

246. The name of Municipalité régionale de comté de Francheville is changed to Municipalité régionale de comté des Chenaux.

247. As of 1 January 2002, Ville de Trois-Rivières, Ville de Shawinigan, Municipalité régionale de comté des Chenaux, Municipalité régionale de comté de Maskinongé and Municipalité régionale de comté de Mékinac are parties to the intermunicipal agreement providing for the establishment of the Régie intermunicipale de gestion des déchets de la Mauricie.

On that same date, a transitional board of directors shall be formed and for that purpose, sections 8 and 9 of the agreement are replaced by the following sections:

"8. The board of directors of the Board is composed of six members, including two delegates appointed by Municipalité régionale de comté de Maskinongé and one delegate appointed by each of the other municipalities.

"9. The delegate of Ville de Trois-Rivières has four votes, the delegates of Ville de Shawinigan, Municipalité régionale de comté des Chenaux and Municipalité régionale de comté de Mékinac have two votes each and the delegates of Municipalité régionale de comté de Maskinongé have one vote each."

The municipalities that are parties to the agreement must, not later than 31 May 2002, determine the number of delegates who will compose the board of directors of the Board and agree on an apportionment of the votes and, for that purpose, enter into an intermunicipal agreement amending sections 8 and 9 replaced by the second paragraph. If on that date the Minister of Municipal Affairs and Greater Montréal has not received the agreement, the Minister shall appoint a conciliator who is to submit a conciliation report to the Minister within the time specified by the Minister.

At the request of a municipality or the conciliator, the Minister may grant additional time for the entering into of an agreement.

If the conciliator fails to bring the parties to an agreement within the time granted, the Minister shall request the Commission municipale du Québec to render the decision it considers equitable after hearing the municipalities and the Board and examining the conciliation report transmitted to it by the Minister.

The decision rendered by the Commission is final and is binding on the municipalities and the Board.

The provisions of the Code of Civil Procedure (R.S.Q., chapter C-25) respecting the homologation of arbitration awards apply, with the necessary modifications, to the decision of the Commission.

The intermunicipal agreement providing for the establishment of the Régie intermunicipale de gestion des déchets de la Mauricie, as amended by the decision of the Commission, is an agreement referred to in subdivision 23 of Division XI of the Cities and Towns Act (R.S.Q., chapter C-19) and in Division XXV of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and may be amended in accordance with section 468.1 of the Cities and Towns Act and article 570 of the Municipal Code of Québec.

248. Ville de Québec and Municipalité régionale de comté de La Côte-de-Beaupré may be the co-owners of a sanitary landfill situated in the territory of the regional county municipality. The city and the regional county municipality must enter into an agreement to establish the terms and conditions of the co-ownership, in particular as regards operating and capital expenditures and the apportioning of the assets and liabilities upon termination of the co-ownership.

The agreement may provide for special rules, for Ville de Québec, for the adoption of the budget and loan by-laws and for the authorization of expenditures.

The agreement provided for in the first paragraph must be approved by the Minister of Municipal Affairs and Greater Montréal.

249. For the purposes of sections 7 and 181 to 184 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), the Régie intermunicipale des déchets sur l'Île de Montréal, the Régie intermunicipale des bibliothèques publiques Pierrefonds-Dollard-des-Ormeaux and the Régie de la sécurité publique LaSalle-Verdun are considered to be municipalities referred to in section 5 of that schedule.

250. Ville de Longueuil must enter into an agreement with the regional county municipalities of Lajemmerais and La Vallée-du-Richelieu concerning the conditions for the withdrawal of the territories of the cities of Boucherville and Saint-Bruno-de-Montarville from their respective territories.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

251. Ville de Shawinigan succeeds to the rights, obligations and charges of Municipalité régionale de comté du Centre-de-la-Mauricie.

The unorganized territory within the territory of the regional county municipality is included in the territory of the city.

252. Ville de Shawinigan is considered to be a regional county municipality for the purposes of the following Acts, with the necessary modifications:

(1) the Fire Safety Act (2000, chapter 20);

(2) the Forest Act (R.S.Q., chapter F-4.1);

(3) the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(4) the Environment Quality Act (R.S.Q., chapter Q-2);

(5) the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

253. The provisions of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) that concern regional county municipalities as well as the provisions concerning local municipalities apply to Ville de Shawinigan, subject to the necessary modifications. The powers and responsibilities assigned by that Act to the warden, the council and the secretary-treasurer of the regional county municipality shall be exercised respectively by the mayor, the city council and the clerk.

However, the conformity of the planning program or a planning by-law with the development plan shall be examined in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of that Act, with the necessary modifications, instead of sections 109.6 to 110 in the case of the planning program or sections 137.2 to 137.8 in the case of a planning by-law.

The development plan of the city is made up of the part of the development plan of Municipalité régionale de comté du Centre-de-la-Mauricie, in force on 31 December 2001, that is applicable in the territory of the city.

254. The territory of Paroisse de Notre-Dame-du-Mont-Carmel is detached from the territory of Municipalité régionale de comté du Centre-de-la-Mauricie and is attached to the territory of Municipalité régionale de comté des Chenaux.

255. The territories of the municipalities of Charrette and Saint-Mathieu-du-Parc, of Paroisse de Saint-Élie and of Village de Saint-Boniface-de-Shawinigan are detached from the territory of Municipalité régionale de comté du Centre-de-la-Mauricie and are attached to the territory of Municipalité régionale de comté de Maskinongé.

256. Ville de Shawinigan must enter into an agreement with the municipalities referred to in sections 254 and 255 concerning the conditions for the transfer of the officers and employees and the apportioning of the assets and liabilities of Municipalité régionale de comté du Centre-de-la-Mauricie at 31 December 2001. The agreement must also provide for the conditions of transfer of territory from the local municipalities to the regional county municipalities concerned.

The agreement with Municipalité régionale de comté de Maskinongé must also contain provisions for the apportioning of the payments made to Ville de Shawinigan under the Municipal Grants Act (R.S.C., chapter M-13) in respect of federal property within the meaning of that Act situated in the unorganized territory included in the territory of the city pursuant to the second paragraph of section 251.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

257. The officers and employees of Municipalité régionale de comté du Centre-de-la-Mauricie covered by the agreement provided for in section 256 become, without salary reduction, officers and employees of the municipality identified in that agreement and retain their seniority and other employment benefits.

No officer or employee may be laid off or dismissed solely by reason of the dissolution of Municipalité régionale de comté du Centre-de-la-Mauricie.

258. The letters patent constituting Municipalité régionale de comté des Chenaux are amended by striking out the third and fourth paragraphs of the purview.

259. The territory of Paroisse de Saint-Étienne-des-Grès is detached from the territory of Municipalité régionale de comté des Chenaux and is attached to the territory of Municipalité régionale de comté de Maskinongé.

260. Paroisse de Saint-Étienne-des-Grès must enter into an agreement with Municipalité régionale de comté des Chenaux and, where applicable, with Municipalité régionale de comté de Maskinongé concerning the conditions for the transfer of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

261. Ville de Sherbrooke succeeds to the rights, obligations and charges of Municipalité régionale de comté de La Région-Sherbrookoise.

262. The territory of Ville de Waterville is detached from the territory of Municipalité régionale de comté de La Région-Sherbrookoise and is attached to the territory of Municipalité régionale de comté de Coaticook.

263. Ville de Waterville must enter into an agreement with Ville de Sherbrooke and, where applicable, with Municipalité régionale de comté de Coaticook concerning the conditions for the transfer of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must

be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

264. The territory of Municipalité de Saint-Henri is detached from the territory of Municipalité régionale de comté de Desjardins and is attached to the territory of Municipalité régionale de comté de Bellechasse.

265. Municipalité de Saint-Henri must enter into an agreement with Ville de Lévis and, where applicable, with Municipalité régionale de comté de Bellechasse concerning the conditions for the transfer of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

266. The territory of Paroisse de Saint-Lambert-de-Lauzon is detached from the territory of Municipalité régionale de comté des Chutes-de-la-Chaudière and is attached to the territory of Municipalité régionale de comté de La Nouvelle-Beauce.

267. The conditions for detaching the territory of Paroisse de Saint-Lambert-de-Lauzon from the territory of Municipalité régionale de comté des Chutes-de-la-Chaudière are those set out in the agreement entered into by those municipalities on 10 December 2001.

Paroisse de Saint-Lambert-de-Lauzon must enter into an agreement with Municipalité régionale de comté de La Nouvelle-Beauce concerning the conditions for the attaching of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

268. Sections 210.83 and 210.84 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply to the transfers of the local municipalities referred to in sections 254, 255, 259, 262, 264 and 266 subject to the conditions of transfer provided for in the agreements.

269. The limits of the territory of Ville de Shawinigan and those of the territories of the regional county municipalities of Bellechasse, Coaticook, des Chenaux, Maskinongé and La Nouvelle-Beauce are the limits described by the Minister of Natural Resources in the official description to be published in the *Gazette officielle du Québec*.

270. A municipality constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) and a municipality constituted by an order under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 1 of chapter 27 of the statutes of 2000, may, by a resolution requiring only the approval of the Minister of Municipal Affairs and Greater Montréal, adopt a loan by-law to consolidate the liabilities of the transition committee whose mission was to establish the conditions most conducive to facilitating the transition between the municipality and the existing administrations.

271. The council of Ville de Longueuil may, in accordance with section 252 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), prescribe by by-law that the municipal taxes or compensations payable for the fiscal year 2002 may be paid in a number of instalments that differs from one sector to another.

Where the by-law referred to in the first paragraph provides for a sector that the taxes or compensations may be paid in a number of instalments greater than the smallest number of instalments provided for another sector, all the interest lost to the city because of the application of that rule and the costs arising from the administration of such a rule must be set off for the city by revenues deriving exclusively from the sector benefiting from the rule.

For the purposes of the first and second paragraphs, "sector" means the territory of each of the local municipalities referred to in section 5 of Schedule III to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

272. Until 30 June 2002 and in respect of Municipalité régionale de comté de Sept-Rivières, Municipalité régionale de comté de Rimouski-Neigette, Municipalité régionale de comté de La Rivière-du-Nord and Municipalité régionale de comté de Vallée-de-l'Or, section 202 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) shall be read with the following paragraph appearing after the first paragraph:

"Notwithstanding the first paragraph, in the case of a municipality whose population is equivalent to half of the population of the regional county

municipality and the representative of which has, in accordance with that paragraph, a number of votes equivalent to more than half of the number of votes that all the representatives have, the representative of that municipality has, for the application of section 201 in respect of a proposal, the number of votes obtained by multiplying, by the percentage that the municipality's population is of the population of the regional county municipality, the number of votes cast by the other representatives in respect of the proposal. Where the number obtained has a decimal fraction, the decimal fraction is omitted; if the first decimal is greater than 5, the number is increased by 1."

273. Notwithstanding section 12 of Order in Council 1480-2001 dated 12 December 2001 constituting Ville de Saint-Hyacinthe, the polling for the first general election will take place on 14 April 2002.

274. Subject to article 2930 of the Civil Code of Québec, the prescriptive period provided for in subsection 5 of section 585 and in section 586 of the Cities and Towns Act (R.S.Q., chapter C-19) runs from 1 January 2002 in respect of a claim resulting for an act or omission of the Communauté urbaine de Montréal, the Communauté urbaine de Québec or the Communauté urbaine de l'Outaouais or any of its employees having occurred before that date. The former prescriptive period is maintained if applying the new prescriptive period would operate to extend the former period.

275. If by-law 198-2001 adopted on 17 September 2001 by the council of Municipalité de Saint-Paul-de-l'Île-aux-Noix is approved by the qualified voters within 60 days following 20 December 2001, the by-law may not be contested on the ground that the object of the by-law is to finance an expenditure already made.

276. Sections 135, 157, 179, 192, 205 and 222 have effect from 20 December 2000.

Sections 81, 83, 84, 86, 89, 90, 93, 118, 149, 168, 186 and 197 have effect from 21 June 2001.

277. This Act comes into force on 20 December 2001, subject to the following provisions:

(1) sections 1, 2, 4 to 8, 62, 63, 65, 66, paragraph 2 of section 67, sections 96, 109, 110, 112 to 117, 119 to 121, 123 to 126, 128, 130, 134, 136 to 152, 154, 156, 158 to 173, 175, 176, 178, 180 to 187, 189, 191, 193 to 200, 202, 204, 206 to 214, 220, 235, 246, 248, 250 to 269 and 271 come into force on 1 January 2002;

(2) sections 12 to 17, 19 to 22, 27 to 31, 42 to 46, 102 to 106 and 215 to 219 come into force on 1 January 2003.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 173
(2001, chapter 76)

Civil Protection Act

Introduced 5 December 2000
Passage in principle 22 May 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

The object of this bill is the protection of human life and property against disasters. The bill establishes an organizational framework for the four main aspects of civil protection, namely mitigation, emergency response planning, response in actual or imminent emergency situations and recovery.

The bill imposes general obligations of prudence and foresight on all citizens and requires persons whose activities or property generate a major disaster risk to report the risk and implement safety measures.

Authorities at the municipal level will be asked, as part of a regional planning phase, to identify major disaster risks as well as the resources available, assess the vulnerability of communities, determine safety objectives and the actions required for their achievement. Local municipalities will be given the power to declare, in the event of a major disaster and on certain conditions, a local state of emergency, in which case special powers mainly aimed at protecting the life, health and physical integrity of the inhabitants of the municipality will be exercised by the local municipality, the mayor or any other person authorized for that purpose.

The responsibilities of government departments and government bodies having a role to play in civil protection matters are also defined.

The role of the Minister of Public Security is to provide guidance and support in the area of civil protection. The Minister is also charged with drawing up and updating a national civil protection plan for Québec, designed, among other things, to supplement and coordinate the actions of other emergency managers.

The bill empowers the Government to declare, in the event of a disaster or other event that interferes with the life of the community to the point of comprimising human safety, a national state of emergency in all or part of the territory of Québec to protect human life, health or physical integrity. In addition, it empowers the Government to prescribe emergency preparedness standards and to grant financial assistance for the funding of mitigation activities,

for the compensation of the costs incurred in a disaster situation or in any other situation where public safety is threatened or for the facilitating of recovery operations.

LEGISLATION REPLACED BY THIS BILL:

– Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1).

LEGISLATION AMENDED BY THIS BILL:

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

– Public Service Act (R.S.Q., chapter F-3.1.1);

– Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);

– Animal Health Protection Act (R.S.Q., chapter P-42);

– Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);

– Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

– Fire Safety Act (2000, chapter 20);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Bill 173

CIVIL PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND SCOPE

1. The purpose of this Act is the protection of persons and property against disasters, through mitigation measures, emergency response planning, response operations in actual or imminent disaster situations and recovery operations.

2. For the purposes of this Act,

(1) "major disaster" means an event caused by a natural phenomenon, a technological failure or an accident, whether or not resulting from human intervention, that causes serious harm to persons or substantial damage to property and requires unusual action on the part of the affected community, such as a flood, earthquake, ground movement, explosion, toxic emission or pandemic;

(2) "minor disaster" means an exceptional event of a nature similar to a major disaster, but which only affects the safety of one or of a few persons;

(3) "civil protection authorities" means local municipalities, authorities to which local municipalities have delegated their responsibility for civil protection and authorities which by law are responsible for civil protection in all or part of their territory; and

(4) "government bodies" means bodies a majority of whose members are appointed by the Government or a minister, whose personnel is by law appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) or whose capital forms part of the domain of the State.

3. This Act shall not operate to limit obligations imposed or powers granted by or under other Acts as regards civil protection.

4. This Act is binding on the Government, government departments and bodies that are mandataries of the State.

CHAPTER II

PERSONS

5. All persons must exercise prudence and foresight with regard to major or minor disaster risks they know to be present in their environment.

6. Any person who settles on a site where occupation of the land is commonly known to be subject to special restrictions by reason of a major or minor disaster risk without abiding by such restrictions is presumed to accept the risk involved.

However, such presumption may not be invoked against a person by a public authority if the public authority authorized the person to settle on the site without informing the person of the risk.

This section does not apply with respect to structures and uses existing on 20 December 2001, unless the destination of an immovable is changed after that date, which shall be considered a new settlement for the purposes of this section.

7. Where the competent regulatory authority has reasonable cause to believe that a site described in section 6 poses such a disaster risk that the carrying out of work or the use of immovables on the site ought to be prohibited or made subject to stricter authorization conditions than those prescribed by law, any application for authorization to carry on such activities, even if received before the discovery of the risk, must be refused.

However, an application that meets the legal requirements but is refused for the reason set out in the first paragraph must be granted if the prohibition or the additional authorization conditions, as the case may be, is or are not rendered effective within six months after the date of the application.

CHAPTER III

PERSONS WHOSE ACTIVITIES OR PROPERTY GENERATE A MAJOR DISASTER RISK

8. Every person whose activities or property generate a major disaster risk is required to report the risk to the local municipality where the source of the risk is located. In unorganized territory as well as in the case where reports must be made in more than one locality, the person may report the risk either to each competent regional authority or to the Minister of Public Security.

The report must describe the risk-generating activity or property and specify the nature and location of the source of the risk, the foreseeable consequences of a major disaster and the area that could be affected. The report must also set out the measures implemented by and the other means at the disposal of the risk reporter to reduce the probability or mitigate the consequences of a major disaster.

A regulation of the Government shall define the activities and property that generate a major disaster risk within the meaning of this Act. The regulation shall fix the time within which the report must be made, which shall not be less than three months, and may provide for the possibility of additional time, not exceeding half the initial time, being granted, for valid reason, by the authority to which the report is made. The regulation shall determine how the information required is to be provided.

9. If substantial changes occur in the situation described in the report, the risk reporter is required to make the necessary corrections.

Upon ceasing the activity or disposing of the property, the risk reporter is bound to give notice to that effect to the authority to which the risk was reported, together with a statement describing the manner in which the risk-generating property or components has or have been disposed of.

10. The reporting of risks under other Acts shall stand in lieu of the reporting required by this Act, provided the reporting is to the same authority and meets the requirements of this Act.

The same applies to correction notices and notices reporting the cessation of risk-generating activities or the disposal of risk-generating property.

11. Copies of risk reports, corrections and notices must be transmitted, within 30 days of receipt, by the authority to which the documents are addressed to the local municipalities whose territories are exposed to the risk, to the regional authorities concerned and to the authorities responsible for civil protection in such territories.

The documents must be kept at the disposal of the Minister at all times.

12. Where the foreseeable consequences of a potential disaster extend beyond the site of the risk-generating activity or property, the person required to report the risk must, in conjunction with and within the time fixed by the authorities responsible for civil protection in the area exposed to the risk, establish and maintain a monitoring procedure and a procedure for warning the authorities. Before the procedure is established, the person must, as soon as practicable, agree with the authorities on a provisional warning procedure.

The Government or a local municipality may, by regulation or by by-law, require the person to establish and maintain other safety measures.

Measures implemented under this section must be compatible with the measures established by the civil protection authorities. For each measure, the name and coordinates of the person and substitutes in charge of implementing the measure must be specified.

13. Every authority responsible for civil protection in an area exposed to a risk described in section 12 may require that the person required to report the

risk, the operator or the custodian of the property or site of the activity, or their representatives, provide any information necessary for the development or implementation of its own safety measures.

14. Every person required to report a risk must inform the civil protection authorities without delay of any risk-related incident that is likely to exceed the person's emergency response capabilities.

The person must, in addition, within three months of such an incident, inform the civil protection authorities of the date, time, place, nature, probable cause and circumstances of the incident and the response operations conducted. However, any information whose disclosure would in all likelihood affect judicial proceedings in which the person has an interest may be reported only once the judgment in the case has become *res judicata*.

15. Regulatory provisions made under this chapter may vary according to the type of activity or property, the nature of the risk, the location of its source and the probability or foreseeable consequences of a disaster. The provisions may exempt persons subject to similar obligations under another Act or meeting other conditions determined in the regulatory provisions from any of the prescribed obligations.

Municipal by-laws made under section 12 must be submitted to the Government for approval.

CHAPTER IV

LOCAL AND REGIONAL AUTHORITIES

DIVISION I

CIVIL PROTECTION PLAN

16. The regional authorities, namely the regional county municipalities and the Kativik Regional Government must, in conjunction with the local municipalities that are part thereof and in compliance with the policies determined by the Minister, establish a civil protection plan determining reduced major disaster vulnerability objectives for their entire territory and the actions required to achieve those objectives.

The cities of Gatineau, Laval, Lévis, Longueuil, Mirabel, Montréal and Québec and any other municipality that may be designated by the Minister, the Government or by law are considered to be regional authorities.

Any other local municipality that is not part of a regional authority must

— make an agreement with a regional authority or a local authority that is part of a regional authority, whereby the territory of the local municipality will be considered for the purposes of this division to be part of the territory of that regional or local authority, or

— make an agreement with other municipalities that are also not part of a regional authority for the purpose of establishing a common civil protection plan. In the latter case, the agreement must designate one of the municipalities to act as a regional authority for the purposes of this division.

17. All or part of the civil protection plan of a regional authority may be established jointly with other regional authorities, either to identify the major disaster risks to which their territories or the territories of local municipalities are exposed as well as the resources available, or to envisage an association of civil protection authorities.

18. The civil protection plan shall include a summary description of the physical, natural, human, social and economic features of the territory. The civil protection plan shall identify the nature of the major disaster risks to which the territory is exposed, including the risks reported pursuant to section 8, specifying for each risk the location of its source, the foreseeable consequences of a major disaster related to the risk and the area that could be affected. The plan shall also mention existing safety measures and the human, physical and informational resources at the disposal of local or regional authorities and civil protection authorities.

Based on that information, the civil protection plan shall assess the degree of vulnerability of local municipalities to each risk or class of risks identified.

In order to reduce vulnerability, the civil protection plan shall then determine, for the risks or classes of risks it specifies or all or part of the territory, achievable safety objectives in view of planned measures and available resources.

In addition, the civil protection plan shall specify the actions and the criteria for their implementation adopted by the local municipalities and, where applicable, the regional authority, to achieve the determined objectives.

Lastly, the civil protection plan shall include a procedure for the periodic assessment of the actions taken pursuant to the plan and the degree to which the determined objectives have been achieved.

19. The civil protection plan may include all or part of the fire safety cover plan established pursuant to the Fire Safety Act (2000, chapter 20).

20. The civil protection plan must be established in accordance with the procedure set out in the following sections.

21. Local municipalities must provide the regional authority with the information needed for the drawing up of the civil protection plan.

22. Based on the information received and following an assessment of the vulnerability of the municipalities, the regional authority shall propose safety objectives to them with respect to the risks, classes of risks or all or part of the territory it specifies.

The regional authority shall also propose strategies for achieving the objectives, such as the pooling of resources, the training of personnel, the adoption of regulatory standards, the separate management of a risk or class of risks or cooperation between community organizations or civil protection associations and the private sector.

23. The municipalities shall give their views to the regional authority concerning its proposals.

Once the exchange of views is completed, the regional authority shall fix the objectives and determine the actions needed at the regional or local level or in part of the territory to achieve the objectives.

24. Each municipality concerned and, where applicable, the regional authority shall then adopt the specific actions they must take and the conditions for their implementation, specifying, in particular, the implementation schedule for actions that are not applicable immediately. In the case of an intermunicipal board, the actions shall be adopted jointly by the municipalities concerned.

25. Before incorporating the specific actions and the related implementation criteria into the civil protection plan, the regional authority shall verify that they are in compliance with the objectives and actions determined in the plan.

The regional authority shall establish a procedure for the periodic assessment of the specific actions and the degree to which objectives have been achieved.

26. The draft civil protection plan shall be submitted for consultation to the inhabitants of the territory of the regional authority at one or more public meetings held by the authority, to the contiguous regional authorities and to the local municipalities whose territories are not included in that of the authority having developed the plan but which, according to the plan, are exposed to a risk identified in the plan.

27. Changes may be made to the civil protection plan and, if appropriate, to the specific actions and the related implementation criteria, so as to reflect the results of consultations.

28. The draft civil protection plan shall then be submitted to the Minister for verification of its compliance with the ministerial policies determined under section 64.

The draft plan must be submitted together with

(1) the opinion of each local municipality having taken part in its development; and

(2) a report on the consultations, the results of the consultations and the reasons for any disagreement expressed.

The draft plan must be submitted within two years from the day on which the regional authority became subject to the obligation to establish a civil protection plan. Additional time may be granted by the Minister if applied for at least 120 days before the deadline.

29. Within 120 days of receipt of all the documents, the Minister shall issue a certificate of compliance to the regional authority or propose that changes he or she considers necessary be made to the civil protection plan, within the time indicated, to remedy any deficiency or to harmonize the civil protection plans applicable in an area determined by the Minister.

30. The changes proposed by the Minister may be made by the regional authority or, in the case of changes to specific actions or the related implementation criteria, by the authority concerned, without being submitted for consultation.

31. Once the certificate of compliance has been issued, the civil protection plan is adopted as it stands.

Only the council of the regional authority may adopt the civil protection plan. On pain of nullity, such adoption must be preceded by a notice of meeting sent together with a copy of the draft plan.

32. The civil protection plan comes into force on the day the regional authority publishes a notice to that effect in a newspaper circulated in its territory, on any later date specified in the notice or, at the latest, on the sixtieth day after the issue of the certificate of compliance.

33. Once in force, the civil protection plan is binding on the regional authority and the local municipalities concerned.

34. As soon as possible after its coming into force, a certified copy and a summary of the civil protection plan shall be sent to the local municipalities concerned, to those whose territories, according to the plan, are exposed to a risk identified in the plan, to the contiguous regional authorities and to the Minister.

The same applies any time a change is made to the plan.

35. Changes may be made to the civil protection plan, once it is in force, so as to reflect technological changes, a change in territorial limits or an increase in a major disaster risk, or for any other valid reason, provided that compliance with ministerial policies is maintained.

The plan must be adapted to bring it into compliance with any new ministerial policies. The necessary changes must be made within 12 months of the communication of the new policies.

36. In addition, the civil protection plan must be revised during the sixth year following the date of its coming into force or the date of its most recent certificate of compliance.

37. Any change made to the civil protection plan to bring it into compliance with ministerial policies or to modify safety objectives, curtail actions or extend deadlines, and any revision of the civil protection plan, must be effected according to the procedure set out for the development of the plan.

38. The civil protection plan, and any change thereto having received a certificate of compliance from the Minister, is deemed to be in compliance with ministerial policies, and the specific actions and the related implementation criteria, once adopted in accordance with the procedure set out in this division, are deemed to be in compliance with the objectives determined in the plan.

39. The organization of mitigation, emergency preparedness, emergency response and recovery operations involved in the actions determined in the civil protection plan that is in force shall be provided for in a document called an "emergency preparedness plan".

In the case of operations essential to disaster response, the name and coordinates of the person and substitutes in charge of the operations shall be specified.

A certified copy of each such plan and of any subsequent change to the plan must be forwarded to the regional authority and to each local municipality in the territory concerned.

Such plans must be kept up to date and at the disposal of the Minister at all times.

40. So that citizens may be informed, every local municipality must keep all documents forwarded to it pursuant to section 34, 39 or 82 in its offices, for the purposes of consultation and reproduction in accordance with the applicable legislative provisions.

To the same end, the regional authority must distribute a summary of the civil protection plan throughout its territory, as soon as possible after its adoption, together with information on how it may be consulted and reproduced.

41. Any local or regional authority or civil protection authority that failed to participate in the establishment of a civil protection plan or to establish safety measures as required, or failed to implement the established safety measures although they were clearly required by the situation, may be required to reimburse all or part of the expenses incurred, for its benefit, by other public authorities or government bodies and made necessary by its inaction.

The amount of the expenses and the terms and conditions of payment shall be determined by the Minister after giving the delinquent authority an opportunity to present observations.

DIVISION II

DECLARATION OF A LOCAL STATE OF EMERGENCY

42. A local municipality may declare a state of emergency in all or part of its territory where, in an actual or imminent major disaster situation, immediate action is required to protect human life, health or physical integrity which, in its opinion, it is unable to take within the scope of its normal operating rules or of any applicable emergency preparedness plan.

43. A state of emergency declared by a municipal council is effective for a maximum period of five days at the expiry of which it may be extended on the authorization of the Minister, as many times as necessary, for a maximum period of five days.

If the municipal council is unable to meet immediately, the mayor or, if the mayor is absent or unable to act, the acting mayor may declare a state of emergency for a maximum period of 48 hours.

44. When a state of emergency is declared, the nature of the disaster, the territory concerned, and the circumstances warranting and the effective period of the state of emergency must be specified and the mayor, the acting mayor, an officer of the municipality or a civil protection authority in the territory concerned may be authorized to exercise one or more of the powers set out in section 47.

45. The state of emergency is effective as soon as it is declared or renewed.

Notice of the state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the Minister, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

46. For the purpose of declaring a state of emergency and while the state of emergency is in effect, the municipal council may, if necessary, meet at any place, even outside the territory under its jurisdiction, and depart from the rules relating to council meetings, except those pertaining to their public nature, the question period, the quorum, voting and the calling notice. However, a meeting may be called by means of a notice of 12 hours or more transmitted using the most efficient means of communication available. In such circumstances, the members of the council may deliberate and vote by means of telephone or other communications equipment enabling all members to simultaneously take part in the meeting.

This section also applies, while the state of emergency is in effect, to the council of an authority responsible for civil protection in the territory concerned and to its members.

47. While the state of emergency is in effect, notwithstanding any provision to the contrary, subject to any measure ordered under section 93, the municipality or any person empowered to act on its behalf upon the declaration of the state of emergency may, without delay and without formality, to protect human life, health or physical integrity,

(1) control access to or enforce special rules on or within the roads or the territory concerned;

(2) grant authorizations or exemptions in areas under the jurisdiction of the municipality, for the time it considers necessary for the rapid and efficient conduct of emergency response operations;

(3) where there is no safe alternative, order the evacuation of the inhabitants of all or part of the territory concerned or, on the advice of public health authorities, order their confinement and, where no other resources are available, make arrangements for adequate shelter facilities, the provision of food and clothing and the maintenance of security;

(4) require the assistance of any citizen capable of assisting the personnel deployed;

(5) requisition rescue services and private shelter facilities within its territory other than the services and shelter facilities requisitioned for the implementation of an emergency preparedness plan adopted under this chapter or a civil protection plan adopted under Chapter VI; and

(6) make any expenditure or contract it considers necessary.

The municipality, the members of the council or a person empowered to act upon the declaration of the state of emergency may not be prosecuted for any act in good faith done in the exercise of such powers.

48. Where the municipality requisitioned the assistance or the facilities of a person under subparagraph 4 or 5 of the first paragraph of section 47, the municipality must, within three months of receipt of an application filed by the person concerned, compensate the person on the basis of the current rental price for services or facilities of the same type as it stood immediately before the disaster. The municipality is also required to compensate the person for any damage caused to the requisitioned facilities by the municipality, except damage that clearly would have resulted from the disaster in any case.

Entitlement to such compensation is prescribed one year after the end of the state of emergency.

49. The municipal council may lift the state of emergency as soon as it considers that it is no longer necessary.

Notice of the end of the state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the Minister, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

50. The Minister may lift the state of emergency at any time if the Minister considers it appropriate.

Notice of the end of the state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the municipality, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

51. Every person empowered to act upon the declaration of a state of emergency shall make, not later than at the first municipal council meeting held 30 days or more after the end of the state of emergency, a reasoned report to the council.

52. Within six months after the end of the state of emergency, the municipal council must submit an emergency situation report to the regional authority setting out the date, time, site, nature, probable causes and circumstances of the actual or apprehended disaster, the date and time of the declaration of the state of emergency and its duration, the response and recovery operations conducted and the powers exercised under section 47.

However, any information whose disclosure would in all likelihood affect judicial proceedings in which the municipality, a member of the municipal council or a person empowered to act upon the declaration of a state of emergency has an interest may be reported only once the judgment in the case has become *res judicata*.

DIVISION III

OTHER RESPONSIBILITIES AND MUTUAL ASSISTANCE

53. Every local municipality is responsible for the carrying out, in its territory, of the provisions of Chapter III concerning persons whose activities or property generate a major disaster risk.

For that purpose, the inspectors of the municipality or of any authority to which the municipality delegates such responsibility may

(1) enter and inspect, at any reasonable time, any premises where they have reasonable cause to believe that an activity or property generating a reportable risk is carried on or is located;

(2) take photographs of the activity or property;

(3) require any person who is on the premises to provide reasonable assistance; and

(4) require any information, explanation or document relevant to the carrying out of Chapter III.

Inspectors must, on request, produce identification and a certificate of capacity.

The municipality, the delegate authority or their inspectors may not be prosecuted by reason of any act in good faith done in the exercise of such functions.

54. Where human life, health or physical integrity is threatened by an actual or imminent major disaster situation, any person designated for that purpose by a civil protection authority may

(1) require, within the area of jurisdiction of the authority, any expert, person required to report a risk or person whose activities or property are threatened or affected by the disaster and constitute a potential source of disaster aggravation to provide scientific, technical or other information, and gain access to the location of the activities or property or to the disaster site in order to assess how the risk is or could be affected by the disaster or, in the case of the disaster site, to ascertain the causes, development and potential effects of the disaster; and

(2) disclose to the persons concerned the information obtained that is necessary for their safety.

A civil protection authority or a person designated by such an authority may not be prosecuted by reason of any act in good faith done in the exercise of such functions.

55. Local and regional authorities must take part in information efforts so that citizens may become involved in the pursuit of the objectives of this Act, in particular by disseminating advice on the safety measures they may take in relation to major or minor disaster risks present in their environment, by taking part in committees or information sessions organized in conjunction with businesses or citizens and by publicizing the safety measures taken by civil protection authorities.

56. A local municipality may, by by-law, establish a civil protection service in charge of protecting human life and property against disasters.

57. If an actual or imminent major or minor disaster in the territory of a local municipality or in the area of jurisdiction of its civil protection service exceeds its emergency response capabilities, those of its civil protection

service and those of the resources secured by the municipality by way of an agreement pursuant to the civil protection plan, the local municipality may, through its mayor or, if the mayor is absent or unable to act, through the acting mayor or two other members of the municipal council, or through any municipal officer designated for that purpose by by-law of the municipality, address a request to their counterparts for the intervention or assistance of another municipality or of its civil protection service.

The cost of the assistance shall be borne by the municipality having requested it, according to a reasonable tariff established by resolution of the assisting municipality, unless the municipalities concerned decide otherwise.

This section applies, with the necessary modifications, to all civil protection authorities.

58. Any civil protection authority in whose area of jurisdiction a major or minor disaster occurred or was apprehended requiring response operations under the authority's responsibility according to the civil protection plan must, within six months following the emergency, report to the regional authority the date, time, site, nature, probable causes and circumstances of the event and the emergency response and recovery operations conducted.

However, any information whose disclosure would in all likelihood affect judicial proceedings in which the authority, any of the members of its council or a person designated under section 54 has an interest may be reported only once the judgment in the case has become *res judicata*.

59. Within three months after the end of its fiscal year, every regional authority must adopt by resolution, and submit to the Minister, a report on the actions taken pursuant to its civil protection plan and the degree to which the determined objectives have been achieved, along with its civil protection projects for the coming year. The report must be submitted together with

(1) a document identifying the authorities that failed to take the actions for which they are responsible under the civil protection plan; and

(2) any emergency situation reports submitted to the authority pursuant to section 52 or 58.

CHAPTER V

GOVERNMENT DEPARTMENTS AND GOVERNMENT BODIES

60. All government departments and government bodies shall, where so requested by the Minister and according to their respective responsibilities,

(1) identify and describe the essential goods and services they provide;

(2) assess the major disaster risks to which such goods and services are exposed;

(3) identify the safety measures they have established with regard to such risks; and

(4) establish the degree of vulnerability of the different goods and services identified in view of the risks assessed.

Government departments and government bodies are also required to establish and maintain safety measures to reduce the vulnerability of the essential goods and services identified, and to designate, in the case of measures essential to the maintenance or resumption of the provision of those goods and services in a disaster situation, the person and substitutes in charge of implementing the measures, specifying their names and coordinates.

61. Government departments and government bodies shall, where so requested by the Minister, lend their assistance to the Minister for civil protection purposes in the areas under their jurisdiction, in particular by

(1) communicating to the Minister, for the development of Québec's national civil protection plan provided for in section 80, information concerning the identification of major disaster risks, their knowledge concerning such risks, the causes and foreseeable consequences of a disaster, their research on and the monitoring of activities or property that generate a major disaster risk, and their mitigation, emergency response planning, emergency response and recovery activities; and

(2) informing the Minister of the human, physical and informational resources that can be called upon for the purposes of Québec's national civil protection plan.

In addition, they shall take part, as directed in the national civil protection plan, in the implementation of the plan, and in assessment and preparatory exercises.

CHAPTER VI

MINISTER OF PUBLIC SECURITY

DIVISION I

FUNCTIONS

62. The Minister of Public Security is responsible for civil protection.

The Minister is charged with proposing general policies to the Government in this regard.

63. The Minister shall advise government departments and government bodies with regard to civil protection and facilitate the coordination of their actions.

64. The Minister is charged with setting policies, for the benefit of regional and local authorities, concerning major disaster mitigation, aimed either at eliminating or reducing risks or at mitigating the foreseeable consequences of a potential disaster, concerning emergency response planning, concerning emergency response to actual or imminent disaster situations and concerning recovery operations.

To that end, the Minister shall list and describe major disaster safety objectives and may specify minimum civil protection measures, in particular to ensure compatibility between the measures established by various emergency managers which must be taken into consideration by regional and local authorities in establishing their civil protection plan, including the specific actions to be included in that plan.

The Minister may grant financial support to a regional or local authority, subject to the conditions determined by the Minister, for the establishment, modification or revision of a civil protection plan or the carrying out of the actions determined in the plan.

The Minister may also grant financial support to a civil protection authority, subject to the conditions determined by the Minister, for the establishment and updating of an emergency preparedness plan.

65. The Minister shall publish the policies he or she intends to establish for the benefit of regional and local authorities in the *Gazette officielle du Québec*, together with a notice inviting interested persons to submit their views to the Minister within the time specified.

Once established, the policies shall be published in the *Gazette officielle du Québec*.

66. The Minister shall advise regional, local and civil protection authorities with respect to civil protection matters and ensure that they fulfil their responsibilities under this Act.

To that end, the Minister may send them guidelines concerning any matter within the purview of this Act or its statutory instruments, and request any relevant information concerning their projects and achievements. The guidelines are binding on the authorities to which they have been sent.

67. In addition, the Minister may

(1) require civil protection authorities to provide all the information needed for the development or implementation either of Québec's national civil protection plan or of the safety measures of government departments and government bodies;

(2) require government departments and government bodies to provide all the information needed for the development of a civil protection plan and forward the information to the regional authorities concerned;

(3) conduct, commission or facilitate research on disaster mitigation, disaster risk management, emergency response planning or any other civil protection matter;

(4) propose, coordinate or carry out activities or work designed to eliminate or reduce disaster risks, mitigate the consequences of a disaster and facilitate emergency response and recovery operations;

(5) conduct statistical analyses and studies on emergency preparedness at Québec's national, regional or local level, or on its individual, social or economic repercussions, and make the results public;

(6) grant financial support to civil protection authorities, subject to the conditions determined by the Minister, for the carrying out of projects under paragraphs 3 to 5 at the regional or local level;

(7) recruit volunteers to assist the personnel mobilized for the purpose of emergency response or recovery operations under this Act, provide for their training and supervise their intervention or, subject to the conditions determined by the Minister, entrust a person or body designated by the Minister with such responsibility;

(8) manage and distribute money donated for disaster relief, or, subject to the conditions determined by the Minister, entrust a person or body designated by the Minister with such responsibility and see to it that any surplus is used for disaster relief in or outside Québec; and

(9) in conjunction with the ministers and the chief executive officers of government bodies whose resources are assigned to Québec's national civil protection plan, take part in the development and implementation of cooperative civil protection measures with authorities outside Québec.

68. So that cooperative civil protection measures may be implemented with civil protection authorities outside Québec, the Minister may order the enlisting of such resources as the Minister determines among those assigned to Québec's national civil protection plan.

The Government may, for the same purposes, in an actual or imminent major disaster situation in or outside Québec, grant, for the time the Minister considers necessary for the rapid and efficient conduct of emergency response operations by Québec or other authorities, authorizations and exemptions provided for by law for an activity or an act that is required in the circumstances.

69. The Minister shall see to it that civil protection personnel working for the civil protection authorities and for government departments and government bodies are provided pertinent, high-quality and coherent training, by organizing

training activities, by taking part in the development of study programs and training activities and by accrediting the training activities offered by government or municipal bodies or by businesses and, in the case of professional development activities, by educational institutions.

70. The Minister shall foster or encourage civil protection initiatives by regional or local authorities, civil protection authorities, community organizations, persons required to report a risk and other stakeholders. The Minister shall facilitate collaboration between such stakeholders and the coordination of their actions.

The Minister shall, in addition, facilitate the creation of civil protection associations, in particular by providing technical, informational or financial support, subject to the conditions determined by the Minister.

71. The Minister shall take part in information efforts so that citizens may become involved in the pursuit of the objectives of this Act, in particular by disseminating information about the major disaster risks to which their community is exposed and the degree of vulnerability of their community to such risks, the safety measures established by government departments and government bodies and the steps citizens may take to mitigate the consequences of a major disaster and facilitate post-disaster recovery.

72. Where human life, health or physical integrity is threatened by an actual or imminent major or minor disaster, the Minister or any person designated by the Minister for that purpose may

(1) require any expert, person required to report a risk or person whose activities or property are threatened or affected by the disaster and constitute a potential source of disaster aggravation to provide scientific, technical or other information, and gain access to the location of the activities or property or to the disaster site in order to assess how the risk is or could be affected by the disaster or, in the case of the disaster site, to ascertain the causes, development and potential effects of the disaster; and

(2) disclose to the persons concerned the information obtained that is necessary for their safety.

73. In the case of a minor disaster or of any other event which, though it does not constitute a disaster, interferes with the life of a community to the point of compromising human safety, the Minister may, in areas that are not under the authority of any other minister,

(1) provide material, technical or informational support to the civil protection authority conducting emergency response or recovery operations, and if a minor disaster is involved, implementing mitigation or emergency response planning measures; and

(2) order that emergency response and recovery measures under Québec's national civil protection plan be implemented.

74. In carrying out his or her functions, the Minister may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization.

75. The Minister may, by regulation, define the statistical data and documents required for the carrying out of this Act that civil protection authorities, persons required to report a risk, insurers and claims adjusters must keep or transmit to the Minister, and the form and content of the notices and reports prescribed by this Act.

76. To assess the effectiveness of the actions provided for in the civil protection plan or to ascertain compliance with the provisions of this Act and the statutory instruments, the Minister or a member of the Minister's personnel designated for that purpose by the Minister may

(1) require any regional or local authority, civil protection authority, person required to report a risk or recipient under a financial assistance program established under section 100 or 101 to communicate, for examination or reproduction, any document, information or explanation that the Minister considers necessary for the carrying out of his or her functions;

(2) enter, at any reasonable time, and inspect any premises in territory unorganized for municipal purposes where the Minister or personnel member has reasonable cause to believe that an activity or property generating a reportable risk is carried on or is located, or any premises where the Minister or personnel member has reasonable cause to believe that an activity or property subject to regulatory standards adopted under section 123 is carried on or is located;

(3) take photographs of an activity or property referred to in subparagraph 2;

(4) require any person who is on the premises to provide reasonable assistance; and

(5) require any information, explanation or document relevant to the carrying out of Chapter III in territory unorganized for municipal purposes.

A person carrying out an inspection shall, on request, produce identification and a certificate of capacity.

77. Where there is a deficiency in the actions of a regional or local authority or a civil protection authority, the Minister may, after an overall assessment of the situation and after giving the authority an opportunity to present observations, recommend corrective measures or, if the Minister is of the opinion that public safety so requires, order the authority to take the

measures the Minister considers necessary for the protection of human life or property against disasters.

78. The Minister or a person designated by the Minister for that purpose may inquire into any matter under the purview of this Act.

The Minister may transmit the conclusions of the inquiry to the persons concerned.

Where corrective measures are recommended, the Minister may require the persons concerned to communicate to the Minister within the time determined by the Minister what they intend to do in that regard. If the measures recommended to a regional or local authority or to a civil protection authority are considered by the Minister to be imperative for public security, the Minister may order that they be implemented and that a compliance report be submitted to the Minister and within the time determined by the Minister.

79. The Minister, persons designated under section 72, inspectors and investigators may not be prosecuted by reason of any act in good faith done in the exercise of their functions.

DIVISION II

QUÉBEC'S NATIONAL CIVIL PROTECTION PLAN

80. The Minister of Public Security shall establish and maintain, in conjunction with the other ministers and heads of government bodies enlisted by the Minister, a national civil protection plan for Québec designed to

(1) provide support to civil protection authorities and government departments and government bodies where the magnitude of a major disaster risk or of an actual or imminent major disaster exceeds their capacity for action in the areas under their jurisdiction;

(2) reduce the vulnerability of society to the major disaster risks determined by the Minister having foreseeable consequences on a Québec-wide scale, in particular through disaster mitigation, emergency response planning, emergency response or recovery measures, or through separate risk management at the appropriate level, in collaboration with other governments or regional or local authorities concerned; and

(3) ensure that government departments and government bodies collaborate in specified areas of activity in view of their impact on civil protection matters.

81. Québec's national civil protection plan shall determine, in keeping with the respective jurisdictions of governments departments and government bodies, the specific actions that each of them must be prepared to take to achieve the objectives of the plan.

The plan must also include a procedure for monitoring the actions determined in the plan.

82. As soon as possible after the coming into force of the plan, the Minister shall send a certified true copy of the plan to civil protection authorities and a summary of the plan to local municipalities.

The same applies to any subsequent change to the plan if it entails corrections to the documents sent under the first paragraph.

DIVISION III

ORDER TO IMPLEMENT MEASURES AND DECLARATION OF A LOCAL STATE OF EMERGENCY

83. Where a civil protection authority is unable or fails to act in an actual or imminent major disaster situation, or during a post-disaster recovery period, the Minister may order the implementation, within all or part of the area of jurisdiction of the authority, of the emergency response or recovery measures under the authority's responsibility according to the applicable emergency preparedness plan, and, where necessary, designate the person in charge or, in the absence of a plan, order the implementation of the emergency response or recovery measures provided for in Québec's national civil protection plan.

84. The Minister may, in the place and stead of a municipality that is unable to act in a situation described in section 42, declare or renew a local state of emergency and exercise or authorize a person to exercise one or more of the powers specified in section 47. In such a case, sections 43 to 52 apply, with the necessary modifications.

However, any expenses borne and compensation provided under those provisions remain chargeable to the municipality and must be reimbursed by the municipality on the terms and conditions determined by the Minister.

85. Upon issuing the order or declaring the state of emergency, the Minister must specify the nature of the disaster, the territory concerned, and the circumstances warranting and the effective period of the order or the state of emergency and, where applicable, designate the person authorized to exercise the powers provided for in section 47.

86. The order or the state of emergency is effective as soon as it is issued or declared. The order or the text declaring the state of emergency shall be published in the *Gazette officielle du Québec*.

Notice of the order or state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the municipality, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

87. The Minister may lift measures ordered under section 83 as soon as the Minister considers that they are no longer necessary. So may the civil protection authority concerned if it has recovered its ability to act.

Notice thereof must be given promptly to the civil protection authorities in the territory concerned and to the municipality, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

CHAPTER VII

GOVERNMENT

DIVISION I

DECLARATION OF NATIONAL STATE OF EMERGENCY

88. The Government may declare a national state of emergency in all or part of the territory of Québec where, in an actual or imminent major disaster situation or other event that interferes with the life of the community to the point of compromising human safety, immediate action is required to protect human life, health or physical integrity which, in the Government's opinion, cannot be taken within the scope of the normal operating rules of the civil protection authorities or government departments and government bodies concerned or within the scope of Québec's national civil protection plan.

89. The state of emergency declared by the Government is effective for a maximum period of 10 days at the expiry of which it may be renewed, as many times as necessary, for a maximum period of 10 days or, with the consent of the National Assembly, for a maximum period of 30 days.

If the Government is unable to meet immediately, the Minister may declare a state of emergency for a maximum period of 48 hours.

90. Upon the declaration of a state of emergency, the nature of the event, the territory concerned, and the circumstances warranting and the effective period of the state of emergency must be specified. The Prime Minister or other ministers may be authorized to exercise one or more of the powers specified in section 93.

91. The state of emergency is effective as soon as it is declared or renewed. The text declaring or renewing the state of emergency shall be published in the *Gazette officielle du Québec*.

Notice of the state of emergency must be given promptly to the civil protection authorities in the territory concerned, and be published and disseminated by the most efficient means available to ensure that the municipalities and population concerned are rapidly informed.

92. The National Assembly may, in accordance with its rules of procedure, vote to disallow the declaration of a state of emergency or any renewal thereof.

The disallowance takes effect on the day the motion is passed.

Notice of the disallowance shall be promptly published and disseminated by the Secretary General of the National Assembly by the most efficient means available to ensure that the authorities and population concerned are rapidly informed. It also shall be published by the Secretary General in the *Gazette officielle du Québec*.

93. While the state of emergency is in effect, notwithstanding any provision to the contrary, the Government, or any minister empowered to act upon the declaration of the state of emergency may, without delay and without formality, to protect human life, health or physical integrity,

(1) order the implementation of the response measures provided for in the plan of the civil protection authorities, or those established by government departments or government bodies in accordance with section 60, and, where necessary, designate the person in charge;

(2) order the closure of establishments in the territory concerned;

(3) control access to or enforce special rules on or within roads or the territory concerned;

(4) where there is no safe alternative, order the construction or demolition of any works, the displacement of any property or the removal of any vegetation in the territory concerned;

(5) grant, for the time the Government considers necessary for the rapid and efficient conduct of emergency response operations, authorizations and exemptions provided for by law for an activity or an act that is required in the circumstances;

(6) where there is no safe alternative, order the evacuation or confinement of the inhabitants of all or part of the territory concerned and, if they have no other resources, make arrangements for adequate shelter facilities, the provision of food and clothing and the maintenance of security;

(7) order that power and water mains be shut off in all or part of the territory concerned;

(8) require the assistance of any person capable of assisting the personnel deployed;

(9) requisition the necessary rescue services and private or public shelter facilities;

(10) requisition food, clothing and other essentials and ensure distribution to disaster victims;

(11) ration essential goods and services and establish supply priorities;

(12) have access to any premises for the carrying out of an order under this section, to the site that is threatened or affected by the event or to the location of an activity or property that involves a potential risk of aggravating the event, in order to make a full assessment of the effects of the event on the risk or, as regards the site that is threatened or affected by the event, to ascertain the causes, development and potential effects of the event;

(13) make any expenditure or contract it considers necessary; and

(14) decide to implement, in respect of the territory concerned, the financial assistance programs established under section 100.

Under such circumstances, the Government may make any other decision as is necessary.

The Government and its ministers may not be prosecuted for any act in good faith done in the exercise of such powers.

94. Where the Government requisitioned the assistance or the facilities of a person under subparagraph 8 or 9 of the first paragraph of section 93, the Government must, within three months of receipt of an application filed by the person concerned, compensate the person on the basis of the current rental price for services or facilities of the same type as it stood immediately before the event.

The same applies in the case of goods requisitioned pursuant to subparagraph 10 of the first paragraph of section 93, in which case the compensation is based on the current sales price of goods of the same type as it stood immediately before the event.

95. The Government is also required to provide compensation for any damage caused in the exercise of powers under subparagraphs 4 and 9 of the first paragraph of section 93, except damage that clearly would have resulted from the event in any case.

96. Entitlement to compensation under section 94 or 95 is prescribed one year after the end of the state of emergency.

97. The Government may lift the state of emergency as soon as it considers that it is no longer necessary.

Notice of the end of the state of emergency must be given promptly to the civil protection authorities in the territory concerned, and be published and disseminated by the most efficient means available to ensure that the municipalities and population concerned are rapidly informed.

Moreover, the decision must be published in the *Gazette officielle du Québec*.

98. The Minister must lay an emergency situation report before the National Assembly within three months after the end of the national state of emergency or, if the Assembly is not in session, within 15 days of resumption. The report shall set out the date, time, site, nature, probable causes and circumstances of the event, the date and time of the declaration of the state of emergency and its duration, the emergency response and recovery operations conducted and the powers exercised under section 93.

99. The sums required by the Government or the minister empowered to act pursuant to a declaration of a state of emergency in the exercise of their powers under this division shall be taken out of the consolidated revenue fund.

DIVISION II

FINANCIAL ASSISTANCE

100. The Government may establish the following general financial assistance programs and fix the applicable eligibility requirements, scales and terms and conditions of payment:

(1) programs in respect of actual or imminent disasters or other events that compromise human safety, designed to

(*a*) provide compensation for the extra housing, food and clothing costs incurred by victims during the event or the recovery period;

(*b*) provide compensation for the extra costs incurred by civil protection authorities, local municipalities, community organizations or civil protection associations in carrying out emergency response or recovery operations;

(*c*) provide compensation for the costs incurred by volunteers whose assistance in emergency response or recovery operations was expressly accepted by the authority in charge;

(*d*) provide for the repair of damage caused to a principal residence or to the essential belongings of its occupants;

(*e*) provide for the repair of damage caused to any property essential to a business or to any property essential to the livelihood of a person or that person's family;

(*f*) provide for the repair of damage caused to any facilities of a non-profit organization that are useful to the community and readily accessible to the public, except facilities used exclusively for recreational purposes;

(*g*) provide for the repair of damage caused to any property essential to a local or regional authority, an intermunicipal board or a civil protection authority;

(*h*) provide for the repair of damage caused to vital installations, such as transport, telecommunications, power generation and distribution and water supply systems and systems used by police, fire safety or civil protection services or by government services responsible for public security and human health and welfare;

(2) programs in respect of particular unforeseen disaster risks, designed to facilitate the immediate implementation of the required mitigation and emergency response planning measures by civil protection authorities, local municipalities, persons required to report a risk or the persons exposed to the risk; and

(3) programs designed to provide compensation for the extra costs incurred during a state of emergency by civil protection authorities, local municipalities, community organizations or civil protection associations in the exercise of powers under section 47 or 93.

101. The Government may establish special compensation or financial assistance programs to meet specific needs arising from a particular disaster, from another event that compromises human safety or from the imminence of such a disaster or event, and fix the applicable eligibility requirements, scales and terms and conditions of payment.

102. Financial assistance and compensation programs shall be established on the basis of the following principles:

(1) the programs must provide primary assistance as regards extra housing, food and clothing costs;

(2) as regards other forms of financial assistance, the programs must, as far as possible, take into consideration any existing programs under other Acts, any existing programs of the federal government, public bodies, community organizations or non-profit associations, and the damage insurance available on the Québec market and generally carried within the territory concerned.

103. Damage excluded from the application of sections 48 and 95 is considered to be damage caused by a disaster for the purposes of financial assistance and compensation programs.

104. Persons having accepted a risk, persons who, without valid reason, failed to take the mitigation measures prescribed by law or ordered by a competent public authority in respect of a risk, and the persons who are responsible for their losses, are not eligible under any financial assistance program for the repair of damage caused to property by a disaster.

105. Regional or local authorities or civil protection authorities that did not take part in the development of a civil protection plan or establish safety measures although they were required to do so or that did not implement the established safety measures although they were clearly required by the situation, that did not take the measures ordered under section 77 or 78 or that did not fulfil other civil protection obligations imposed on them by law are not eligible under any financial assistance program in respect of disasters.

Authorities having authorized a settlement on a site, subsequently threatened or affected by a disaster, where occupation of the land was commonly known to be subject to special restrictions by reason of the risk of such a disaster, without imposing such restrictions, are not eligible under any financial assistance program in respect of disasters.

However, this section does not apply to financial assistance programs designed to facilitate the implementation of mitigation and emergency response planning measures. The second paragraph does not apply with respect to structures and uses existing on 20 December 2001, unless the destination of an immovable is changed after that date, which shall be considered a new settlement for the purposes of this section.

106. Where damage is caused by a disaster to property located on a site where the occupation of the land was commonly known to be subject to special restrictions by reason of the risk of such a disaster, financial assistance may be conditional upon the implementation of impact mitigation measures, the relocation of the property or the relocation of the occupants.

107. All programs shall be published in the *Gazette officielle du Québec* and widely publicized.

108. The Minister is responsible for the administration of the programs established under this division, subject to the designation of another minister or to a joint designation by the Government made in the order establishing a program.

To facilitate the implementation of a program, the granting of benefits and all other acts of administration under the program may be delegated by the minister responsible, subject to specified conditions, to a municipality, an organization or a person for the implementation period or for the period defined in the instrument of delegation.

Any information relating to the administration of a program that is not under the responsibility of the Minister of Public Security must be communicated to the Minister on request.

109. The decision to implement, in respect of a specific risk or event, a general program described in section 100 established before the discovery of the risk or the occurrence of the event is incumbent upon the minister responsible for the administration of the program or a person empowered to

act under subparagraph 14 of the first paragraph of section 93. The decision shall specify the nature of the risk or event, the territory concerned and the implementation period.

Any program described in section 101 established after the discovery of the risk or the occurrence of the event that is the specific subject of the program must specify the same information, and shall be implemented upon its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

The minister responsible for the administration of a program may, as appropriate, extend the territory to which it applies, prolong the implementation period or, if it has not expired, shorten the implementation period, but in the latter case, the expiry date may not be earlier than the date of publication in the *Gazette officielle du Québec* of the decision to shorten the implementation period.

Any decision under this section shall be published in the *Gazette officielle du Québec*, and shall be published and disseminated by the most efficient means available to ensure that the persons concerned are rapidly informed.

110. To claim benefits under a program, a person must apply to the authority responsible for the administration of the program, supply any information or document required by that authority for that purpose and allow the authority to examine the premises or property concerned as soon as practicable. The applicant must also inform the authority of any change in the applicant's situation that may affect the applicant's eligibility or the amount of the assistance or of the indemnity granted under the program.

111. The authority responsible for the administration of a program shall lend assistance to any person who so requests so as to facilitate the person's understanding of the program and, where appropriate, the person's filing of an application.

112. Entitlement to financial assistance or compensation under a program established under this division is prescribed one year after its implementation date or, if a decision is made to extend the territory to which it applies, one year after the date of the decision as far as the additional territory is concerned. If the damage appears progressively or tardily, the prescription period runs from the day the damage first appears, provided this first appearance does not occur more than five years after the implementation of the program or the decision to extend the territory, as the case may be.

Any application filed more than three months after the beginning of the prescription period must, on pain of refusal, have been preceded by a notice filed by the applicant within those three months specifying the nature of the application to be filed, unless the applicant shows that it was impossible to act sooner.

113. In exceptional cases, the minister responsible for the administration of a program established under this division may decide, for humanitarian reasons, that a person who otherwise would be excluded from the program is entitled to the benefits determined by the Minister.

114. Financial assistance granted under this division must be used exclusively for the purposes for which it is granted.

115. Entitlement to financial assistance under this division is a personal right, subject to the following.

The right to financial assistance relating to a principal residence or to the essential belongings in a principal residence may, if the person entitled to the assistance dies or, because of physical disability, is unable to maintain the domicile, be exercised by the persons who were living with that person at the time of the event that is the subject of the program and who inherit the property or maintain the domicile.

The right to financial assistance relating to the property essential to a family business which is the livelihood of a person or that person's family may, if the person dies or is unable to carry on his or her activities, be exercised by a member of the family who carries on the business after the event that is the subject of the program.

116. Entitlement to financial assistance or to compensation may not be assigned.

117. Financial assistance granted to a recipient may not be seized.

118. The Government is subrogated by operation of law in the rights of any person having received benefits under a financial assistance or a compensation program, up to the amounts paid, against any third party responsible for the damage or the event that is the subject of the program.

119. The recipient of financial assistance or compensation must repay to the Minister any amount received without due cause, unless it was paid as a result of an administrative error which the recipient could not reasonably have discovered.

The amount may be recovered within three years of the payment or, in case of bad faith, within three years of the discovery of the fact, but in no case more than 15 years after the payment.

120. Any amount due under a subrogation or a claim for overpayment is secured by a legal hypothec on the property of the debtor.

121. The person directly concerned by a decision regarding eligibility or the amount of assistance or compensation granted under a program, a condition imposed under section 106 or a claim for overpayment may, within two

months of the date on which the person is notified of the decision, apply in writing for a review, except in the case of a decision under section 113.

The application for a review may not be refused on the ground that the time limit has expired if the applicant proves that it was impossible to act earlier.

The decision shall be reviewed by a person designated for such purpose by the minister responsible for the implementation of the program concerned.

An application for a review does not suspend the carrying out of the decision, unless the person designated for the purpose of the review decides otherwise.

122. The sums required for the administration of the programs established under this division, including extra administrative costs incurred during a disaster situation or other event that compromises human safety and during the recovery period, shall be taken out of the consolidated revenue fund.

Amounts recovered under section 118 or 119 shall be paid into the consolidated revenue fund.

DIVISION III

REGULATORY POWERS

123. In addition to its other regulatory powers under this Act, the Government may, to the extent that in so doing it does not encroach upon the jurisdiction of other regulatory authorities of the Administration, make regulations

(1) prescribing standards for the monitoring of activities, property or natural phenomena that generate major or minor disaster risks;

(2) prescribing safety standards designed to eliminate or reduce major and minor disaster risks, or to mitigate the impact of a major or minor disaster;

(3) prescribing standards applicable to civil protection equipment, the use thereof and the identification of rescue workers and equipment;

(4) making the standards developed by another government or a standards organization mandatory and specifying that, in such a case, references to the texts setting out the standards include any subsequent changes to those texts;

(5) making specified uses of an immovable and types of work subject to the production of a study showing that the projected use or work does not constitute a substantial major or minor disaster risk or does not reduce existing safety conditions, and prescribing rules for such studies, including rules pertaining to content and to the qualifications of the person who is to conduct the study; and

(6) determining the manner in which and the time within which the standards prescribed under this paragraph may be made applicable to existing activities or property.

The Government may also

(1) establish methods and criteria applicable to the determination of the vulnerability of a community to major disaster risks in its environment;

(2) determine the honours and citations that may be awarded, the cases in which they may be awarded, the awarding procedure and the classes of persons or organizations eligible for such honours and citations; and

(3) determine the provisions of a regulation made under the first paragraph whose violation constitutes an offence, and indicate, for each offence, the fines to which an offender is liable, which may not exceed $10,000.

CHAPTER VIII

PRESUMPTIONS, RIGHTS AND IMMUNITY

124. Any person obeying an order given under section 47 or 93 is deemed to be confronted by superior force.

125. A person mobilised pursuant to measures established under this Act or whose intervention is required or expressly accepted under this Act is, for the purposes of third-party liability, deemed to be an agent or servant of the authority under whose command the person is placed, for the duration of the person's intervention. However, a person mobilised pursuant to section 83 is deemed to be an agent or servant of the delinquent civil protection authority and a person mobilised outside Québec for the implementation of cooperative measures referred to in section 68 is deemed to be an agent or servant of the Government.

The same presumption applies, with the necessary modifications, to training periods, measure assessment exercises and preparatory exercises.

The presumption does not apply, however, to agents or servants of the State or of legal persons established in the public interest who do not cease to act in the exercise of their functions for the sole reason that they are placed temporarily under the command of another authority.

126. Any person referred to in section 125 who takes part in response operations in an actual or imminent disaster situation or other event to which this Act applies is relieved from liability for any damage resulting from his or her intervention, unless the damage is caused by the person's intentional or gross fault.

Such relief from liability extends to the authority under whose command the person is placed, the authority whose agent or servant the person is deemed to be and the authority conducting or having requested the response operations, except, in the case of a major disaster, if the authority did not take part in the establishment of a civil protection plan or did not adopt safety measures as required, or if the measures provided for in the applicable emergency preparedness plan and related to the alleged acts were not taken or carried out in accordance with the established procedure.

127. The authority whose agent or servant a person is deemed to be pursuant to section 125 is bound to assume the representation or defence of the person at a coroner's inquiry or a fire investigation commissioner's inquiry concerning the event during which the person intervened, or in proceedings before a court or body exercising adjudicative functions concerning an act done by the person in the performance of the tasks entrusted to the person.

The authority may, instead of fulfilling such obligation, make an agreement with the person for reimbursement of any reasonable costs incurred by the person or the person's representative.

The authority is relieved from such obligation if

(1) the person specifically consents thereto in writing;

(2) the authority is itself the plaintiff in the proceedings;

(3) the act constitutes a gross or intentional fault; or

(4) the person is convicted of an offence or an indictable offence, and had no reasonable grounds to believe that his or her conduct was in compliance with the law.

CHAPTER IX

PENALTIES AND REMEDIES

128. The following persons are guilty of an offence and are liable to a fine of $1,000 to $5,000 in the case of a natural person and $3,000 to $15,000 in the case of a legal person:

(1) every person who fails to report a risk, keep the report up to date, establish or maintain safety measures, provide information, issue a warning or give a notice, in contravention of section 8, 9, 12, 13 or 14;

(2) every person who hinders the Minister, an investigator, an inspector, a civil protection authority or one of its inspectors, an inspector of a local municipality or a person designated under section 44, 54, 72 or 90 in the exercise of their powers under this Act, who refuses to obey an order they are

entitled to give, to communicate the information or documents they are entitled to require or, without valid reason, to provide the help or assistance they are entitled to require, or who conceals or destroys documents or other things relevant to the exercise of their functions; and

(3) every person who reports or provides false, incomplete or misleading information or a document that is incomplete or contains false or misleading information in order to deceive the person entitled to the information.

Penal proceedings for an offence under subparagraph 3 of the first paragraph are prescribed one year after the prosecutor is apprised of the commission of the offence. However, proceedings may not be instituted more than five years after the commission of the offence.

129. Every employer is guilty of an offence and liable to a fine of $200 to $1,000 who, without good cause shown, by discriminatory measures, reprisals, a change in employment conditions, transfer, suspension or dismissal or any other sanction, prevents an employee from acting or aims to punish an employee for having acted under the command of a civil protection authority, a government department or body involved in civil protection or a municipality that declared a state of emergency when the employee is mobilised or his or her intervention is required under this Act, provided the person informed the employer that he or she had to leave work precipitously or could not report for work.

In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a remedy before a labour commissioner as if it were a recourse related to the exercise of a right under the Labour Code (R.S.Q., chapter C-27). Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146.1 and 150 to 152 of the said Code apply, with the necessary modifications.

130. Every director or senior executive of a legal person who takes part in, consents to, orders, advises or authorizes the commission of an offence is guilty of an offence and is liable to the penalty prescribed for that offence.

131. In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act or in a regulation under section 123 are doubled.

132. A judge may order an offender to remedy any contravention of which the offender was found guilty.

Prior notice of the application for the order must be given by the prosecutor to the offender unless the offender is in the presence of the judge.

133. Penal proceedings for an offence under section 8, 9, 12, 13 or 14 enforceable by a local municipality may be instituted by the municipality.

The municipality may bring the proceedings before the competent municipal court.

The fine belongs to the municipality, where it instituted the proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of the said Code.

CHAPTER X

AMENDING PROVISIONS

134. This Act replaces the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1).

Every reference to that Act is a reference to the corresponding provisions of this Act.

135. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding "OR PARTICIPATING IN CIVIL PROTECTION ACTIVITIES" at the end of the heading following section 10.

136. Section 12 of the said Act is replaced by the following section:

"12. A person who, as a volunteer, assists the personnel deployed to carry out emergency response or recovery operations during an event that is within the purview of the Civil Protection Act (2001, chapter 76) after the person's assistance has been expressly accepted by the authority responsible for such measures is considered to be a worker employed by that authority, subject to the second paragraph.

Where a local or national state of emergency has been declared, a person who assists the personnel deployed after the person's assistance has been expressly accepted or required under section 47 or 93 of the Civil Protection Act is considered to be a worker employed by the local authority or government having declared the state of emergency or for which the state of emergency was declared.

A person who participates in a training activity organized pursuant to paragraph 7 of section 67 of the said Act is considered to be a worker employed by the Government.

However, the right to return to work does not apply to a person referred to in this section."

137. Section 12.0.1 of the said Act, enacted by section 159 of chapter 20 of the statutes of 2000, is amended by replacing the first paragraph by the following paragraph:

"12.0.1. Every person who, during an event referred to in section 40 of the Fire Safety Act (2000, chapter 20), assists the firefighters of a municipal fire safety service after the person's assistance has been expressly accepted or required pursuant to subparagraph 7 of the second paragraph of that section, is considered to be a worker employed by the authority responsible for the service."

138. The said Act is amended by inserting the following section after section 293:

"293.0.1. Any authority, other than the Government, which, during a calendar year, has used the services of persons referred to in section 12 must, before 15 March of the following year, transmit to the Commission a statement setting out

(1) the nature and the average duration of the participation of such persons in a civil protection activity; and

(2) the number of persons involved in the course of the past year."

139. Section 293.1 of the said Act, enacted by section 163 of chapter 20 of the statutes of 2000, is amended by striking out "and an estimate of the number of persons likely to be involved in the current year" in paragraph 2.

140. Section 294 of the said Act is amended

(1) by adding "or the activities referred to in section 12" at the end of subparagraph 1 of the first paragraph;

(2) by replacing "in a course or in emergency measures contemplated" in subparagraph 2 of the first paragraph by "in an activity referred to";

(3) by replacing ", course or emergency measures contemplated in section 11 or 12" in subparagraph 3 of the first paragraph by "referred to in section 11 or the activities referred to in section 12".

141. Section 296 of the said Act, amended by section 164 of chapter 20 of the statutes of 2000, is again amended by inserting the following paragraph after the second paragraph:

"An authority referred to in section 293.0.1 shall keep a detailed register of the names and addresses of the persons referred to in section 12."

142. Section 310 of the said Act, amended by section 165 of chapter 20 of the statutes of 2000, is again amended

(1) by adding "or the activity engaged in" at the end of paragraph 2;

(2) by inserting the following paragraph after paragraph 2:

"(2.1) an authority referred to in section 12, other than the Government, as the employer of a person who participates in activities referred to in that section, according to the minimum wage in force on 31 December of the year during which the activity took place;";

(3) by inserting ", according to the minimum wage in force on 31 December of the year during which the assistance was given" after "section 12.0.1" at the end of paragraph 3.1.

143. Section 440 of the said Act, amended by section 166 of chapter 20 of the statutes of 2000, is again amended by inserting "participates in a civil protection activity," after "executes tasks," in the third line.

144. Section 69 of the Public Service Act (R.S.Q., chapter F-3.1.1), amended by section 126 of chapter 26 of the statutes of 2001, is again amended

(1) by adding "and all employee groups of the general directorate responsible for civil protection within the Ministère de la Sécurité publique" after "64" in the first paragraph;

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

"In the event of an offence under the first or second paragraph, the penal provisions in section 142 of the Labour Code shall apply. The Labour Court has exclusive jurisdiction in first instance to hear and decide any proceeding brought following such an offence and the proceeding shall be heard and decided in accordance with the provisions of the Labour Code."

145. Section 69 of the said Act will again be amended on the date of coming into force of section 114 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of chapter 26 of the statutes of 2001, by the striking out of the last sentence of the last paragraph.

146. Section 8 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3), amended by section 172 of chapter 20 of the statutes of 2000, is again amended

(1) by replacing "civil protection and fire protection" in the second paragraph by "civil protection and fire safety";

(2) by replacing "Act respecting the protection of persons and property in the event of disaster (chapter P-38.1)" in the second and third lines of the second paragraph by "Civil Protection Act (2001, chapter 76)".

147. Section 9 of the said Act, amended by section 173 of chapter 20 of the statutes of 2000, is again amended by striking out "against fires" at the end of paragraph 8.

148. Section 11.12 of the Animal Health Protection Act (R.S.Q., chapter P-42), enacted by section 13 of chapter 40 of the statutes of 2000, is amended by replacing "Chapter III of the Act respecting the protection of persons and property in the event of disaster (chapter P-38-1)" in the second paragraph by "the provisions of the Civil Protection Act (2001, chapter 76) dealing with states of emergency".

149. Section 42 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing "in a disaster within the meaning of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1), the person responsible for emergency measures" by "during an event to which the Civil Protection Act (2001, chapter 76) applies, the person in charge of response operations".

150. Section 183 of the said Act is amended by replacing "under emergency decree within the meaning of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1)" in the second paragraph by "in respect of which a state of emergency within the meaning of the Civil Protection Act (2001, chapter 76) was declared".

151. Section 30.0.4 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by replacing the fourth paragraph by the following paragraph:

"The council of the municipality may, in particular, provide that a state of emergency declared under the Civil Protection Act (2001, chapter 76) or an event in respect of which a financial assistance program is implemented pursuant to section 109 of that Act are exceptional cases."

152. Section 1 of the Fire Safety Act (2000, chapter 20) is amended by replacing "tel sinistre" in the French text of the last paragraph by "incendie".

153. Section 2 of the said Act is amended by adding "as regards fire safety" at the end.

154. Section 5 of the said Act is amended

(1) by replacing "to the secretary-treasurer or clerk of the local municipality where the fire hazard is situated" in the first sentence of the first paragraph by "to the local municipality where the fire hazard is situated within three months of becoming subject to the regulation";

(2) by replacing "at the disposal of or enlisted by the person" at the end of the first paragraph by "secured by the person or at the disposal of the person";

(3) by replacing "person having received" in the second sentence of the second paragraph by "municipality having received" and by replacing "person" in the first line of the third paragraph by "municipality".

155. Section 7 of the said Act is amended

(1) by replacing "le sinistre" in the first paragraph of the French text by "l'incendie" and by replacing "du sinistre" in the same paragraph by "de l'incendie";

(2) by replacing "sinistrés" in the last line of the French text of the first paragraph by "endommagés";

(3) by replacing "communicated only once the judgment in the case has become *res judicata*" in the second paragraph by "reported only once the judgment in the case has become *res judicata*".

156. Section 8 of the said Act, amended by section 217 of chapter 56 of the statutes of 2000, is replaced by the following section:

"8. The regional authorities, namely the regional county municipalities and the Kativik Regional Government must, in conjunction with the local municipalities that are part thereof and in compliance with the policies determined by the Minister, establish a fire safety cover plan determining fire protection objectives for their entire territory and the actions required to achieve those objectives.

The cities of Gatineau, Laval, Lévis, Longueuil, Mirabel, Montréal and Québec and any other municipality that may be designated by the Minister, the Government or by law are considered to be regional authorities.

Any other local municipality that is not part of a regional authority must

— make an agreement with a regional authority or a local authority that is part of a regional authority, whereby the territory of the local municipality will be considered for the purposes of this division to be part of the territory of that regional or local authority, or

— make an agreement with other municipalities that are also not part of a regional authority for the purpose of establishing a common fire safety cover plan. In the latter case, the agreement must designate one of the municipalities to act as a regional authority for the purposes of this division."

157. Section 11 of the said Act is amended by replacing "other emergency situations" in the second line by "disaster or accident risks".

158. Section 12 of the said Act is amended by striking out ", after notification to that effect from the Minister".

159. Section 15 of the said Act is amended by striking out the last sentence.

160. Section 16 of the said Act is amended

(1) by replacing "échéancier" in the seventh line of the French text of the first paragraph by "calendrier";

(2) by replacing "responsible for" in the second paragraph by "in charge of".

161. Section 17 of the said Act is amended by adding the following paragraph at the end:

"The regional authority shall also determine a procedure for the periodic assessment of the actions taken and the degree to which the determined objectives have been achieved."

162. Section 18 of the said Act is amended by replacing "a public meeting" by "one or more public meetings".

163. Section 20 of the said Act is amended

(1) by replacing "schéma" in the first line of the French text of the second paragraph by "projet";

(2) by replacing "conclusions" in the French text of subparagraph 2 of the second paragraph by "résultats";

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

"The draft plan must be submitted within two years from the day on which the regional authority became subject to the obligation to establish a fire safety cover plan. Additional time may, however, be granted by the Minister following an application made not later than 120 days before the deadline."

164. Section 23 of the said Act is amended by striking out "a notice of motion or" in the second paragraph.

165. Section 24 of the said Act is amended

(1) by replacing "or on any later date specified in the notice" in the first paragraph by ", on any later date specified in the notice or at the latest on the sixtieth day after the issue of the certificate of compliance";

(2) by striking out the second paragraph.

166. Section 27 of the said Act is amended by adding ", subject to the applicable legislative provisions" at the end.

167. Section 30 of the said Act is amended by replacing "extend the schedule of implementation" by "extend the deadlines".

168. Section 32 of the said Act is amended

(1) by inserting "and inspect" after "reasonable time," in subparagraph 1 of the second paragraph;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

"(2.1) require any person who is on the premises to provide reasonable assistance."

169. Section 33 of the said Act is replaced by the following section:

"33. If a fire in the territory of a local municipality or the territory served by its fire safety service exceeds its emergency response capabilities and those of the resources secured by the municipality by way of an agreement pursuant to the fire safety cover plan, the local municipality may, through its mayor or, if the mayor is absent or unable to act, through the acting mayor or two other members of the municipal council, or through any municipal officer designated for that purpose by by-law of the municipality, address a request to their counterparts for the intervention or assistance of the fire safety service of another municipality.

The cost of the intervention or assistance shall be borne by the municipality having requested it, according to a reasonable tariff established by resolution of the assisting municipality, unless the municipalities concerned decide otherwise.

However, such exceptional outside assistance shall not be taken into consideration in the preparation of the fire safety cover plan or implementation plan.

This section applies, with the necessary modifications, to a regional authority or an intermunicipal board in charge of the application of emergency response procedures."

170. Section 34 of the said Act is amended

(1) by replacing "le sinistre" in the third line of the French text of the first paragraph by "l'incendie" and by replacing "du sinistre" in the same line by "de l'incendie";

(2) by replacing "sinistrés" in the last line of the French text of the first paragraph by "endommagés";

(3) by replacing "has an interest may be communicated only once the judgment in the case has become *res judicata*" in the second paragraph by "or a member of the municipal council has an interest may be reported only once the judgment in the case has become *res judicata*".

171. Section 36 of the said Act is amended

(1) by replacing "sinistres" in the French text of the first paragraph by "événements";

(2) by replacing "les autres sinistres" in the French text of the second paragraph by "les sinistres";

(3) by replacing "fire risks and other hazards, the prevention of fires" in the last paragraph by "fire, accident and disaster risks, the prevention of such events".

172. Section 39 of the said Act is amended by replacing "required" in the last line of the second paragraph by "requested".

173. Section 40 of the said Act is amended

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

"40. Firefighters may, in the performance of their duties, enter any premises affected or threatened by fire, a disaster or any other emergency, and any adjacent premises, for the purpose of fighting the fire, responding to the emergency or providing assistance.";

(2) by inserting "or of the effects of a disaster" after "fire" in subparagraph 5 of the second paragraph.

174. Section 41 of the said Act is amended by replacing "During an emergency" by "During an event referred to in section 40".

175. Section 42 of the said Act is amended

(1) by replacing "within one month" in the third line of the first paragraph by "within three months";

(2) by replacing "in the year following the emergency" in the fourth and fifth lines of the first paragraph by "in the 12 months following the end of the event";

(3) by adding "as they stood immediately before the occurrence of the event" at the end of the first paragraph;

(4) by inserting "into the event during which the person intervened" after "inquiry" in the third line of the second paragraph;

(5) by replacing "lui ont été confiées lors du sinistre" in the fourth line of the French text of the second paragraph by "lui ont alors été confiées";

(6) by replacing “lorsque l’autorité” in the French text of subparagraph 2 of the last paragraph by “lorsqu’elle-même”.

176. Section 45 of the said Act is amended by replacing “au service de police compétent sur le territoire du sinistre” in the French text by “, au service de police compétent sur le territoire,”.

177. Section 47 of the said Act is amended

(1) by replacing “or other emergency” in the fourth line of the first paragraph by “or during an emergency or disaster situation”;

(2) by replacing “required” in the second line of the second paragraph by “requested”.

178. Section 48 of the said Act is amended by replacing “, under a contract with a local or regional authority or intermunicipal board, fire safety services in the territory of a municipality” in the first, second and third lines by “fire safety services under a contract with a local or regional authority or intermunicipal board”.

179. Section 53 of the said Act is amended by replacing “disaster intervention” in paragraph 4 by “emergency response”.

180. Section 88 of the said Act is replaced by the following section:

“88. The remuneration, employee benefits and other conditions of employment of fire investigation commissioners shall be determined by the Government. The necessary sums shall be paid out of the appropriations granted each year to the Minister by the National Assembly, subject to the exceptions under section 9 of Schedules I and II to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) for the cities of Québec and Montréal with regard to the fire investigation commissioners appointed for their territory.”

181. Section 102 of the said Act is amended

(1) by replacing “ce sinistre” in the third line of the French text by “cet incendie”;

(2) by replacing “n’a pas acquis l’autorité de la chose jugée” in the second last line of the French text by “n’est pas passé en force de chose jugée”;

(3) by replacing “de sinistre” in the last line of the French text by “d’incendie”.

182. Section 138 of the said Act is amended by replacing “regional or local” in the first paragraph by “regional and local”.

183. Section 143 of the said Act is amended by striking out ", or with a regional or local authority or any natural or legal person".

184. Section 154 of the said Act, amended by section 174 of chapter 26 of the statutes of 2001, is again amended

(1) by inserting "without good cause shown," after "Every employer who," in the first line of the first paragraph;

(2) by replacing "a volunteer" in the third line of the first paragraph by "an on-call";

(3) by replacing "has made arrangements that are to apply" in the second to last line of the first paragraph by "advises the employer".

185. Section 155 of the said Act is amended

(1) by replacing "damaged" in the first line of the second paragraph by "fire-damaged";

(2) by replacing "leur fait" in the French text of the second paragraph by "lui fait";

(3) by replacing "leur" in the last line of the French text of the second paragraph by "son".

186. Section 176 of the said Act is replaced by the following section:

"176. No local or regional authority is required to comply with the obligations relating to the establishment of a fire safety cover plan before a notice to that effect is given by the Minister to the regional authority within the period of 18 months following the publication of the first ministerial policies intended for local and regional authorities or, if no such notice is given, before the expiry of the 18-month period."

187. Section 178 of the said Act is repealed.

188. The said Act is amended

(1) by replacing "sinistre" wherever it appears in the French text of sections 44, 92, 95, 99, 121, 123 and 127 and in the French text of the heading of Division III of Chapter V by "incendie", with the necessary modifications;

(2) by replacing "damaged" wherever it appears in sections 43, 44, 95 and 96 by "fire-damaged".

189. Section 217 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is repealed.

190. The Schedules to the said Act are amended

(1) by replacing "the prevention aspect of fire safety" and "the prevention aspect of fire protection" by "fire safety and civil protection" in the following provisions:

(*a*) subparagraph 3 of the first paragraph of section 130 of Schedule I;

(*b*) subparagraph 2 of the first paragraph of section 114 of Schedule II;

(*c*) subparagraph 2 of the first paragraph of section 71 of Schedule III;

(*d*) subparagraph 2 of the first paragraph of section 85 of Schedule V;

(2) by replacing "*Prevention aspect of fire safety*" by "*Fire safety and civil protection*" in the heading of the following subdivisions:

(*a*) subdivision 4 of Division III of Chapter III of Schedule I;

(*b*) subdivision 3 of Division III of Chapter III of Schedule II;

(*c*) subdivision 3 of Division III of Chapter III of Schedule III;

(*d*) subdivision 3 of Division III of Chapter III of Schedule V;

(3) by replacing "its amendments and revisions, and promote the implementation in the borough of the measures contained in it" in the following sections by "civil protection plan and their amendments and revisions, and promote the implementation in the borough of the measures contained in the plans":

(*a*) section 135 of Schedule I;

(*b*) section 118 of Schedule II;

(*c*) section 75 of Schedule III;

(*d*) section 89 of Schedule V.

191. Section 129 of this Act will be amended on the date of coming into force of section 114 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of chapter 26 of the statutes of 2001, by replacing the second paragraph by the following paragraph:

"In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a remedy before the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

CHAPTER XI

TRANSITIONAL PROVISIONS

192. No local or regional authority is required to comply with the obligations relating to the establishment of a civil protection plan before a notice to that effect is given by the Minister to the regional authority within the period of 18 months following the publication of the first ministerial policies intended for local and regional authorities or, if no such notice is given, before the expiry of the 18-month period.

193. Any intermunicipal agreement relating to civil protection, entered into before the coming into force of the first civil protection plan applicable to one of the parties to the agreement and that has not been integrated into the plan, continues to have effect until its date of expiry, except for any renewal not approved by the Minister, unless the parties agree to terminate it prematurely.

194. Until the first civil protection plan binding a local municipality comes into force, the local municipality must ensure that such warning and mobilization procedures and such minimum rescue services required for the protection of persons and property in the event of a disaster as may be determined by regulation of the Minister are in force in its territory as part of an emergency preparedness plan.

Regulatory provisions under this section may vary according to the nature or location of the source of the risk and the probability or foreseeable consequences of a disaster.

CHAPTER XII

FINAL PROVISIONS

195. The Minister of Public Security is responsible for the administration of this Act.

196. This Act comes into force on 20 December 2001.

However, the provisions of section 16 which concern the cities of Gatineau, Lévis, Longueuil, Montréal and Québec, and sections 156, 180, 189 and 190, will come into force on 1 January 2002.

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CIVIL PROTECTION ACT

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 204
(Private)

An Act respecting Municipalité de Saint-Isidore-de-Clifton

Introduced 17 October 2001
Passage in principle 19 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

Bill 204

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE SAINT-ISIDORE-DE-CLIFTON

WHEREAS Municipalité de Saint-Isidore-de-Clifton results from the amalgamation of Municipalité de Saint-Isidore-d'Auckland and Partie est du Canton de Clifton under Order in Council 1606-97 dated 10 December 1997;

Whereas on 12 December 1998, Municipalité de Saint-Malo annexed part of the territory of Municipalité de Saint-Isidore-de-Clifton, deriving from the territory of Partie est du Canton de Clifton;

Whereas under section 2 of the agreement on the apportionment of the assets and liabilities made on 23 November 1998 in respect of that annexation, Municipalité de Saint-Isidore-de-Clifton paid a sum of $17,500 to Municipalité de Saint-Malo;

Whereas that section 2 does not indicate clearly that the sum was to be paid out of the surplus accumulated by Partie est du Canton de Clifton, despite the intent expressed during the negotiations that lead to the conclusion of the agreement;

Whereas section 12 of Order in Council 1606-97 dated 10 December 1997 concerns the allocation of the accumulated surplus;

Whereas the Act respecting municipal territorial organization (R.S.Q., chapter O-9) does not provide for the amendment of an order, except in the case of an error in writing or an obvious omission;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Notwithstanding section 12 of Order in Council 1606-97 dated 10 December 1997,

(1) a sum of $17,500 shall be taken out of the surplus accumulated in the name of Partie est du Canton de Clifton to be paid into the general fund of Municipalité de Saint-Isidore-de-Clifton;

(2) any balance of such accumulated surplus shall be used exclusively for road maintenance and repair work in the sector consisting of the former territory of Partie est du Canton de Clifton, excluding the part annexed by Municipalité de Saint-Malo on 12 December 1998.

2. This Act shall not affect any case pending on 5 June 2000.

3. This Act comes into force on 20 December 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 205
(Private)

An Act respecting Ville de Coaticook

Introduced 7 November 2001
Passage in principle 19 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

Bill 205

(Private)

AN ACT RESPECTING VILLE DE COATICOOK

WHEREAS Ville de Coaticook results from the amalgamation of Ville de Coaticook and the townships of Barford and Barnston under Order in Council 1527-98 made on 16 December 1998;

Whereas the new city considers that amendments to the amalgamation order are necessary to lower the tax rate in certain sectors;

Whereas no amendments may be made to the order under the Act respecting municipal territorial organization (R.S.Q., chapter O-9), except in the case of an error in writing or an obvious omission;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Notwithstanding the provisions of paragraph 19 of the purview of Order in Council 1527-98 dated 16 December 1998, the special tax referred to therein shall be levied for the fiscal year 2002 at the rate of $0.06 per $100 of assessment and shall not be levied thereafter.

2. This Act does not affect any case pending on 11 December 2000.

3. This Act comes into force on 20 December 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 206
(Private)

An Act respecting Ville de Mont-Tremblant

Introduced 5 December 2001
Passage in principle 19 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

Bill 206

(Private)

AN ACT RESPECTING VILLE DE MONT-TREMBLANT

WHEREAS it is in the interest of Ville de Mont-Tremblant that it be granted certain powers and that certain deeds be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Mont-Tremblant may prescribe in the zoning or subdivision by-law, as the case may be, as a requisite condition for the issue of a building permit or for the approval of a plan relating to a cadastral operation, that the owner undertake to gratuitously create a real servitude in favour of the city for the purposes referred to in section 117.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

For the purposes of sections 117.1 to 117.15 of that Act:

(1) a corridor for recreational and sports activities is considered to be a park;

(2) the development of a parcel of land includes the construction of works related to pedestrian and vehicular traffic in a corridor referred to in subparagraph 1; and

(3) a servitude created in favour of the city is considered to be a parcel of land transferred to the city.

2. Notwithstanding section 117.15 of the said Act, the city may transfer gratuitously to the social trust referred to in section 4 an immovable acquired for the purposes of establishing or enlarging a park or playground or for the preservation of a natural area. The fund referred to in that section may be used to grant a subsidy to the trust.

Every decision of the council having as its object the transfer of an immovable or the payment of a subsidy referred to in the first paragraph requires the authorization of the Minister of Municipal Affairs and Greater Montréal.

The city may also use the fund for the purposes mentioned in section 117.15 in relation to immovables in respect of which an agreement has been made with a school board, a regional county municipality, the Government or any of its ministers or bodies.

3. Resolution 2001-1027 of Ville de Mont-Tremblant passed on 10 December 2001 approving the lease of a parcel of land and ratifying the contracts granted and expenses incurred, may not be invalidated on the grounds that

(1) work was carried out on a parcel of land which did not belong to the city;

(2) a contract was not awarded in accordance with section 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19);

(3) the making of the contract was not authorized by the council;

(4) the resolution was not passed in accordance with section 2 of the Municipal Works Act (R.S.Q., chapter T-14); or

(5) the lease to which Resolution 2001-1027 refers has effect as of 1 April 2001.

4. The trust deed creating the Domaine Saint-Bernard social trust, executed on 20 November 2000 before François Rainville, notary, under number 10960 of his minutes and published on 22 November 2000 at the registry office of the registration division of Terrebonne under registration number 1243992, may not be invalidated on the ground that the former Municipalité de Mont-Tremblant constituted a trust patrimony and transferred to that distinct patrimony all its rights of ownership attached to Domaine Saint-Bernard.

5. An act whereby a servitude was created as of 1 January 1992 in favour of the former Municipalité de Mont-Tremblant or Ville de Mont-Tremblant for the purposes referred to in section 117.1 of the Act respecting land use planning and development, and the acts performed by those municipalities to achieve those purposes, may not be invalidated on the ground that the law did not enable them to require the creation of the servitude.

No illegality or irregularity may result from the fact that the municipalities spent moneys taken out of the fund referred to in section 117.15 of the Act respecting land use planning and development on the site of such a servitude.

6. Section 2 has effect from 22 November 2000.

7. This Act comes into force on 20 December 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 208
(Private)

An Act respecting Ville de Fleurimont

Introduced 12 December 2001
Passage in principle 18 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

Bill 208

(Private)

AN ACT RESPECTING VILLE DE FLEURIMONT

WHEREAS it is in the interest of Ville de Fleurimont that certain powers be granted to the city;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Fleurimont may, by by-law, adopt a program for the purpose of granting a tax credit related to the setting up or enlarging of high technology establishments in the territory described in the schedule, subject to the terms and conditions determined in the by-law.

For the purposes of this section, "high technology" refers in particular to the biotechnology, biopharmaceutical, medical information technology, telehealth and medical instrumentation fields. "High technology" means a use having as its main activity

(1) scientific or technological research or development;

(2) scientific or technological training;

(3) the administration of a technological enterprise; or

(4) the manufacturing of technological products, including scientific research and experimental development activities.

A by-law adopted under this section may not provide for a tax credit for a period exceeding five years; the period of eligibility for the program may not extend beyond 31 December 2005.

The effect of the tax credit shall be to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would be payable had the assessment of the immovables not been changed and the amount of the property taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80 per cent and 60 per cent of the amount of the tax credit for the first fiscal year.

2. This Act comes into force on 20 December 2001.

SCHEDULE

DESCRIPTION OF THE TERRITORY OF THE BIOMEDICAL PARK

CADASTRE : Québec

REGISTRATION DIVISION : Sherbrooke

MUNICIPALITY : Ville de Fleurimont

LOTS : 1624802 and 1625144

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 209
(Private)

An Act respecting Municipalité de Lac-Etchemin

Introduced 12 December 2001
Passage in principle 18 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

Bill 209

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE LAC-ETCHEMIN

WHEREAS it is necessary to validate the planning by-laws of Paroisse de Sainte-Germaine-du-Lac-Etchemin;

Whereas that municipality was amalgamated with Ville de Lac-Etchemin pursuant to Order in Council 1132-2001 dated 26 September 2001 and Municipalité de Lac-Etchemin, which resulted from the amalgamation, was constituted on 10 October 2001;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The by-laws listed in Schedule A adopted by Paroisse de Sainte-Germaine-du-Lac-Etchemin may not be invalidated on the ground that the by-law adoption procedures in the case of those by-laws were not carried out in accordance with the formalities prescribed by law.

2. The clerk of Municipalité de Lac-Etchemin shall enter a reference to this Act in the book of by-laws of Paroisse de Sainte-Germaine-du-Lac-Etchemin under the by-laws listed in Schedule A.

3. This Act does not affect a case pending on 24 September 2001.

4. This Act comes into force on 20 December 2001.

SCHEDULE A
(*Section 1*)

List of by-laws: 532-91, 535-91, 536-91, 537-91, 538-91, 539-91, 540-91, 543-92, 544-92, 552-93, 553-93, 556-93, 562-94, 563-94, 567-94, 568-94, 569-94, 584-96, 585-96, 586-96, 591-96, 592-96, 594-96, 603-97, 612-98, 617-99, 618-99, 628-99, 633-2000, 634-2000, 641-2001, 646-2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 219
(Private)

An Act respecting Ville de Rivière-du-Loup

Introduced 10 November 1999
Passage in principle 19 December 2001
Passage 19 December 2001
Assented to 20 December 2001

Québec Official Publisher
2001

Bill 219

(Private)

AN ACT RESPECTING VILLE DE RIVIÈRE-DU-LOUP

WHEREAS it is in the interest of Ville de Rivière-du-Loup that certain by-laws passed by the council of the former Paroisse de Saint-Patrice-de-la-Rivière-du-Loup that were not published, and certain decisions made by that council at special sittings not legally convened, be declared valid;

Whereas in addition, it is expedient that the budget and imposition of the taxes of the former Paroisse de Saint-Patrice-de-la-Rivière-du-Loup be declared valid for the fiscal year 1998;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Loan by-laws Nos. 82, 113, 268, 272, 273, 286, 287, 297, 303, 305, 312, 317, 317-A, 318, 319, 323, 326, 327-A, 329-B, 331, 331-A, 332, 332-A, 340, 341, 344, 346, 347, 349, 363, 368 and 373 passed by the council of the former Paroisse de Saint-Patrice-de-la-Rivière-du-Loup may not be annulled on the ground that they were not published in accordance with the law.

2. The by-laws and resolutions passed by the council of the former municipality at special sittings held on 12 April 1972, 30 and 31 March 1992, 5 October 1993 and 13 December 1993 at 8:40 p.m. may not be annulled on the ground that the special sitting at which they were passed had not been convened in accordance with article 156 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

3. By-laws Nos. 366, 366-A and 366-B passed by the council of the former municipality respecting the budget of the municipality for the fiscal year 1998 and the imposition of taxes for that fiscal year are declared valid.

4. The clerk shall enter a reference to this Act in the register of by-laws of the city at the end of the by-laws referred to in this Act.

5. This Act does not affect any case pending on 12 April 1999.

6. This Act comes into force on 20 December 2001.

Regulations and other acts

M.O., 2002-001

Order of the Minister of Health and Social Services for the designation of a breast cancer detection centre, dated 16 January 2002

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b*.3 of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS:

That the following breast cancer detection centre be designated for the province of Québec:

"Centre d'expertise en dépistage
1050, chemin Sainte-Foy, aile L, 2e étage
Québec (Québec)
G1S 4L8.".

Québec, 16 January 2002

RÉMY TRUDEL,
Minister of State for Health and Social Services and Minister of Health and Social Services

4832

M.O., 2002-002

Order of the Minister responsible for Wildlife and Parks dated 17 January 2002

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 15 of Chapter 48 of the Acts of 2000, the Minister responsible for Wildlife and Parks may delimit, after consultation with the Minister of Natural Resources, areas on land in the domain of the State in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that it is expedient to delimit the areas on land in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that the Minister of Natural Resources has been consulted on the issue;

ORDERS that:

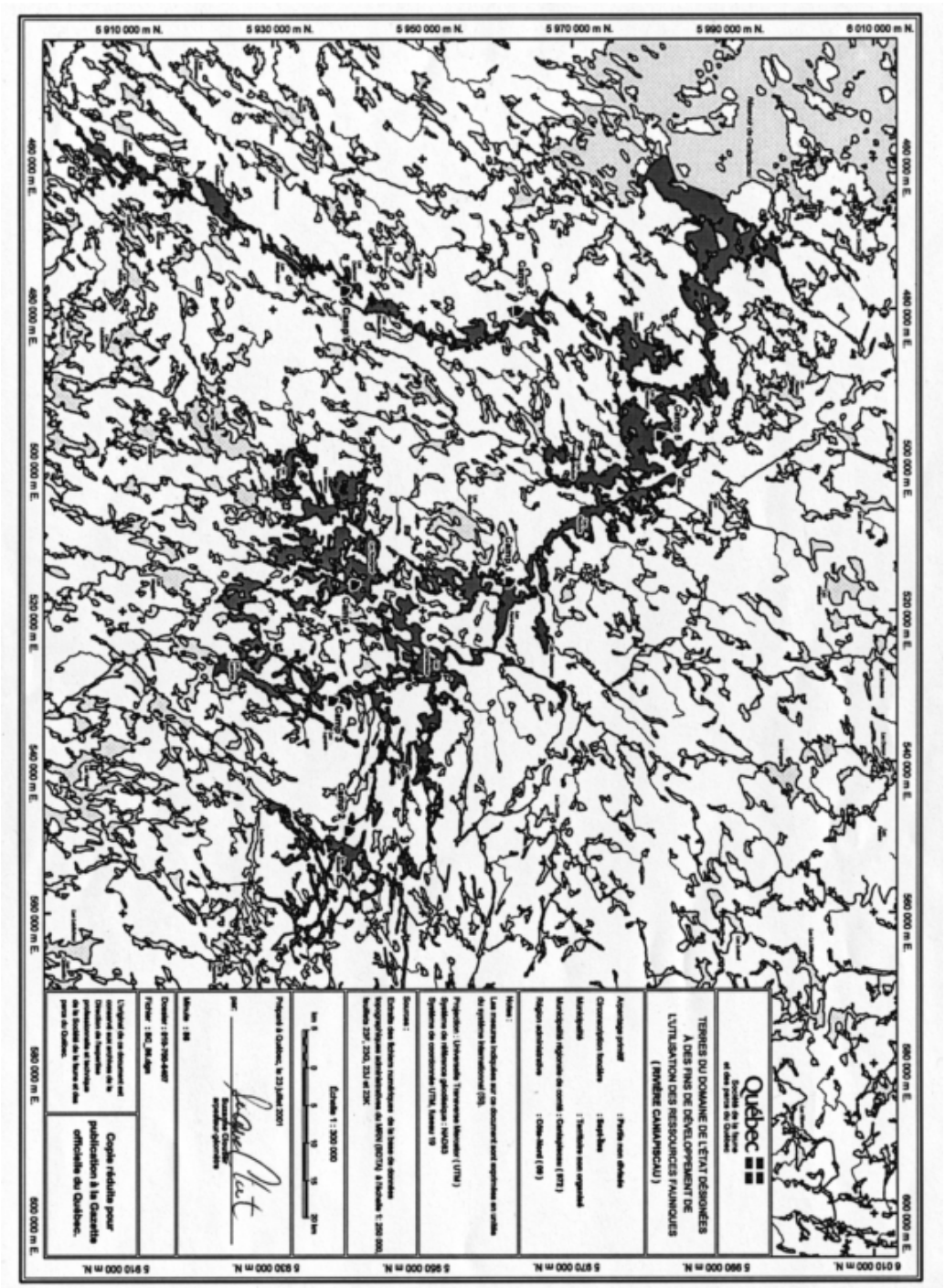
The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

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

Québec, 17 January 2002

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

SCHEDULE


Québec
TERRES DU DOMAINE DE L'ÉTAT DÉSIGNÉES
À DES FINS DE DÉVELOPPEMENT DE
L'UTILISATION DES RESSOURCES FAUNIQUES
(RIVIÈRE CANAUPISCAU)
Arpentage produit : Partie non définie
Circonscription foncière : Duplessis
Municipalité : Territoire non organisé
Municipalité régionale de comté : Caniapiscau (972)
Région administrative : Côte-Nord (09)
Notes :
Les mesures indiquées sur ce document sont exprimées en unités du système international (SI).
Projection : Universelle Transverse Mercator (UTM)
Système de référence géodésique : NAD83
Système de coordonnées UTM, fuseau 19
Sources :
Échelle 1 : 300 000
Préparé à Québec, le 23 juillet 2001
Mode : M
Dossier : 0703-700-6407
Fichier : MC_M.dgn
Copie réduite pour
publication à la Gazette
officielle du Québec.
5 990 000 m N.
5 970 000 m N.
5 950 000 m N.
5 930 000 m N.
5 910 000 m N.
6 010 000 m N.
480 000 m E.
500 000 m E.
520 000 m E.
540 000 m E.
560 000 m E.
580 000 m E.
600 000 m E.

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Hunting activities
— 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 hunting activities, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is, on the one hand, to restrict the killing of black bear by non-residents in western Québec because it has become excessive and, on the other hand, to require non-residents hunting black bear in a controlled zone to use the services and equipment offered, where applicable, by the organization managing the controlled zone, except lodging. Furthermore, the draft proposes to delete any reference to the hunting licence for caribou valid for parts of Area 19 and Area 23 (Fermont) since hunting will be closed in that area as of 1 April 2002.

To that end, the draft Regulation proposes that non-residents who want to hunt black bear on the territory of an outfitting operation without exclusive rights in Area 13 or 16 be required to hold a licence for that purpose the number of which will be restricted in each of those areas. It also lays out an obligation for non-residents hunting black bear in a controlled zone to use the services and equipment offered, where applicable, by the organization managing the controlled zone, except lodging.

To date, study of the matter has revealed that non-residents will be required to use the services and equipment in most controlled zones. As for the outfitters in Area 13 or 16, the number of licences for hunting black bear for non-residents they will be authorized to issue will be restricted according to the number of animals.

Further information may be obtained by contacting:

Serge Bergeron
Faune et Parcs Québec
Direction des territoires fauniques et de la réglementation
675, boulevard René-Lévesque Est, 11e étage, boîte 96
Québec (Québec)
G1R 5V7

Telephone: (418) 521-3880, ext. 4078
Fax: (418) 646-5179
E-mail: serge.bergeron@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister responsible
for Wildlife and Parks

Regulation to amend the Regulation respecting hunting activities*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 9)

1. Section 4 of the Regulation respecting hunting activities is amended by deleting item *c* of subparagraph 1 of the second paragraph.

2. Section 12 is amended by striking out "or "Caribou, valid for the part of Area 19 and Area 23 shown on the plan in Schedule IX"" in subparagraph 1 of the first paragraph.

3. Section 16 is amended

(1) by substituting "controlled zone; in addition, where the holder of a licence hunts black bear on the territory of an outfitting operation without exclusive rights in Area 13 or 16, he shall also hold a licence

* The Regulation respecting hunting activities made by Order in Council 858-99 dated 28 July 1999 (1999, *G.O.* 2, 2427) was last amended by Orders in Council 1175-2000 dated 4 October 2000 (2000, *G.O.* 2, 5151) and 953-2001 dated 23 August 2001 (2001, *G.O.* 2, 4857).

issued for that purpose by such an outfitter in one of those areas." for "controlled zone." in the second paragraph; and

(2) by adding the following paragraph:

"Notwithstanding the second paragraph, the holder of a hunting licence for non-residents who hunts black bear in a controlled zone shall use the services and equipment offered for hunting, where applicable, by the organization managing the controlled zone, except lodging.".

4. Section 17 is amended by striking out "except for the part of Area 23 shown on the plan in section IX of the Regulation respecting hunting or".

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

4833

Draft Regulation

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

Court bailiffs
— Terms and conditions for the issue of permits
— 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 Bureau of the Chambre des huissiers de justice du Québec adopted the Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Then, with the recommendation of the Office, it will be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the transitional provisions prescribed by sections 21 to 23 of the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec adopted by the Bureau on 16 December 1997, approved by the Government on 21 April 1999 and published in the *Gazette officielle du Québec* on 5 May 1999, in particular the provision to extend the period covered until 30 June 2005.

According to the Chambre, the Regulation will enable the Order to fulfill its mission effectively to ensure the protection of the public, by guaranteeing citizens that the holders of a court bailiff's permit have the full training to practise their profession by maintaining the obligation to take the training course, to pass the professional examination and to complete a period of professional training in order for an applicant to obtain a permit from the Chambre des huissiers de justice du Québec. The Chambre has not foreseen any impact on businesses and in particular, on small and medium-sized businesses.

Further information on the Regulation may be obtained by contacting Ronald Dubé, c.b., Director general and Secretary of the Chambre des huissiers de justice du Québec, 1100, boulevard Crémazie Est, bureau 215, Montréal (Québec) H2P 2X2, by telephone at (514) 721-1100; by fax at (514) 721-7878 or by e-mail at rdube@huissiersquebec.qc.ca.

Any person having comments to make on the Regulation is asked to send them, before the expiry of the 45-day period, to the Chair 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 be also be forwarded to the professional order that adopted the Regulation, that is the Chambre des huissiers de justice du Québec as well as to interested persons, departments and agencies.

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

Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec *

Professional Code
(R.S.Q., c. C-26, s. 94, pars. *h* and *i*)

1. The Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec is amended by deleting section 21.

* The Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec, approved by Order in Council 449-99 dated 21 April 1999 (1999, *G.O.* 2, 1101) has never been amended.

2. Section 22 is amended by striking out the words "which continue to apply with respect to candidates who were admitted to their training period before the date of the coming into force of this Regulation.".

3. Section 23 is amended by substituting the words "until 30 June 2005" for the words "for a period of three years".

4835

Draft Regulation

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

Notaries
— Conciliation and arbitration procedure for accounts
— 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 respecting the conciliation and arbitration procedure for the accounts of notaries, adopted by the Bureau of the Chambre des notaires du Québec, the text of which appears below, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

According to the Chambre des notaires du Québec, the main purpose of this draft is to update the regulation and adapt its wording to that of existing laws.

The principle amendments are as follows:

— In the conciliation procedure, any contract for services between the notary and the client must be taken into account by the conciliator.

— A clarification of the term "amount in dispute" has been added.

— The Arbitration Council may allow a notary to collect the fees to which he is entitled, pursuant to an arbitration award, out of the funds remitted to him in trust for the client.

Further information may be obtained by contacting M[e] Daniel Gervais, notary, Directeur des Services juridiques, Tour de la Bourse, 800, Place-Victoria, bureau 700, Montréal (Québec) H4Z 1L8.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, place D'Youville, 10[e] étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions; they may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

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

Regulation respecting the conciliation and arbitration procedure for the accounts of notaries

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I
CONCILIATION

1. The Bureau of the Ordre des notaires du Québec shall appoint a conciliator of accounts to rule on applications for the conciliation of notaries' accounts.

The conciliator shall take the oath of discretion in the manner prescribed by the Bureau.

2. A client who has a dispute with a notary concerning the amount of an account for professional services may apply for conciliation.

"Client" means the person who must pay the notary's account, even if that person is not the recipient of the services charged on the account.

3. An application for conciliation in respect of an unpaid or partially or fully paid account for professional services must be sent to the conciliator within 45 days following receipt of the account.

Where a sum has been withdrawn or withheld by the notary from funds that he holds or receives for or on behalf of the client, the 45-day period shall run from the date of receipt of the account by the client or from the time the client becomes aware that such sums have been withdrawn or withheld, whichever is later.

4. Any application in writing received by the Order concerning a dispute over the amount of an account for professional services may constitute an application for

conciliation if it is filed within the period prescribed in section 3.

5. No notary may institute an action on account until expiry of the 45-day period following receipt of the account by the client.

Similarly, no notary may, as of receipt by the conciliator of an application for the conciliation of an account, institute an action on account so long as the dispute can be settled by conciliation or arbitration.

However, the conciliator may authorize the notary to proceed with the action where there is reason to believe that failure to institute an action will jeopardize recovery of the claim. The notary may also apply for provisional measures in accordance with article 940.4 of the Code of Civil Procedure.

6. As soon as possible after receiving an application for conciliation, the conciliator shall notify the notary in writing at his professional domicile and send the client a copy of this Regulation.

7. The conciliator shall proceed with conciliation in the manner he deems most appropriate. He shall take into account any contract for services concluded between the notary and the client.

8. Where conciliation does not result in an agreement, the conciliator shall send a conciliation report to the parties as soon as possible, containing, in particular, the following information:

(1) the amount of the account in dispute;

(2) the amount the client acknowledges owing.

The conciliator shall also indicate to the client the procedure and deadline for submitting the dispute to arbitration.

DIVISION II
ARBITRATION

§1. *Arbitration committee*

9. The Bureau shall establish an arbitration committee to process applications for arbitration.

The committee shall comprise at least four members appointed from among notaries who have been on the roll of the Order for at least 10 years.

The Bureau shall designate the chairman, vice-chairman, and secretary of the committee.

10. Each member of the committee shall take the oath of discretion in the manner prescribed by the Bureau.

§2. *Application for arbitration*

11. A client who wishes to apply for arbitration of an account where conciliation has not resulted in agreement must do so in writing to the secretary of the committee within 30 days of receipt of the conciliation report provided for in section 8.

12. Upon receipt of an application for arbitration, the secretary of the committee shall promptly notify the notary thereof in writing at the notary's domicile.

13. A client may not withdraw his application for arbitration unless he does so in writing and with the notary's consent.

14. Any agreement reached by the client and the notary following an application for arbitration must be in writing, signed by them, and filed with the secretary of the committee.

Where a council of arbitration has been established, it shall record the agreement in the arbitration award and award costs as provided for in the first paragraph of section 27.

§3. *Council of arbitration*

15. Where the amount in dispute is less than $5,000, the application for arbitration shall be heard by a council of arbitration composed of a single arbitrator designated from among arbitration committee members by the secretary of the committee.

Where the amount in dispute is $5,000 or more, the application for arbitration shall be heard by a council of arbitration comprising three arbitrators designated from among arbitration committee members by the secretary of the committee. The three arbitrators shall designate a chairman and a secretary from among themselves.

The amount in dispute corresponds to the difference between the amount of the account for professional services and the amount acknowledged by the client as being due to the notary.

16. The secretary of the committee shall inform the parties and the arbitrator or arbitrators in writing that the council has been formed.

17. In the event of the death, absence, or inability to act of an arbitrator, the other arbitrators shall see the matter through and their decision shall be valid.

Where the council of arbitration consists of a single arbitrator or where two of the arbitrators are in a situation referred to in the first paragraph, the secretary of the committee shall replace the arbitrator or arbitrators as provided for under section 15, and, if necessary, the dispute shall be reheard.

18. An application for the recusation of an arbitrator may be made only for a cause set out in article 234 of the Code of Civil Procedure. The application must be sent in writing to the secretary of the committee, the council of arbitration, and the parties within 10 days after the later of the date of receipt of the notice provided for in section 16 and the day on which the reason for the application becomes known to the party invoking it.

The administrative committee shall rule on the application and, as the case may be, the secretary of the committee shall see to the replacement of the recused arbitrator as provided for in section 15.

§4. Hearing

19. The secretary of the committee shall fix the date, time, and place of the hearing, and shall give the council of arbitration and the parties at least 10 days' written notice thereof.

20. The council of arbitration may require each party to submit to the secretary of the committee, within a given time limit, a statement of their claims together with supporting documents. The secretary of the committee shall forward copies of the statements to the council and the parties as soon as possible after receiving them.

The council of arbitration may also require any record, document, or information it deems necessary to settle the dispute. The parties must comply with any such requirement.

21. The council of arbitration shall hear the parties with due diligence. It shall receive their evidence or record any failure to appear, produce evidence, or state claims.

To this end, it shall follow the procedure and apply the rules of evidence it considers most appropriate.

The council of arbitration shall render an award that is fair and in accordance with the law.

22. A party requesting that testimony be recorded or transcribed shall assume the organization and costs thereof.

23. The secretary of the council of arbitration or the single arbitrator shall draw up and sign the minutes of the hearing.

§5. Arbitration award

24. The council of arbitration shall render its award within 30 days after completion of the hearing.

25. The arbitration award shall be rendered by a majority of the members of the council of arbitration.

In its arbitration award, the council of arbitration may uphold or reduce the account in dispute. It shall also determine the reimbursement or payment to which a party may be entitled.

It may also authorize the notary to collect the payment to which he is entitled out of the funds remitted to him in trust for and on behalf of the client.

The arbitration award shall be reasoned and signed by the single arbitrator or the majority arbitrators. Where an arbitrator refuses or is unable to sign, the others shall mention the fact and the award shall have the same effect as though signed by all.

26. The costs incurred by a party for arbitration shall be borne by that party alone and shall not be recoverable from the adverse party.

27. In its award, the council of arbitration has full discretion to rule on arbitration expenses, namely expenses incurred by the Order for arbitration. The total amount of arbitration expenses shall not exceed 15% of the amount in dispute, whether attributed to one party or to both. Where payment thereof is ordered, the minimum amount shall be $50.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is awarded, the council of arbitration may also add interest and an indemnity, calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

28. The arbitration award is final, without appeal, and enforceable in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

The parties shall comply with the arbitration award.

29. The arbitration award shall be filed with the secretary of the committee, who shall forward it to the parties as soon as possible.

30. As soon as the arbitration award is rendered, the secretary of the council of arbitration or the single arbitrator, as the case may be, shall transmit the complete arbitration record, including the minutes of the hearing, to the secretary of the committee. The secretary of the committee may issue true copies thereof to interested parties only.

DIVISION III
FINAL PROVISIONS

31. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of notaries (R.R.Q., 1981, c. N-2, r.10.1).

The latter Regulation nevertheless continues to govern the procedure for conciliation and arbitration of any dispute that is the subject of an application for conciliation filed before the coming into force of this Regulation.

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

4834

Draft Minister's Order

Forest Act
(R.S.Q., c. F-4.1 ; 2001, c. 6)

Value of silvicultural treatments

Notice is thereby given that the Order of the Minister of Natural Resources respecting the value of silvicultural treatments admitted as payment of dues for the 2002-2003 fiscal year, the text which appears below, may be edicted by the Minister, with or without amendment, at the expiry of 45 days following this publication.

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4.

JACQUES BRASSARD,
Minister of Natural Resources

Order of the Minister of Natural Resources respecting the value of silvicultural treatments admitted as payment of dues for the fiscal year 2002-2003

Forest Act
(R.S.Q., c. F-4.1, ss. 73.1 and 73.3 ; 2001, c. 6)

1. The silvicultural treatments described in Schedule I shall be admitted as payment of the dues prescribed by the Minister responsible for the administration of the Forest Act as determined by the production priority groups described in Schedule I.

The silvicultural treatments are realized on the forest area where the priority production has to be performed.

2. The silvicultural treatments mentioned in Schedule II and their admissibility criterias are defined in the relative instructions to the application of the present Order.

3. The values of such silvicultural treatments for the 2002-2003 fiscal year are those established in Schedule II.

4. The values of the silvicultural treatments established in Schedule II do cover only the costs related to the execution of the treatments. Consequently, the costs not related to their execution, as described in the second paragraph of section 3 of the Regulation respecting forest royalties edicted by Order in Council number 21-2000 of January 12th 2000, are to be assumed by the beneficiary of the timber licence and are not admitted as payment of dues.

5. This Minister's Order replaces Minister's Order number 449 of the Minister of Natural Resources, published in Part 2 of the *Gazette officielle du Québec* of 28 March 2001.

6. This Minister's Order of the Minister of Natural Resources comes into force on 1 April 2002.

SCHEDULE I
(s.1)

SILVICULTURAL TREATMENTS ADMISSIBLE
BY PRODUCTION PRIORITY GROUPS

Silvicultural treatments admissible	Production priority groups													
	Fir, spruce, jack pine, tamarack	Thuya	Poplar	White birch	Birch1 or Oak or intermediary tol.hard.	Pine	Maple or tsuga or tol. hard.	Pine-Birch (Pine)1	Pine-Birch (Birch)1	Mixed S-int.hard (S) or S-int.hard. (hard.)	Mixed S-Birch (S)1	Mixed S-Birch (hard.)1	Mixed S-Maple (S) or S-tol.hard. (S)	Mixed S-Maple (hard.) or S-int.hard. (hard.)
Precommercial thinning	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fertilization	X													
Commercial thinning	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Spreading commercial thinning					X							X		
Pine seeding	X					X		X	X					
Improvement cutting		X												
Selection cutting		X					X							X
Selection cutting by patches					X				X			X		
Selection and regeneration cutting by parquets					X				X			X		
Selection cutting for maple and wood production							X							X
Preselection cutting							X							X
Strip cutting with regeneration and soil protection	X	X			X	X		X	X		X	X		
Mosaics cutting with regeneration and soil protection	X	X	X	X	X	X		X	X		X	X		
Progressive seed cutting	X	X		X	X	X	X	X	X	X	X	X	X	X
Planting	X	X	X	X	X	X	X				X			
Site preparation, natural regeneration reinforcement planting and mechanical release treatment	X	X			X	X		X	X	X	X	X	X	X
Drainage	X	X												
Seedlings reserve cutting	X	X		X	X	X	X	X	X	X	X	X	X	X
Phytosanitary pruning	X					X		X	X					
Enrichment planting					X	X		X	X					

1 For these priority productions, the yellow birch prevails on the white birch as the principal objective species.

SCHEDULE II
(s. 2, 3 and 4)

VALUES OF SILVICULTURAL TREATMENTS ADMITTED AS PAYMENT OF DUES FOR THE FISCAL YEAR 2002-2003

1. SITE PREPARATION

Scarification	
Anchor chains	115 $/ha
Shark-fin barrels and chains	330 $/ha
Hydraulic cone trenchers (Wadell type)	260 $/ha
Hydraulic disk trenchers (TTS hydraulic and Donaren types) or Rake scarifier (shark)	210 $/ha
Batch scarifier (Bracke) or disk trencher (TTS type)	150 $/ha
Batch scarifier mounder (Bracke mounder)	210 $/ha
"V" blade batch scarifier (Bracke) or disk trencher	415 $/ha
Cutter-type portable scarifier or forest mattock	455 $/1 000 microsites
Partial scarification in seed holes	
Inside the patches	700 $/ha
Inside the parquets	610 $/ha
Inside the regeneration cuttings	535 $/ha
Forest harrows (Rome et Crabe types)	
Single pass	240 $/ha
Double pass	425 $/ha
36 inches harrow	525 $/ha
Létourneau tree crusher	370 $/ha
Ploughing and harrowing	
Forest plough (Lazure type) + forest harrow (Rome and Crabes types)	1 290 $/ha
Clearing	
Rake-equipped crawler tractor	470 $/ha
Winter shear-blading with a shear-blade-equipped crawler tractor	480 $/ha
Grouping feller	375 $/ha
Rake equipped skidder	395 $/ha
Hydraulic rake	395 $/ha
Modified "V" blade models C and H	200 $/ha
Prescribed burning	410 $/ha

2. MECHANICAL RELEASE TREATMENT (1)

Coniferous or boreal forest zone	715 $/ha
Mixed and hardwood forest zones	805 $/ha

3. PRECOMMERCIAL THINNING (1)

Priority production of softwoods and mixed predominantly softwood stands and priority production of poplars and mixed predominantly poplar stands

Value per hectare = 434,12 x ln(ti/ha) - 3 355,76

ln: base *e* logarithm
ti: number of trees of more than 1,2 meter for softwoods and 1,8 meter for hardwoods
ha: hectare

Priority production of intolerant hardwoods and mixed predominantly intolerant hardwoods (except priority production of poplars and mixed predominantly poplar stands)	860 $/ha
Priority production of tolerant hardwoods and mixed predominantly tolerant hardwood stands	825 $/ha

4. COMMERCIAL THINNING (2)

Softwoods

Value per hectare with marking of trees to fell
= 237,86 / (average DBH harvested x 0,0414) ^{2}

Value per hectare without marking of trees to fell
= 237,86 / (average DBH harvested x 0,0414) ^{2} - 150

Mixed with tolerant and intolerant hardwoods (2)	580 $/ha
Tolerant and intolerant hardwoods	320 $/ha

5. DRAINAGE

Cleard areas (without prior felling)	1,65 $/m or m^3
Wooded areas (without prior felling)	1,80 $/m or m^3
Wooded areas (with prior felling)	2,05 $/m or m^3

6. FERTILIZATION

Softwoods	380 $/ha

7. NATURAL REGENERATION REINFORCEMENT PLANTING RED PINE AND WHITE PINE PLANTING (1)

With site preparation	
Bare-root seedlings	
Conventional size	240 $/1 000 seedlings
Large size	380 $/1 000 seedlings
Hybrid poplars	585 $/1 000 saplings
Container seedlings	
67-50	195 $/1 000 seedlings
45-110 or cuttings	205 $/1 000 seedlings
25-200	290 $/1 000 seedlings
45-340 and 25-350-A	335 $/1 000 seedlings

Without site preparation	
Bare-root seedlings	
Conventional size	255 $/1 000 seedlings
Large size	395 $/1 000 seedlings
Container seedlings	
67-50	210 $/1 000 seedlings
45-110 or cuttings	220 $/1 000 seedlings
25-200	305 $/1 000 seedlings
45-340 or 25-350-A	350 $/1 000 seedlings

8. PROGRESSIVE SEED CUTTING (2) (3)

Softwoods	540 $/ha
Mixed with tolerant and intolerant hardwoods	320 $/ha
Tolerant and intolerant hardwoods	320 $/ha

9. STRIP CUTTING WITH REGENERATION AND SOIL PROTECTION (2) 220 $/ha

10. PLANTING (1)

With site preparation	
Bare-root seedlings	
Conventional size	220 $/1 000 seedlings
Large size	360 $/1 000 seedlings
Hybrid poplars	565 $/1 000 saplings
Container seedlings	
67-50	175 $/1 000 seedlings
45-110 or cuttings	185 $/1 000 seedlings
25-200	270 $/1 000 seedlings
45-340 or 25-350-A	310 $/1 000 seedlings
Without site preparation	
Bare-root seedlings	
Conventional size	235 $/1 000 seedlings
Large size	375 $/1 000 seedlings
Container seedlings	
67-50	190 $/1 000 seedlings
45-110 or cuttings	200 $/1 000 seedlings
25-200	285 $/1 000 seedlings
45-340 or 25-350-A	325 $/1 000 seedlings

11. ENRICHMENT AND REINFORCEMENT PLANTING OF HARDWOODS AND PINE (1) 530 $/1 000 seedlings

12. SPREADING COMMERCIAL THINNING (2) 320 $/ha

13. IMPROVEMENT CUTTING (2)

Cedar 305 $/ha

14. SELECTION CUTTING (2)

Tolerant hardwood	320 $/ha
Mixed with tolerant hardwood	320 $/ha
Cedar	305 $/ha

15. SELECTION CUTTING BY PATCHES (2) 320 $/ha

16. SELECTION AND REGENERATION CUTTING BY PARQUETS (2) 300 $/ha

17. SEEDLINGS RESERVE CUTTING 20 $/ha

18. PRESELECTION CUTTING (2)

Tolerant hardwood	320 $/ha
Mixed with tolerant hardwood	320 $/ha

19. PINE SEEDING

Aerial seeding	35 $/ha
Ground seeding	140 $/ha
Funnels	315 $/1 000 microsites seeded

20. SELECTION CUTTING FOR MAPLE SAP AND WOOD PRODUCTION (2) 385 $/ha

21. MOSAICS CUTTING WITH REGENERATION AND SOIL PROTECTION (4)

Inaccessible zones	150 $/ha
Accessible zones	55 $/ha

22. PHYTOSANITARY PRUNING 410 $/ha

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(1) The value admitted as payment of dues can be increased by 7,8% when the silvicultural treatments are realized from forest camps whose admissibility criterias are defined in the relative instructions to the application of the present order.

(2) The value admitted as payment of dues includes some harvesting, road construction or tree marking costs.

(3) The value admitted as payment of dues can be increased by 60 $/ha when the marking of trees takes into account the trees to preserve.

(4) Treatment admissible at the latest until march 31st 2003. The inaccessible zones are the forest tarification zones appearing at Schedule I of the Regulation respecting forest royalties, as modified by Order in Council 21-2000 of January 12th 2000, and having the following numbers: 220, 227, 228, 229, 230, 231, 232, 233, 236, 237, 239, 837, 838, 839, 840, 841, 842, 913, 914, 915, 916, 917, 918, 919, 920, 922, 923. The accessible zones are all the other forest tarification zones appearing in that Schedule that do not have the numbers previously indicated.

Note: the expression “tolerant hardwoods” includes white pine and red pine.

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Erratum

M.O., 2001-026

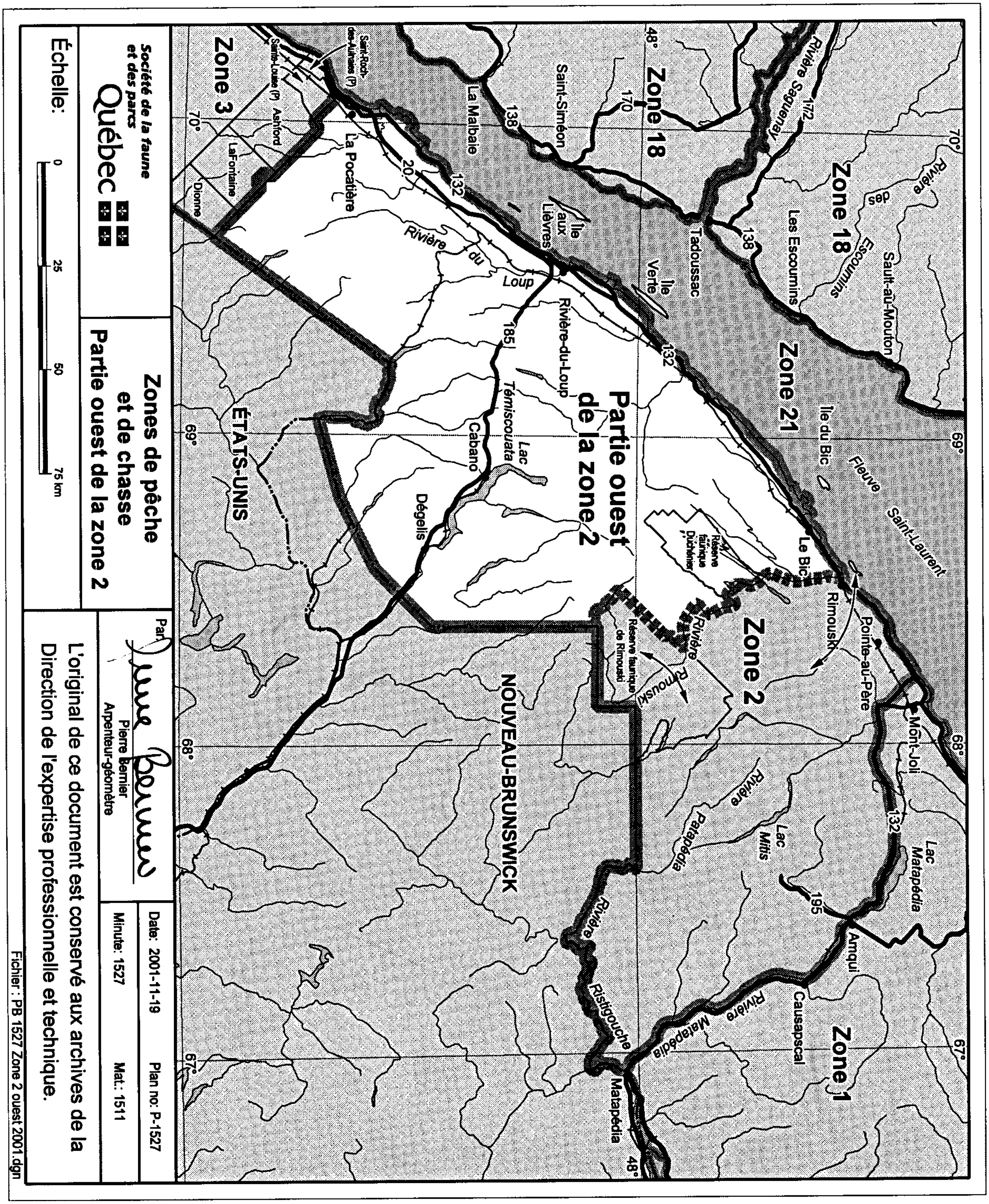
Order of the Minister responsible for Wildlife and Parks dated 20 December 2001

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

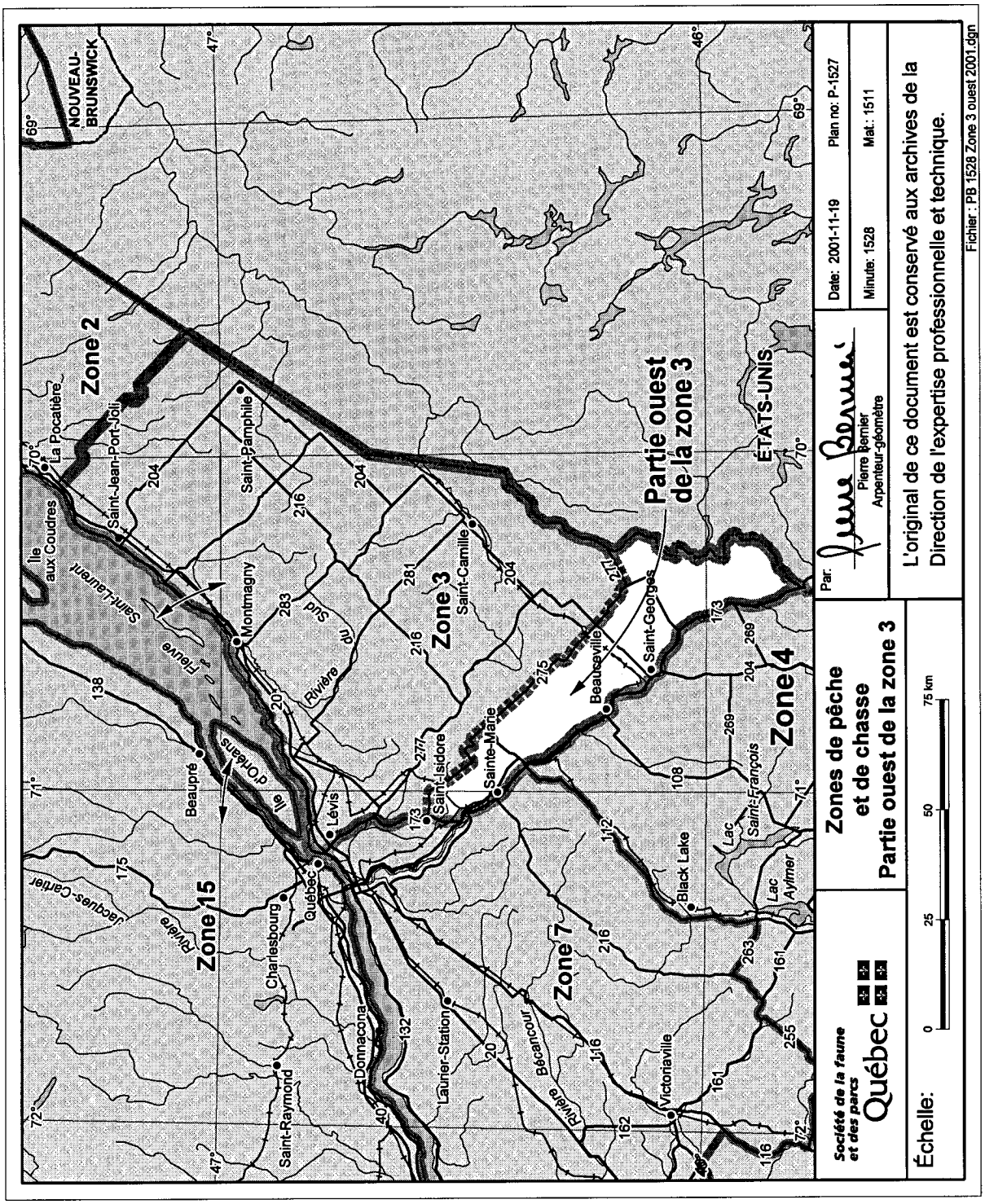
Gazette officielle du Québec, Part 2, 16 January 2002, Vol. 134, No. 3.

From page 353 to page 362, above each plan concerning the parts of territory for hunting, the word "**SCHEDULE**" and the corresponding number should be mentioned, as follows:

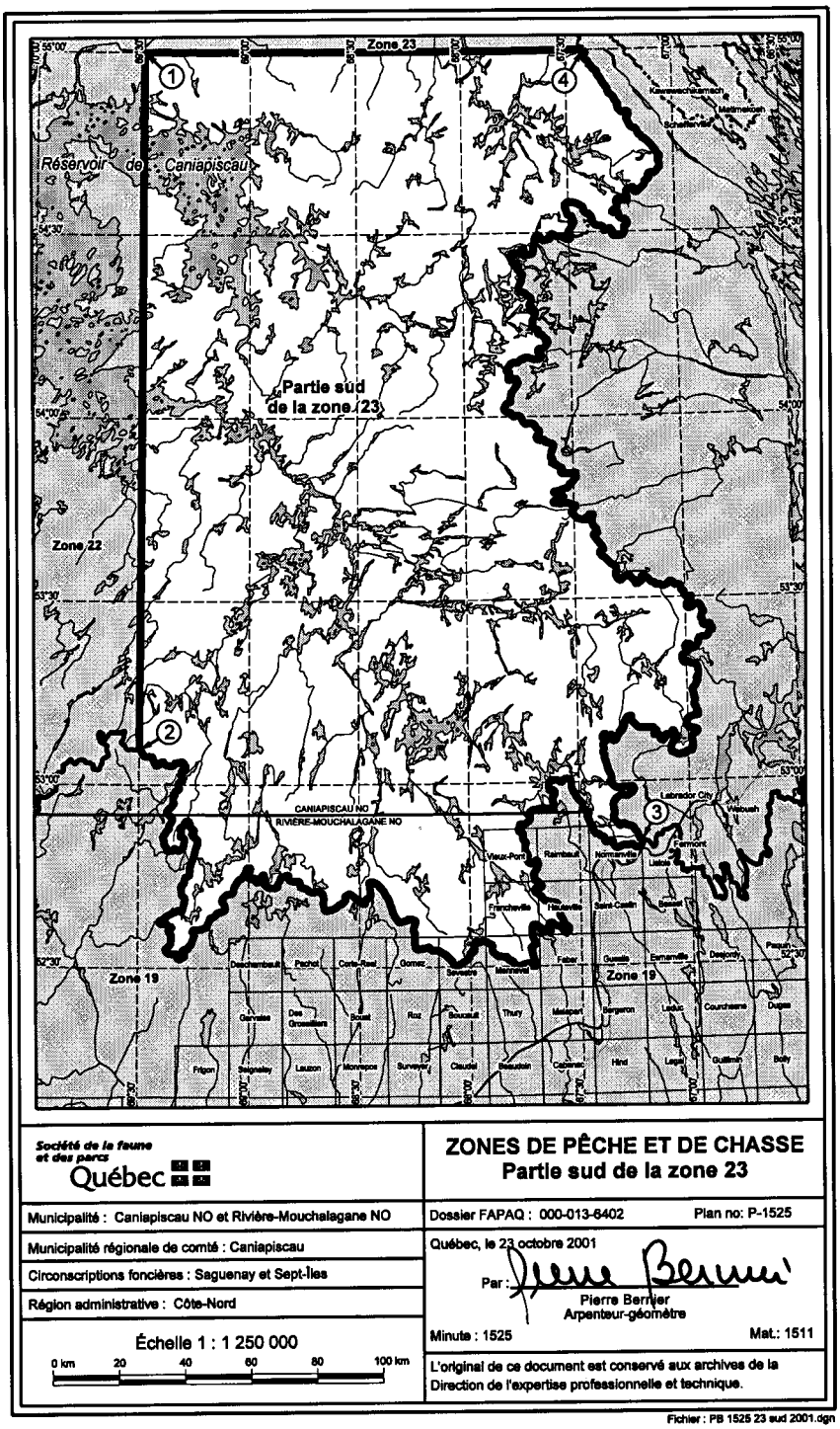
"SCHEDULE IX


Société de la faune et des parcs
Québec
Zones de pêche et de chasse
Partie ouest de la zone 2
Échelle:
0
25
50
75 km
Par
Pierre Bernier
Arpenteur-géomètre
Date: 2001-11-19
Plan no: P-1527
Minute: 1527
Mat: 1511
L'original de ce document est conservé aux archives de la Direction de l'expertise professionnelle et technique.
Fichier : PB 1527 Zone 2 ouest 2001.dgn
Partie ouest de la zone 2
Zone 1
Zone 2
Zone 3
Zone 18
Zone 21
ÉTATS-UNIS
NOUVEAU-BRUNSWICK
Fleuve Saint-Laurent
Rivière Saguenay
Rivière des Escoumins
Sault-au-Mouton
Les Escoumins
Tadoussac
Île Verte
Île aux Lièvres
Île du Bic
Saint-Siméon
La Malbaie
La Pocatière
Rivière du Loup
Rivière-du-Loup
Lac Témiscouata
Cabano
Dégelis
Le Bic
Réserve faunique Duchénier
Rimouski
Rivière Rimouski
Réserve faunique de Rimouski
Pointe-au-Père
Mont-Joli
Lac Mitis
Rivière Patapédia
Lac Matapédia
Amqui
Causapscal
Rivière Matapédia
Rivière Ristigouche
Matapédia
Saint-Roch-des-Aulnaies (P)
Sainte-Louise (P)
Ashford
LaFontaine
Dionne
132
138
170
172
185
195
20
70°
69°
68°
67°
48°

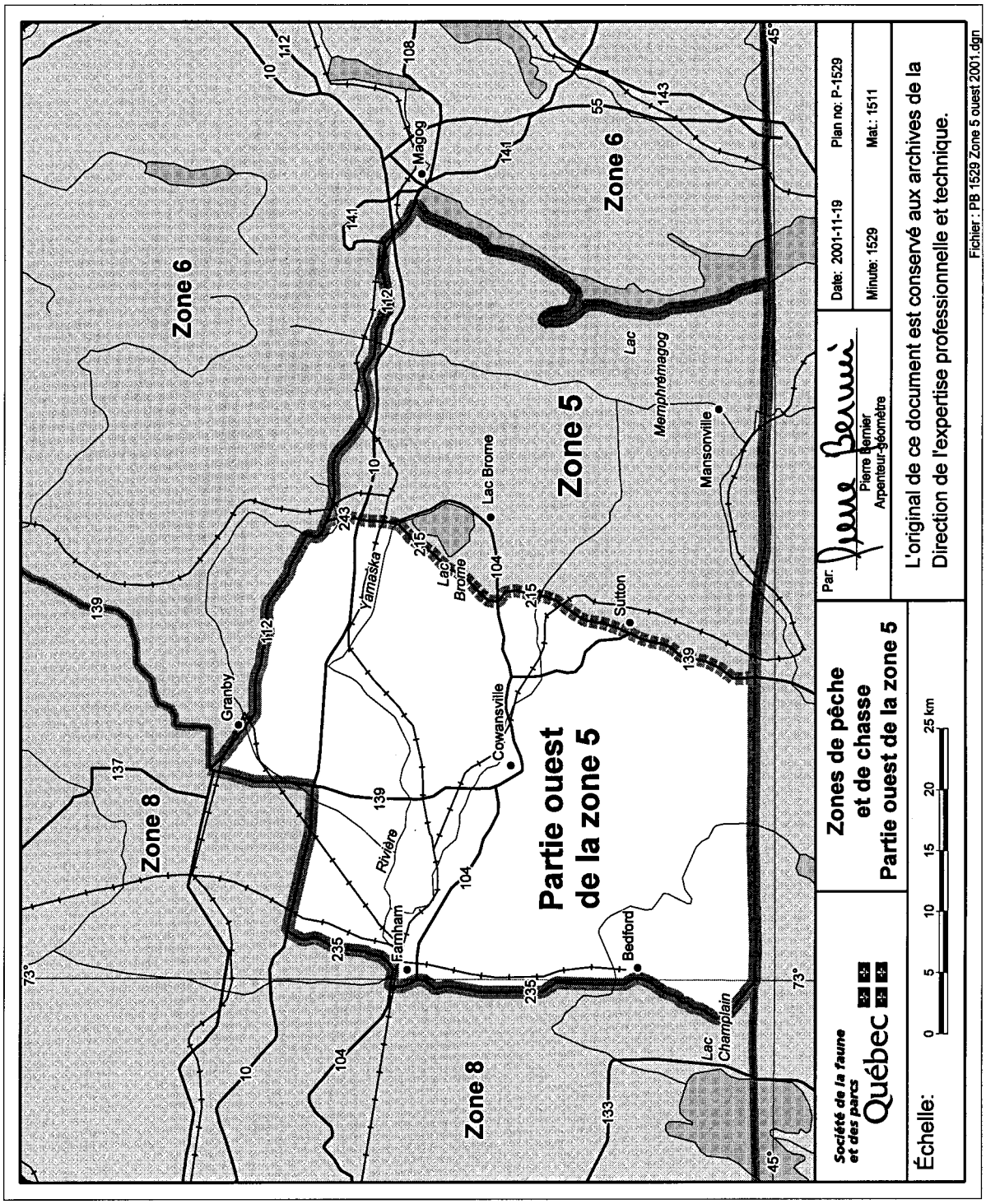
SCHEDULE X


Zone 15
Zone 2
Zone 3
Zone 7
Zone4
Partie ouest de la zone 3
NOUVEAU-BRUNSWICK
ÉTATS-UNIS
Québec
Beauport
Lévis
Charlesbourg
Saint-Raymond
Donnacona
Laurier-Station
Sainte-Marie
Saint-Isidore
Saint-Camille
Saint-Pamphile
Montmagny
La Pocatière
Saint-Jean-Port-Joli
Île aux Coudres
Île d'Orléans
Saint-Laurent
Rivière du Sud
Rivière Bécancour
Rivière Jacques-Cartier
Beauceville
Saint-Georges
Black Lake
Lac Saint-François
Lac Aylmer
Victoriaville
Zones de pêche et de chasse
Partie ouest de la zone 3
Échelle: 0 25 50 75 km
Par: Pierre Bernier
Arpenteur-géomètre
Date: 2001-11-19
Plan no: P-1527
Minute: 1528
Mat.: 1511
L'original de ce document est conservé aux archives de la Direction de l'expertise professionnelle et technique.
Fichier : PB 1528 Zone 3 ouest 2001.dgn

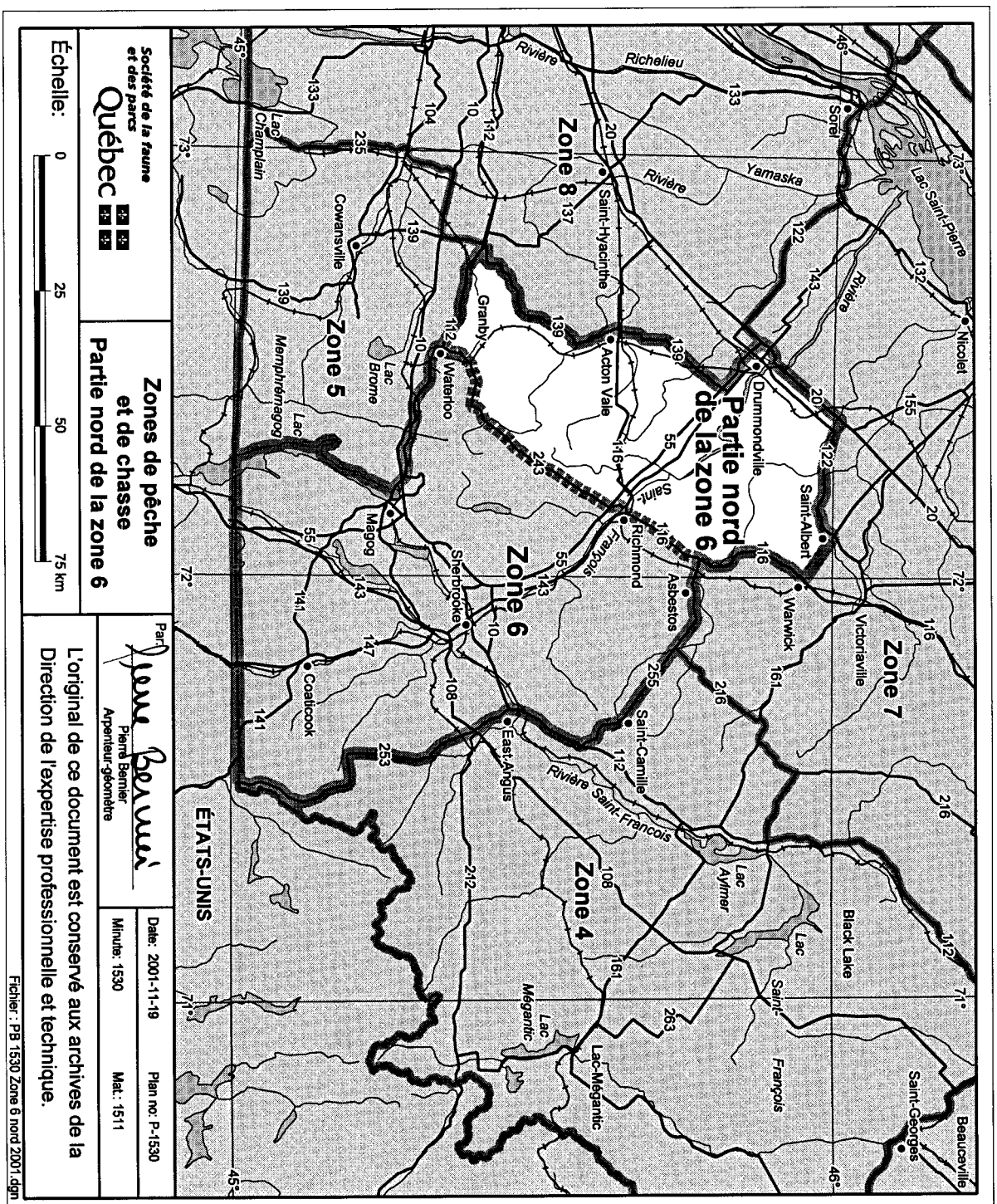
SCHEDULE XVIII



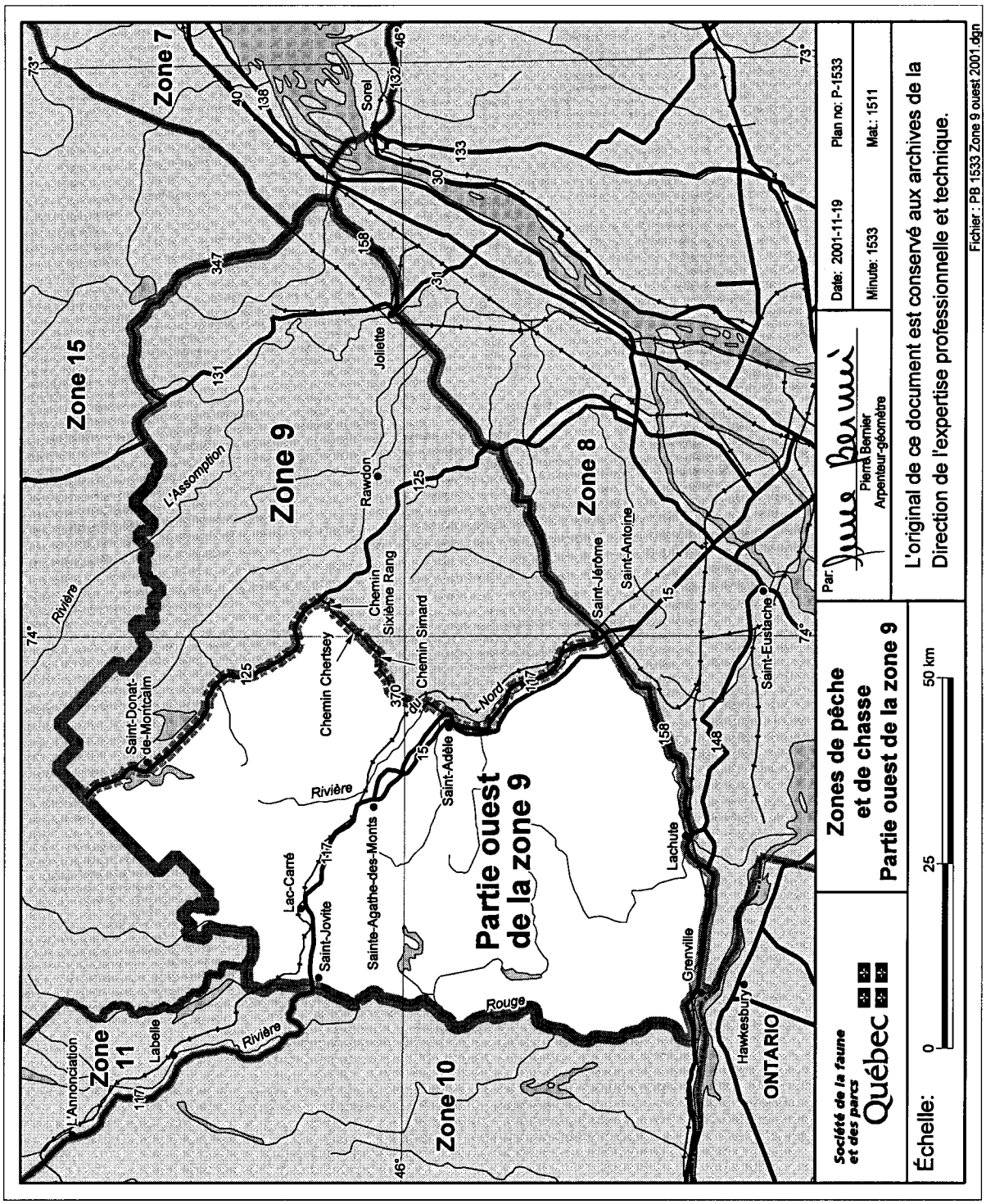
SCHEDULE XXXVIII



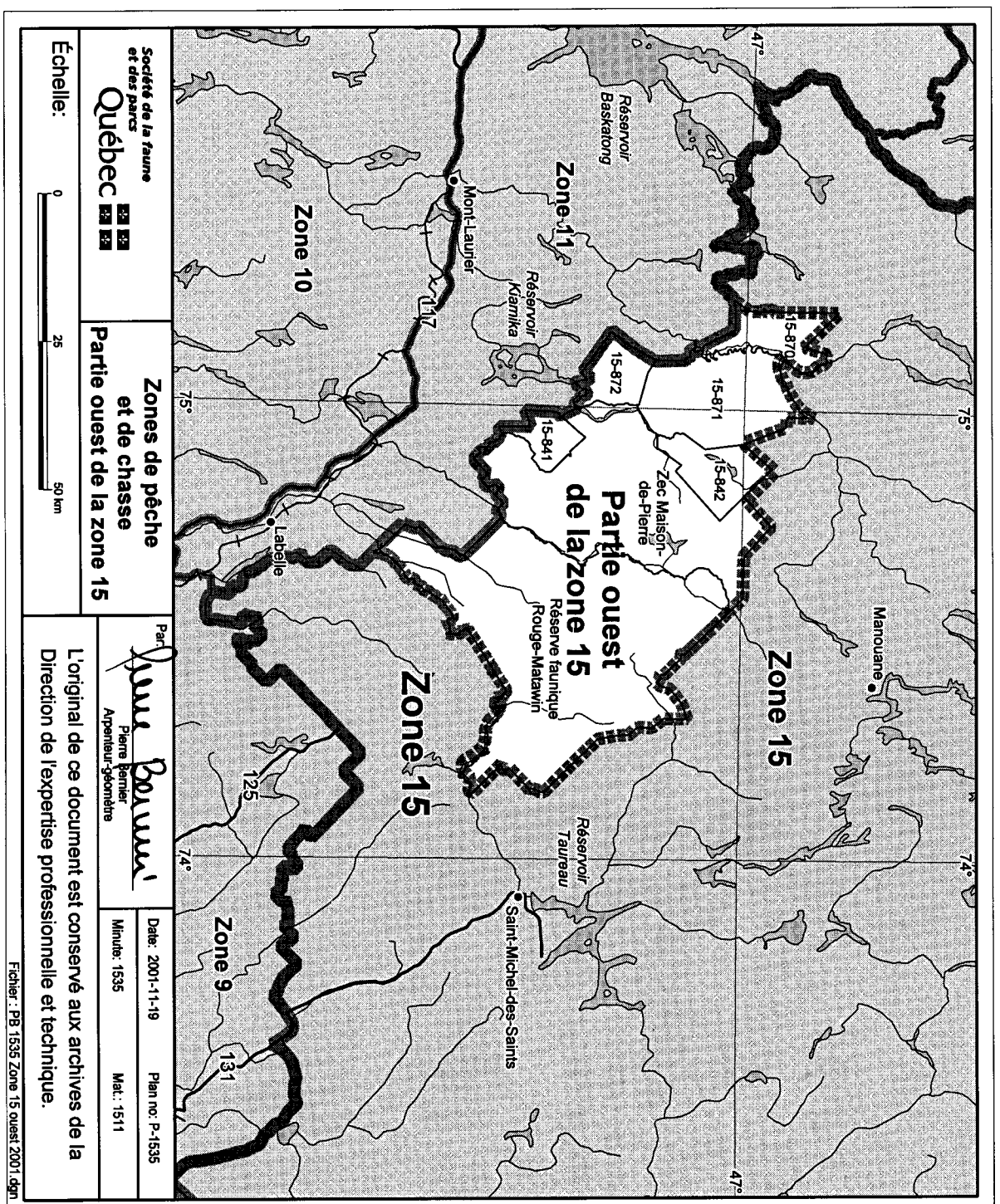
SCHEDULE XXXIX



SCHEDULE CXXXII



SCHEDULE CXXXIII



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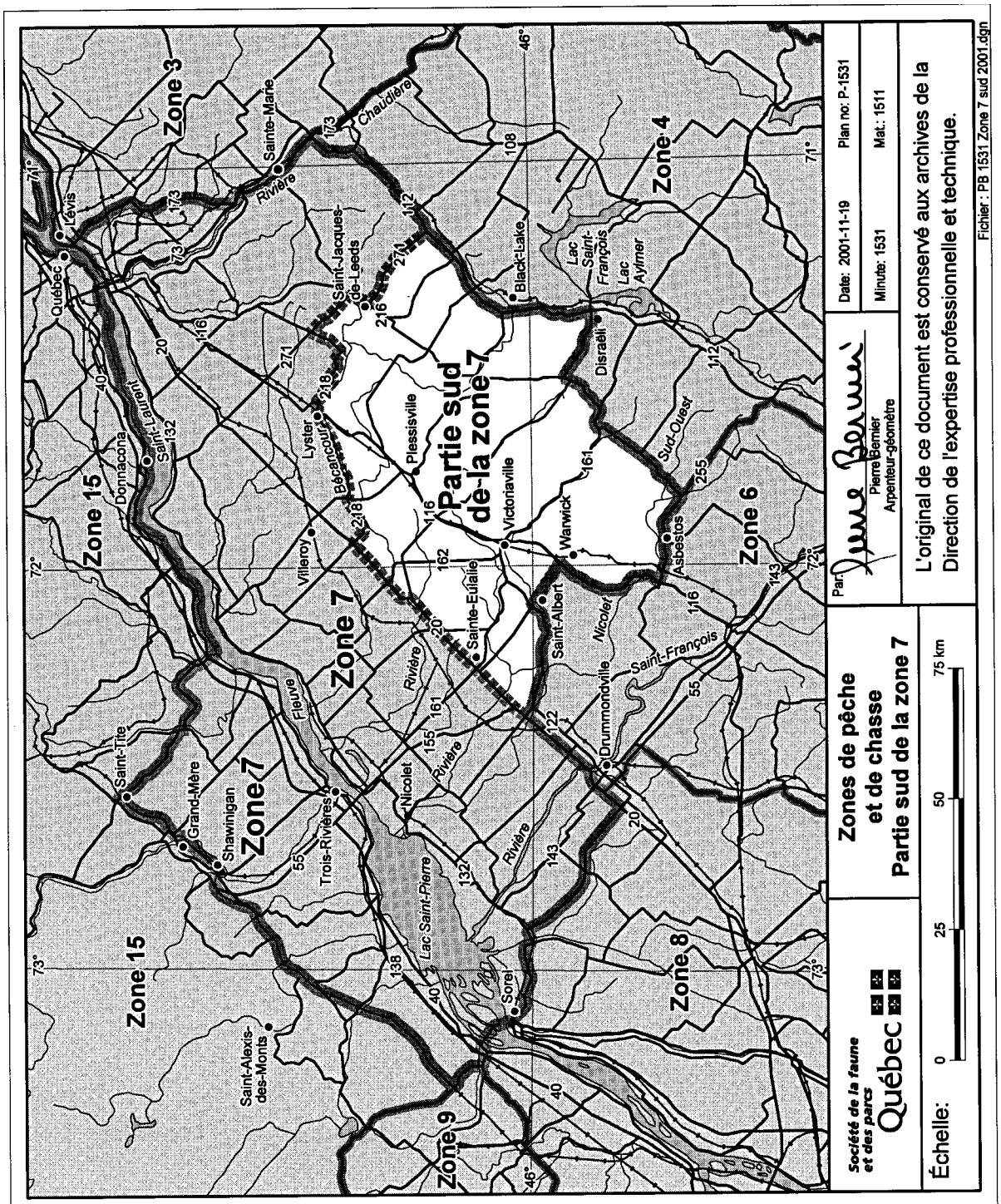
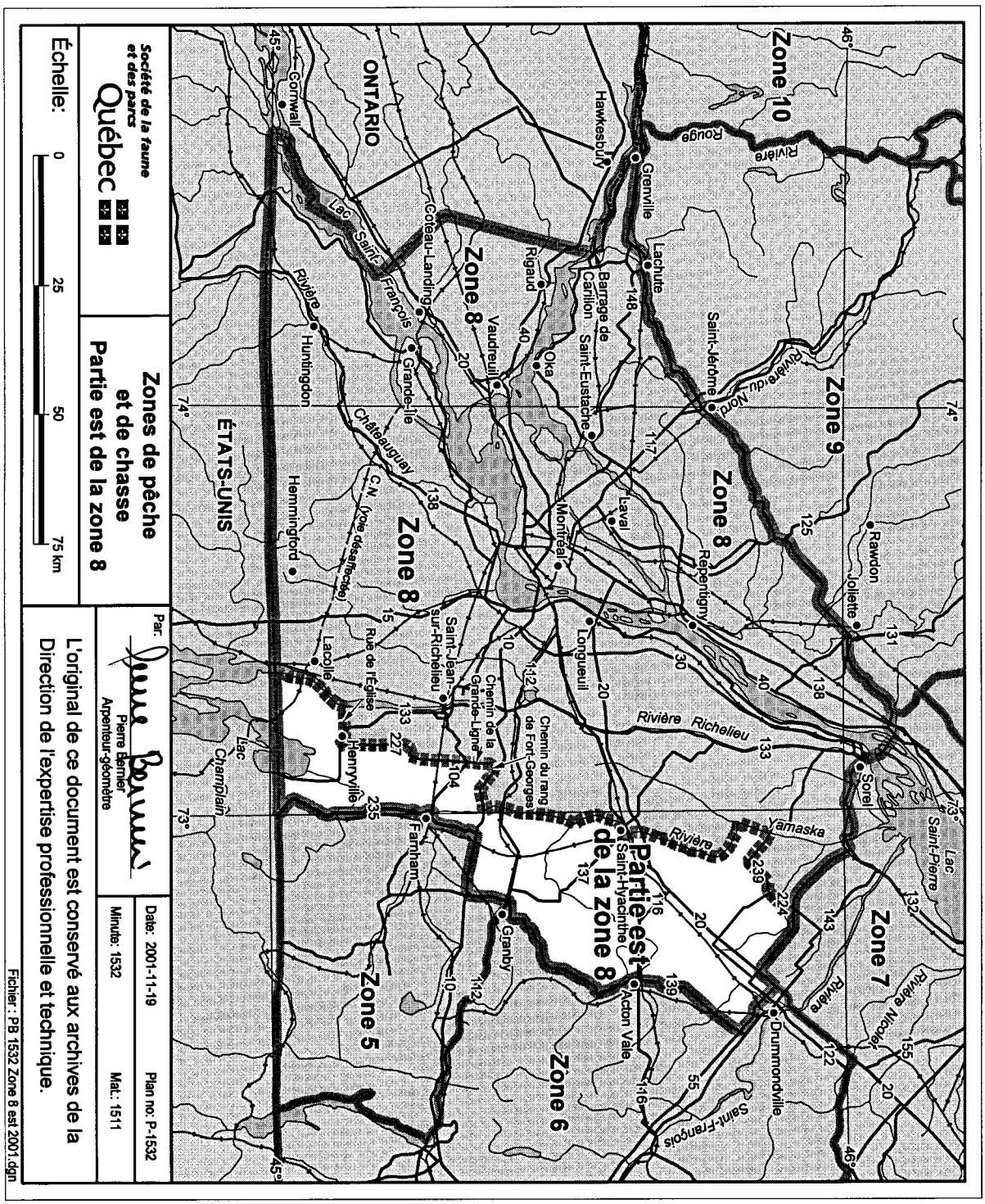
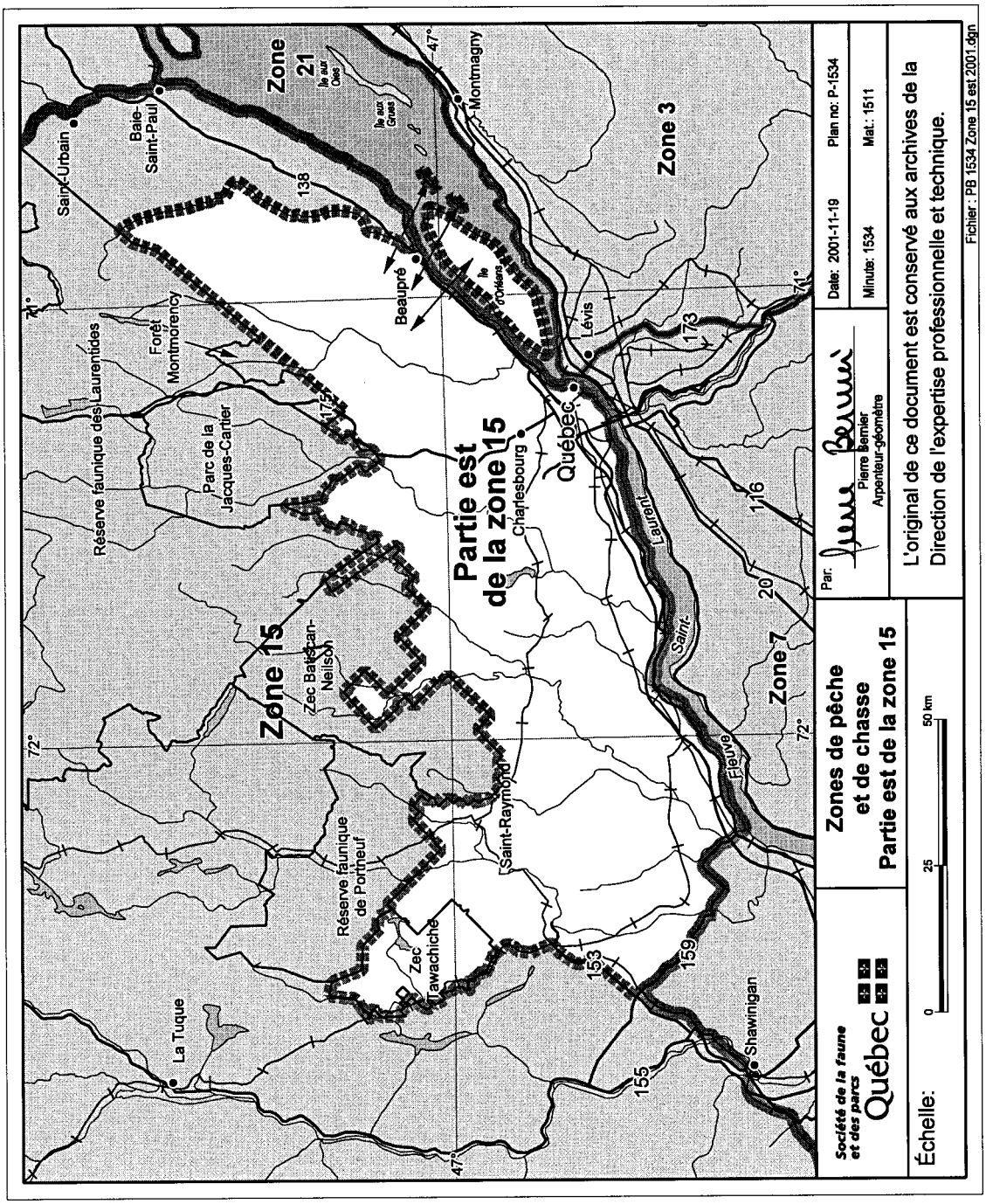


SCHEDULE CXXXV



SCHEDULE CXXXVI



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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified