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NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 14
(2003, chapter 16)

An Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006

Introduced 29 October 2003
Passage in principle 6 November 2003
Passage 12 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

The main object of this bill is to postpone the date of filing and of coming into force of the forest management plans based on the new delimitation of management units for one year. The bill also maintains the provisional measures applicable to timber supply and forest management agreements and forest management agreements before the implementation of the new mode of forest management based on new units, with certain changes, until 31 March 2006. To that end, it amends the Forest Act and other Acts, in particular the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec.

The bill contains provisions that enable the Minister of Natural Resources, Wildlife and Parks to enter into agreements with municipalities or organizations other than for-profit organizations to delegate the management of programs designed to maintain or improve the protection, development or transformation of forest resources. The bill also stipulates that municipalities and Native band councils holding a forest management contract are exempted from paying contributions into the forestry fund.

The bill proposes changes in the verification and control of forest management activities, particularly with respect to data on the volume of wood affected by harvesting operations, in the implementation of forest management plans, in the state of forest work and the conformity of forest work with forest management standards, and in credits applicable to the payment of dues. It also stipulates that certain sums other than those mentioned in the Forest Act are to be paid into the forestry fund, in order to finance forest management and development activities.

The bill contains provisions obliging agreement and contract holders to change their annual management plan if the Minister of Natural Resources, Wildlife and Parks notes that forest inventory data that served to validate the relevance of the silvicultural treatments are inaccurate. In addition, the bill provides additional information concerning the cases in which the Minister may change the areas destined for forest production and the rules to be followed in such situations, and establishes rules applicable to agreement and contract holders for paying dues over time.

The bill states that holders of forest management contracts, with the authorization of the Minister, may harvest in the course of the year preceding the end of the period covered by the general forest management plan, the part of the volume of wood they did not harvest in preceding years. It exempts contract holders from the obligation to belong to forest protection agencies if they carry on their activities outside the zones covered by the organization plans of those agencies.

In addition to making changes in penal matters and providing for cases where the Minister or the Government may impose financial penalties, the bill sets special forestry rules applicable to forest management activities before 1 April 2006. Under those rules, agreement holders must work together to prepare a decision-making and dispute resolution mechanism for use when drawing up and implementing annual management plans. The rules also impose a reduction in the volumes of wood granted under the 2005-2006 management permit, based on the results of the calculation of the allowable cuts made for the new management units when the 2006-2011 general forest management plans were being prepared. The bill stipulates that, as of its coming into force, the parts of a common area located to the north of the northern limit are deemed to be forest reserves.

Lastly, the bill introduces provisions on sugar bush management permits for acericultural purposes, operating permits for wood processing plants and one-time harvesting accreditation, as well as harmonization provisions.

LEGISLATION AMENDED BY THIS BILL:

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

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

– Forest Act (R.S.Q., chapter F-4.1);

– Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2);

– Act to amend the Forest Act and other legislative provisions (2001, chapter 6);

– Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (2002, chapter 25).

Bill 14

AN ACT TO AMEND THE FOREST ACT AND OTHER LEGISLATIVE PROVISIONS AND TO ENACT CERTAIN SPECIAL PROVISIONS APPLICABLE TO FOREST MANAGEMENT ACTIVITIES PRIOR TO 1 APRIL 2006

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing "which may be granted for a period of five years" by "which may be granted for a period ending on 31 December of the fifth year of the permit".

2. Section 7 of the said Act is amended by adding the following paragraphs at the end:

"This section does not apply to the holder of a timber supply and forest management agreement, a forest management agreement or a forest management contract who, in order to obtain a forest management permit to supply a wood processing plant, has made an agreement with the Minister respecting the payment of back dues.

Such an agreement must specify the dates and terms and conditions of payment and the applicable interest rates.

The Minister may suspend or cancel the forest management permit or refuse to issue such a permit if the holder of the timber supply and forest management agreement, forest management agreement or forest management contract fails to comply with the agreement made with the Minister. For such purpose, the Minister shall first notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder a period of at least 30 days, as specified in the notice, to submit observations and remedy the failure."

3. Section 14 of the said Act is amended

(1) by inserting "the prescriptions given therein and the" after "in accordance with" in the first paragraph;

(2) by inserting "the forest management activities the holder has been authorized to carry out and" after "indicate" in the second paragraph.

4. Section 14.3 of the said Act is amended by replacing "according to the terms and conditions set out in sections 73.1 to 73.3" in the first sentence of

the first paragraph by "according to the terms and conditions set out in section 73.1, except those set out in the sixth paragraph, and in sections 73.2 and 73.3".

5. The said Act is amended by inserting the following section after section 14.3:

"**14.4.** In the case of a natural disaster affecting the sugar bush subject to the permit or other forest resources in the territory, the Minister may modify the permit to ensure that the sugar bush or other forest resources affected are protected and conserved.

The Minister may also, for the same purposes, require the permit holder to apply standards of forest management or standards for tapping maple trees or doing other required work that are different from those prescribed by regulation of the Government, when the government standards do not provide adequate protection for the maple bush or the forest resources affected by the disaster. These new standards, the areas where they are applicable and the regulatory standards for which they are substituted, if any, must be set out in the modified permit."

6. Section 16.2 of the said Act is amended by adding "and the regulatory provisions applicable to his forest management activities" at the end of subparagraph 1 of the first paragraph.

7. Section 25.1 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

"**25.1.** The Minister may make an order upon observing that the holder of a forest management permit is not complying with the conditions set out in the permit or with the forest management plan or the standards prescribed in or under this Act and applicable to the permit holder's forest management activities. The order shall require the offender to submit to the conditions set out in the management permit or comply with the management plan or the legal or regulatory provisions in force. The order may also require the offender to suspend all or part of a forest management activity, as indicated by the Minister, for the period and under the conditions set by the Minister.

The order must include reasons and shall take effect on the date on which it is served. Where the person to whom the order applies is the holder of a timber supply and forest management agreement or a forest management agreement, a copy of the order must be forwarded to all the agreement holders carrying on activities in the same management unit as the person referred to in the order."

8. Section 29 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The method and basis of calculating the annual allowable cut, described in the manual, must contain information on how to take into account zones that have

been selected by the Minister and the Minister of the Environment with a view to the latter Minister recommending to the Government that it grant the zones a temporary protected status under the Natural Heritage Act (2002, chapter 74).";

(2) by adding ", particularly objectives targeting biodiversity conservation" after "territory" at the end of the third paragraph;

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

"For the territory referred to in section 95.7, the method and basis for calculating the annual allowable cut, described in the manual, must be determined taking into account the special provisions respecting the James Bay region set out in Division IV of Chapter III."

9. Section 35.2 of the said Act is amended by replacing "1 April 2005" in the second sentence of the first paragraph by "1 April 2006".

10. Section 35.6 of the said Act is amended by replacing "increased" in the third line of the first paragraph by "biodiversity conservation objectives, as well as higher".

11. Section 35.15 of the said Act is amended by adding ", which includes taking into account zones that have been selected by the Minister and the Minister of the Environment with a view to the latter Minister recommending to the Government that it grant the zones a temporary protected status under the Natural Heritage Act" at the end of subparagraph 2 of the first paragraph.

12. Section 50 of the said Act is amended by replacing "as a result of the application of another Act" in the second line of the second paragraph by "either as a result of the application of another Act, which includes taking into account zones that have been selected by the Minister and the Minister of the Environment with a view to the latter Minister recommending to the Government that it grant the zones a temporary protected status under the Natural Heritage Act or".

13. Section 51 of the said Act, replaced by section 42 of chapter 6 of the statutes of 2001, is amended by replacing "1 April 2004" in the first sentence of the first paragraph by "1 April 2005".

14. Section 55 of the said Act is amended by striking out the third paragraph.

15. Section 55.1 of the said Act is amended by striking out "and, where applicable, the stipulations as to the arbitration procedure" in the first paragraph.

16. Section 59 of the said Act, replaced by section 46 of chapter 6 of the statutes of 2001, is amended by replacing "1 January of the year 2005" in the first sentence of the first paragraph by "1 January of the year 2006".

17. Section 59.1 of the said Act, enacted by section 46 of chapter 6 of the statutes of 2001, is amended by adding "and, where applicable, the schedules for carrying out forest management activities, which the Minister may impose in order to ensure that the forest management strategies adopted to reach the annual allowable cut, annual yield and objectives assigned to the management unit are applied" at the end of subparagraph 2 of the first paragraph.

18. Section 59.6 of the said Act, enacted by section 46 of chapter 6 of the statutes of 2001, is amended by adding the following paragraph after the second paragraph:

"Where, during a given year, the Minister notes inaccuracies in the forest inventory data having served to validate the relevance of the silvicultural treatments included in the annual management plan, the Minister may require that the agreement holders submit modifications to the annual plan for approval, within the time determined by the Minister, in order that the necessary corrections may be made to the annual plan on the basis of the new data."

19. Section 60 of the said Act, replaced by section 47 of chapter 6 of the statutes of 2001, is amended

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

"(1.1) to provide, on request and within the time determined by the Minister, photographic, videographic or other documents containing information permitting an assessment of the progress of the forest management work carried out during a given year by the agreement holder, particularly to make sure that such work complies with forest management standards;";

(2) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

"(5) to evaluate, using the method provided in the Minister's instructions concerning the estimation of the volume of timber affected by harvesting, the volume of ligneous matter left on the harvest sites of the management unit, including the trees or parts of trees, by species or group of species, that should have been harvested in carrying out silvicultural treatments under the annual management plan."

20. Section 70.1 of the said Act is amended

(1) by inserting "the scaling data, the credits applicable to the payment of prescribed dues and" after "verify" in the first sentence;

(2) by replacing "used by the agreement holder in" in paragraph 1 by "currently or previously used by the agreement holder in determining the payment of prescribed dues, justifying the credits applicable to the payment of dues or".

21. Section 73.1 of the said Act, amended by section 56 of chapter 6 of the statutes of 2001, is again amended by adding the following paragraph after the fifth paragraph:

"The Minister shall reimburse to an agreement holder any sum corresponding to the amount of credits accepted by the Minister under this section in payment of dues for a given year that is in excess of the dues that must be paid by the holder in respect of the timber harvested during the term of the agreement holder's forest management permit. However, this sum must be reduced by any contributions owed to the forestry fund or assessments owed to a forest protection organization recognized by the Minister under this Act."

22. Section 86.1 of the said Act is amended

(1) by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

"(1) the volume of ligneous matter harvested by the agreement holder, as scaled in accordance with section 26;

"(2) the volume of ligneous matter left on the harvest sites of the management unit, including the trees or parts of trees, by species or group of species, that should have been harvested in carrying out silvicultural treatments under the annual management plan, as evaluated according to the method provided in the Minister's instructions concerning the estimation of the volume of timber affected by harvesting.";

(2) by replacing "in proportion to the volume allocated to each" at the end of the third paragraph by "in proportion to the volume of timber harvested by each during the year for which the reduction is applied";

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

"In addition, after giving the agreement holder an opportunity to submit observations, the Minister may impose a penalty on the agreement holder, in the amount obtained by multiplying by the unit rate applicable to the species or groups of species concerned the volume of timber referred to in subparagraph 2 of the second paragraph, reduced by the volume determined by regulation of the Government. If, because several agreements cover the same management unit, the Minister is unable to determine on which agreement holder the penalty may be imposed, the Minister shall impose the penalty on all the holders of agreements concerning the species or group of species concerned in proportion to the volume of timber harvested by each during the year for which the penalty is applied."

23. The said Act is amended by inserting the following section after section 86.1:

"**86.2.** When an agreement holder referred to in an order made by the Minister under section 25.1 requiring the holder to carry out the silvicultural treatments provided for in the annual management plan refuses or neglects to comply with it, the Minister, after giving the holder an opportunity to submit observations, may reduce the volume authorized for the current or a subsequent year by a volume equivalent to the effect of not carrying out silvicultural treatments on the annual allowable cut.

This volume is determined on the basis of the expected average yield for the treatments."

24. Section 92.0.1 of the said Act is amended by replacing "46.1, 79.1 or 86.1" in the second paragraph by "46.1, 79.1, 86.1 or 86.2".

25. Section 92.0.3 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) a volume of timber is made available following a person's waiver of the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by that person to exercise that right in a previous year;".

26. Section 92.0.12 of the said Act is amended by adding "except as regards the sixth paragraph of section 73.1 to which that section refers" at the end of the fourth paragraph.

27. Section 95.6 of the said Act is amended by adding ", and the amendments that may be made to that agreement from time to time by the parties" at the end.

28. Section 103 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The annual plan must be accompanied by compiled and analyzed forest inventory data which, in the opinion of the Minister, make it possible to validate the relevance of the silvicultural treatments to be carried out during the year.";

(2) by replacing "Ce dernier" in the second paragraph of the French text by "Le ministre".

29. The said Act is amended by adding the following section after section 103:

"**103.1.** The Minister may approve or reject the plans, or modify and approve them."

30. Section 104.1 of the said Act is amended

(1) by replacing "35.8 and" in the first sentence by "35.8, the fourth paragraph of section 35.14, section";

(2) by striking out "the first paragraph of section 59.2," in the first sentence;

(3) by inserting ", 77.4 and 77.5" after "73.4 to 73.6" in the first sentence;

(4) by adding "or, for the purposes of section 73.4, the volume of timber authorized under the management permit" at the end of paragraph 3;

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

"However, the provisions of sections 73.4 to 73.6 referred to in this section do not apply where the contract holder is a municipality or a Native band council."

31. The said Act is amended by adding the following section after section 104.3:

"**104.3.1.** If, for a given year, a contract holder does not harvest the full volume of timber authorized for the management area covered by the contract, the contract holder may harvest the unharvested volume of timber during the subsequent years preceding the end of the period covered by the general forest management plan, except during a year in which the Minister applies the reduction provided for in section 96.1, after obtaining the authorization of the Minister.

Where the Minister applies a reduction under section 86.1 or 96.1 in respect of a year, a contract holder shall not in subsequent years harvest that part of the volume of timber which could not be harvested owing to the application of the reduction."

32. Section 106 of the said Act is amended by replacing "in accordance with the first, second and third paragraphs of section 73.1" in the second paragraph by "in accordance with the conditions set out in section 73.1, except those set out in the fourth paragraph".

33. The said Act is amended by inserting the following after section 124.40:

"TITLE II.1

"DELEGATED MANAGEMENT OF PROGRAMS INTENDED TO MAINTAIN OR IMPROVE THE PROTECTION, DEVELOPMENT OR TRANSFORMATION OF FOREST RESOURCES

"**124.41.** The Minister, by an agreement, may delegate to a municipality or an organization other than a for-profit organization, in whole or in part, the management of programs developed under paragraph 3 of section 12 of the Act respecting the Ministère des Ressources naturelles (chapter M-25.2) and

intended to maintain or improve the protection, development or transformation of forest resources.

The value of the activities designed to protect and develop forest resources under a program is determined by the Minister or the Minister's delegate as stipulated in the agreement, by applying the same rules of calculation as those determined by regulation of the Government for the activities provided for in a funding agreement entered into in accordance with the fourth paragraph of section 73.1.

"**124.42.** The agreement shall define the powers and responsibilities delegated to the municipality or organization and fix the conditions of the delegation, in particular the reporting obligations of the delegate.

"**124.43.** The municipality or organization that is a party to a program management delegation agreement may exercise all the powers and responsibilities of the Minister under this Act that are necessary for the implementation of the program, to the extent and as determined in the agreement.

"**124.44.** The Minister may, in the agreement, agree to pay a specific amount to the municipality or organization for the management of the program.

"**124.45.** The municipality or organization exercising the powers and responsibilities delegated to it under this Title shall not engage the liability of the Government."

34. Section 126 of the said Act is amended by inserting "define the intensive protection zone and" after "must" in the first sentence of the second paragraph.

35. Section 126.1 of the said Act is amended by replacing "by-laws" by "by-laws or organization plan".

36. Section 127 of the said Act is amended

(1) by adding "and comprised in the intensive protection zone defined in the organization plan" at the end of the first paragraph;

(2) by adding "as regards the part of the woodlot comprised in the intensive protection zone defined in the organization plan" at the end of the second paragraph.

37. Section 128 of the said Act is amended

(1) by replacing "in the area approved by the Minister" in the first paragraph by "in the intensive protection zone";

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

"The Minister may enter into special agreements with the forest protection organization concerning the prevention and extinction of fires outside the intensive protection zone, particularly as regards expenses."

38. Section 147 of the said Act is amended by inserting "define the protected territory and" after "must" in the first sentence of the second paragraph.

39. Section 147.0.1 of the said Act is amended by replacing "by-laws" by "by-laws or organization plan".

40. Section 147.1 of the said Act is amended by adding "and comprised in the protected territory defined in the organization plan" at the end of the first paragraph.

41. Section 147.4 of the said Act is amended by replacing "territory approved by the Minister" in the first paragraph by "protected territory defined in the organization plan".

42. Section 164 of the said Act is amended by inserting "belonging to a class prescribed by regulation of the Government" after "wood processing plant".

43. Section 165 of the said Act is amended by replacing the third paragraph by the following paragraph:

"It is valid until 31 March of the year following the year of issue. It may be renewed on the conditions and upon payment of the fees prescribed by regulation of the Government."

44. Section 170.4 of the said Act is amended by inserting the following paragraphs after paragraph 1.1:

"(1.2) the part of the fines that exceeds $500,000 paid by offenders during a fiscal year of the fund for an offence under a provision of this Act or the regulations;

"(1.3) the sums collected after 31 March 2003 in respect of the sale of timber confiscated by the Minister under section 203 and the proceeds of the sale of the timber deposited after that date with the Ministère des Finances under section 192 following the guilty plea or conviction of an offender;

"(1.4) the damages, including any punitive damages awarded by the court under section 172.3, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

"(1.5) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 59.2 to establish a general forest management plan;

"(1.6) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 61 to establish a corrective plan and the sums paid to reimburse the costs incurred by the Minister under section 61.1 to perform any contractual obligation referred to in section 60 which an agreement holder failed to perform;".

45. Section 172 of the said Act, amended by section 119 of chapter 6 of the statutes of 2001, is again amended

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

"(4.1) provide for the payment of a specific amount, which may be added to the dues payable by a management permit holder, for the loss of scaling, inventory or transportation forms that were in the possession of the holder, and vary the amount to be paid depending on the type or number of forms lost;";

(2) by inserting the following subparagraph after subparagraph 9 of the first paragraph:

"(9.1) determine the volume by which the volume of timber referred to in subparagraph 2 of the second paragraph of section 86.1 is to be reduced by the Minister, for the purpose of calculating the penalty provided for in the fourth paragraph of that section;".

46. Section 177 of the said Act is replaced by the following section:

"**177.** Every holder of a management permit or third person entrusted with the execution of work authorized by a permit who carries out a forest management activity on lands in the domain of the State in contravention of a provision of the permit or the management plan with which the permit holder is bound to comply is guilty of an offence and liable to a fine of $200 to $10,000 in all cases where the offence is not otherwise punishable."

47. Section 184 of the said Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraphs:

"(2) every holder of such an agreement or of a forest management contract who fails to submit modifications to the general forest management plan to the Minister for approval within the time determined by the Minister under the first or second paragraph of section 59.6;

"(2.1) every holder of such an agreement who fails to submit modifications to the general forest management plan to the Minister for approval within the time determined by the Minister under the second paragraph of section 59.7;

"(2.2) every holder of such an agreement or of a forest management contract who fails to submit modifications to the annual management plan to the Minister for approval within the time determined by the Minister under the third paragraph of section 59.6;".

48. Section 186.7 of the said Act is amended by replacing "an annual report of activities to the Minister under section 70 which contains" in subparagraph 4 of the first paragraph by "to the Minister the annual report of activities referred to in section 70 or a document justifying credit applicable to the payment of dues, containing".

49. Section 29.13 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding "or Title II.1 of the Forest Act (chapter F-4.1)" at the end.

50. Article 14.11 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding "or Title II.1 of the Forest Act (chapter F-4.1)" at the end.

51. Section 17.14 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) is amended by replacing "to a legal person the Minister designates" in the first sentence of the second paragraph by "to a person the Minister designates".

52. Sections 159, 160, 162, 163, 175, 182 and 183 of the Act to amend the Forest Act and other legislative provisions (2001, chapter 6) are amended by replacing "1 April 2005" wherever it appears by "1 April 2006".

53. Section 161 of the said Act is amended by inserting "any amendments made to such provisions and to" after "subject to" in the first sentence.

54. Section 167 of the said Act is amended by adding the following paragraph after the first paragraph:

"However, they do not apply to modifications to five-year forest management plans related to the application of the transitional measures set out in Section 5 of Part IV (C-4) of Schedule C to the Agreement referred to in section 95.6 of the Forest Act, as provided in the provisions of Subsection 5.4 of that section."

55. The said Act is amended by adding the following sections after section 169:

"**169.1.** The plans may be approved or rejected by the Minister or approved as modified by the Minister.

The Minister may give the agreement holder deadlines for carrying out the forest management activities, to ensure that the forest management strategies adopted to reach the annual allowable cut and the annual yields assigned to the management unit are applied, and include them in the annual management plan.

"**169.2.** Where, during a given year, the Minister notes inaccuracies in the forest inventory data having served to validate the relevance of the silvicultural treatments to be carried out by an agreement holder during that year, the Minister may require that the agreement holder submit modifications

to the annual plan for approval, within the time determined by the Minister, in order that the necessary corrections may be made to the annual plan and the forest management permit on the basis of the new data.

"**169.3.** Where the Minister, in a case described in the second paragraph of section 50 of the Forest Act or in section 183 of this Act, withdraws an area used in calculating the annual allowable cut from the forest management unit, the Minister may, in addition to altering the territory covered by the agreement, reduce the volumes allocated in the agreement in respect of the species or group of species concerned if the Minister is unable to substitute an equivalent area for the withdrawn area in accordance with the provisions of the second paragraph of the said section 50.

Before amending the agreement, the Minister shall give the agreement holder an opportunity to submit observations.

"**169.4.** At the request of and within the time determined by the Minister, an agreement holder must submit modifications to the general or five-year forest management plan to the Minister for approval in order to reflect the application of the provisions referred to in section 169.3.

"**169.5.** Every agreement holder who fails to submit modifications to the annual management plan to the Minister for approval at the request of and within the time determined by the Minister under section 169.2 is guilty of an offence and is liable to a minimum fine of $1,000.

Every agreement holder who fails to submit modifications to the general or five-year forest management plan to the Minister for approval at the request of and within the time determined by the Minister under section 169.4 is guilty of an offence and is liable to a minimum fine of $1,000."

56. Section 170 of the said Act is amended

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

"(3) to evaluate the volume of ligneous matter left on the harvest sites of the common area, including the trees or parts of trees, by species or group of species, that should have been harvested in carrying out the silvicultural treatments under the forest management permit, using the method provided in the Minister's instructions for evaluating the volume of timber affected by harvesting;";

(2) by adding the following subparagraph after subparagraph 4 of the first paragraph:

"(5) to provide, at the request of and within the time determined by the Minister, photographic, videographic or other documents containing information permitting an assessment of the progress of the forest management

work carried out during a given year by the agreement holder, particularly to make sure that such work complies with forest management standards."

57. Section 171 of the said Act is amended by inserting "or five-year" after "set out in the general" in the first paragraph.

58. Section 176 of the said Act is amended

(1) by inserting "of the Forest Act" after "sections 73.4 to 73.6" in the first paragraph and by adding the following sentence at the end of that paragraph: "No contribution into the forestry fund is payable, however, by a contract holder that is a municipality or a Native band council.";

(2) by inserting the following paragraphs after the first paragraph:

"The provisions of sections 169.2 to 169.5 of this Act, including those referred to in section 169.3 of this Act, apply to forest management agreements and forest management agreement holders.

Such provisions also apply, with the necessary modifications, to forest management contracts and forest management contract holders. For that purpose,

(1) a management unit means a management area covered by the forest management contract;

(2) an agreement holder means the holder of a forest management contract;

(3) the volume allocated under an agreement means the annual allowable cut assigned to the management area covered by the forest management contract."

59. Sections 180 and 181 of the said Act are amended by replacing "1 April 2005" wherever it appears by "1 April 2006".

60. The said Act is amended by adding the following section after section 182:

"**182.1.** In addition to the cases described in the first paragraph of section 50 of the Forest Act, a management unit may be altered during the term of an agreement in the cases described in sections 80, 81.1 and 81.2 of that Act."

61. Section 189 of the said Act is amended

(1) by replacing "1 April 2005" in the first paragraph by "1 April 2006";

(2) by replacing "31 March 2005" in the portion of text preceding subparagraph 1 of the second paragraph by "31 March 2006";

(3) by replacing "31 March 2004" in subparagraph 2 of the second paragraph by "31 March 2005";

(4) by replacing "1 April 2005" in subparagraph 3 of the second paragraph by "1 April 2006";

(5) by replacing "31 August 2006" in subparagraph 4 of the second paragraph by "31 August 2007".

62. Section 22 of the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (2002, chapter 25) is amended

(1) by replacing "31 March 2005" in the first paragraph by "31 March 2006";

(2) by replacing "1 April 2005" wherever it appears in the second paragraph by "1 April 2006".

SPECIAL PROVISIONS APPLICABLE TO FOREST MANAGEMENT ACTIVITIES PRIOR TO 1 APRIL 2006

63. As of 18 December 2003, the parts of the common areas located north of the northern limit set by the Minister of Natural Resources and made public on 19 December 2002 are deemed to be forest reserves and no longer part of the common areas.

64. Agreement holders whose timber supply and forest management agreements or forest management agreements apply to the same common area must send the Minister of Natural Resources, Wildlife and Parks no later than 1 March 2004 a decision-making and dispute resolution mechanism for use when drawing up and implementing the 2004-2005 and 2005-2006 annual forest management plans.

Should the agreement holders fail to send the Minister a decision-making and dispute resolution mechanism for use when drawing up and implementing the 2004-2005 and 2005-2006 annual forest management plans by that date, the Minister may impose one on them as of that date.

The decision-making and dispute resolution mechanism shall come into force on 1 March 2004 or, in the case referred to in the second paragraph, at any later date set by the Minister.

65. Decisions made using the decision-making and dispute resolution mechanism have the same effect as stipulations agreed upon between the parties on the subject of the dispute.

66. For the year 2005-2006, if the results of the calculation of the annual allowable cut based on the new management units obtained when the 2006-2011 general forest management plans were drawn up show a drop in forest production compared with the volumes allocated, the Minister of Natural Resources, Wildlife and Parks must reduce, in the management permits for that year, the volumes of timber the timber supply and forest management agreement holders and forest management agreement holders were authorized to harvest under their agreement and the Forest Act, in order to take the results of that calculation into account beginning that year.

To that end, the Minister shall set a new annual allowable cut for the year 2005-2006, by species or group of species, for each common area, by adding up the results of the calculation of the annual allowable cuts for forest management units or parts of forest management units located in the common area concerned; the annual allowable cut for a part of a forest management unit is based on the area of that part as a percentage of the total area of the unit.

If the result of the calculation of the new annual allowable cut in the common area shows a decrease in forest production, the Minister shall determine the reduction applicable to the common area, by species or group of species, and distribute the reduction for the species or group of species among the agreement holders in the common area in proportion to the volumes allocated to each. However, the Minister may vary the reduction in volumes made among the agreement holders depending on the impact the distribution of the reductions among them could have on regional or local economic activity.

67. Insofar as possible and taking the forest composition of the territory into account, the 2005-2006 annual forest management plan for a common area must distribute the total allowable cut throughout the common area, taking into account the volume reductions calculated for each of the forest management units or parts of forest management units in the common area.

FINAL PROVISIONS

68. The delimitation for management units determined and made public by the Minister of Natural Resources on 19 December 2002, and the delimitation established in accordance with the Agreement referred to in section 95.6 of the Forest Act (R.S.Q., chapter F-4.1) and made public on 13 June 2003 are deemed, for the purposes of the Forest Act, to be the delimitation referred to in section 35.2 of that Act, enacted by section 30 of chapter 6 of the statutes of 2001.

69. The contributions paid into the forestry fund by municipalities and Native band councils as holders of forest management contracts shall be reimbursed to the municipalities and Native band councils having paid the contributions.

70. The forestry fund established by section 170.2 of the Forest Act shall be made up of the following sums, in addition to the sums referred to in section 170.4 of that Act:

(1) the sums paid to reimburse the costs incurred by the Minister under section 172 of chapter 6 of the statutes of 2001 to perform any contractual obligation referred to in section 170 of that Act that the agreement holder failed to perform;

(2) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 61 of the Forest Act, as applicable prior to 1 April 2006, to apply any required silvicultural treatment that an agreement holder failed to apply.

The fines paid by offenders for an offence under section 169.5 of chapter 6 of the statutes of 2001, enacted by section 55 of this Act, must be taken into consideration in the calculation of the amount of fines for the purposes of paragraph 1.2 of section 170.4 of the Forest Act, introduced by section 44 of this Act.

71. Section 1 of this Act is applicable to sugar bush management permits valid at the time it comes into force.

72. For the purposes of the second paragraph of section 25.1 and sections 86.1 and 86.2 of the Forest Act, introduced by sections 7, 22 and 23 of this Act respectively, in respect of forest management activities prior to 1 April 2006, a reference to a management unit is a reference to a common area and a reference to an annual management plan is a reference to a management permit.

73. Sections 14, 15, 64 and 65 of this Act do not operate to end arbitration proceedings begun prior to 1 March 2004.

74. Section 28 of this Act applies to annual management plans submitted to the Minister for approval after 18 December 2003.

75. Section 21, paragraphs 1 and 2 of section 22, sections 31 and 32, and paragraph 1 of section 56 of this Act apply in respect of forest management activities subsequent to 31 March 2003. Sections 9 to 11, 13 and 16 to 19, section 44 to the extent that it enacts paragraphs 1.5 and 1.6, and sections 47 and 59 of this Act apply in respect of forest management activities subsequent to 31 March 2006.

76. Section 182.1 of the Act to amend the Forest Act and other legislative provisions (2001, chapter 6), enacted by section 60 of this Act, shall cease to have effect on 1 April 2006.

77. The provisions of this Act come into force on 18 December 2003, except

(1) sections 14 and 15, which come into force on 1 March 2004;

(2) sections 13, 16 to 18 and 30, section 44 to the extent that it enacts paragraph 1.5, and sections 47 and 59, which come into force on 31 March 2005;

(3) section 19 and section 44 to the extent that it enacts paragraph 1.6, which come into force on 1 April 2006;

(4) paragraph 3 of section 22, which comes into force on the date of coming into force of the first regulation made under subparagraph 9.1 of the first paragraph of section 172 of the Forest Act, introduced by paragraph 2 of section 45 of this Act.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 19
(2003, chapter 17)

An Act to amend the Act respecting financial assistance for education expenses

Introduced 4 November 2003
Passage in principle 12 November 2003
Passage 12 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the Act respecting financial assistance for education expenses to allow the granting of financial assistance on a monthly or periodic basis so as to better reflect the times of the year when students incur certain expenses. It provides that the elements to be taken into consideration to establish the amount of financial assistance are to be determined on a per-month rather than a per-trimester basis.

Another object of the bill is to amend the computation rules for financial assistance. It provides that the total amount of financial assistance will first be granted in the form of a loan. Financial assistance in the form of a bursary will then be paid to the financial institution that granted the loan, to be applied to the repayment of a part of the loan.

The bill also provides that financial assistance received by a student who was not entitled to it may be recovered during subsequent years of allocation, according to the rules prescribed by regulation.

Lastly, the bill authorizes the Minister of Education to grant a release from all or part of a debt where warranted by exceptional circumstances.

Bill 19

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3) is amended by replacing the definition of "year of allocation" by the following definition:

"**"year of allocation"** means the period comprised between 1 September of one year and 31 August of the following year."

2. Section 4 of the said Act is amended

(1) by replacing "trimesters" in subparagraph 5.1 of the first paragraph by "years of study";

(2) by replacing "Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1)" in subparagraph 10 of the first paragraph by "Employment Insurance Act (Statutes of Canada, 1996, chapter 23)".

3. Section 5 of the said Act is replaced by the following section:

"**5.** For the purposes of the loans and bursaries program, the contribution of the student and, where applicable, that of the student's parents, sponsor or spouse shall be established according to their income, on the conditions and in accordance with the rules prescribed by regulation for each form of assistance.

The regulations may provide for certain exemptions and determine, for each of these contributions, the conditions under which a reduction or an exemption may be granted."

4. Sections 6 and 7 of the said Act are repealed.

5. Section 9 of the said Act is replaced by the following section:

"**9.** For the purposes of this division, a full-time student is one considered as such by the educational institution attended, and a part-time student is one who is not a full-time student and who receives a minimum of 20 hours of instruction per month."

6. Section 10 of the said Act is amended

(1) by replacing "pursues, on a part-time basis, a course of study recognized by the Minister" in the second and third lines of the first paragraph by "pursues studies recognized by the Minister on a part-time basis" and by replacing "un tel programme" in the last line of the first paragraph of the French text by "de telles études";

(2) by replacing "pursue, on a full-time basis, a course of study recognized by the Minister" in the second paragraph by "pursue studies recognized by the Minister on a full-time basis".

7. Section 11 of the said Act is amended

(1) by striking out ", on the date of his application," in the part preceding paragraph 1;

(2) by replacing "pursue on a full-time basis a course of study recognized by the Minister" in paragraph 3 by "pursue studies recognized by the Minister on a full-time basis";

(3) by inserting ", at the beginning of the year of allocation," after "is" in paragraph 4;

(4) by inserting ", at the beginning of the year of allocation," after "not" in paragraph 6.

8. Section 12 of the said Act is amended by striking out "or, as the case may be, for a trimester,".

9. Section 13 of the said Act is replaced by the following section:

"**13.** The maximum loan amount shall be established pursuant to the regulations according to the number of months during which the student is enrolled or deemed to be enrolled within the meaning of the regulations, according to the level of education, the cycle and the classification of the educational institution attended and according to the student's family situation.

The amount may be increased or reduced in the cases and subject to the conditions determined by regulation."

10. Section 14 of the said Act is amended

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

"**14.** The amount of the loan shall be computed, for and up to the first portion fixed by regulation, by subtracting the amount determined as the contribution of the student from the sum obtained by adding the amount determined as allowable expenses and the amount determined as supplementary expenses, and, for the second portion, by subtracting the following amounts from the same sum:";

(2) by striking out "or the balance of financial assistance that may be granted to the student in the form of a loan" in the second paragraph.

11. Section 15 of the said Act is replaced by the following section:

"**15.** The Minister shall issue, to a student who is enrolled or deemed to be enrolled within the meaning of the regulations, a guarantee certificate in respect of a loan contracted by the student with a financial institution recognized by the Minister.

The loan shall be disbursed in monthly or periodic payments, in accordance with the terms and conditions determined by the Minister. The Minister shall notify the student and the financial institution of the amount of each of these payments and of the time at which they may be disbursed.

The Minister may specify that the guarantee certificate is valid in respect of a loan contracted by the student for any subsequent year of allocation."

12. Section 17 of the said Act is replaced by the following section:

"**17.** A student who is a minor and who receives a guarantee certificate is deemed to be of full age for the purposes of the guaranteed loan."

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

"**18.** A student is eligible for a bursary provided that the student has been admitted to an educational institution designated by the Minister for the granting of loans and bursaries in order to pursue studies recognized by the Minister on a full-time basis and the student is within the period of eligibility established by regulation for a bursary."

14. Sections 19 and 20 of the said Act are repealed.

15. Section 21 of the said Act is amended

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

"**21.** The amount of the bursary shall be computed by subtracting the part, determined pursuant to the regulations, of the maximum loan amount established under section 13 from the amount of the loan granted under section 14.";

(2) by striking out the third paragraph.

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

"**22.** The bursary shall be paid to the financial institution so that it may be applied to the repayment of the guaranteed loan. The bursary is inalienable and unseizable.

The Minister may suspend payment of the bursary if the student is required to file a fiscal return pursuant to the Taxation Act (chapter I-3) and fails to do so."

17. Section 23 of the said Act is replaced by the following section:

"**23.** For the purposes of this subdivision,

"full exemption period" means the period beginning on the date on which a borrower obtains a first loan or resumes being a full-time student, and ending at the end of the month in which the borrower ceases to be a full-time student or, if the borrower is in a situation provided for by regulation, at the time mentioned therein; and

"partial exemption period" means the period of six months following the end of the full exemption period."

18. Section 24 of the said Act is replaced by the following section:

"**24.** During a borrower's full exemption period, the Minister shall pay the interest on the balance of the loan, at the rate fixed by regulation, to any financial institution which has made a guaranteed loan.

During the borrower's partial exemption period, the borrower must pay the interest on the balance of the loan at the rate fixed by regulation. At the end of this period, any interest not paid by the borrower shall be capitalized.

Despite the second paragraph, the interest on the portion of the loan repaid pursuant to section 22 shall be borne by the Minister."

19. Section 25 of the said Act is amended by replacing "period of exemption" by "partial exemption period".

20. Section 27 of the said Act is amended by replacing "reimburse the amount of the loan to the financial institution" by "repay to the financial institution the balance of the guaranteed loan with the interest due".

21. Section 28 of the said Act is amended by replacing "an authorized" by "a guaranteed".

22. Section 29 of the said Act is amended by adding the following paragraph at the end:

"However, subrogation does not take place if the borrower dies during the full exemption period."

23. Section 31 of the said Act is amended by inserting ", sent to the last address declared to the Minister by the debtor or to any other address of which the Minister has been informed," after "section" in the second paragraph.

24. The said Act is amended by inserting the following section after section 31:

"**31.1.** Where warranted by exceptional circumstances, the Minister may grant a release from all or part of an amount owed."

25. Section 32 of the said Act is replaced by the following section:

"**32.** For the purposes of this division,

"part-time" means, per trimester and subject to the regulations,

(1) at the secondary level, 76 to 179 class hours or 6 to 11 credits;

(2) at the college level, 2 or 3 courses or 76 to 179 periods;

(3) at the university level, 6 to 11 credits;

"trimester" means the period of approximately three months beginning on 1 September, 1 January or 1 May of a year of allocation."

26. Section 33 of the said Act is amended

(1) by striking out ", on the date of the application," in the part preceding paragraph 1;

(2) by replacing "take, on a part-time basis, courses forming part of a course of study recognized by the Minister" in paragraph 3 by "pursue studies recognized by the Minister on a part-time basis";

(3) by inserting ", at the beginning of the year of allocation," after "is" in paragraph 4;

(4) by inserting ", at the beginning of the year of allocation," after "not" in paragraph 6.

27. Section 34 of the said Act is amended by striking out "actual" wherever it appears.

28. Section 36 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"**36.** The Minister shall issue to a student who is enrolled a guarantee certificate in respect of a loan contracted by the student with a financial institution recognized by the Minister.

The loan shall be disbursed in periodic payments, in accordance with the terms and conditions determined by the Minister. The Minister shall notify the student and the financial institution of the amount of each of these payments and of the time at which they may be disbursed.

The Minister may specify that the guarantee certificate is valid in respect of a loan contracted by the student for any subsequent year of allocation."

29. Section 36.1 of the said Act is amended by replacing "31" by "28, the first paragraph of section 29 and sections 30 to 31.1".

30. Section 36.2 of the said Act is amended by replacing "an authorized" by "a guaranteed".

31. Section 37.1 of the said Act is amended by replacing "loan certificate issued by the Minister" in the second paragraph by "amount paid".

32. Section 39 of the said Act is amended by adding the following paragraph at the end:

"(3) to notify the Minister, within 30 days, of any change of address."

33. Section 40 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

"Where, as a result of the Minister's decision, the amount of financial assistance is increased, the Minister shall notify the student and, where applicable, the financial institution of the additional amount granted and of any special terms and conditions of payment established by the Minister.

Where, as a result of the Minister's decision, the amount of a loan is reduced, the Minister shall recover the amount of the reduction from the amount of any future financial assistance, in accordance with the rules prescribed by regulation, after notifying the student."

34. Section 41 of the said Act is replaced by the following section:

"**41.** If an application for financial assistance is filed after the time prescribed or if the provisions of paragraph 2 of section 39 have been contravened, the Minister may refuse the application or reduce or cancel a financial assistance payment.

If the provisions of paragraph 3 of section 39 have been contravened, the Minister may suspend payment of financial assistance until the student has met his or her obligations."

35. Section 42 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**42.** A person who has received a bursary amount without entitlement must repay the amount to the Minister without delay, unless the person has been informed of the Minister's intention to recover the amount from the amount of any future financial assistance, in accordance with the rules prescribed by regulation, or has made an agreement with the Minister on another method of repayment. Interest on the amount due shall be payable at the rate fixed by regulation, from the end of the full exemption period within the meaning of section 23."

36. Section 43 of the said Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) a person who, pursuant to section 29, must repay a loan amount, as long as this amount has not been repaid, unless the person has made an agreement with the Minister with respect to repayment terms and conditions or has been informed of the Minister's intention to recover the amount from the amount of any future financial assistance;

"(2) a person who, pursuant to section 42, must repay a bursary amount, as long as this amount has not been repaid, unless the person has made an agreement with the Minister with respect to repayment terms and conditions or has been informed of the Minister's intention to recover the amount from the amount of any future financial assistance;".

37. Section 43.1 of the said Act is amended by striking out ", within 30 days of being advised of the decision," and "in writing".

38. Section 44 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The total amount of financial assistance granted in the form of a loan for a given year of allocation must not, however, exceed the maximum amount determined under section 13 and the financial assistance granted in the form of a bursary under the first paragraph must not exceed the amount of financial assistance granted in the form of a loan under that paragraph."

39. Section 48 of the said Act is amended by replacing "The Government may authorize the Minister to" by "The Minister may".

40. Section 56 of the said Act is amended

(1) by inserting "courses or" after "list of" in subparagraph 4 of the first paragraph;

(2) by replacing "authorized" in subparagraph 5 of the first paragraph by "guaranteed";

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

"Instead of drawing up a list, the Minister may determine, for each level of education, for each cycle and for certain categories of institutions that the Minister identifies, the conditions that an educational institution must meet in order to be designated for the granting of loans and bursaries or the granting of loans, and the conditions that a course or course of study must meet in order to be recognized for the purposes of eligibility for financial assistance."

41. Section 57 of the said Act is amended

(1) by striking out ", for each form of assistance," in subparagraph 1 of the first paragraph;

(2) by replacing "the minimum contribution, the foreseeable income and the actual income" in subparagraph 2 of the first paragraph by "the student's income and the income of the student's parents, sponsor or spouse";

(3) by replacing "a course of study" in subparagraph 2.1 of the first paragraph by "studies";

(4) by striking out subparagraph 3 of the first paragraph;

(5) by replacing "trimesters" in subparagraph 3.1 of the first paragraph by "years of study";

(6) by striking out "actual" in subparagraph 3.3 of the first paragraph;

(7) by striking out ", for each form of assistance," in subparagraph 7 of the first paragraph;

(8) by inserting the following subparagraph after subparagraph 7.1 of the first paragraph:

"(7.2) for the purpose of computing the amount of financial assistance which may be paid under the loans and bursaries program, determine conditions and rules for establishing the amounts allowed as supplementary expenses;";

(9) by inserting the following subparagraph after subparagraph 9.1 of the first paragraph:

"(9.2) determine conditions and rules for establishing the part of the maximum loan amount used for the calculation under section 21;";

(10) by replacing "loan certificate shall be issued" in subparagraph 10 of the first paragraph by "guarantee certificate shall be issued or financial assistance payment shall be disbursed";

(11) by replacing subparagraphs 13 and 13.1 of the first paragraph by the following subparagraphs:

"(13) determine terms and conditions for the presentation of a guarantee certificate and for the monthly or periodic payment of a guaranteed loan;

"(13.1) determine, for the purposes of sections 23 and 24, the time at which the full exemption period ends, depending on the borrower's situation;";

(12) by replacing "an authorized" in subparagraph 14 of the first paragraph by "a guaranteed";

(13) by inserting the following subparagraph after subparagraph 14 of the first paragraph:

"(14.1) determine in which cases a financial institution must assign a claim to another financial institution and prescribe the terms and conditions of assignment;";

(14) by replacing "an authorized" in subparagraph 15 of the first paragraph by "a guaranteed";

(15) by replacing "the amount of assistance reduced and the amount of the reduction" in subparagraph 18 of the first paragraph by "a financial assistance payment may be reduced or cancelled";

(16) by replacing "15 and 22" in subparagraph 19 of the first paragraph by "13 and 15";

(17) by replacing "trimesters" in subparagraph 21 of the first paragraph by "months";

(18) by inserting the following subparagraph after subparagraph 21 of the first paragraph:

"(21.1) determine in which cases allowable expenses are to be carried forward to another year of allocation and specify, for the purpose of computing the amount of financial assistance, the special rules that apply in such cases;";

(19) by inserting the following subparagraph after subparagraph 24 of the first paragraph:

"(24.1) determine, for the purposes of sections 40 and 42, the maximum number of consecutive years of allocation during which the Minister may recover amounts, prescribe rules for repayment over time and fix the amount below which no recovery may be made by the Minister;";

(20) by adding the following subparagraphs after subparagraph 25 of the first paragraph:

"(26) provide for the increase, reduction or variation of the effective interest rate in cases where the Minister is subrogated in all the rights of a financial institution and in any other case determined by regulation;

"(27) determine, for the purposes of any proceeding and in the absence of any evidence to the contrary, the documents that constitute proof of amounts owed by the borrower.";

(21) by replacing the second paragraph by the following paragraph:

"The provisions of the regulations made under subparagraphs 1, 2, 7, 7.2 and 21 may vary according to the situation of the student prior to the period covered by the application for financial assistance, as well as the situation of the student or the student's spouse, parents or sponsor during that period. The provisions may also vary according to the number of months during which the student is pursuing studies or is employed, the studies pursued and the place of residence of the student and, where applicable, that of the student's parents or sponsor, and depending on whether the student suffers from a major functional deficiency."

42. The Government may, in a regulation made before (*insert the date occurring one year after the coming into force of section 42*), adopt any transitional provision or measure that is expedient for the carrying out of this Act.

43. The provisions of this Act and the first regulations made under it are applicable to juridical situations pending at the time of their coming into force.

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 22
(2003, chapter 18)

An Act to amend the Cooperatives Act

Introduced 4 November 2003
Passage in principle 13 November 2003
Passage 12 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amending the Cooperatives Act makes changes to certain rules governing the administrative operation of cooperatives. It introduces various rules applicable to each type of cooperative, that is, producers cooperatives, consumer cooperatives, work cooperatives, shareholding workers cooperatives and solidarity cooperatives. In addition, the bill alters certain rules that apply to such specific cooperative sectors as housing and the school community.

The bill also modifies the rules applicable to the constitution of a cooperative and simplifies the operating procedures of the general meeting and the board of directors of a cooperative.

New rules are introduced with respect to the accountability of cooperatives to their members, auxiliary members and holders of capital. The rules concerning the allocation of surpluses are amended to require an allocation to the reserve. In addition, producers cooperatives, work cooperatives and shareholding workers cooperatives are authorized to establish an enhancement reserve from which rebates may be allotted.

As well, the bill modifies the rules relating to the winding-up, dissolution, amalgamation and continuation of cooperatives and introduces rules concerning the implementation of a cooperative compliance program.

Lastly, the bill includes transitional provisions and concordance amendments.

LEGISLATION AMENDED BY THIS BILL:

– Companies Act (R.S.Q., chapter C-38);

– Cooperatives Act (R.S.Q., chapter C-67.2);

– Act to amend the Cooperatives Act and other legislative provisions (1995, chapter 67).

Bill 22

AN ACT TO AMEND THE COOPERATIVES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Cooperatives Act (R.S.Q., chapter C-67.2) is amended by inserting "or venture" after "investment" in the fifth line.

2. Section 3 of the said Act is amended by inserting "or partnerships" after "persons" in the first line and by replacing "and social" in the first and second lines by ", social and cultural".

3. Section 4 of the said Act is amended

(1) by replacing "member's using" in paragraph 1 by "member actually using";

(2) in the French text by striking out "sociales" in the second line of paragraph 2;

(3) by replacing "may" in paragraph 4 by "must";

(4) by replacing "or to rebates" in the second line of paragraph 5 by "and to rebates";

(5) by replacing paragraphs 6 and 7 by the following paragraphs:

"(6) cooperation must be promoted among the members, between the members and the cooperative and between the cooperative and other cooperative organizations;

"(7) the training of the members, directors, executive officers and employees of the cooperative in the field of cooperation must be promoted and the public must be informed of the nature and advantages of cooperation;

"(8) cooperatives must support development efforts in their community."

4. Section 5 of the said Act is amended by replacing "within 90 days after" in the second line of the first paragraph by "after".

5. Section 7 of the said Act is replaced by the following section:

"**7.** At least five founders are required to apply for the constitution of a cooperative.

The founders must have common needs that can be met by the cooperative and be capable of actually being users of the services the cooperative provides, and they must meet the requirements of paragraph 1 of section 4."

6. Section 8 of the said Act is amended by inserting "whose object concerns him" after "cooperative" in the first line.

7. Section 9 of the said Act is amended by striking out paragraph 2.

8. Section 11 of the said Act is replaced by the following section:

"**11.** The articles of the cooperative signed by each founder shall be forwarded to the Minister."

9. Section 12 of the said Act is amended

(1) by inserting the following paragraph after paragraph 4:

"(4.1) a document describing the cooperative's business plan and the needs it can meet;";

(2) by replacing paragraph 5 by the following paragraph:

"(5) any other document or information required by the Minister for the examination of the application."

10. Section 13 of the said Act, amended by section 295 of chapter 45 of the statutes of 2002, is again amended

(1) by replacing "and the fees prescribed by government regulation" in the first and second lines of the first paragraph by ", the fees prescribed by government regulation and any other document or information required by the Minister";

(2) by replacing "on each copy of the articles" in the first line of subparagraph 1 of the second paragraph by "on the articles";

(3) by striking out "one duplicate of" in subparagraph 2 of the second paragraph;

(4) by replacing "one duplicate" in subparagraph 3 of the second paragraph by "a certified copy";

(5) by replacing "one copy" in the first line of subparagraph 4 of the second paragraph by "a certified copy";

(6) by replacing "if they are sent" in the second line of the third paragraph by "if a certified copy of the articles is sent".

11. Section 15 of the said Act is replaced by the following section:

"**15.** The name of the cooperative must be in accordance with section 13 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45)."

12. Section 16 of the said Act is amended by striking out ", "cooprix"" in the second line of the first paragraph.

13. Section 20 of the said Act is amended by adding the following sentence at the end of the first paragraph: "It must file a declaration to that effect in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons."

14. Section 21 of the said Act is replaced by the following section:

"**21.** The founders must hold an organization meeting at the latest six months after the date the cooperative is constituted."

15. Section 22 of the said Act is amended by replacing "or unable to act," in the first line of the second paragraph by "or is unable or refuses to act,".

16. Section 23 of the said Act is amended by replacing "has an interest as" in the third line of the first paragraph by "is capable of actually being".

17. Section 25 of the said Act is repealed.

18. Section 30 of the said Act is amended

(1) by inserting "on administration by the meeting" after "agreement" in the second line of paragraph 1;

(2) by adding "and binding" at the end of paragraph 4.

19. Section 33 of the said Act is replaced by the following section:

"**33.** The head office of a cooperative must at all times be located in Québec.

The general meeting may change the location of the cooperative's head office. The cooperative must give notice of the change by filing a declaration to that effect in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons."

20. Sections 33.1 to 36 of the said Act are repealed.

21. Section 37 of the said Act is amended by replacing "and preferred shares" in the first paragraph by ", preferred shares and participating preferred shares".

22. Section 38 of the said Act is amended by replacing "considers" in the first line of paragraph 2 by "shows".

23. Section 38.2 of the said Act is amended by replacing "and the by-laws" in the third line by " and the by-laws and resolutions".

24. Section 46 of the said Act is amended by inserting "to any person or partnership" after "share" at the end of the first paragraph.

25. Section 47 of the said Act is amended by adding "or they must be attached to a copy of the resolution that determines the characteristics of the shares" at the end.

26. Section 49.1 of the said Act is amended by inserting "or partnership" after "person" in the second line of the first paragraph.

27. Section 49.2 of the said Act is amended by adding "or be accompanied by a copy of the by-law that determines the characteristics of the shares" at the end.

28. Section 50 of the said Act is amended by inserting "or partnership" after "person" in the first line.

29. Section 51 of the said Act is amended by replacing "have an interest as" in paragraph 1 by "be capable of actually being".

30. The first paragraph of section 52 of the said Act is amended by inserting "The by-law shall indicate the reasons for creating the class of auxiliary members." after the first sentence and by replacing " has an interest as" in the fourth and fifth lines by "is capable of actually being".

31. The said Act is amended by inserting the following section after section 52:

"**52.1.** In addition to the provisions of a by-law made under section 52, the auxiliary members are governed by the provisions of this Act that apply expressly to them and by paragraphs 1, 5, 6 and 7 of section 4, paragraph 5 of section 27, subparagraph 2 of the first paragraph of section 28, sections 38.1, 38.2, 43, 44, 51.1, 51.2 and 55 to 60, paragraphs 6 and 7 of section 90, section 128, paragraph 3 of section 132 and sections 140, 152, 193.1, 193.3, 219.1, 220, 221.1, 221.6 and 224.1."

32. The said Act is amended by inserting the following section after section 54:

"**54.1.** The cooperative may by by-law determine conditions for the use of mediation to facilitate the settlement of any dispute between a member or auxiliary member and the cooperative."

33. Section 57 of the said Act is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

"(1.1) if he no longer is capable of actually being a user of the cooperative's services;".

34. Section 58 of the said Act is amended by replacing the third paragraph by the following paragraphs:

"The decision is taken by two-thirds of the votes cast by the directors present.

Within 15 days of its decision, the cooperative shall give the member written notice with reasons of his suspension or expulsion, which shall become effective on the date specified in the said notice."

35. Section 60.1 of the said Act is amended by inserting "a shareholding workers cooperative or a solidarity cooperative consisting of members who are workers of the cooperative," after "work cooperative," in the first line of subparagraph 3 of the first paragraph.

36. The heading of Division III of Chapter IX of Title I of the said Act is replaced by the following heading:

"AGREEMENT ON ADMINISTRATION BY THE MEETING OF THE MEMBERS".

37. Section 61 of the said Act is amended by striking out the third paragraph.

38. Section 62.1 of the French text of the said Act is amended by replacing "réunions" in the first line by "assemblées".

39. The said Act is amended by inserting the following section after section 62.1:

"**62.2.** If the members have agreed not to elect directors, the cooperative is only required to give notice of its annual meeting to the federation of which it is a member."

40. Section 64 of the said Act is amended by replacing the second paragraph by the following paragraph:

"If the quorum determined by by-law is not present, the meeting may be reconvened. If the quorum is not present at the second meeting, the meeting

may validly be held and must concern itself with the same matters as those indicated in the first notice of a meeting."

41. Section 65 of the said Act is amended

(1) by inserting the following sentence at the end of the first paragraph: "The notice must indicate the place, date and time of the meeting and the matters to be discussed.";

(2) by adding the following sentence at the end of the second paragraph: "The notice must also be given to the federation of which the cooperative is a member within the same time.";

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

"A representative of the federation may attend and speak at the meeting."

42. Section 69 of the said Act is amended by inserting ", in his absence," after "the meeting" in the third line of the first paragraph.

43. Section 76 of the said Act is amended

(1) by adding the following paragraph after paragraph 7:

"(8) take part in a question period on any matter within the competence of the meeting.";

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

"If the cooperative fails to hold an annual meeting of its members within the prescribed time, the board of directors of the federation of which the cooperative is a member may call the annual meeting. The cooperative shall reimburse the federation for reasonable expenses incurred by the federation to hold the meeting."

44. The said Act is amended by inserting the following section after section 76:

"**76.1.** The cooperative may by by-law prescribe that a copy of the annual report be sent with the notice of its annual meeting or that it be made available in a place specified in the notice of a meeting."

45. Section 77 of the said Act is amended

(1) by striking out the second paragraph;

(2) by adding the following sentence at the end of the third paragraph: "The requisition must specify the matters to be put on the agenda of the special meeting."

46. Section 78 of the said Act is amended by adding the following paragraphs at the end:

"In such a case, the federation or the signatories may obtain a copy of the list referred to in paragraph 5 of section 124.

Unless the members object thereto by resolution at the meeting, the cooperative shall reimburse those who called the meeting for reasonable expenses incurred by them to hold the meeting."

47. Section 79 of the said Act is amended by adding the following sentence at the end: "The matters specified in the requisition must also be stated in the notice, with an indication of those which may be deliberated on and decided by the general meeting."

48. The said Act is amended by inserting the following section after section 79:

"**79.1.** The cooperative may by by-law authorize participation in a special meeting by means of communication enabling all participants to communicate with each other. The by-law sets out the requirements that apply to the holding of such a meeting, including those that apply to a vote.

Those who participate in the meeting in this manner are deemed to have attended the meeting."

49. Section 80 of the said Act is amended by replacing "five" by "three" in the first paragraph.

50. Section 81 of the said Act is amended

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

"The representative of a financial services cooperative within the meaning of the Act respecting financial services cooperatives and the representative of a federation or confederation within the meaning of this Act may be a director, provided the financial services cooperative or the federation or confederation is a group within the meaning of section 83.";

(2) by replacing " or in a solidarity cooperative" in the second line of the third paragraph by ", in a shareholding workers cooperative or in a solidarity cooperative consisting of members who are workers of the cooperative".

51. Section 81.1 of the said Act is amended

(1) by striking out the second paragraph;

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

"During their terms of office, these directors also have the right to be convened to and attend a general meeting with the right to speak."

52. The said Act is amended by inserting the following section after section 81.1:

"**81.1.1.** The number of positions held by persons referred to in the second paragraph of section 81 and in section 81.1 must not exceed one-third of the total number of directors' positions."

53. Section 82 of the said Act is amended by inserting ", a shareholding workers cooperative or a solidarity cooperative consisting of members who are workers of the cooperative" after "cooperative" in the first line of paragraph 3.

54. Section 83 of the said Act is amended by replacing the third paragraph by the following paragraph:

"A financial services cooperative governed by the Act respecting financial services cooperatives or a federation or a confederation governed by this Act may constitute a group even though it is not a member of the cooperative."

55. Section 85 of the said Act is amended

(1) by replacing "before the next annual meeting, the meeting may fill the vacancy" in the third line of the first paragraph by ", the vacancy may be filled at a general meeting";

(2) by adding the following sentence at the end of the third paragraph: "The cooperative shall reimburse those who called the meeting for reasonable expenses incurred by them to hold the meeting."

56. Section 88 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

"**88.** Within 15 days from any change in the composition of the board of directors, the cooperative shall give notice of the change by filing a declaration to that effect in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons."

57. Section 89 of the said Act is amended

(1) by adding the following sentence at the end of the second paragraph: "The meeting may not require that the board of directors obtain its authorization to exercise the powers expressly granted to the board under other provisions of this Act.";

(2) by adding "or auxiliary members" after "members" in the third line of the third paragraph;

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

"The board of directors may not sell, rent or exchange all or substantially all the property of the cooperative, outside the normal course of its business, unless it is authorized to do so by a by-law adopted by three quarters of the votes cast by the members or their representatives present at a general meeting."

58. Section 90 of the said Act is amended

(1) by adding "that takes into account the repayment of shares anticipated in the annual report" at the end of paragraph 4.1;

(2) by replacing paragraph 6 by the following paragraph:

"(6) promote the training of the members, directors, executive officers and employees of the cooperative in the field of cooperation and encourage information of the public on the nature and advantages of cooperation;";

(3) by replacing paragraph 7 by the following paragraphs:

"(7) promote cooperation among the members, between the members and the cooperative and between the cooperative and other cooperative organizations;

"(7.1) encourage support of development efforts in the community where the cooperative operates;";

(4) by replacing "of this title" in the second and third lines of paragraph 8 by "of this Act".

59. Section 93 of the said Act is amended by replacing "of the members" in the first paragraph by "of the number of directors determined by by-law in accordance with section 80".

60. Section 95 of the said Act is replaced by the following section:

"**95.** Subject to the by-laws, the directors may, if a majority of them agree, participate in a meeting of the board by using means of communication enabling all participants to communicate with each other. Those who participate in the meeting in this manner are deemed to have attended the meeting."

61. Section 103 of the said Act is amended by adding ", or if the proceeding has been withdrawn or dismissed" at the end of the second paragraph.

62. Section 106 of the said Act is amended by inserting "and for the decision" after "deliberation" in the first line of the second paragraph.

63. Section 107 of the said Act is replaced by the following section:

"**107.** If the board of directors is composed of at least six members, it may, if so authorized by the by-laws, establish an executive committee composed of directors.

The number of members of the executive committee may not exceed half the number of directors and may not be less than three."

64. Section 120 of the said Act is replaced by the following section:

"**120.** The articles of amendment shall be accompanied with an application for the amendment of the articles, signed by the director authorized to sign the articles of amendment, with an attestation of the secretary establishing that the cooperative has met the requirements of section 119 and with any other document or information required by the Minister for the examination of the application.

The articles of amendment signed by a director shall be sent to the Minister."

65. Section 121 of the said Act, amended by section 295 of chapter 45 of the statutes of 2002, is replaced by the following section:

"**121.** On receiving the articles of amendment, the accompanying documents, the fees prescribed by government regulation and any other required document or information, the Minister may, if he or she considers it advisable, accept the amendment.

For that purpose, the Minister, in addition to the procedure set out in subparagraphs 2 and 3 of the second paragraph of section 13, shall endorse "articles amended" on the articles of amendment, with the date of approval, followed by the signature of the Minister or of the Minister's designee.

The Minister shall send a certified copy of the articles of amendment to the enterprise registrar, who shall deposit them in the register.

The amendment is effective from the date of the Minister's approval appearing on the articles of amendment or any subsequent date that is mentioned in the articles."

66. Section 123 of the said Act is amended by adding the following paragraph at the end:

"Where the notice of meeting is given in writing, it shall be accompanied with a copy or summary of any draft by-law appearing on the agenda. Where another manner of calling the meeting is used, the cooperative must make a copy of those documents available at a place designated in the notice of the meeting."

67. Section 124 of the said Act is amended

(1) by inserting "on administration by the meeting" after "agreement" in the first line of paragraph 1;

(2) by replacing paragraph 2 by the following paragraph:

"(2) a list of its directors and executive officers stating their names and domiciles and stating, where applicable, the starting date and duration of their terms of office;";

(3) by replacing paragraph 5 by the following paragraph:

"(5) a list of the members, auxiliary members and other shareholders stating their names and their last known addresses;".

68. Section 127 of the said Act is amended by replacing "of the agreement of the members" in the fourth line of the first paragraph by "of the resolutions that determine the characteristics of the shares issued by the cooperative and of the agreement".

69. The said Act is amended by inserting the following sections after section 127:

"**127.1.** A holder of shares in the cooperative may obtain a copy of the resolution or by-law that determines the characteristics of those shares.

A shareholder may also consult the last annual report, during the cooperative's usual office hours.

"**127.2.** The cooperative may require that a member or shareholder declare in writing that the information obtained under section 127 or 127.1 will be used solely for the exercise of the rights of the member or shareholder under this Act."

70. The said Act is amended by inserting the following sections after section 128:

"**128.1.** A cooperative must carry on with its members a proportion of its total business according to a percentage determined by government regulation.

In the case of a solidarity cooperative, this proportion is calculated separately for the members who are users of the cooperative and for those who are workers of the cooperative.

The total business of a cooperative includes business done by a subsidiary of the cooperative or by a trust company to which the cooperative transfers property that is part of its patrimony.

"**128.2.** Where the cooperative does not indicate in its annual report the proportion of its business done with its members, that proportion is deemed to be less than the proportion prescribed by government regulation, except if the cooperative establishes that proportion by attestation from its auditor within 90 days of receipt of a notice to that effect."

71. Section 130 of the said Act is amended by adding the following paragraph at the end:

"If the fiscal year ends on another date, the cooperative shall notify the Minister."

72. Section 132 of the said Act is amended

(1) by replacing "names and domiciles" in paragraph 2 by "names";

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

"(2.1) a mention, if such is the case, that the members have agreed not to elect any directors for that year;";

(3) by inserting the following paragraph after paragraph 4:

"(4.1) a statement of the capital stock, including requests for repayment of shares, and the anticipated repayment of the shares;";

(4) by inserting the following paragraph after paragraph 5:

"(5.1) the date of the annual meeting;";

(5) by inserting the following paragraph after paragraph 6:

"(6.1) where applicable, the name of the federation with which the cooperative is affiliated;".

73. Section 146 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"**146.** The members must allocate at least 10% of the operating surplus or surplus earnings to the reserve and, in addition, they must allocate to the reserve or allot as rebates in the form of shares an additional percentage of at least 10% of the operating surplus or surplus earnings.

The cooperative must comply with this total obligation of allocation until equity is equal to at least 40% of the debts of the cooperative."

74. Section 148 of the said Act is amended by adding "and the payment of interest on any category of preferred shares it has determined" at the end.

75. The said Act is amended by inserting the following sections after section 149:

"**149.1.** A producers cooperative, a work cooperative or a shareholding workers cooperative may by by-law constitute a reserve, to be known as an "enhancement reserve", in order to enhance the use of the cooperative's services.

"**149.2.** The by-laws may provide that the sums making up the enhancement reserve may be allotted in the form of rebates to the persons or partnerships who ceased to be members or auxiliary members of the cooperative following their resignation or otherwise.

The by-laws may also provide that, should there be a winding-up of the cooperative, the sums making up the enhancement reserve will be remitted in the manner and under the conditions set out in section 185.

"**149.3.** The board of directors of a cooperative that has constituted an enhancement reserve may, to the extent that the reserve presents a positive balance and within the limits set in the second paragraph, allocate to the enhancement reserve part of the operating surplus or surplus earnings that cannot be allotted to the members or auxiliary members.

Only a proportion of the operating surplus or surplus earnings equal to the proportion of business done by the members or auxiliary members with the cooperative or with a company or partnership in which the cooperative holds shares or other securities may be allocated to the enhancement reserve.

Any deficit must first be charged to the enhancement reserve.

"**149.4.** Where the by-laws of the cooperative contain provisions for the purposes of the first paragraph of section 149.2, the board of directors may, as part of a policy it establishes, allot a rebate to the persons or partnerships referred to in that section.

The rebate shall be allotted in proportion to the business done by those persons or partnerships with the cooperative or with a company or partnership in which the cooperative holds shares or other securities during the period determined by the by-laws.

The allotment of the rebate is subject to the conditions set out in section 38, with the necessary modifications.

"**149.5.** Where the by-laws of the cooperative contain provisions for the purposes of the second paragraph of section 149.2, a shareholding workers cooperative which, upon its winding-up, earns a profit on the disposal of its shares may pay into the enhancement reserve a portion of this profit equal to the average proportion of the business done by the cooperative with its members and auxiliary members, if any, during the five fiscal years preceding the year the winding-up was voted.

"**149.6.** The annual report of a cooperative that has constituted an enhancement reserve must, in addition to the other requirements of this Act, present a statement concerning the enhancement reserve, including the total amount of the rebates allotted from the enhancement reserve for the fiscal year concerned."

76. Section 155 of the said Act is amended

(1) by striking out ", the judicial district in which its domicile is situated" in the first and second lines of paragraph 1;

(2) by replacing "Chapter I" in the third line of paragraph 5.3 by "Division I of Chapter I".

77. Section 160 of the said Act is amended

(1) by striking out paragraph 4;

(2) by replacing "a notice" in paragraph 5 by "an attestation";

(3) by replacing paragraph 6 by the following paragraph:

"(6) an attestation, signed by the auditor appointed by the special general meetings which approved the articles of amalgamation, establishing that the cooperative resulting from the amalgamation meets the requirements of sections 154 and 154.1;";

(4) by replacing paragraph 7 by the following paragraph:

"(7) any other document or information required by the Minister for the examination of the petition."

78. Section 161 of the said Act is replaced by the following section:

"**161.** The articles of amalgamation signed by a director of each of the cooperatives must be sent to the Minister."

79. Section 162 of the said Act is amended

(1) by replacing "and the fees prescribed by government regulation" in the second line of the first paragraph by ", the fees prescribed by government regulation and any other required document or information";

(2) by striking out "each copy of" in the third line of the second paragraph.

80. Section 162.1 of the said Act, amended by section 295 of chapter 45 of the statutes of 2002, is again amended by replacing "one copy" in the first line by "a certified copy".

81. Section 163 of the said Act is amended

(1) by adding the following sentence at the end of the second paragraph: "Proceedings pending by or against the amalgamating cooperatives may be continued without continuance of suit.";

(2) by inserting "and auxiliary members, if any," after "members" in the fifth line of the third paragraph.

82. Section 165 of the said Act is amended by striking out ", the judicial district in which its domicile is situated" in the first and second lines of paragraph 1.

83. Section 170 of the said Act is amended by replacing paragraphs 4 to 6 by the following paragraphs:

"(4) an attestation of the absorbed cooperative establishing that the cooperative has met the requirements of section 166;

"(5) an attestation of the absorbing cooperative establishing that the cooperative has met the requirements of section 168;

"(6) an attestation of the auditor of the absorbing cooperative establishing that the cooperative has met the requirements of sections 154 and 154.1;

"(7) any other document or information required by the Minister for the examination of the petition."

84. Section 171 of the said Act is amended by inserting "154.1," after "154,".

85. Section 171.1 of the said Act, amended by section 295 of chapter 45 of the statutes of 2002, is again amended by replacing "a copy" in the first line by "a certified copy".

86. Section 172 of the said Act is amended

(1) by replacing "its members to become members" in the first paragraph by "its members and auxiliary members to become members and auxiliary members";

(2) by inserting "and auxiliary members, if any," after "members" in the fifth line of the second paragraph.

87. Section 173 of the said Act is amended by striking out "and the regulations thereunder" in the second and third lines of paragraph 2.

88. Section 174 of the said Act is amended

(1) by striking out "and the regulations thereunder" in the fourth line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"The articles must be accompanied with the documents referred to in paragraphs 1, 3 and 7 of section 160 and with the following documents:

(1) an attestation of the amalgamating cooperative establishing that the cooperative has met the requirements of section 173;

(2) an attestation of the amalgamating company establishing that the company has met the requirements of section 173;

(3) an attestation of the auditor of the amalgamating cooperative establishing that the cooperative resulting from the amalgamation meets the requirements of sections 154 and 154.1."

89. Section 175 of the said Act is amended by inserting ", 154.1" after "154" in the first line.

90. The said Act is amended by inserting the following division after section 176:

"DIVISION V

"AMALGAMATION BETWEEN A COOPERATIVE AND A LEGAL PERSON GOVERNED BY PART III OF THE COMPANIES ACT

"**176.1.** A cooperative and a legal person governed by Part III of the Companies Act (chapter C-38) having similar or related objects may amalgamate to constitute a cooperative.

"**176.2.** Sections 154 to 163 apply to the amalgamation, with the necessary modifications, except paragraphs 4, 5, 5.1 and 6 of section 155 and the third paragraph of section 163, which apply only to the amalgamating cooperative.

In addition to the requirements set out in section 155, the agreement of amalgamation must provide for the subscription and payment by the members of the legal person of shares of the cooperative resulting from the amalgamation."

91. Section 184 of the said Act is replaced by the following section:

"**184.** The liquidator shall, within the time and in respect of the period determined by the Minister, transmit, at the request of the Minister, a summary report of the liquidator's activities or any document or information required by the Minister concerning the conduct of the winding-up."

92. Section 185 of the said Act is amended

(1) by adding "or a resolution" at the end of the first paragraph;

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

"Where the by-laws of a producers cooperative, a work cooperative or a shareholding workers cooperative contain provisions for the purposes of the second paragraph of section 149.2, the balance remaining in the enhancement reserve, if any, shall be paid to the persons or partnerships that were members or auxiliary members of the cooperative during the period covering the five fiscal years preceding the year the winding-up was voted, in proportion to the business done with the cooperative or with a company or partnership in which the cooperative held shares or other securities during the period determined by the cooperative's by-laws by those persons or partnerships.

The balance remaining in the enhancement reserve mentioned in the preceding paragraph is the balance appearing on the balance sheet of the cooperative established by the liquidator, minus the net loss from the disposal of the cooperative's assets.

In the case of a cooperative to which section 149.5 applies, the balance includes, as the case may be, the portion of any profit earned on the disposal of the shares of the cooperative that may be paid into the enhancement reserve."

93. Section 185.2 of the said Act is amended by replacing "10,000" in the first line of the first paragraph by "25,000".

94. The said Act is amended by inserting the following section after the heading of Chapter XXIV of Title I:

"**185.5.** When, upon examination of its annual report, the Minister finds that the cooperative has failed to comply with the requirements of the law, the Minister may require that the board of directors produce, within a specified time, a cooperative compliance program in accordance with the Minister's recommendations and a report on the implementation of the program.

The Minister may also require that the board of directors present the recommendations submitted to the cooperative, the compliance program and the program implementation report at the annual meeting following their production."

95. Section 186 of the said Act is amended

(1) by striking out paragraphs 2 and 5;

(2) by replacing paragraph 6 by the following paragraph:

"(6) if the compliance program referred to in section 185.5 has not been produced or implemented within the time prescribed in the notice provided for in section 188."

96. Section 187 of the said Act is amended by replacing "to the cooperative, its interim secretary or the liquidator, as the case may be, notice" in the second and third lines of the first paragraph by "notice to the cooperative".

97. Section 188 of the said Act is replaced by the following section:

"**188.** If the cooperative fails to produce the compliance program provided for in section 185.5 or fails to implement the program to the Minister's satisfaction within the time prescribed, the Minister shall give notice to the cooperative of the default and of the penalty to which the cooperative is liable.

If the cooperative fails to remedy the default within 60 days after the date of the notice, the Minister, after requesting the cooperative to continue under Part IA or Part III of the Companies Act within a specified time, may order the cooperative dissolved.

If the cooperative continues under the Companies Act, it must, in accordance with the terms of an agreement with the Conseil de la coopération du Québec, pay to that council an amount equal to the amount of the reserve that appears in its financial statements at the end of the last fiscal year prior to the continuance."

98. Section 188.1 of the said Act is repealed.

99. The heading of Chapter I of Title II of the said Act is replaced by the following:

"PRODUCERS COOPERATIVES

"**193.1.** A producers cooperative is a cooperative whose principal object is to provide its members, who are producers within the meaning of section 193.2, with goods and services necessary to their professional practice or the operation of an enterprise.

"**193.2.** A producer is a person or partnership that provides services or produces goods within a profession or as a business, in order to earn a livelihood or professional or business income that is the person's or partnership's principal professional or business income.

"**193.3.** A cooperative may by by-law establish supplementary conditions in respect of the admission, expulsion or suspension of members.

"**193.4.** A cooperative may by by-law subject any producer to a trial period of not more than 12 months. During the trial period, the producer is an auxiliary member.

In that case, the cooperative must also adopt the by-law provided for in section 52.

"DIVISION I

"AGRICULTURAL COOPERATIVES".

100. Section 197 of the said Act is amended by replacing "this chapter" in the first line by "this division".

101. Section 198 of the said Act is repealed.

102. Section 202 of the said Act is amended by replacing ", expulsion or placing under tutorship or curatorship of a member" in the first and second lines by "or expulsion of a member or auxiliary member".

103. Section 208 of the said Act is amended by replacing "persons who" in the second line of the first paragraph by "persons or partnerships that".

104. Section 211.1 of the said Act is amended by replacing " have an interest as" in paragraph 1 by "be capable of actually being".

105. Section 211.4 of the said Act is amended by replacing "in" in the fourth line by "at the meeting of".

106. Section 211.5 of the said Act is amended by replacing "this chapter" in the fourth line of the first paragraph by "this division".

107. The heading of Chapter IV of Title II of the said Act is replaced by the following:

"CONSUMER COOPERATIVES

"**219.1.** A consumer cooperative is a cooperative whose principal object is to provide its members with goods and services for their personal use.

"DIVISION I

"HOUSING COOPERATIVES".

108. Section 221.2 of the said Act is amended by replacing "three" in the second line by "six".

109. The said Act is amended by inserting the following sections after section 221.2:

"**221.2.1.** A housing cooperative must adopt the by-law provided for in section 54.1 during its general organization meeting.

A housing cooperative constituted before (*insert the date of coming into force of this section*) has up to 12 months from that date to adopt the by-law referred to in the first paragraph.

"**221.2.2.** In addition to the requirements set out in section 132, the annual report of a housing cooperative must state the number of dwelling units that belong to the cooperative.

"**221.2.3.** Where a building belonging to a housing cooperative has been built, acquired, restored or renovated under a government housing assistance program, the cooperative must

(1) set up a reserve sufficient to ensure the sound and prudent management, maintenance and preservation of the building;

(2) name an auditor in compliance with the second paragraph of section 135;

(3) have the building inspected by an expert at least every five years and submit the expert's report at the cooperative's meeting that follows the filing of the report;

(4) prepare a five-year plan for the maintenance and preservation of the building and the related budgets;

(5) in its annual report, in addition to the requirements set out in section 132, report on the maintenance and preservation work done on the building, and on the related budgets."

110. Title II of the said Act is amended by replacing the heading "CHAPTER IV.I" by "DIVISION II".

111. Section 221.3 of the said Act is replaced by the following sections:

"**221.3.** A students' cooperative is a cooperative whose members are the students and staff of the educational institution in which it has a permanent place of business and offers its services. The educational institution may also be a member of the cooperative.

Where the educational institution is a school, a vocational training centre or an adult education centre governed by the Education Act (chapter I-13.3), the governing board shall decide on the institution's membership in the cooperative.

"**221.3.1.** A students' cooperative shall at all times have a head office in at least one educational institution where it offers its services."

112. Section 221.4 of the said Act is amended by replacing "premises in a facility of the institution" in the third and fourth lines by "its head office and a permanent place of business in a facility of the educational institution".

113. The said Act is amended by inserting the following section after section 221.4:

"**221.4.1.** The board of directors of a students' cooperative may designate persons authorized to admit members in its name."

114. The said Act is amended by inserting the following section after section 221.5:

"**221.5.1.** The students and the staff of the educational institution constitute groups of members within the meaning of section 83, and each group has the right to elect at least one director.

Where a cooperative offers its services in more than one institution, the students of the educational institutions and the staff of the educational institutions constitute two distinct groups of members within the meaning of section 83, and each group has the right to elect at least one director.

The cooperative may by by-law provide for the election of other directors by the meeting."

115. Section 221.6 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing "It may also" in the first line of the second paragraph by "The cooperative may by by-law".

116. The said Act is amended by inserting the following section after section 221.6:

"**221.6.1.** The name of a students' cooperative may include one of the following expressions: "students' cooperative", "students' coop", "students cooperative", "students coop", "student cooperative", "student coop", "school community cooperative" and "school community coop".

Only a students' cooperative may use those expressions or include any of them in its name."

117. Section 222 of the said Act is replaced by the following section:

"**222.** A work cooperative is a cooperative made up exclusively of natural persons who, as workers, join together to operate an enterprise pursuant to the rules of cooperative action, and whose object is to provide work to its members and auxiliary members."

118. Section 223.1 of the said Act is replaced by the following section:

"**223.1.** At least three founders are required to apply for the constitution of a work cooperative."

119. Sections 223.2 and 224 of the said Act are repealed.

120. Section 224.2 of the said Act is amended

(1) by replacing "24" in the third line of the first paragraph by "18";

(2) by replacing the second paragraph by the following paragraph:

"The cooperative shall pass the by-law provided for in section 52 in respect of workers on trial. It may not provide for other categories of auxiliary members."

121. The said Act is amended by inserting the following section after section 224.2:

"**224.2.1.** At the end of a 30-day period following the end of the trial period, a worker on trial who is in the employ of the cooperative becomes a member of the cooperative."

122. The said Act is amended by inserting the following sections after section 224.4:

"**224.4.1.** The termination of the employer-employee relationship entails the loss of member or auxiliary member status.

In the case of a lay-off, a worker ceases to be a member or auxiliary member upon being informed in writing by the cooperative that it does not intend to recall the worker to work or 24 months after the worker's last period of work for the cooperative, whichever occurs first.

"**224.4.2.** A cooperative that has more than 50 members and auxiliary members must by by-law

(1) form a liaison committee between the members and auxiliary members and the board of directors to greet new members or auxiliary members and to ensure that the enterprise implements the rules of cooperative action;

(2) determine the operating rules of the liaison committee.

A by-law under this section must be passed at the latest during the first annual meeting following the date the cooperative's membership rises above 50 members and auxiliary members.

"**224.4.3.** The cooperative is required to ensure the on-going cooperative training of its members, auxiliary members, directors and executive officers.

"**224.4.4.** In its annual report, in addition to the requirements set out in section 132, the cooperative must report on

(1) any liaison committee activities;

(2) the participation of members, auxiliary members, directors and executive officers in cooperative training activities."

123. Section 224.5 of the said Act is replaced by the following section:

"**224.5.** The cooperative may hire a person who does not have member or auxiliary member status to do short-term casual work."

124. Section 224.6 of the said Act is amended by adding "within the meaning of section 69" at the end.

125. The said Act is amended by inserting the following section after section 224.6:

"**224.7.** Rebates are calculated on the basis of the amount of work performed by a member or auxiliary member during the last fiscal year for the cooperative or for the company or partnership in which the cooperative is a shareholder or partner.

The amount of work may be measured by the income of the member or auxiliary member, the number of hours of work or any other scale determined by the by-laws.

Notwithstanding the first paragraph, the cooperative may by by-law provide that rebates are calculated on the basis of the volume of work performed during a period covering not more than its last four fiscal years.

The rebate rate may vary according to the nature of the transactions in which the member or auxiliary member has participated."

126. Sections 225 to 226 of the said Act are replaced by the following:

"CHAPTER VI

"SHAREHOLDING WORKERS COOPERATIVES

"**225.** A shareholding workers cooperative is a cooperative made up exclusively of natural persons for the purpose of acquiring and holding shares in the company that employs them and whose object is to provide work to its members and auxiliary members through the enterprise operated by that company.

The cooperative enables its members and auxiliary members collectively to be shareholders in the company through the cooperative and is deemed to prosecute an enterprise within the meaning of section 3.

"**225.1.** The cooperative must be a party to a written agreement among the shareholders of the company. This agreement must provide for the presence of at least one representative of the cooperative on the company's board of directors.

"**225.2.** The cost at which the cooperative acquires voting and participating shares must exceed thirty percent of the total cost of the shares it acquires in the company.

"**225.3.** A shareholder of the company may not act as a founder of the cooperative for the purpose of constituting the cooperative and holding the organization meeting. Nor may a shareholder of the company who holds more than twenty percent of the company's voting shares be a member of the cooperative.

"**225.4.** Any worker in the enterprise operated by the company in which the cooperative holds shares who meets the requirements of the law and those set out in the by-laws of the cooperative has the right to become a member of the cooperative.

"**225.5.** In addition to the powers conferred by section 82, the cooperative may by by-law provide that a member who holds shares in the company in which the cooperative holds shares is ineligible as a director of the cooperative.

"**225.6.** In its annual report, in addition to the requirements provided for in section 132, the cooperative must

(1) state the name of the cooperative's representative on the company's board of directors;

(2) state the percentage of the company's voting and participating shares held by the cooperative, the acquisition cost of those shares and the total acquisition cost of the shares the cooperative holds in the company;

(3) report on any liaison committee activities;

(4) report on the participation of the members, auxiliary members, directors and executive officers in the cooperative training activities."

"**225.7.** Sections 223.1, 224.1, 224.1.1, 224.2, 224.4.1 to 224.4.3, 224.6 and 224.7 apply, with the necessary modifications, to a shareholding workers cooperative.

"**225.8.** Sections 225.1 to 225.3 and paragraphs 1 and 2 of section 225.6 apply only to cooperatives constituted after (*insert the date of coming into force of this section*)."

127. The said Act is amended by replacing "TITLE II.1" and its heading by "CHAPTER VII" and the heading "SOLIDARITY COOPERATIVES".

128. Section 226.1 of the said Act is replaced by the following sections:

"**226.1.** A solidarity cooperative is a cooperative consisting of at least two of the following categories of members:

(1) user members, that is, persons or partnerships that are users of the services provided by the cooperative;

(2) worker members, that is, natural persons who are workers of the cooperative;

(3) supporting members, that is, any other person or partnership that has an economic, social or cultural interest in the pursuit of the objects of the cooperative.

"**226.1.1.** A person or partnership that is a member of a solidarity cooperative may be part of only one category of members.

"**226.1.2.** Notwithstanding the second paragraph of section 7, persons or partnerships that have an economic, social or cultural interest in the pursuit of the objects of the cooperative may apply for the constitution of a solidarity cooperative, provided they form a minority of the founders."

129. Section 226.3 of the said Act is amended by replacing "the second paragraph" in the first line by "paragraph 3".

130. Section 226.6 of the said Act is amended by inserting "and the persons referred to in the second paragraph of section 81 and in section 81.1" after "members" in the first line of the third paragraph.

131. Section 226.7 of the said Act is amended by striking out ", if any".

132. Section 226.8 of the said Act is amended by replacing "a member's income" in the first and second lines of the second paragraph by "the income of the member or auxiliary member".

133. Section 226.9 of the said Act is amended by replacing "no longer includes users or no longer includes workers" in the first paragraph by "includes only users or workers".

134. Section 226.11 of the said Act is repealed.

135. Section 226.14 of the said Act is replaced by the following sections:

"**226.14.** Where the services provided by a solidarity cooperative to its user members are the acquisition or use of a house or dwelling, sections 221 to 221.2.3 apply to the cooperative, with the necessary modifications.

"**226.15.** Where one of the objects of a solidarity cooperative is to provide work to its members and auxiliary members, sections 224.1, 224.1.1, 224.2, 224.2.1 and 224.4 to 224.6 apply, with the necessary modifications, to the worker members and workers on trial of the cooperative."

136. The said Act is amended by inserting the following section after section 230:

"**230.1.** In addition to the documents provided for in section 12, the articles must be accompanied with an attestation by each of the founding cooperatives establishing that the cooperative meets the requirements of section 229 and that it has designated the persons authorized to sign the articles in its name."

137. Section 233 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraph:

"(2) establish training, technical assistance and promotional services;";

(2) by inserting "or partnerships" after "persons" in the first line of paragraph 8.

138. The said Act is amended by inserting the following sections after section 233:

"**233.1.** In addition to the powers conferred by section 233, a federation may, if its by-laws so provide, cause the affairs of its members to be inspected.

The by-laws shall determine the cases and manner in which this power of inspection may be used.

Subject to the by-laws, the costs, fees and expenses of the inspection are chargeable to the cooperative that is inspected.

"**233.2.** The federation must, within a reasonable time, present an inspection report to the general meeting of the cooperative and inform the meeting of its recommendations.

"**233.3.** A cooperative that is inspected must maintain its membership in the federation for as long as the inspection report has not been presented to the general meeting."

139. Section 239 of the said Act is replaced by the following section:

"**239.** The majority of the directors of a federation must be chosen from among the directors of its members.

The representative of any financial services cooperative within the meaning of the Act respecting financial services cooperatives may also be a director if the financial services cooperative constitutes a group pursuant to section 83.

The federation may also provide by by-law that directors may be chosen from among the members or officers of its members.

No employee of the federation may be elected as a director."

140. The said Act is amended by inserting the following sections after section 239:

"**239.1.** The by-laws may provide that auxiliary members or persons other than those referred to in section 239 are eligible as directors.

The candidacy of such persons shall be recommended to the meeting by the board of directors.

"**239.2.** The number of positions held by the representative of a financial services cooperative within the meaning of the Act respecting financial services cooperatives and by the persons referred to in section 239.1 must not exceed one third of the total number of directors' positions."

141. The said Act is amended by inserting the following section after section 240:

"**240.1.** If so authorized by the by-laws, the board of directors of a federation may establish, in addition to an executive committee, other committees composed of directors, determine their mandate and delegate certain powers to them.

Such committees shall report to the board of directors."

142. Section 244 of the said Act is amended

(1) by striking out paragraphs 2, 4, 5 and 6.1 to 6.3;

(2) by adding "and the manner of keeping these documents" at the end of paragraph 3;

(3) by replacing paragraph 11 by the following paragraphs:

"(11) determine, for the purposes of section 128.1, the proportion of business that a cooperative must carry on with its members and with its auxiliary

members, if any, and define, for any specified class of cooperatives, the meaning of the word "business" for the purposes of that section and of section 211.5;

"(12) define the meaning of the word "subsidiary" for the purposes of section 128.1;

"(13) define the meaning of the word "debts" for the purposes of section 146."

143. Section 246 of the said Act is amended by replacing paragraph 5 by the following paragraph:

"(5) contravenes the second paragraph of section 16 or 20, paragraph 8 of section 90 or any of the provisions of sections 33, 48, 124, 127, 127.1, 131, 132, 133, 135, 138, 140, 141, 146, 149 and 149.3, the second paragraph of section 221.6.1, the third paragraph of section 221.7 and the second paragraph of section 226.2."

144. Section 248 of the said Act is replaced by the following section:

"**248.** Every person who is guilty of an offence under section 246 is liable to a fine of not less than $500 nor more than $10,000 for each offence, and to a fine of not less than $1,000 nor more than $20,000 for each subsequent conviction.

However, every person who is guilty of an offence under paragraph 4 of section 246 is liable to a fine equal to not less than the amount of the sums unlawfully apportioned and not more than twice that amount."

145. Chapter I of Title VII of the said Act, comprising sections 249 to 256, is repealed.

146. The heading of Chapter II of Title VII of the said Act is amended by adding "OR A LEGAL PERSON GOVERNED BY PART III OF THE COMPANIES ACT" at the end.

147. Section 257 of the said Act is amended by inserting "or under Part III" after "Part IA" in the second line.

148. Section 258 of the said Act is replaced by the following section:

"**258.** The plan of continuance must contain

(1) the names and domiciles of the directors;

(2) the mode of election of subsequent directors;

(3) the agreement between the cooperative and the Conseil de la coopération du Québec as regards the remittal of the reserve;

(4) a statement indicating the amount of money or any other form of payment to be received by the holders of shares of the cooperative to stand in lieu of such shares;

(5) a statement indicating the amount of money or any other form of payment to stand in lieu of fractions of shares of the cooperative;

(6) any other provision necessary to complete the continuance and ensure the organization and management of the company or legal person governed by Part III of the Companies Act resulting from the continuance;

(7) any other information determined by the Minister.

If the cooperative is continued as a company, the continuance plan must also contain the terms and conditions governing the conversion of shares into shares of the share capital or other securities of the company resulting from the continuance."

149. Section 260 of the said Act is amended by adding the following paragraph at the end:

"The continuance becomes effective on the date the articles of continuance are approved by the Minister or on a later date determined in the articles."

150. Section 262 of the said Act is amended

(1) by striking out "first" in paragraph 1;

(2) by replacing "Chapter" by "Division I of Chapter" in the second line of paragraph 5.1;

(3) by inserting the following paragraph after paragraph 5.1:

"(5.2) the effective date of the continuance, if that date is subsequent to the date of approval;".

151. Section 265 of the said Act is replaced by the following sections:

"**265.** The articles of continuance shall contain the provisions mentioned in paragraphs 1 and 3 of section 9, section 10 and paragraph 5.2 of section 262.

"**265.1.** The articles of continuance shall be accompanied with

(1) a petition applying for the continuance of the company as a cooperative signed by the director authorized to sign the articles;

(2) the continuance plan, except the by-laws of the cooperative resulting from the continuance;

(3) a list of the directors of the cooperative resulting from the continuance stating the name and domicile of each;

(4) a notice of the domicile of the cooperative;

(5) an attestation establishing that the company has met the requirements of sections 263 and 264;

(6) any other document or information required by the Minister for the examination of the petition."

152. Section 266 of the said Act, amended by section 295 of chapter 45 of the statutes of 2002, is replaced by the following section:

"**266.** Upon receipt of the articles of continuance, the accompanying documents, the fees prescribed by government regulation and any other required document or information, the Minister may, if he or she considers it advisable, continue the company as a cooperative. The Minister shall send a notice to the Conseil de la coopération du Québec advising it of any application for the continuance of a company as a cooperative, together with a copy of the articles of continuance.

For that purpose, the Minister shall

(1) endorse on the articles the words "company continued as a cooperative" and the date of approval. The date is followed by the signature of the Minister or of the Minister's designee;

(2) register the articles of continuance;

(3) send a certified copy of the articles to the cooperative or its representative;

(4) send a certified copy of the articles and of the document referred to in paragraph 4 of section 265.1 to the enterprise registrar, who shall deposit them in the register."

153. Section 268 of the said Act is amended by replacing "On the date" by "As of the effective date" in the first line.

154. The heading of Chapter IV of Title VII of the said Act is replaced by the following heading:

"CONTINUANCE OF A LEGAL PERSON GOVERNED BY PART III OF THE COMPANIES ACT AS A COOPERATIVE".

155. Section 269.1 of the said Act is replaced by the following sections:

"**269.1.** A legal person governed by Part III of the Companies Act may continue under this Act.

Chapter III of this Title, with the necessary modifications, applies to the continuance, except the first paragraph of section 260, paragraphs 3 and 4 of section 262, sections 263 and 264 and paragraph 5 of section 265.1.

"**269.1.1.** The directors of the legal person must adopt a by-law in order to approve the plan of continuance and authorize one among them to sign the articles of continuance, and must adopt the by-laws of the cooperative resulting from the continuance.

"**269.1.2.** The by-laws must be confirmed by two-thirds of the votes cast by the members present at a special general meeting called for that purpose.

If the by-laws authorize them to do so, the directors may annul the by-laws before the Minister issues the articles of continuance.

"**269.1.3.** The articles of continuance must be accompanied with an attestation establishing that the legal person has met the requirements of sections 269.1.1 and 269.1.2."

156. Section 269.2 of the said Act is amended by replacing "of the common and preferred shares" in the second and third lines by "of shares".

157. Section 270 of the said Act is replaced by the following section:

"**270.** The articles and other documents required under this Act shall be drawn up on the forms provided or authorized by the Minister."

158. Section 271 of the said Act is repealed.

159. Section 272 of the said Act is amended

(1) by striking out paragraph 2;

(2) by replacing "prescribed fees and documents" in paragraph 3 by "prescribed fees and required documents";

(3) by replacing paragraph 4 by the following paragraph:

"(4) provide for a name that is not in conformity with section 16, 221.6.1, 221.7, 226.2 or 231 or with any of subparagraphs 1 to 6 of the first paragraph of section 13 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons."

160. Section 275 of the said Act is amended by replacing "Chapter" in the third line by "Division I of Chapter".

161. Section 278 of the said Act is repealed.

162. Section 280 of the said Act is amended by replacing "person who" in the second paragraph by "person or partnership that".

163. Section 282 of the said Act is repealed.

164. Section 327 of the said Act is repealed.

165. Section 328 of the said Act is amended by replacing "of Industry and Trade" by "of Economic and Regional Development".

OTHER AMENDING PROVISIONS

166. The Companies Act (R.S.Q., chapter C-38) is amended by inserting "OR CONTINUED" after "CONSTITUTED" in the heading of Part III.

167. Section 217 of the said Act is amended by inserting "or 227.5" after "221" in paragraph 4.

168. Section 224 of the said Act, amended by section 168 of chapter 70 of the statutes of 2002, is again amended by inserting "or continued" after "incorporated" in the second line of the first paragraph.

169. Section 225 of the said Act is amended

(1) by inserting "or continued" after "created" in the first line;

(2) by adding "or continued" at the end of paragraph 1.

170. Section 227 of the said Act is amended by inserting "or continued" after "constituted" in the second line.

171. The said Act is amended by inserting the following division after section 227:

"DIVISION III.1

"CONTINUANCE OF A COOPERATIVE

"**227.1.** A cooperative that is liable to be dissolved under section 188 of the Cooperatives Act (chapter C-67.2) may, if the minister responsible for the administration of the Cooperatives Act has approved its continuance plan under section 259 of that Act, apply to the Inspector General for the issue of letters patent in order for it to continue under this Part.

"**227.2.** The members must make a by-law at a special general meeting called for that purpose so as to enable the cooperative to continue as a legal person governed by this Part.

"**227.3.** The by-law must be adopted by two-thirds of the votes cast by the members or representatives present at the special general meeting.

The by-law must authorize at least three directors to sign the application.

The directors may cancel the by-law before the letters patent are issued if the by-law authorizes them to do so.

"**227.4.** The applicants shall file with the Inspector General an application setting out

(1) the proposed name of the legal person;

(2) the purpose or purposes of the legal person;

(3) the place within Québec where its head office is to be situated;

(4) the amount to which the immovable property which may be owned or held by the legal person, or the revenue therefrom, is limited;

(5) the name and address of each of the directors of the legal person.

The application must be accompanied with a copy of the by-law made by the members and a research report on the names of persons, partnerships or groups used and entered in the register.

"**227.5.** Immediately after the granting of the letters patent, the Inspector General shall deposit them in the register; subject to the deposit of and effective from the date of the letters patent, the cooperative shall continue as a legal person governed by this Part.

"**227.6.** Subject to this Part, the rights and obligations of the cooperative and those of its members are not affected by the continuance."

172. Section 150 of the Act to amend the Cooperatives Act and other legislative provisions (1995, chapter 67) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

173. For the purposes of sections 121 and 266 of the Cooperatives Act, as enacted by this Act, the expression "enterprise registrar" designates the Inspector General of Financial Institutions until the coming into force of section 7 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45).

174. The provisions of section 81.1.1, the third paragraph of section 226.6, the third paragraph of section 239 and section 239.2 of the Cooperatives Act that relate to the composition of boards of directors, as enacted by this Act, affect the composition of the boards of directors of cooperatives, federations

or confederations constituted before (*insert the date of coming into force of this section*) only as and when terms expire on those boards.

175. The provisions of paragraph 4.1 of section 90 and section 146 of the Cooperatives Act, as enacted by this Act, apply to cooperatives constituted before (*insert the date of coming into force of this section*) only as of the end of their fiscal year in progress on that date.

176. Cooperatives constituted before (*insert the date of coming into force of this section*) are not required, for the drafting of their first annual report presented after that date, to comply with the provisions relating to the content of annual reports set out in paragraphs 2, 2.1, 4.1, 5.1 and 6.1 of section 132, section 221.2.2, section 224.4.4 and paragraphs 3 and 4 of section 225.6 of the Cooperatives Act, as enacted by this Act.

177. For the purposes of the Cooperatives Act,

(1) a cooperative constituted before (*insert the date of coming into force of this paragraph*) and whose principal object is to provide its members with goods and services necessary to their professional practice or business operation is deemed to be a producers cooperative from that date;

(2) a cooperative constituted before (*insert the date of coming into force of this paragraph*) and whose principal object is to provide its members with goods and services for their personal use is deemed to be a consumer cooperative from that date;

(3) a cooperative constituted before (*insert the date of coming into force of this paragraph*) and whose object is to operate an enterprise in order to provide work to its members through a company is deemed to be a shareholding workers cooperative from that date.

178. An agricultural cooperative which, before (*insert the date of coming into force of this section*), indicated in its articles that it elected to be governed by Chapter I of Title II of the Cooperatives Act is deemed to have elected to be governed by Division I of Chapter I of Title II of that Act.

179. The provisions of section 221.2.3 of the Cooperatives Act, as enacted by this Act, apply to cooperatives constituted before (*insert the date of coming into force of this section*) only as of the end of their fiscal year in progress on that date.

As regards paragraph 3 of that section 221.2.3, however, cooperatives have six months as of the end of their fiscal year in progress on (*insert the date of coming into force of this section*) to have an inspection carried out, as provided for in that section, for the first time.

180. A person who on (*insert the date of coming into force of section 119, which repeals section 224 of the Cooperatives Act*) holds both the position of

general manager or manager and that of director within a work cooperative must give the cooperative notice, within 30 days after that date, of the position he or she is relinquishing. Otherwise, the person is deemed to have relinquished the position of director.

181. A worker in a work cooperative who has been on trial for 18 months or longer on (*insert the date of coming into force of section 121*) becomes a member of the cooperative on the expiry of a period of 30 days after that date if he or she is still in the employ of the cooperative on that date.

Any trial period in progress on (*insert the date of coming into force of section 121*) less than 18 months of which have elapsed is reduced to 18 months.

182. A cooperative that is subject to the provisions of section 224.4.2 of the Cooperatives Act on (*insert the date of coming into force of section 122 insofar as it enacts section 224.4.2 of the Cooperatives Act*) must adopt a by-law under that section at the latest at its first annual meeting following that date.

183. Until (*insert the date of coming into force of section 221.2.3 of the Cooperatives Act enacted by section 109*), the reference to the provisions of sections 221 to 221.2.3 in section 226.14 of the Cooperatives Act, enacted by section 135, shall read as a reference to the provisions of sections 221 to 221.2.2.

184. A solidarity cooperative whose object, on (*insert the date of coming into force of section 135 insofar as it enacts section 226.15 of the Cooperatives Act*), includes the provision of work to its members must adopt a by-law under section 224.4 of the Cooperatives Act at the latest at its first annual meeting after that date.

185. Until (*insert the date occurring one year after the date of coming into force of this section*), the Government may, by regulation, adopt any other transitional provision or appropriate measure for the application of this Act.

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 23
(2003, chapter 19)

An Act to again amend various legislative provisions concerning municipal affairs

Introduced 13 November 2003
Passage in principle 28 November 2003
Passage 18 December 2003
Assented to 18 December 2003

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EXPLANATORY NOTES

This bill enacts, amends or strikes out various provisions governing municipal bodies.

The bill amends the Act respecting land use planning and development mainly to streamline certain processes and improve certain rules in the area of urban planning. It introduces a mechanism that will allow regional county municipalities and school boards to coordinate their action on their territories.

The bill amends the Cities and Towns Act and the Municipal Code of Québec to change various administrative rules. For example, where it was stipulated that the mandate of an acting mayor could not exceed four months, the council will now determine the duration of the mandate. Amendments of an administrative nature are also made to the charters of the new megacities.

As regards loans and financial management, the bill amends the Cities and Towns Act and the Municipal Code of Québec to allow a municipality, with respect to certain loan by-laws, to use a greater part of the loan to repay to the general fund sums previously expended in connection with the object of the loan, to allow a municipality to give taxpayers the possibility to pay their share in advance when a by-law provides for the payment of a compensation and to give municipalities new powers with respect to special taxes, particularly the power to levy certain special taxes with varying rates.

The bill makes it possible, in certain cases, to repay a loan over 40 years. It also enables municipalities with a population of 100,000 or more to make a financial commitment for a period of up to ten years without the authorization of the Minister, provided the amount committed does not exceed a given percentage of the municipality's budget.

The bill further amends the Cities and Towns Act to allow municipalities to sell energy resulting from the operation of a residual materials disposal facility.

The bill adds certain contracts to the list of contracts not subject to the rules set in municipal legislation for the awarding of contracts by municipal bodies.

The bill amends the Act respecting the Communauté métropolitaine de Montréal and the Act respecting the Communauté métropolitaine de Québec to provide for the remuneration of certain members of committees established by either metropolitan community.

The bill amends the Act respecting elections and referendums in municipalities to allow elected municipal officers to act as first responders in the delivery of pre-hospital emergency services.

The bill amends the Act respecting municipal taxation to enable municipalities to use a tariffing system to finance the contribution they pay for the services of the Sûreté du Québec. It amends that Act and enacts miscellaneous and transitional provisions to facilitate the application, by certain municipalities resulting from amalgamations, of rules created under a transitional scheme for limiting the variation in the fiscal burden borne by different categories of ratepayers in the various sectors of the territory.

The bill amends the Charter of Ville de Montréal and the Charter of Ville de Québec to improve certain rules on urban planning and to allow borough councils to delegate certain powers to borough officers or employees. It also amends the Charter of Ville de Montréal to replace the city's obligation to assign numbers to its borough by a simple power to do so and the Charter of Ville de Sherbrooke to allow it to name its boroughs.

The bill amends the Charter of Ville de Longueuil and the Charter of Ville de Québec in order to act upon the administrative reorganization plan proposed by those cities, particularly with respect to the delegation of powers to the boroughs.

The bill amends the Act respecting the Ministère des Affaires municipales et de la Métropole and several other Acts in order to replace the designations of the Minister and the department by the designations "Minister of Municipal Affairs, Sports and Recreation" and "Ministère des Affaires municipales, du Sport et du Loisir".

LEGISLATION AMENDED BY THIS BILL:

– Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3);

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

– Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

– Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

– Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

– Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

– Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

– Charter of Ville de Québec (R.S.Q., chapter C-11.5);

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

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Code of Civil Procedure (R.S.Q., chapter C-25);

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

– Act respecting the Commission municipale (R.S.Q., chapter C-35);

– Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

– Chartered Accountants Act (R.S.Q., chapter C-48);

– Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);

– Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

– Act respecting municipal courts (R.S.Q., chapter C-72.01);

– Public Curator Act (R.S.Q., chapter C-81);

– Act respecting municipal debts and loans (R.S.Q., chapter D-7);

– James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);

– 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 threatened or vulnerable species (R.S.Q., chapter E-12.01);

– Executive Power Act (R.S.Q., chapter E-18);

– Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

– Expropriation Act (R.S.Q., chapter E-24);

– Act respecting Financement-Québec (R.S.Q., chapter F-2.01);

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

– Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01);

– Hydro-Québec Act (R.S.Q., chapter H-5);

– Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);

– Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);

– Taxation Act (R.S.Q., chapter I-3);

– Education Act (R.S.Q., chapter I-13.3);

– Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

– Municipal Aid Prohibition Act (R.S.Q., chapter I-15);

– Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2);

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

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

– Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1);

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

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

– Government Departments Act (R.S.Q., chapter M-34);

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

– Pesticides Act (R.S.Q., chapter P-9.3);

– Police Act (R.S.Q., chapter P-13.1);

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

– 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 retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16);

– Act respecting safety in sports (R.S.Q., chapter S-3.1);

– Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

– Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

– Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1);

– Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);

– Act respecting public transit authorities (R.S.Q., chapter S-30.01);

– Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);

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

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

– Municipal Works Act (R.S.Q., chapter T-14);

– Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

– Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);

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

– Act respecting the town of Brossard (1969, chapter 99);

– Act respecting the city of Rimouski (1984, chapter 66);

– Act respecting the acquisition of immovables by the town of Berthierville (1985, chapter 56);

– Act respecting the city of Grand-Mère (1993, chapter 90);

– Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67);

– Act respecting the Agence de développement Station Mont-Tremblant (1997, chapter 100);

– Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2);

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

– Act respecting the amalgamation of Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite (1999, chapter 88);

– Act respecting Ville de Chapais (1999, chapter 98);

– 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 (2002, chapter 37);

– Act to amend various legislative provisions concerning municipal affairs (2002, chapter 77);

– Act respecting the Agence de développement de Ferme-Neuve (2002, chapter 83);

– Act respecting Ville de Contrecoeur (2002, chapter 95);

– Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3).

Bill 23

AN ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 8.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is repealed.

2. Section 42 of the said Act is amended by striking out "and registered with the Commission" in the second line of the third paragraph.

3. Section 53.1 of the said Act is amended by inserting "or by another committee member designated by the warden" after "warden" in the third line.

4. Section 53.11 of the said Act is amended

(1) by replacing ", to every contiguous regional county municipality, and to the Commission for registration" in the seventh and eighth lines of the first paragraph by "and to every contiguous regional county municipality";

(2) by striking out the second paragraph.

5. Section 56.1 of the said Act is amended by replacing "whose territory is comprised" in the fourth and fifth lines of the second paragraph by "or school board whose territory is situated in whole or in part".

6. Section 56.2 of the said Act is amended

(1) by inserting ", school board" after the first "municipality" in the first line of the first paragraph;

(2) by inserting "or, in the case of a school board, the director general," after "secretary-treasurer" in the first line of the second paragraph;

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

"For the purpose of this division, the council of a school board is the council of commissioners of the school board."

7. Section 56.3 of the said Act is amended by replacing "whose territory is comprised" in the fourth and fifth lines of the second paragraph by "or school board whose territory is situated in whole or in part".

8. Section 56.5 of the said Act is amended

(1) by inserting ", school board" after the first "municipality" in the first line of the first paragraph;

(2) by inserting "or, in the case of a school board, the director general" after "secretary-treasurer" in the first line of the second paragraph.

9. Section 56.6 of the said Act is amended

(1) by inserting ", school boards" after "municipalities" in the first line of subparagraph 2 of the second paragraph;

(2) by replacing "whose territory is comprised" in the third line of the third paragraph by "or school board whose territory is situated in whole or in part".

10. Section 56.7 of the said Act is amended

(1) by inserting ", school board" after the first "municipality" in the first line of the first paragraph;

(2) by inserting "or, in the case of a school board, the director general" after "secretary-treasurer" in the first line of the second paragraph.

11. Section 56.9 of the said Act is amended by inserting "or by another committee member designated by the warden" after "warden" in the third line.

12. Section 56.13 of the said Act is amended by replacing "and by" in the first and second lines of subparagraph 1 of the second paragraph by ", school boards or".

13. Section 56.18 of the said Act is amended by replacing ", to every contiguous regional county municipality and, for registration purposes, to the Commission" in the third and fourth lines of the second paragraph by "and to every contiguous regional county municipality".

14. Section 57.1 of the said Act is repealed.

15. Section 66 of the said Act is amended by replacing ", to every regional county municipality whose territory is contiguous and, for registration purposes, to the Commission" in the third and fourth lines of the third paragraph by "and to every contiguous regional county municipality".

16. Section 78 of the said Act is repealed.

17. Section 79.6 of the said Act is amended by inserting "or by another committee member designated by the warden" after "warden" in the third line.

18. Section 79.13 of the said Act is amended by replacing the fourth paragraph of the English text by the following paragraph:

"The secretary-treasurer of the regional county municipality shall see to it that a copy of the opinion is posted in the office of every municipality whose territory is concerned by the by-law."

19. Section 79.19 of the said Act is amended by inserting "adoption or" after "such" in the sixth line of the second paragraph of the English text.

20. Section 99 of the said Act is amended by striking out ", and be registered with the Commission" in the third and fourth lines.

21. Section 109.12 of the said Act is amended by striking out "and, for registration purposes, to the Commission" in the fourth line of the third paragraph.

22. Section 110.2 of the said Act is amended

(1) by replacing ", to the regional county municipality and, for registration purposes, to the Commission" in the fourth and fifth lines of the first paragraph by "and to the regional county municipality";

(2) by striking out "or to the Commission" in the second and third lines of the second paragraph.

23. The said Act is amended by inserting the following section after section 110.3.1:

"**110.3.2.** In cases where section 109.1 applies, the clerk or the secretary-treasurer of the municipality shall also transmit a certified copy of both the draft by-law revising the planning program and the resolution under which it is adopted to every school board whose territory is situated in whole or in part in that of the municipality."

24. Section 112.3 of the said Act is amended by replacing ", to every municipality whose territory is contiguous and, for registration, to the Commission" in the fourth and fifth lines by "and to every contiguous municipality".

25. Section 137.8 of the said Act is amended by striking out "and, for registration purposes, to the Commission" in the fourth line of the third paragraph.

26. Section 137.17 of the said Act is amended by striking out "and, for registration purposes, to the Commission" in the fourth and fifth lines of the first paragraph.

27. Section 145.7 of the said Act is amended by inserting the following paragraph after the first paragraph:

"The resolution under which the council renders its decision may set conditions within the jurisdiction of the municipality, to reduce the impact of the exemption."

28. Section 145.8 of the said Act is replaced by the following section:

"**145.8.** Notwithstanding sections 120, 121 and 122, upon presentation of a certified copy of the resolution under which the council grants the exemption, the officer referred to in those sections shall issue the permit or certificate if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition that must, under the resolution, be satisfied no later than the time the permit or certificate application is made.

Where the condition is that the application be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the exemption."

29. Section 151 of the said Act is amended

(1) by striking out the second paragraph;

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

(3) by striking out "by the Government" in the sixth line of the fourth paragraph.

30. Section 152 of the said Act is amended by striking out the second sentence of the second paragraph.

31. Section 153 of the said Act is amended by striking out "and, for registration purposes, to the Commission" in the seventh and eighth lines of the third paragraph.

32. Section 161 of the said Act is amended by replacing ", served on the council of the regional county municipality, on the councils of the municipalities concerned and registered with the Commission" in the second, third and fourth lines by "and served on each regional county municipality or municipality concerned".

33. Section 164 of the said Act is amended by replacing "on each of the councils of the regional county municipalities and of the municipalities concerned and registered with the Commission" in the first, second and third lines of the second paragraph by "on each regional county municipality or municipality concerned".

34. Section 165.2 of the said Act is amended by striking out "to the Commission and" in the first line of the third paragraph.

35. Section 165.4 of the said Act is amended by striking out ", to the Commission" in the second line of the fourth paragraph.

36. Section 205 of the said Act is amended by striking out the fourth paragraph.

37. The heading of Chapter II of Title II of the said Act is replaced by the following heading:

"CHAPTER II

"ASSESSMENTS BY THE COMMISSION".

38. The heading of Division I of Chapter II of Title II of the said Act is repealed.

39. The heading of Division II of Chapter II of Title II of the said Act is repealed.

40. Section 221 of the said Act is repealed.

41. Section 223 of the said Act is repealed.

42. Section 225 of the said Act is amended by striking out "and must be registered" in the second line.

43. Section 226 of the said Act is repealed.

44. The said Act is amended by inserting the following after section 226:

"TITLE II.1

"GOVERNMENT REGULATIONS

"**226.1.** The Government may, by regulation,

(1) prescribe rules concerning the form in which a land use planning and development plan must be presented;

(2) prescribe rules complementary to those provided in Division VI.1 of Chapter I of Title I, concerning the preparation of a revised land use planning and development plan."

45. Section 227 of the said Act is amended by inserting "145.7," after "section" in subparagraph *f* of subparagraph 1 of the first paragraph.

46. Section 228 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentence: "Any subdivision, cadastral operation or parcelling out of a lot by alienation that is carried out contrary to a subdivision by-law, a by-law under section 145.21 or an interim control by-law or resolution, a plan approved in accordance with section 145.19, an agreement made under section 145.21, a resolution referred to in the second paragraph of section 145.7 or 145.38 or a land rehabilitation plan approved by the Minister of the Environment under Division IV.2.1 of Chapter I of the Environment Quality Act (chapter Q-2) may be annulled."

47. Section 237.2 of the said Act is amended by striking out "and, for registration purposes, to the Commission" in the fourth line of the third paragraph.

48. Section 238 of the said Act is amended by striking out "and be registered with the Commission" in the third and fourth lines of the third paragraph.

49. Section 239 of the said Act is amended by striking out ", and the decision shall be registered with the Commission" in the third and fourth lines of the third paragraph.

CHARTER OF VILLE DE GATINEAU

50. Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by inserting the following sections after section 6:

"**6.1.** The executive committee may, in the manner it determines, alienate any property whose value does not exceed $10,000, on a report of the director general attesting the value of the property. The executive committee shall report to the council within 30 days after the alienation.

"**6.2.** In the case of an act of God likely to endanger human life or health, to seriously damage municipal property or to cause financial harm greater than the planned expenditure, the mayor may order any expenditure he or she considers necessary and grant any contract necessary to rectify the situation.

In such a case, the mayor shall submit a reasoned report to the executive committee at the first meeting following the decision. The report shall be filed with the council at its next meeting.

"**6.3.** The executive committee may grant subsidies of $100,000 or less and any form of assistance that does not exceed that amount.

"**6.4.** Contracts within the jurisdiction of the council or the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may designate in writing, generally or specially, another member of the executive committee to sign contracts in his or her place. In such cases, for the purposes of the first paragraph of section 53 of the Cities and Towns Act (chapter C-19), the contract shall be presented to that other member rather than the mayor.

On the proposal of the mayor, the executive committee may authorize the director general, a department head or another designated officer, generally or specially, to sign contracts or documents of a nature the committee determines that are within the jurisdiction of the council or the executive committee, except by-laws and resolutions, and, in that case, may prescribe that certain contracts or documents or certain classes of contracts or documents do not require the clerk's signature.

"**6.5.** The clerk is authorized to amend any minutes, by-law, resolution, order or other act of the council or of the executive committee in order to correct an error that is obvious just by reading the documents provided in support of the decision or act. In such a case, the clerk shall attach the minutes of the correction to the original of the amended document and shall file a copy of the amended document and of the minutes of the correction at the following sitting of the council or the executive committee, as the case may be."

51. Section 19 of Schedule B to the said Charter is repealed.

CHARTER OF VILLE DE LÉVIS

52. Section 86 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by inserting "or by another borough council member designated by the chair" after "council" in the second line of paragraph 3.

CHARTER OF VILLE DE LONGUEUIL

53. Section 58.2 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

"(5) cultural property recognized or classified or a historic monument designated under the Cultural Property Act (chapter B-4) or where the planned site of the project is a historic or natural district or heritage site within the meaning of that Act."

54. Section 13 of Schedule C to the said Charter is amended by striking out "and the borough directors," in the third line.

55. Schedule C to the said Charter is amended by inserting the following section after section 13:

"**13.1.** Upon the joint recommendation of the borough council and the executive committee, the council shall appoint a borough director."

56. Section 14 of Schedule C to the said Charter is amended

(1) by striking out "permanent" in the first line;

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

"The executive committee may delegate the powers described in the first paragraph to the borough councils."

57. Schedule C to the said Charter is amended by inserting the following section after section 20:

"**20.1.** The director general may delegate to the borough directors any power exercised by the director general in respect of matters under the jurisdiction of a borough council. The borough directors shall in such case discharge the obligations prescribed by law in respect of the delegated powers."

58. Schedule C to the said Charter is amended by inserting the following section after section 48:

"**48.0.1.** The council may, by a by-law adopted by two-thirds of the votes cast, delegate to a borough council, on the terms and conditions determined by the by-law, its powers in all or part of a field within its jurisdiction, other than the power to borrow or to levy taxes and the capacity to sue and be sued."

CHARTER OF VILLE DE MONTRÉAL

59. Section 10 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing "shall" in the second paragraph by "may".

60. Section 25 of the said Charter is amended

(1) by striking out the first paragraph;

(2) by striking out "special" in the first line of the second paragraph.

61. Section 83 of the said Charter is amended by inserting the following paragraph after the first paragraph:

"However, subparagraph 2 of the first paragraph and sections 109.2 to 109.4 of the Act respecting land use planning and development (chapter A-19.1) do not apply to a draft by-law whose sole purpose is to amend the city's

planning program in order to authorize the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89."

62. Section 89 of the said Charter is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

"(5) cultural property recognized or classified or a historic monument designated under the Cultural Property Act (chapter B-4) or where the planned site of the project is a historic or natural district or heritage site within the meaning of that Act."

63. Section 89.1 of the said Charter is amended

(1) by replacing "A by-law adopted pursuant to" in the first line of the second paragraph by "The draft version of a by-law referred to in";

(2) by replacing "a by-law authorizing" in the second and third lines of the fourth paragraph by "the draft version of a by-law whose sole purpose is to authorize".

64. Section 130 of the said Charter is amended by replacing the third paragraph by the following paragraph:

"Subject to section 477.2 of the Cities and Towns Act (chapter C-19), the borough council may, by by-law, provide for the delegation of any power within its competence, other than the power to make by-laws or a power provided for in section 145 or 146, to any officer or employee assigned by the city to the borough and set the conditions and procedures for the exercise of the delegated power. Where the delegation pertains to a personnel management matter, the officer or employee to whom the delegation is made shall report to the borough council on any decision made by virtue of the delegated power at the first regular meeting after the expiry of five days following the date of the decision."

65. Section 1 of Schedule C to the said Charter is amended by striking out the second paragraph.

66. Section 16 of Schedule C to the said Charter is amended

(1) by replacing "opposition leader and for the duties of majority leader" in the second and third lines of the first paragraph by "leader of the opposition, opposition floor leader and majority floor leader";

(2) by replacing "the opposition leader and majority leader" in the third line of the second paragraph by "leader of the opposition, opposition floor leader and majority floor leader";

(3) by replacing "majority leader" in the first line of the third paragraph by "majority floor leader";

(4) by replacing "opposition leader is the councillor designated" in the first line and in the third and fourth lines of the fourth paragraph by "leader of the opposition and the opposition floor leader are the councillors designated".

67. Section 33 of Schedule C to the said Charter is amended by adding the following paragraph after the second paragraph:

"The city may, by by-law, authorize any person who was a member of the council of a municipality mentioned in section 5 of this Charter during any period determined by the by-law and who receives a retirement pension under a plan in which the members of the council of the municipality participated to participate in the group insurance taken out by the city. The member shall pay the full amount of the premium."

68. Schedule C to the said Charter is amended by inserting the following sections after section 102:

"**102.1.** In addition to any property or rental tax or any mode of tariffing it may impose for the supply of water, the city may, by by-law, impose on all taxable immovables in its territory, on the basis of their taxable value, a special tax for the purpose of improving techniques and procedures and developing infrastructures related to the supply of water.

The tax rate may vary according to the classes of immovables determined by the by-law.

The first two paragraphs have effect until 31 December 2013.

"**102.2.** The city may, by by-law, impose an annual tax the debtor of which is any person responsible for an illuminated or electric sign placed on any public street or lane or on any public sidewalk or land, and the amount of which is established according to the surface area of the sign."

69. Section 121 of Schedule C to the said Charter is amended by inserting "or the securities issued for that loan and within the 12 months following either of those maturity dates" after "renewed" in the second line of the fifth paragraph.

70. Section 198 of Schedule C to the said Charter is repealed.

71. Section 217 of Schedule C to the said Charter is amended by striking out "198," in the first line of the second paragraph.

72. Section 250 of Schedule C to the said Charter is amended by replacing "2003" in the third line of the third paragraph by "2008".

CHARTER OF VILLE DE QUÉBEC

73. Section 36.1 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is replaced by the following section:

"**36.1.** The city council must consult with the ward council on matters listed in the by-law respecting the public consultation policy adopted under section 36.

Any ward council, on its own initiative, may also give its advice to the city council, the executive committee or a borough council on any other matter concerning the ward."

74. The said Charter is amended by inserting the following sections after the heading of subdivision 2 of Division II of Chapter III:

"**72.1.** To harmonize the by-laws adopted by the borough councils under section 115, the city council may make a by-law prescribing standards and amending those by-laws. In that respect, the city council has all the powers and is subject to all the obligations assigned to or imposed on the city in matters of land use planning and development by the Act respecting land use planning and development (chapter A-19.1), this Act or any other Act.

A by-law adopted under the first paragraph need not be submitted for consultation to ward councils and, notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development, is not subject to approval by way of referendum.

"**72.2.** In addition to the components listed in section 83 of the Act respecting land use planning and development (chapter A-19.1), the city's planning program may include a complementary document establishing standards and criteria that the borough councils must take into account in any by-law adopted under section 115 and requiring borough councils to prescribe, in such a by-law, provisions at least as restrictive as those established in the complementary document."

75. The said Charter is amended by inserting the following sections after section 74:

"**74.1.** Every draft amendment to a by-law in respect of which sections 124 to 127 of the Act respecting land use planning and development (chapter A-19.1) apply and that is approved by the executive committee or the borough council, according to their respective jurisdictions, must be the subject of a public consultation meeting held under sections 125 to 127 of that Act, which apply with any necessary modifications provided for in the second paragraph of section 115 of this Charter.

If the draft amendment concerns a ward that has a ward council, the executive committee or the borough council shall also consult the ward

council. In that case, the executive committee or the borough council may ask the ward council to hold the public consultation meeting required under the first paragraph. The executive committee or the borough council may determine in what cases a public consultation meeting is automatically to be held by a ward council.

"**74.2.** The city council may, by a by-law adopted by a two-thirds majority vote of its members, authorize the executive committee or the ward council, according to their respective jurisdictions, to exclude certain draft amendments from the ward council's consultation. The by-law must specify the matters that may thus be excluded and the criteria to be considered by the executive committee and the ward council. The criteria may in particular provide that a draft amendment may only be excluded from the ward council's consultation if, in the opinion of the executive committee or the ward council, the draft amendment has no impact or a negligible impact on the authorized uses and land use standards applicable in the zones affected by the draft amendment.

"**74.3.** Where a draft by-law is adopted by the city council or by a borough council following the approval of a draft amendment by the executive committee or the borough council and the holding of a public consultation meeting on the draft amendment in accordance with section 74.1, the draft by-law need not be submitted for public consultation as required under sections 125 to 127 of the Act respecting land use planning and development (chapter A-19.1) and, if the draft by-law contains a provision making it a by-law subject to approval by way of referendum, it is considered to be the second draft by-law referred to in section 128 of that Act.

"**74.4.** Notwithstanding any by-law adopted by a borough council, the city council may, by by-law, authorize the carrying out of a project involving

(1) collective or institutional equipment, such as cultural equipment, a hospital, a university, a college, a convention centre, a house of detention, a cemetery, a regional park or a botanical garden;

(2) major infrastructures, such as an airport, a harbour, a train station, a marshalling yard or a water treatment, filtration or purification establishment;

(3) a residential, commercial or industrial establishment whose floor area is greater than 25,000 square metres;

(4) housing intended for persons in need of help, protection, care or shelter, in particular under a housing program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8);

(5) cultural property recognized or classified or a historic monument designated under the Cultural Property Act (chapter B-4) or a planned site situated in a historic or natural district or in a heritage site within the meaning of that Act.

A by-law adopted under the first paragraph may only contain the planning rules necessary for the carrying out of the project. Such a by-law amends any by-law in force adopted by the borough council, to the extent that is precisely and specifically provided in the by-law.

"**74.5.** Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development (chapter A-19.1), a by-law adopted by the city council under section 74.4, except a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of that section, is not subject to approval by way of referendum.

Sections 124 to 127 of the Act respecting land use planning and development do not apply to a by-law authorizing the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 74.4.

"**74.6.** The city council may, by by-law, determine in what cases a by-law adopted by a borough council, other than a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1), does not have to be examined for conformity with the planning program of the city."

76. Section 114 of the said Charter is amended by replacing the third paragraph by the following paragraph:

"Subject to section 477.2 of the Cities and Towns Act (chapter C-19), the borough council may, by by-law, provide for the delegation of any power within its competence, other than the power to make by-laws or a power provided for in section 125 or 126, to any officer or employee assigned by the city to the borough and set the conditions and procedures for the exercise of the delegated power. Where the delegation pertains to a personnel management matter, the officer or employee to whom the delegation is made shall report to the borough council on any decision made by virtue of the delegated power at the first regular meeting after the expiry of five days following the date of the decision."

77. Section 115 of the said Charter is amended

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

"**115.** The borough council shall exercise the jurisdiction of the city under the Act respecting land use planning and development (chapter A-19.1), respecting zoning and subdivision, except the city's jurisdiction under sections 117.1 to 117.16 of that Act, and respecting matters referred to in Division VI of Chapter IV of Title I of that Act, sections 145.12 to 145.14 of that Act, Divisions VIII, X and XI of that chapter and sections 96, 103, 110, 111 and 112 of Schedule C to this Charter.

The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first paragraph:

(1) section 110.10.1 of that Act does not apply;

(2) the notice required by section 126 of that Act must be posted at the borough office and must state that a copy of the draft by-law may be consulted at the borough office;

(3) the summary provided for in section 129 of that Act may be obtained at the borough office; and

(4) the notice provided for in section 145.6, published in accordance with the Cities and Towns Act (chapter C-19), is to be posted at the borough office.";

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

78. Section 117 of the said Charter is replaced by the following section:

"**117.** To ensure compliance with the planning program of the city of any concordance by-law within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1), adopted by a borough council, sections 137.2 to 137.8 of that Act apply instead of sections 137.10 to 137.14 of that Act, with the necessary modifications.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply, with the necessary modifications, to any by-law, other than a concordance by-law, adopted under section 115 by a borough council.

For the purposes of this section, the powers and obligations of the council of the regional county municipality under sections 137.3 to 137.7 of the Act respecting land use planning and development shall be vested in the executive committee of the city.

For the purposes of this section, the powers and obligations of the council of the regional county municipality under section 137.8 of the Act respecting land use planning and development shall be vested in the city council.

The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first four paragraphs:

(1) the executive committee shall establish the rules applicable for the purposes of the transmission of certified true copies of by-laws and resolutions adopted by the borough councils for examination by the executive committee, for the purposes of an alternative to service of those documents where the applicable sections require service on the regional county municipality, and for the purpose of fixing the dates on which those documents are deemed to be transmitted or served; and

(2) the executive committee shall identify the officer responsible for issuing assessments of conformity."

79. Section 19 of Schedule C to the said Charter is amended by replacing "except a contract for which only one conforming tender was received" in the fourth line by "except a contract that involves an expenditure of more than $100,000 that would entail commitment of the city's budgeted appropriations for a period extending beyond the fiscal year following the fiscal year in which it is awarded".

80. Section 39 of Schedule C to the said Charter is amended by striking out the second paragraph.

81. Schedule C to the said Charter is amended by inserting the following section after section 44:

"**44.1.** The city council may create a body charged with acting as public protector for the city.

Section 6 of this Schedule does not apply to a body created under the first paragraph."

82. Section 84 of Schedule C to the said Charter is amended

(1) by inserting "and the borough councils" after "committee" in the first line of the first paragraph;

(2) by replacing "The authorization" in the second line of the first paragraph by "A borough council may, similarly, authorize the executive committee to make orders relating to a by-law within its jurisdiction. All authorizations".

83. Schedule C to the said Charter is amended by inserting the following section after section 84:

"**84.1.** The city council may, by by-law and subject to the terms and conditions it determines, delegate its powers in all or part of the following fields within its jurisdiction to a borough council:

(1) the management of a street or road in its arterial system;

(2) the management of a waterworks or sewer system;

(3) the management of any other immovable, infrastructure or facility determined by the city council.

The city council must, so far as possible, pass a by-law under the first paragraph and put it into force before 1 May 2004.

If a by-law amending a by-law passed under the first paragraph restricts the delegation made to the borough council, it must be adopted by a two-thirds majority of the votes cast by the members of the city council."

84. Section 85 of Schedule C to the said Charter is amended

(1) by inserting "or the borough council" after "committee" in the fourth line of the first paragraph;

(2) by inserting "or approving a draft amendment under section 74.1" after "amendment" in the fourth line of the first paragraph;

(3) by inserting "or the borough council" after "committee" in the fifth line of the first paragraph;

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

"The first paragraph ceases to have effect, in respect of a resolution adopted by the executive committee, on the day after the first regular meeting of the city council or the borough council, according to their respective jurisdictions, following the adoption of the resolution if the council did not ratify the resolution at that meeting.

The first paragraph also ceases to have effect,

(1) in the case of a draft amendment to a zoning or subdivision by-law,

(*a*) on the one hundred and fiftieth day following the adoption of the resolution of the executive committee or the borough council if no notice of motion has been given to the city council or the borough council for the amendment of the provisions that are the subject of the draft amendment; or

(*b*) on the date provided for in section 114 or 117 of the Act respecting land use planning and development (chapter A-19.1) for the cessation of effect of the notice of motion if the notice was given within the time determined in subparagraph *a*, except if the applicable section provides for the cessation of effect on the date occurring four months after the filing of the notice of motion, in which case the cessation occurs on the sixtieth day after the filing of the notice; and,

(2) in the case of a draft amendment to a building by-law,

(*a*) on the one hundred and fiftieth day following the adoption of the resolution of the executive committee or the borough council if a by-law amending the provisions that are the subject of the draft amendment has not been adopted on that date by the city council; or

(*b*) otherwise, on the date of coming into force of the amendment adopted by the council or on the ninetieth day following the adoption of the by-law

amending the provisions that are the subject of the draft amendment, whichever is earlier."

85. Section 88 of Schedule C to the said Charter is amended by inserting "or the borough council" after "committee" in the third, fourth and tenth lines.

86. Section 89 of Schedule C to the said Charter is amended by inserting "or the borough council, according to their respective jurisdictions," after "committee" in the first line.

87. Section 90 of Schedule C to the said Charter is amended

(1) by inserting "or the borough council, according to their respective jurisdictions," after "committee" in the first line;

(2) by inserting "or the borough council" after "committee" in the eighth line.

88. Section 91 of Schedule C to the said Charter is amended

(1) by inserting "or the borough council" after "committee" in the first line of subsection 2;

(2) by striking out the second paragraph of subsection 2.

89. Section 98 of Schedule C to the said Charter is amended by replacing "The city council" in the first line by "The city".

90. Section 99 of Schedule C to the said Charter is amended by replacing "The city council" in the first line of the first paragraph by "The city".

91. Section 100 of Schedule C to the said Charter is amended by replacing "The city council" in the first line by "The city".

92. Section 101 of Schedule C to the said Charter is amended by replacing "The city council" in the first line by "The city".

93. Section 102 of Schedule C to the said Charter is amended by replacing "The city council" in the first line by "The city".

94. Section 103 of Schedule C to the said Charter is amended by replacing "The city council" in the first line of the first paragraph by "The city".

95. Section 104 of Schedule C to the said Charter is amended by replacing "The city council" in the first line of the first paragraph by "The city".

96. Section 107 of Schedule C to the said Charter is amended by replacing "The city council" in the first line by "The city" and "prescribe in the parts of the territory of the city it" in the third and fourth lines by "prescribe in the parts of its territory it".

97. Section 109 of Schedule C to the said Charter is amended by replacing "The city council" in the first line by "The city".

98. Section 110 of Schedule C to the said Charter is amended

(1) by replacing "The city council" in the first line of the first paragraph by "The city";

(2) by replacing "of the territory and on the conditions it" in the third line of the first paragraph by "of its territory and on the conditions it";

(3) by striking out the second sentence of the second paragraph.

99. Section 111 of Schedule C to the said Charter is amended

(1) by replacing "The city council" in the first line of the first paragraph by "The city";

(2) by replacing "il" in the second line of the French text of the first paragraph by "elle";

(3) by striking out the second sentence of the second paragraph.

100. Section 112 of Schedule C to the said Charter is amended

(1) by replacing "The city council" in the first line of subsection 1 by "The city";

(2) by replacing "council" in the first line of subsection 3 by "city";

(3) by striking out the second sentence of subsection 4.

101. Section 116 of Schedule C to the said Charter is amended

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

(2) by striking out "and with section 115" in the sixth line of the first paragraph;

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

"If a by-law referred to in section 102 of the Act respecting land use planning and development has not been adopted or amended by the borough council to bring it into conformity with the planning program of the city

within the time prescribed in the first paragraph, the city council may adopt such a by-law or amend it."

102. Section 117 of Schedule C to the said Charter is replaced by the following section:

"**117.** The person in charge of receiving permit applications in a borough must, as soon as possible, inform the ward council concerned whenever a permit application has been filed the issue of which is subject to a by-law made under section 145.15 of the Act respecting land use planning and development (chapter A-19.1)."

103. Section 124 of Schedule C to the said Charter is amended by adding the following sentence at the end of the second paragraph: "Notwithstanding section 145.18 of that Act, in a historic district within the meaning of the Cultural Property Act (chapter B-4), only the Commission shall be consulted before the plans are approved by the borough council as required under section 117 of this schedule."

104. Schedule C to the said Charter is amended by inserting the following section after section 184:

"**184.1.** For the purposes of section 585 of the Cities and Towns Act (chapter C-19), the city council may, by by-law, provide that the person who must give the notice prescribed in that section, or cause it to be given, may elect to give it, or cause it to be given, either to the clerk or to another officer or employee of the city that the by-law designates.

In such a case, the by-law must designate at least one officer or employee in each borough and indicate, in respect of each, the address of the place where the notice may be given."

CITIES AND TOWNS ACT

105. Section 29.3 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following paragraph after the first paragraph:

"However, in the case of a municipality with a population of 100,000 or more, the five-year period mentioned in the first paragraph is replaced by a ten-year period, unless the average annual expenditures entailed by the convention for the fiscal years following the one in which the resolution authorizing the municipality to enter into the convention is adopted exceed 0.5% of the total appropriations provided for in the municipality's budget for operating expenses for that fiscal year."

106. Sections 29.5 to 29.9 of the said Act are replaced by the following sections:

"**29.5.** A municipality may enter into an agreement with another municipality, a public institution referred to in section 29, a school board, an educational institution or a non-profit agency in order to jointly perform any of the following acts:

(1) procure equipment, materials or services;

(2) take out insurance;

(3) carry out work;

(4) call for tenders for the purpose of awarding contracts.

The agreement may pertain to only part of the process involved in performing the act concerned.

"**29.6.** A party to an agreement under section 29.5 may delegate any power necessary for carrying out the agreement to another party.

If the power to call for tenders is delegated, the acceptance of a tender by the delegated party shall bind each delegating party to the tenderer.

"**29.7.** Subject to the second paragraph, the rules governing the awarding of contracts by a municipality apply to any contract awarded pursuant to an agreement under section 29.5. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed, the Minister of Municipal Affairs, Sports and Recreation may exercise the power conferred by section 573.3.1 in relation to a contract referred to in the first paragraph."

107. Section 29.9.2 of the said Act is amended by inserting ", to the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed," after "may" in the fifth line of the third paragraph.

108. Section 56 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**56.** The council shall appoint a councillor as acting mayor for the period it determines."

109. The said Act is amended by inserting the following section after section 70:

"**70.0.1.** Where the law provides that persons who are not council members may sit on a permanent or special committee or a council committee, the municipality may provide, by by-law, for the remuneration of such persons. The amount of the remuneration shall be based on their attendance at sittings of the committee.

The municipality may also, following the same procedure as for the reimbursement of expenses to council members, establish rules for the reimbursement of expenses to committee members who are not council members."

110. Section 108 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

"**108.** The council shall appoint an external auditor for not more than three fiscal years, except in the case of a municipality with a population of 100,000 or more, where the external auditor shall be appointed for three fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed."

111. Section 108.1 of the said Act is amended by replacing "at the next sitting" in the second line by "as soon as possible".

112. The said Act is amended by inserting the following section after section 365:

"**365.1.** Where a municipality consolidates two or more by-laws, one of which required approval or authorization, the council need not obtain approval or authorization for the consolidated by-law."

113. Section 412.26 of the said Act is repealed.

114. Section 413 of the said Act is amended by striking out subparagraph *b*.1 of paragraph 10.

115. The said Act is amended by inserting the following sections after section 413:

"**413.0.1.** The municipality may establish and operate an establishment for the salvage and treatment of refuse matters that may be recycled. It may also entrust any person with that function.

"**413.0.2.** The municipality may sell the energy, such as biogas, resulting from the operation of a residual materials disposal facility. It may also entrust any person with that function."

116. Section 464 of the said Act is amended by inserting the following paragraph after the fourth paragraph of subparagraph 10 of the first paragraph:

"The council may, by by-law, authorize any person having been a member of the council of the municipality during any period that the by-law determines, and receiving a retirement pension under a plan in which the members of the council of the municipality were members, to participate in the group insurance taken out by the municipality. The member shall pay the entire amount of the premium."

117. Section 465.1 of the said Act is amended

(1) by inserting "or for any person the municipalities may subsidize under subparagraph *d* of the first paragraph of subsection 2 of section 28 or under section 28.0.1 of this Act" after "(chapter R-9.3)" in the sixth line of the first paragraph;

(2) by inserting ", or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers" after "governed" in the second line of the second paragraph.

118. The said Act is amended by inserting the following section after section 465.9.1:

"**465.9.2.** A legal person is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), even if its board of directors is not composed in the majority of members of the council of a municipality."

119. The said Act is amended by inserting the following section after section 465.10:

"**465.10.1.** Sections 573 to 573.4 apply to a legal person, with the necessary modifications, and a legal person is deemed to be a local municipality for the purposes of the regulation made under section 573.3.0.1."

120. Section 465.15 of the said Act, amended by section 260 of chapter 45 of the statutes of 2002, is again amended by replacing "three" in the second line of the first paragraph by "five".

121. Section 465.18 of the said Act is repealed.

122. Section 468.32 of the said Act is amended by inserting the following paragraph after paragraph 2.1:

"(2.2) lease its property, although this power does not allow the management board to acquire or build property principally for leasing purposes;".

123. Section 468.38 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"No later than the second regular sitting after receiving the copy, the council of each municipality must approve or reject the by-law. If the council fails to do so, the by-law shall be deemed approved. The clerk shall send a copy of the resolution under which the council approved or rejected the by-law to the secretary of the management board."

124. Section 468.51 of the said Act is amended

(1) by inserting "544.1," after "477.2," in the third line of the first paragraph;

(2) by inserting "section 569," after "567," in the fourth line of the first paragraph.

125. Section 474 of the said Act is amended by replacing "30" in the second line of the first paragraph of subsection 3 by "60".

126. The said Act is amended by inserting the following section after section 474.3:

"**474.3.1.** The executive committee of a municipality with a population of 100,000 or more may revise the budget of the municipality to take into account sums donated for a specific purpose or provided by a subsidy from the Government, a minister or a government body that has already been paid or the payment of which is assured.

The resolution of the executive committee revising the budget must be transmitted to the Minister of Municipal Affairs, Sports and Recreation within 30 days following its adoption."

127. The said Act is amended by inserting the following sections after section 487:

"**487.1.** Where, for the same fiscal year, a municipality imposes a special tax based on taxable value on all the immovables situated in its territory and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may fix specific rates for the special tax on the same categories.

In that case, the proportions between the different special tax rates must correspond to the proportions between the different general property tax rates. If the municipality avails itself of the power provided for in section 244.49.1 of the Act respecting municipal taxation, the proportions between the theoretical specific rates in that section are taken into account.

The following provisions apply, with the necessary modifications, in respect of the special tax imposed at different rates:

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the general property tax at different rates, in particular for the purpose of defining the property taxation specific to the non-residential sector.

"**487.2.** Any municipality resulting from an amalgamation which, under its charter, must finance expenditures from revenues derived exclusively from the whole territory, designated as a "sector", of a municipality that ceased to exist on amalgamation may obtain those revenues by imposing a special tax based on taxable value on all the taxable immovables situated in the sector, annually or for several years upon the borrowing of money.

Where, for the same fiscal year and in the same sector, the municipality imposes such a special tax and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may avail itself of the power provided for in section 487.1. That section applies in such a case, with the necessary modifications, particularly the modification whereby only the specific rates of the general property tax applicable in the sector are taken into account.

Imposing the special tax does not deprive the municipality of the power conferred on it by its charter to use revenues from the sector that are not reserved for other purposes to finance the same expenditures. However, the revenues so used must not be derived from another tax, except the tax provided for in section 487.3.

The municipality may not impose the special tax in a sector without doing likewise in all the other sectors where the obligation provided for in its charter to finance expenditures by revenues derived exclusively from the whole territory of the sector continues to apply. As long as the obligation continues to apply in a sector, the municipality may not, after imposing the special tax in the sector for a fiscal year, cease to impose the tax for the following fiscal year.

"**487.3.** Where, for the same fiscal year, a municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation (chapter F-2.1) and a special tax at different rates under section 487.1 or 487.2, it must also impose a special tax on the occupants of business establishments situated in its territory or in the sector within the meaning of section 487.2, as the case may be, based on the rental value of the business establishments, for the purpose of financing the same expenditures as the special tax for the same fiscal year.

The rate of the special tax imposed under the first paragraph must be fixed in such a way that the proportion of the revenues derived from the special tax to those derived from the special tax imposed under section 487.1 or 487.2 is the same as the proportion of the revenues derived from the business tax to those derived from the general property tax.

For the purposes of the second paragraph, the revenues considered are those which, according to the budget established for the fiscal year, must be derived from the territory of the municipality or the sector, as the case may be, for each of the four taxes concerned. The amounts to stand in lieu of taxes that must be paid by the Government in accordance with the second paragraph of section 210, section 254 or the first paragraph of section 255 of the Act respecting municipal taxation, or by the Crown in right of Canada or one of its mandataries are deemed to be tax-generated revenues.

The following provisions apply, with the necessary modifications, as regards the special tax imposed under the first paragraph:

(1) the provisions of Division III of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the business tax;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the business tax.

"**487.4.** The fact that a special tax has the same characteristics as the general property tax or the business tax, particularly with respect to the debtor, the tax base and the basis for the tax, does not justify the integration of the data relating to the special tax with the data relating to the general property tax or the business tax in any document produced by or under the responsibility of the municipality."

128. Section 503 of the said Act is amended by striking out "and transmitted to the Minister of Municipal Affairs and Greater Montréal" in the second and third lines of the first paragraph.

129. Section 544.1 of the said Act is amended

(1) by replacing "passage" in the fourth line of the first paragraph by "coming into force";

(2) by replacing the second paragraph by the following paragraph:

"Where approval of the loan by-law by persons qualified to vote is not required, the percentage set in the first paragraph is replaced by 10%."

130. Section 547.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: "Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may obtain an exemption from the compensation in the same manner, with the necessary modifications.";

(2) by inserting ", in the case of a property tax," after "calculated" in the first line of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: "In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment."

131. Section 547.3 of the said Act is amended by inserting "or the owner or occupant from the compensation, as the case may be, " after "tax" in the second line.

132. Section 573.3 of the said Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit agency, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services;";

(2) by replacing "results from the use of a software package or software product designed" in the first and second lines of subparagraph 6 of the first paragraph of the English text by ", which stems from the use of a software package or software product, is";

(3) by replacing "protect" in subparagraph *d* of subparagraph 6 of the first paragraph by "produce";

(4) by adding the following subparagraphs after subparagraph 6 of the first paragraph:

"(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding

to the price usually charged by an undertaking generally performing such work;

"(8) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas; or

"(9) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative."

MUNICIPAL CODE OF QUÉBEC

133. Articles 14.3 to 14.7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are replaced by the following articles:

"**14.3.** A municipality may enter into an agreement with another municipality, a public institution referred to in article 7, a school board, an educational institution or a non-profit agency in order to jointly perform any of the following acts:

(1) procure equipment, materials or services;

(2) take out insurance;

(3) carry out work;

(4) call for tenders for the purpose of awarding contracts.

The agreement may pertain to only part of the process involved in performing the act concerned.

"**14.4.** A party to an agreement under article 14.3 may delegate any power necessary for carrying out the agreement to another party.

If the power to call for tenders is delegated, the acceptance of a tender by the delegated party shall bind each delegating party to the tenderer.

"**14.5.** Subject to the second paragraph, the rules governing the awarding of contracts by a municipality apply to any contract awarded pursuant to an agreement under article 14.3. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed, the Minister of Municipal Affairs, Sports and Recreation may exercise the power conferred by article 938.1 in relation to a contract referred to in the first paragraph."

134. Article 14.7.2 of the said Code is amended by inserting ", to the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed," after "may" in the fifth line of the third paragraph.

135. The said Code is amended by inserting the following article after article 82:

"**82.1.** Where the law provides that persons who are not council members may sit on a permanent or special committee or a council committee, the municipality may provide, by by-law, for the remuneration of such persons. The amount of the remuneration shall be based on their attendance at sittings of the committee.

The municipality may also, following the same procedure as for the reimbursement of expenses to council members, establish rules for the reimbursement of expenses to committee members who are not council members."

136. Article 445 of the said Code is amended by replacing "to the mayors of the local municipalities whose territory is included in that of the regional county municipality and, where applicable, to the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)" in the third, fourth, fifth and sixth lines of the fourth paragraph by "to the members of that council."

137. The said Code is amended by inserting the following article after article 453:

"**453.1.** Where a municipality consolidates two or more by-laws, one of which required approval or authorization, the council need not obtain approval or authorization for the consolidated by-law."

138. The said Code is amended by inserting the following article after article 548.2:

"**548.3.** A local municipality may sell energy, such as biogas, resulting from the operation of a residual materials disposal facility. It may also entrust that function to any person."

139. Article 601 of the said Code is amended by inserting the following paragraph after paragraph 2.1:

"(2.2) lease its property, although this power does not allow the management board to acquire or build property principally for leasing purposes;".

140. Article 607 of the said Code is amended by replacing the fourth paragraph by the following paragraph:

"No later than the second regular sitting after receiving the copy, the council of each municipality must approve or reject the by-law. If the council fails to do so, the by-law shall be deemed approved. The secretary-treasurer shall send a copy of the resolution under which the council approved or rejected the by-law to the secretary of the management board."

141. Article 620 of the said Code is amended

(1) by replacing "72.3" in the first line of the first paragraph by "72.2";

(2) by inserting "544.1," after "477.2," in the third line of the first paragraph;

(3) by inserting "section 569," after "567," in the fourth line of the first paragraph.

142. Article 711 of the said Code is amended by adding the following paragraph at the end:

"The council may, by by-law, authorize any person who was a member of the council of a municipality during any period determined by the by-law and who receives a retirement pension under a plan in which the members of the council of the municipality participated to participate in the group insurance taken out by the municipality. The member shall pay the full amount of the premium."

143. Article 711.2 of the said Code is amended

(1) by inserting "or for any person the municipalities may subsidize under subparagraph 4 of the first paragraph of article 8 or under article 9.1 of this Code" after "(chapter R-9.3)" in the sixth line of the first paragraph;

(2) by inserting ", or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers" after "governed" in the second line of the second paragraph.

144. The said Code is amended by inserting the following article after article 711.10.1:

"**711.10.2.** A legal person is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), even if its board of directors is not composed in the majority of members of the council of a municipality."

145. The said Code is amended by inserting the following article after article 711.11:

"**711.11.1.** Articles 935 to 938.4 apply to a legal person, with the necessary modifications, and a legal person is deemed to be a local municipality for the purposes of the regulation made under article 938.0.1."

146. Article 711.16 of the said Code, amended by section 272 of chapter 45 of the statutes of 2002, is again amended by replacing "three" in the second line of the first paragraph by "five".

147. Article 711.19 of the said Code is repealed.

148. Article 938 of the said Code is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit agency, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services;";

(2) by replacing "results from the use of a software package or software product designed" in the first and second lines of subparagraph 6 of the first paragraph of the English text by ", which stems from the use of a software package or software product, is";

(3) by replacing "protect" in subparagraph *d* of subparagraph 6 of the first paragraph by "produce";

(4) by adding the following subparagraphs after subparagraph 6 of the first paragraph:

"(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

"(8) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas; or

"(9) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative."

149. Article 954 of the said Code is amended by replacing "30" in the second line of the first paragraph of subarticle 3 by "60".

150. Article 966 of the said Code is amended by replacing the first paragraph by the following paragraph:

"**966.** The council shall appoint an external auditor for not more than three fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed."

151. Article 966.1 of the said Code is amended by replacing "at the next sitting" in the second line by "as soon as possible".

152. The said Code is amended by inserting the following articles after article 979:

"**979.1.** Where, for the same fiscal year, a municipality imposes a special tax based on taxable value on all the immovables situated in its territory and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may fix specific rates for the special tax on the same categories.

In that case, the proportions between the different special tax rates must correspond to the proportions between the different general property tax rates. If the municipality avails itself of the power provided for in section 244.49.1 of the Act respecting municipal taxation, the proportions between the theoretical specific rates in that section are taken into account.

The following provisions apply, with the necessary modifications, in respect of the special tax imposed at different rates:

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the general property tax at different rates, in particular for the purpose of defining the property taxation specific to the non-residential sector.

"**979.2.** Any municipality resulting from an amalgamation which, under its charter, must finance expenditures from revenues derived exclusively from the whole territory, designated as a "sector", of a municipality that ceased to exist on amalgamation may obtain those revenues by imposing a special tax based on taxable value on all the taxable immovables situated in the sector, annually or for several years upon the borrowing of money.

Where, for the same fiscal year and in the same sector, the municipality imposes such a special tax and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may avail itself of the power

provided for in section 979.1. That section applies in such a case, with the necessary modifications, particularly the modification whereby only the specific rates of the general property tax applicable in the sector are taken into account.

Imposing the special tax does not deprive the municipality of the power conferred on it by its charter to use revenues from the sector that are not reserved for other purposes to finance the same expenditures. However, the revenues so used must not be derived from another tax, except the tax provided for in section 979.3.

The municipality may not impose the special tax in a sector without doing likewise in all the other sectors where the obligation provided for in its charter to finance expenditures by revenues derived exclusively from the whole territory of the sector continues to apply. As long as the obligation continues to apply in a sector, the municipality may not, after imposing the special tax in the sector for a fiscal year, cease to impose the tax for the following fiscal year.

"**979.3.** Where, for the same fiscal year, a municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation (chapter F-2.1) and a special tax at different rates under section 979.1 or 979.2, it must also impose a special tax on the occupants of business establishments situated in its territory or in the sector within the meaning of section 979.2, as the case may be, based on the rental value of the business establishments, for the purpose of financing the same expenditures as the special tax for the same fiscal year.

The rate of the special tax imposed under the first paragraph must be fixed in such a way that the proportion of the revenues derived from the special tax to those derived from the special tax imposed under section 979.1 or 979.2 is the same as the proportion of the revenues derived from the business tax to those derived from the general property tax.

For the purposes of the second paragraph, the revenues considered are those which, according to the budget established for the fiscal year, must be derived from the territory of the municipality or the sector, as the case may be, for each of the four taxes concerned. The amounts to stand in lieu of taxes that must be paid by the Government in accordance with the second paragraph of section 210, section 254 or the first paragraph of section 255 of the Act respecting municipal taxation, or by the Crown in right of Canada or one of its mandataries are deemed to be tax-generated revenues.

The following provisions apply, with the necessary modifications, as regards the special tax imposed under the first paragraph:

(1) the provisions of Division III of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the business tax;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the business tax.

"**979.4.** The fact that a special tax has the same characteristics as the general property tax or the business tax, particularly with respect to the debtor, the tax base and the basis for the tax, does not justify the integration of the data relating to the special tax with the data relating to the general property tax or the business tax in any document produced by or under the responsibility of the municipality."

153. Article 1007 of the said Code is amended by striking out "and forwarded to the Minister of Municipal Affairs and Greater Montréal" in the second and third lines of the first paragraph.

154. Article 1063.1 of the said Code is amended

(1) by replacing "passage" in the fourth line of the first paragraph by "coming into force";

(2) by replacing the second paragraph by the following paragraph:

"Where approval of the loan by-law by persons qualified to vote is not required, the percentage set in the first paragraph is replaced by 10%."

155. Article 1072.1 of the said Code is amended

(1) by adding the following sentence at the end of the first paragraph: "Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may obtain an exemption from the compensation in the same manner, with the necessary modifications.";

(2) by inserting ", in the case of a property tax," after "calculated" in the first line of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: "In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment."

156. Article 1072.3 of the said Code is amended by inserting "or the owner or the occupant from the compensation, as the case may be, " after "tax" in the second line.

157. The said Code is amended by inserting the following article after article 1132:

"**1132.1.** A local municipality constituted under the Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence (1988, chapter 55) possesses the attributes and powers conferred upon a regional county municipality as regards the sale of immovables for non-payment of taxes."

ACT RESPECTING THE COMMISSION MUNICIPALE

158. Section 63 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing "in the municipality" in the third and fourth lines of the second paragraph by "on the territory of the municipality".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

159. Section 17 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by adding the following paragraph after the second paragraph:

"At the end of his or her term of office, a member of the council remains in office until a successor takes office. Where applicable, the member of the council also continues to hold office as a member of the executive committee or of a committee of the Community during that period, unless the member is replaced in that capacity before the end of that period."

160. Section 20 of the said Act is amended by adding the following paragraph after the second paragraph:

"The power provided for in the second paragraph may be exercised by the executive committee."

161. Section 50 of the said Act is amended by striking out "ses" in the first line of the French text.

162. Section 51 of the said Act is replaced by the following section:

"**51.** The council designates the members of a committee from among the council members and the members of the councils of local municipalities whose territory is included in that of the Community. The council may replace committee members at any time.

The council designates a chair and vice-chair from among the committee members.

At the end of his or her term of office on the council of a local municipality, a committee member who does not sit on the council of the Community remains in office until replaced."

163. Section 64 of the said Act is amended by inserting the following sentence after the first sentence of the first paragraph: "The by-law may grant remuneration and an allowance to the members of a committee who do not sit on the council of the Community."

164. Section 65 of the said Act is amended

(1) by striking out "of the council" in the second line;

(2) by striking out "as a member of the council" in the fourth line.

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

"**66.** No member of the council, the executive committee or any other committee may, as part of that member's duties, perform any act involving expenses chargeable to the Community except with the prior authorization of the council to perform the act and incur, as a result, expenses not exceeding the amount set by the council.

The Community shall reimburse the member for expenses incurred in keeping with the authorization, once the council has approved the reimbursement on receipt of a statement and supporting documents."

166. Section 67 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**67.** The council may establish a tariff applicable to cases where expenses are incurred on behalf of the Community by a member of the council, the executive committee or any other committee. If such a tariff is in force, the prior authorization required under section 66 for an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed."

167. Section 68 of the said Act is amended

(1) by replacing "may incur on behalf of the Community, the executive committee or any other committee on which they sit as a member of the council" in the third and fourth lines of the first paragraph by "of the council, the executive committee or any other committee may incur on behalf of the Community";

(2) by replacing the second paragraph by the following paragraph:

"The prior authorization required under section 66 for an act included in a class for which appropriations are provided in the budget is limited to the

authorization to perform the act, without reference to the maximum amount of expenses allowed. This maximum amount is deemed to be the balance of the appropriations provided for that class of acts after subtracting previous reimbursements or, as the case may be, the amount provided for in the tariff for that act."

168. Section 69 of the said Act is amended by replacing "the executive committee or any other committee, otherwise than in the course of the work of those bodies," in the second and third lines of the first paragraph by "otherwise than in the course of the work of the council, the executive committee or any other committee".

169. Section 106 of the said Act is amended

(1) by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) whose object is the supply of insurance, materials or equipment or the providing of services and which is entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier that is the only one found to be in a position to provide the materials, equipment or services after thorough and documented verification to ensure that that supplier is the only one available in all the provinces and territories of Canada;";

(2) by striking out ", with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information," in the fourth, fifth and sixth lines of subparagraph 4 of the third paragraph;

(3) by striking out "by a single supplier or" in the first line of subparagraph 6 of the third paragraph;

(4) by replacing "results from the use of a software package or software product designed" in the first and second lines of subparagraph 11 of the third paragraph of the English text by ", which stems from the use of a software package or software product, is";

(5) by replacing "protect" in subparagraph *d* of subparagraph 11 of the third paragraph by "produce".

170. Section 137 of the said Act is amended

(1) by inserting "; they shall also be transmitted to every school board whose territory is situated entirely or partially within that of the Community" after "131" in the fourth line of the first paragraph;

(2) by replacing "or local municipality" in the first line of the third paragraph by ", local municipality or school board".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

171. Section 8 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by adding the following paragraph at the end:

"At the end of his or her term of office, a member of the council remains in office until a successor takes office. Where applicable, the member of the council also continues to hold office as a member of the executive committee or of a committee of the Community during that period, unless the member is replaced in that capacity before the end of that period."

172. Section 12 of the said Act is amended by adding the following paragraph after the second paragraph:

"The power provided for in the second paragraph may be exercised by the executive committee."

173. Section 42 of the said Act is amended by inserting the following paragraph after the second paragraph:

"At the end of his or her term of office on the council of a local municipality, a committee member who does not sit on the council of the Community remains in office until replaced."

174. Section 55 of the said Act is amended by inserting the following sentence after the first sentence of the first paragraph: "The by-law may grant remuneration and an allowance to the members of a committee who do not sit on the council of the Community."

175. Section 56 of the said Act is amended

(1) by striking out "of the council" in the second line;

(2) by striking out "as a member of the council" in the fourth line.

176. Section 57 of the said Act is replaced by the following section:

"**57.** No member of the council, the executive committee or any other committee may, as part of that member's duties, perform any act involving expenses chargeable to the Community except with the prior authorization of the council to perform the act and incur, as a result, expenses not exceeding the amount set by the council.

The Community shall reimburse the member for expenses incurred in keeping with the authorization, once the council has approved the reimbursement on receipt of a statement and supporting documents."

177. Section 58 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**58.** The council may establish a tariff applicable to cases where expenses are incurred on behalf of the Community by a member of the council, the executive committee or any other committee. If such a tariff is in force, the prior authorization required under section 57 for an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed."

178. Section 59 of the said Act is amended

(1) by replacing "may incur on behalf of the Community, the executive committee or any other committee on which they sit as a member of the council" in the third and fourth lines of the first paragraph by "of the council, the executive committee or any other committee may incur on behalf of the Community";

(2) by replacing the second paragraph by the following paragraph:

"The prior authorization required under section 57 for an act included in a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. This maximum amount is deemed to be the balance of the appropriations provided for that class of acts after subtracting previous reimbursements or, as the case may be, the amount provided for in the tariff for that act."

179. Section 60 of the said Act is amended by replacing "the executive committee or any other committee, otherwise than in the course of the work of those bodies," in the second and third lines of the first paragraph by "otherwise than in the course of the work of the council, the executive committee or any other committee".

180. Section 99 of the said Act is amended

(1) by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) whose object is the supply of insurance, materials or equipment or the providing of services and which is entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier that is the only one found to be in a position to provide the materials, equipment or services after thorough and documented verification to ensure that that supplier is the only one available in all the provinces and territories of Canada;";

(2) by striking out ", with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information," in the fourth, fifth and sixth lines of subparagraph 4 of the third paragraph;

(3) by striking out "by a single supplier or" in the first line of subparagraph 6 of the third paragraph;

(4) by replacing "results from the use of a software package or software product designed" in the first and second lines of subparagraph 11 of the third paragraph of the English text by ", which stems from the use of a software package or software product, is";

(5) by replacing "protect" in subparagraph *d* of subparagraph 11 of the third paragraph by "produce".

181. Section 129 of the said Act is amended

(1) by inserting "; they shall also be transmitted to every school board whose territory is situated entirely or partially within the territory of the Community" after "123" in the fourth line of the first paragraph;

(2) by replacing "or local municipality" in the first line of the third paragraph by ", local municipality or school board".

182. Section 139 of the said Act is amended

(1) by inserting "and the provisions of Title III of that Act concerning sanctions and recourses in respect of the interim control by-law or resolution" after "(chapter A-19.1)" in the second line of the first paragraph;

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

"Where an interim control by-law adopted by the council of the Community under the first paragraph is in force, section 2 and Chapter VI of Title I of the Act respecting land use planning and development apply."

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

183. Section 1 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is replaced by the following section:

"**1.** The term for repayment of a loan effected by a municipality may not exceed 40 years nor the useful life of the property that the proceeds of the loan enable the municipality to acquire, repair, restore or build."

184. Section 2 of the said Act is amended by adding the following paragraph after the fifth paragraph:

"The council of a local municipality with a population of 100,000 or more may, by by-law, delegate to the treasurer the exercise of the powers granted under the first, second and fourth paragraphs."

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

185. The James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2) is amended by inserting the following section after section 35:

"**35.1.** The municipality is deemed to be a supramunicipal body for the application of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) to persons referred to in subparagraph 1 of the first paragraph of section 36.

The municipality is deemed to be a local municipality for the application of that Act to persons referred to in subparagraph 2 or 3 of that paragraph. Notwithstanding section 1 of that Act, it may adhere to the pension plan established for them by that Act."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

186. Section 63 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting ", except those hired by the municipality to act as first responders within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2)" after "called "voluntary firemen"" in the third line of paragraph 1.

EXECUTIVE POWER ACT

187. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by replacing "and Greater Montréal" in subparagraph 14 of the first paragraph by ", Sports and Recreation".

ACT RESPECTING MUNICIPAL TAXATION

188. Section 132 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing "soixante-et-unième" in the fourth and seventh lines of the French text by "soixante et unième".

189. Section 151 of the said Act is amended by replacing "place of business" in the third line of the first paragraph by "business establishment".

190. Section 171 of the said Act is amended by replacing "soixante-et-unième" in the second and third lines of subparagraph 2 and the third line of subparagraph 3 of the second paragraph of the French text by "soixante et unième".

191. The said Act is amended by inserting the following section after section 232.2:

"**232.3.** If the municipality results from an amalgamation, its constituting Act or Order in Council requires or authorizes it, during a transitional period, to fix different rates for the business tax according to the territories of the municipalities having ceased to exist on amalgamation, and meets this requirement or uses this power during a fiscal year within that period, the municipality may provide that, instead of applying to each of the rates it fixes, section 232.2 shall apply to the hypothetical rate it would have fixed for all its territory had it not imposed the different rates for the business tax.

For the purpose of fixing the hypothetical rate, no account shall be taken of that part of the revenues from the business tax that is to be used to finance expenditures related to the debts of the municipalities that ceased to exist on amalgamation if the Act or Order in Council referred to in the first paragraph institutes a transitional scheme to limit variations in the tax burden established for the territory of each such municipality and provides that the revenues used to finance such expenditures are not taken into account in establishing that tax burden.

For the purposes of the second paragraph, the expenditures related to debts include what the Act or Order in Council referred to in the first paragraph considers as such and the revenues from the business tax include amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or with section 254 and the first paragraph of section 255, or by the Crown in right of Canada or one of its mandataries."

192. Section 244.1 of the said Act is amended by adding the following paragraph after the second paragraph:

"A municipality may, in the same manner, provide that all or part of the amount it must pay in return for services provided by the Sûreté du Québec shall be financed as in the first paragraph."

193. Section 244.36 of the said Act is amended by replacing the third paragraph by the following:

"Serviced land is land whose owner or occupant may, under section 244.3, be the debtor of a mode of tariffing related to the benefits derived from the presence of water and sewer services in the right of way of a public street."

194. Section 244.39 of the said Act is amended by inserting "and, if applicable, the revenues from the tax provided for in section 487.3 of the Cities and Towns Act (chapter C-19) or article 979.3 of the Municipal Code of Québec (chapter C-27.1) and the revenues, among those from any special tax imposed at different rates under any of sections 487.1 and 487.2 of the Cities and Towns Act or articles 979.1 and 979.2 of the Municipal Code of Québec,

that are not taken into account in establishing the aggregate taxation rate of the municipality under the regulation made under paragraph 3 of section 263 of this Act" after "business tax" in the second line of subparagraph 3 of the third paragraph.

195. Section 244.45 of the said Act is amended

(1) by inserting ", which result from the addition of the values of units of assessments or parts thereof," after "totals" in the second line of the second paragraph;

(2) by replacing "of the taxable values of the non-residential, other than industrial, units of assessment" in the first and second lines of subparagraph 1 of the second paragraph by "that constitutes the tax base for the rate specific to the category of non-residential immovables";

(3) by replacing "of the taxable values of the non-residential, other than industrial, units of assessment" in the first and second lines of subparagraph 2 of the second paragraph by "that constitutes the tax base for the rate specific to the category of non-residential immovables";

(4) by inserting ", which result from the addition of the values of units of assessments or parts thereof," after "totals" in the first line of the third paragraph;

(5) by replacing "of the taxable values of the industrial units of assessment" in the first and second lines of subparagraph 1 of the third paragraph by "that constitutes the tax base for the rate specific to the category of industrial immovables";

(6) by replacing "of the taxable values of the industrial units of assessment" in the first and second lines of subparagraph 2 of the third paragraph by "that constitutes the tax base for the rate specific to the category of industrial immovables";

(7) by replacing "the units of assessment and the values are those" in the first and second lines of the fourth paragraph by "the tax bases for rates are the totals of values";

(8) by replacing "would be listed on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary under the following headings" in the fifth and sixth lines of the fourth paragraph by "would appear on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE" under the following headings";

(9) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

"(1) in the case of the tax base for applying the rate specific to the category of non-residential immovables, the total of the values entered in the box in the last line under the heading "TAUX NON RÉSIDENTIEL";

"(2) in the case of the tax base for applying the rate specific to the category of industrial immovables, the total of the values entered in the box in the last line under the headings "TAUX INDUSTRIEL (CLASSE 2)" and "TAUX IND. (SAUF CL. 1 ET 2)"."

196. Section 244.45.1 of the said Act is amended by replacing "unit of assessment referred to in section 244.45 to enter on the roll the taxable value" in the second and third lines of paragraph 3 by "value to be taken into account in establishing a tax base referred to in section 244.45 to enter the value".

197. Section 244.45.2 of the said Act is amended

(1) by striking out "of taxable values" in the second and third lines of the second paragraph;

(2) by striking out "of taxable values" in the first and second lines of the third paragraph.

198. Section 244.45.3 of the said Act is amended

(1) by striking out "of the taxable values" in the third line of the third paragraph;

(2) by striking out "taxable" in the seventh line of the third paragraph;

(3) by striking out "taxable" in the second line of the fourth paragraph;

(4) by striking out "taxable" in the fifth line of the fifth paragraph.

199. Section 244.48 of the said Act is amended

(1) by inserting ", which result from the addition of the values of units of assessment or parts thereof," after "totals" in the second line of the second paragraph;

(2) by replacing "of the taxable values of the residential units of assessment other than units in which there are six or more dwellings" in the first and second lines of subparagraph 1 of the second paragraph by "that constitutes the tax base for the basic rate";

(3) by replacing "of the taxable values of the residential units of assessment other than units in which there are six or more dwellings" in the first and second lines of subparagraph 2 of the second paragraph by "that constitutes the tax base for the basic rate";

(4) by inserting ", which result from the addition of the values of units of assessments or parts thereof," after "totals" in the first line of the third paragraph;

(5) by replacing "of the taxable values of the residential units of assessment in which there are" in the first and second lines of subparagraph 1 of the third paragraph by "that constitutes the tax base for the rate specific to the category of immovables consisting of";

(6) by replacing "of the taxable values of the residential units of assessment in which there are" in the first and second lines of subparagraph 2 of the third paragraph by "that constitutes the tax base for the rate specific to the category of immovables consisting of";

(7) by replacing "the units of assessment and the values are those" in the first and second lines of the fourth paragraph by "the tax bases for rates are the totals of values";

(8) by replacing "would be listed on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary under the following headings" in the fourth, fifth and sixth lines of the fourth paragraph by "would appear on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE" under the following headings";

(9) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

"(1) in the case of the tax base for applying the basic rate, the total of the values entered in the box in the last line under the heading "TAUX DE BASE";

"(2) in the case of the tax base for applying the rate specific to the category of immovables consisting of six or more dwellings, the total of the values entered in the box in the last line under the heading "TAUX 6 LOGEMENTS OU PLUS"."

200. The said Act is amended by inserting the following after section 244.49:

"F. — Transitional rules for certain municipalities resulting from an amalgamation

"**244.49.1.** If the municipality results from an amalgamation, its constituting Act or Order in Council requires or authorizes it, during a transitional period, to fix different general property tax rates specific to a given category according to the territories of the municipalities having ceased to exist on amalgamation, and the municipality meets this requirement or uses this power during a fiscal year within that period, the municipality may

provide that, instead of applying to each of the specific rates it fixes, the provisions of any of subdivisions A to E shall apply to the hypothetical specific rate it would have fixed for that category for all its territory had it not imposed different general property tax rates specific to that category.

For the purpose of fixing the hypothetical specific rate, no account shall be taken of that part of the revenues from the general property tax generated by the application of all or part of the rate specific to the category that is to be used to finance expenditures related to the debts of the municipalities that ceased to exist on amalgamation if the Act or Order in Council referred to in the first paragraph institutes a transitional scheme to limit variations in the tax burden established for the territory of each such municipality and provides that the revenues used to finance such expenditures are not taken into account in establishing that tax burden.

For the purposes of the second paragraph, the expenditures related to debts include what the Act or Order in Council referred to in the first paragraph considers as such and the revenues from the general property tax include amounts to stand in lieu of the general property tax that must be paid by the Government in accordance with the second paragraph of section 210 or with section 254 and the first paragraph of section 255, or by the Crown in right of Canada or one of its mandataries."

201. Section 263.2 of the said Act is amended

(1) by replacing "place of business" in the first line of the second paragraph by "business establishment";

(2) by replacing "place" in the third line of the second paragraph by "establishment".

HYDRO-QUÉBEC ACT

202. Section 30 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by striking out "under a municipal law" in the fourth line of the first paragraph.

EDUCATION ACT

203. Section 211 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the first paragraph by the following paragraph:

"**211.** Each year, after consulting any municipality or metropolitan community whose territory is situated entirely or partially within its own, the school board shall establish a three-year plan for the allocation and destination of its immovables. The school board shall transmit the plan to every municipality or metropolitan community consulted."

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DE LA MÉTROPOLE

204. The title of the Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1) is amended by replacing "ET DE LA MÉTROPOLE" by ", DU SPORT ET DU LOISIR".

205. Section 1 of the said Act is amended by replacing "Ministère des Affaires municipales et de la Métropole" by "Ministère des Affaires municipales, du Sport et du Loisir" and by replacing "Minister of Municipal Affairs and Greater Montréal" by "Minister of Municipal Affairs, Sports and Recreation".

206. Section 2 of the said Act is amended by replacing "and Greater Montréal" by ", Sports and Recreation".

207. Section 7.1 of the said Act is amended by replacing "recreation, sport and outdoor activities" by "sports and recreation".

208. Section 17.6.1 of the said Act is amended

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

(2) by replacing "performance" in the second line of the second paragraph by "management";

(3) by replacing "performance" in the third line of the third paragraph by "management";

(4) by replacing "performance" in the second line of the fourth paragraph by "management".

GOVERNMENT DEPARTMENTS ACT

209. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 63 of chapter 72 of the statutes of 2002 and by section 5 of chapter 8 of the statutes of 2003, is again amended by replacing "Ministère des Affaires municipales et de la Métropole" in paragraph 13 by "Ministère des Affaires municipales, du Sport et du Loisir" and by replacing "Minister of Municipal Affairs and Greater Montréal" by "Minister of Municipal Affairs, Sports and Recreation".

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

210. Section 210.29.3 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by striking out the commas in the first line of paragraph 3 of the French text.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

211. Section 36 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the second sentence by the following sentence: "Even in the absence of an application, the Commission may pay the pension referred to in the first paragraph of section 27 or in section 28 to a person entitled thereto."

212. Section 47 of the said Act is amended by inserting "and the amounts paid under any supplementary benefits plan referred to in section 76.4 or 80.1" after "plan" in the second line of the first paragraph.

213. Section 67.1 of the said Act is amended by adding the following sentence at the end of the first paragraph: "The by-law may provide, where the oath is taken after the constitution of the municipality, that participation in the plan begins as of that constitution in respect of the council members of the municipality who acted as members of the provisional council of that municipality."

ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

214. Section 28 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) is amended by striking out the second paragraph.

215. Section 42 of the said Act is amended by adding the following subparagraph after subparagraph *l* of the first paragraph:

"(*m*) establish any measure to eliminate an unfunded liability of this plan, in particular by requiring the payment of additional contributory amounts by every municipality which has joined the plan or by every municipality which succeeded such a municipality."

216. The said Act is amended by inserting the following section after the heading of Division X:

"**42.1.** The Minister of Municipal Affairs, Sports and Recreation is responsible for the administration of this Act."

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

217. Section 1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by replacing "678.0.6" in the third line of paragraph *a* by "678.0.2.1".

218. Section 56.1 of the said Act is amended by replacing "678.0.6" in the second line of the second paragraph by "678.0.2.1".

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

219. Section 14 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01) is amended by replacing "du gouvernement" in the fourth line of the second paragraph of the French text by "de l'État".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

220. Section 93 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended

(1) by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) whose object is the supply of insurance, materials or equipment or the providing of services and which is entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier that is the only one found to be in a position to provide the materials, equipment or services after thorough and documented verification to ensure that that supplier is the only one available in all the provinces and territories of Canada;";

(2) by striking out ", with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information" in the fourth, fifth and sixth lines of subparagraph 3 of the third paragraph;

(3) by striking out "by a single supplier or" in the first line of subparagraph 4 of the third paragraph;

(4) by replacing "results from the use of a software package or software product designed" in the first and second lines of subparagraph 9 of the third paragraph of the English text by ", which stems from the use of a software package or software product, is".

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

221. The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by inserting the following section after section 25:

"**25.1.** The council may, by by-law, exempt members of the executive committee or borough chairs from having to obtain the prior authorization referred to in the first paragraph of section 25 when they perform an act as part of their duties.

The by-law must state the annual amount, not greater than $1,500, up to which the exemption is granted."

MUNICIPAL WORKS ACT

222. Section 2 of the Municipal Works Act (R.S.Q., chapter T-14) is replaced by the following section:

"**2.** Notwithstanding section 1 or any other provision of a general law or special Act, a municipality may proceed by resolution to order works covered by that section, if the resolution provides for the appropriation of the sums necessary to pay the cost of the works from:

(1) a part of its general fund not otherwise appropriated;

(2) a subsidy from the Government, a minister or a government body that has already been paid or the payment of which is assured;

(3) a letter of credit by a financial institution issued in the name of the municipality and guaranteeing the payment of a sum on the conditions specified in the letter of credit; or

(4) a combination of two or three of the sources of financing described in paragraphs 1 to 3."

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

223. Section 204.3 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is replaced by the following section:

"**204.3.** Sections 204 and 204.1 do not apply

(1) to a contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof;

(2) to a contract for the supply of insurance, equipment, materials or services entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services;

(3) to a contract to devise energy saving measures for the municipality if the contract involves both professional services and the performance of work or the supply of equipment, materials or services other than professional services."

224. The said Act is amended by inserting the following section after section 351.2:

"**351.3.** The Regional Government has, by operation of law, all the powers required to carry out the obligations under any agreement between the Regional Government and the Government or any of its ministers or bodies, a mandatary of the State or, in respect of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30) or an agreement having obtained the prior authorization required under that Act, the Government of Canada or any of its ministers or bodies."

225. Section 358.3 of the said Act is replaced by the following section:

"**358.3.** Sections 358 and 358.1 do not apply

(1) to a contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof;

(2) to a contract for the supply of insurance, equipment, materials or services entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services; or

(3) to a contract to devise energy saving measures for the Regional Government if the contract involves both professional services and the performance of work or the supply of equipment, materials or services other than professional services."

ACT RESPECTING THE TOWN OF BROSSARD

226. Section 2 of the Act respecting the town of Brossard (1969, chapter 99) is amended by striking out "and of the Minister of Industry and Commerce" in the fourth and fifth lines.

ACT RESPECTING THE CITY OF RIMOUSKI

227. Section 3 of the Act respecting the city of Rimouski (1984, chapter 66) is replaced by the following section:

"**3.** Any sale or leasing for purposes other than industrial or commercial purposes requires the authorization of the Minister of Municipal Affairs, Sports and Recreation."

ACT RESPECTING THE ACQUISITION OF IMMOVABLES BY THE TOWN OF BERTHIERVILLE

228. Section 2 of the Act respecting the acquisition of immovables by the town of Berthierville (1985, chapter 56) is amended by replacing "and the Minister of Industry and Commerce" in the second and third lines of the first paragraph by ", Sports and Recreation".

229. Section 4 of the said Act is amended by replacing "of Industry and Commerce and the Minister of Municipal Affairs may" in the third and fourth lines by "of Municipal Affairs, Sports and Recreation may".

230. Section 5 of the said Act is amended by replacing "of Industry and Commerce and the Minister of Municipal Affairs may" in the first and second lines of the first paragraph by "of Municipal Affairs, Sports and Recreation may".

ACT RESPECTING THE CITY OF GRAND-MÈRE

231. Section 2 of the Act respecting the city of Grand-Mère (1993, chapter 90) is amended by replacing "of the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs, and on the conditions the ministers determine" in the first, second and third lines of the first paragraph by "of the Minister of Municipal Affairs, Sports and Recreation and on the conditions the Minister determines".

232. Section 5 of the said Act is amended by replacing "of Industry, Trade and Technology and to the Minister of Municipal Affairs" in the third and fourth lines by "of Municipal Affairs, Sports and Recreation".

233. Section 6 of the said Act is amended by replacing "of Industry, Trade and Technology and the Minister of Municipal Affairs" in the second and third lines of the second paragraph by "of Municipal Affairs, Sports and Recreation".

ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER LEGISLATIVE PROVISIONS

234. Section 68 of the Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67), amended by section 177 of chapter 93 of the statutes of 1997, by section 104 of chapter 54 of the statutes of 2000 and by section 93 of chapter 77 of the statutes of 2002, is again amended by replacing "2003" in the first paragraph by "2004".

ACT RESPECTING VILLE DE CHAPAIS

235. Section 2 of the Act respecting Ville de Chapais (1999, chapter 98), amended by section 94 of chapter 77 of the statutes of 2002, is again amended by replacing "2003" in the second paragraph by "2004".

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

236. Section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 228 of chapter 25 of the statutes of 2001, by section 113 of chapter 68 of the statutes of 2001, by section 263 of chapter 37 of the statutes of 2002 and by sections 44 and 52 of chapter 68 of the statutes of 2002, is again amended

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

"However,

(1) the examination of the conformity of the planning program or a by-law adopted by the city council with the city's land use planning and development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 59.2 to 59.4 and 109.6 to 109.10 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws, and a time limit of 15 days shall apply rather than the time limit of 45 days prescribed in the second paragraph of section 137.11 of that Act;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's land use planning and development plan shall be effected in accordance with sections 137.2 to 137.8 of the Act respecting land use planning and development, with the necessary modifications and in particular the modifications applicable under the third, fourth and fifth paragraphs of section 117 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5).";

(2) by replacing the fifth and sixth paragraphs by the following paragraphs:

"Before 31 December 2004 and in accordance with sections 81 to 100 of the Act respecting land use planning and development, with the necessary modifications, the city must adopt a planning program applicable to the whole territory of the city, called the "Master Land Use and Development Program".

Sections 101 to 106 of that Act, except the second and third paragraphs of section 102, apply, with the necessary modifications, after the coming into force of the program. However, the time limit of 90 days set by the first paragraph of section 102 of that Act is replaced by a time limit of 12 months."

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

237. Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) is amended by replacing "2004" in the second line of the tenth paragraph by "2006".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

238. Section 107 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 77) is amended by inserting "that were, on 3 May 1992," after "operations" in the third line of the first paragraph.

239. Section 110 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: "If the pension committee fails to transmit the report, the municipality may transmit it on or before 18 March 2004."

ACT RESPECTING VILLE DE CONTRECOEUR

240. Section 20 of the Act respecting Ville de Contrecoeur (2002, chapter 95) is amended by replacing "Taxation Act (R.S.Q., chapter I-3)" in the second and third lines of the English text by "Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

241. Section 11 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3) is amended by adding the following sentence at the end of the third paragraph: "If the pension committee fails to send the report, the municipality may send it on or before 18 March 2004."

242. Section 13 of the said Act is amended by inserting "or an association representing the majority of the executive officers of the municipality or body party to the pension plan" after "certified association" in the third line.

OTHER AMENDING PROVISIONS

243. Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay is amended by inserting the following division after section 29:

"DIVISION III.1

"PROVISIONS RELATING TO THE SIGNATURE OF CONTRACTS AND OTHER DOCUMENTS

"**29.1.** Contracts within the jurisdiction of the city council or the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may designate in writing, generally or specially, another member of the executive committee to sign the contracts in his or her place.

On the proposal of the mayor, the executive committee may authorize the director general, a department head or another designated officer, generally or specially, to sign contracts or documents of a nature it determines that are within the jurisdiction of the city council or the executive committee, except by-laws and resolutions, and, in that case, may prescribe that certain contracts or documents or certain classes of contracts or documents do not require the clerk's signature.

Contracts within the jurisdiction of a borough council shall be signed on behalf of the city by the chair of the borough council and by the clerk or the person the clerk designates. The chair of the borough council may authorize in writing another member of the borough council, generally or specially, to sign the contracts in his or her place.

On the proposal of the chair of the borough council, the borough council may authorize the director general, the borough director, a department head or another officer it designates, generally or specially, to sign contracts or documents of a nature it determines that are within the jurisdiction of the borough council, except by-laws and resolutions, and, in that case, may prescribe that certain contracts or documents or certain classes of contracts or documents do not require the clerk's signature.

For the purposes of the first paragraph of section 53 of the Cities and Towns Act, when, under this section, a contract must be signed by a member of the executive committee other than the mayor or by a member of a borough council, the contract shall be presented to that other member rather than the mayor."

244. Section 155 of the said Order in Council, amended by Order in Council 1474-2001 dated 12 December 2001, is again amended by replacing "debts" in the second paragraph by "the debt service".

245. Section 5 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke is amended by adding the following paragraph at the end:

"The city council may assign a name to each borough by by-law."

246. Section 60.7 of the said Order in Council, enacted by Order in Council 509-2002 dated 1 May 2002, is repealed.

247. Section 147 of the said Order in Council is amended by replacing "value determined under the third paragraph" in the fourth paragraph by "net value".

248. Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières is amended by inserting the following section after section 34:

"§7. *Miscellaneous powers*

"**34.1.** The city may adopt a grant program by by-law to defray the costs incurred by a person to acquire, plant and maintain trees, shrubs or other plants on the conditions and in the parts of the territory of the city it determines. The grants may be uniform or may vary in the different parts of the territory of the city.

"**34.2.** The city may authorize, by by-law, the police chief or any other officer designated in the by-law to prohibit parking on certain streets or parts of streets during road maintenance operations.

The by-law must prescribe the appropriate means to be used and the advance notice to be given by the chief of police or officer in announcing road maintenance operations.

Appropriate means include the erection of signs in the places determined by the executive committee indicating the means of obtaining information on road maintenance operations where telephone, radio or television messages or any other similar media are used to transmit the information.

When parking is prohibited, a police officer may have contravening vehicles towed or moved to a place the police officer determines.

"**34.3.** The city may fix by by-law a tariff of costs for the removal or towing of a vehicle parked in violation of a provision of a by-law adopted under section 34.2, under the Cities and Towns Act (R.S.Q., chapter C-19) or under the Highway Safety Code (R.S.Q., chapter C-24.2).

By the same by-law, the city may establish that, in every case where it is provided that a vehicle may be removed or towed for a parking offence, the amount prescribed under the first paragraph may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 of the Code of Penal Procedure (R.S.Q., chapter C-25.1).

"**34.4.** For the purposes of section 463 of the Cities and Towns Act (R.S.Q., chapter C-19), all expenses incurred by the city to remove nuisances or cause nuisances to be removed or to enforce any measure designed to eliminate or prevent nuisances constitute a claim, regarded as a property tax, against the immovable where the nuisances were located, and they may be recovered in the same manner."

249. Section 26 of Order in Council 1478-2001 dated 12 December 2001 respecting Ville de Rouyn-Noranda is amended by adding the following paragraph after paragraph 2:

"Notwithstanding subparagraph 1 of the first paragraph, where a consultation of the citizens of a sector made up of the territory of a former municipality leads to the abandonment of a project initially intended for that sector, the amounts reserved for those purposes are used in accordance with subparagraph 2 of that paragraph."

250. The words "et de la Métropole" are replaced by ", du Sport et du Loisir" and the words "and Greater Montréal" are replaced by ", Sports and Recreation" in the following provisions:

(1) subparagraph 2 of the second paragraph of section 24 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3);

(2) paragraph 4 of section 1, the second paragraph of section 75.8 and the first paragraph of section 75.11 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(3) section 6 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

(4) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 80, the second paragraph of section 86, the first paragraph of section 89, the first paragraph of section 91, the second paragraph of section 100, the first paragraph of section 119, the first paragraph of section 120, section 134, the second paragraph of section 135 and the third paragraph of section 24 of Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

(5) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 104, the second paragraph of section 113, the first paragraph of section 132, the first paragraph of section 133, the first paragraph of section 146 and the second paragraph of section 147 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

(6) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 90, the second paragraph of section 99, the first paragraph of section 118, the first paragraph of section 119, the first paragraph of section 133, the second paragraph of section 134, section 46 of Schedule C and the second paragraph of section 47 of Schedule C to the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

(7) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, section 39.1, the first paragraph of section 153, the second paragraph of section 162, the first paragraph of section 181, the first paragraph of section 182, the first paragraph of section 196, the second paragraph of section 197, subparagraph 1 of the second paragraph of section 2 of Schedule C,

section 69 of Schedule C, section 118 of Schedule C, the second paragraph of section 122 of Schedule C, the first paragraph of section 133 of Schedule C, section 136 of Schedule C, the fifth paragraph of section 139 of Schedule C, the third paragraph of section 220 of Schedule C, section 239 of Schedule C and section 271 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

(8) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 133, the second paragraph of section 142, the first paragraph of section 161, the first paragraph of section 162, the first paragraph of section 174, the second paragraph of section 175, the second paragraph of section 38 of Schedule C, the fourth paragraph of section 41 of Schedule C, the fifth paragraph of section 165 of Schedule C and the first paragraph of section 183 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5);

(9) paragraph *f* of section 1, subparagraph 13 of the first paragraph of section 6, the second paragraph of subsection 3 of section 28, the first paragraph of section 29.3, the second paragraph of section 29.7, the third paragraph of section 29.9.2, the fourth paragraph of section 29.10.1, sections 54 and 55, paragraph 3 of section 100, the second paragraph of section 105, the second and third paragraphs of section 105.2, the third paragraph of section 108, the first paragraph of section 108.2, subparagraph 2 of the first paragraph of section 108.2.1, subparagraph 1 of the first paragraph of section 116, the heading of Division V.1, section 318, the second paragraph of section 365, the first paragraph of section 465.1, the second paragraph of section 466.1, the first paragraph of section 468.1, the first paragraph of section 468.11, the first paragraph of section 468.36.1, section 468.37, subparagraph 3 of the second paragraph of section 468.38, the first paragraph of section 468.39, section 468.48, the first paragraph of section 468.49, the first paragraph of section 468.51, the first paragraph of section 468.53, the sixth paragraph of section 469.1, the first paragraph of subsections 2 and 3 of section 474, the third paragraph of section 477.2, the first paragraph of section 503, the first and second paragraphs of subsection 2 of section 541, the first, third and fourth paragraphs of section 554, the first paragraph of section 555, the first paragraph of section 556, the first paragraph of section 561.1, the first paragraph of section 562, the first paragraph of section 563.1, the third paragraph of section 564, the first paragraph of section 565, the second paragraph of subsection 2 and subsection 3 of section 567, section 572, subsection 7 of section 573, the first paragraph of section 573.3.1, the first paragraph of section 573.5, section 573.7, the first paragraph of section 573.8 and the second paragraph of section 592 of the Cities and Towns Act (R.S.Q., chapter C-19);

(10) section 422 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(11) subparagraph *e* of the first paragraph of article 670, article 687.1 and the first paragraph of article 905 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(12) the third paragraph of article 2, the second paragraph of article 9, the first paragraph of article 14.1, the second paragraph of article 14.5, the third paragraph of article 14.7.2, the fourth paragraph of article 14.8.1, paragraph 16 and paragraph 37 of article 25, the first and second paragraphs of article 140, subarticles 5 and 6 of article 142, the third paragraph of article 148, article 169, the second paragraph of article 176, the first, second and third paragraphs of article 176.2, the third paragraph of article 206, subparagraph 3 of the first paragraph of article 269, the heading of Title XI, subparagraph 1 of the first paragraph of article 486, the second paragraph of article 488, the first paragraph of article 570, the first paragraph of article 580, the first paragraph of article 605.1, article 606, subparagraph 3 of the second paragraph of article 607, the first paragraph of article 608, article 617, the first paragraph of article 618, the first paragraph of article 620, the first paragraph of article 622, the sixth paragraph of article 624, the second paragraph of article 627.1, the first paragraph of article 688.3.2, the first paragraph of article 688.5, the first paragraph of article 711.2, subarticle 7 of the first paragraph of article 935, the first paragraph of article 938.1, the first paragraph of article 939, article 941, the first paragraph of article 942, the first paragraph of subarticles 2 and 3 of article 954, the third paragraph of article 961.1, the second paragraph of article 966, the first paragraph of article 966.2, the fourth paragraph of article 975, the second paragraph of article 976, the first paragraph of article 1007, the second paragraph of article 1061, subarticles 1 and 2 of article 1065, the first paragraph of article 1066, the first paragraph of article 1071.1, the first paragraph of article 1075, the third paragraph of article 1076, the first paragraph of article 1077, the first paragraph of article 1084.1, the second paragraph of article 1093, article 1093.1, the first paragraph of article 1094.3, article 1104.1, the second paragraph of article 1114, the fourth paragraph of subarticle 1 of article 1128 and the third paragraph of article 1133 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(13) paragraph 2 of section 1, the second paragraph of section 55 and the first paragraph of section 100.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(14) section 128, the first paragraph of section 148, the third paragraph of section 150, the first paragraph of section 232, section 237, the first paragraph of section 264 and the sixth paragraph of section 265.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

(15) section 120, the first paragraph of section 140, the fourth paragraph of section 143, the first paragraph of section 219, section 224, the first paragraph of section 227 and the sixth paragraph of section 229 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(16) section 29 of the Chartered Accountants Act (R.S.Q., chapter C-48);

(17) the first paragraph of section 10 and section 98 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);

(18) the second paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

(19) paragraph 3 of section 15.1 and the first paragraph of section 128.2, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(20) the first and second paragraphs of section 18.1, the third paragraph of section 18.3, the fourth paragraph of section 18.4, the first paragraph of section 21, the first paragraph of section 23, the second paragraph of section 89, sections 91 and 98, the first paragraph of section 109 and the first paragraph of section 111 of the Act respecting municipal courts (R.S.Q., chapter C-72.01);

(21) the second paragraph of section 37 of the Public Curator Act (R.S.Q., chapter C-81);

(22) the first paragraph of section 1, the third and fifth paragraphs of section 2, sections 3 and 11, the first and fourth paragraphs of section 12, the first and fourth paragraphs of section 15, the first paragraph of section 15.1, the first paragraph of section 20, sections 22.1, 22.2 and 35, the second paragraph of section 48.1 and the second and fourth paragraphs of section 49 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7);

(23) paragraph *c* of section 17 and section 28 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

(24) the first paragraph of section 10, the first paragraph of section 41.1, the first paragraph of section 45, paragraph 4 of section 62, the second paragraph of section 88, the second paragraph of section 90.5, section 251, the second paragraph of section 278, paragraph 4 of section 307, the second paragraph of section 337, the second paragraph of section 339, the heading of Division III of Chapter XI of Title I, section 345, the first paragraph of section 366, the second paragraph of section 377, subparagraph *c* of paragraph 1 of section 514, the second paragraph of section 551, the second paragraph of section 565, the second paragraph of section 568, the first paragraph of section 580, the first paragraph of section 649, the first paragraph of section 659.2, section 659.3, the first paragraph of section 867, section 878, the first paragraph of section 881 and section 887 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(25) the third paragraph of section 6 and the first paragraph of section 12, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(26) section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(27) the second paragraph of section 53.11 of the Expropriation Act (R.S.Q., chapter E-24);

(28) paragraph 6 of section 4 and paragraph 4 of section 14 of the Act respecting Financement-Québec (R.S.Q., chapter F-2.01);

(29) the first paragraph of section 1, the first paragraph of section 80.2, the first paragraph of section 126, the first paragraph of section 131.1, sections 132 and 133, the first paragraph of section 138.1, subparagraph 4 of the second paragraph of section 138.5, paragraph 4 of section 138.9, paragraph 2 of section 154, the fourth paragraph of section 180 and subparagraph 4 of the third paragraph of section 183 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(30) the first paragraph of section 1, the first paragraph of section 5, section 8, the first paragraph of section 9, section 11, the second paragraph of section 22, the first paragraph of section 24 and section 25 of the Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01);

(31) the fourth and sixth paragraphs of section 6, the first paragraph of section 6.1, the second paragraph of section 13.8 and section 19 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);

(32) section 38 of the Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);

(33) section 1129.30 of the Taxation Act (R.S.Q., chapter I-3);

(34) the second paragraph of section 311 and the first and second paragraphs of section 426 of the Education Act (R.S.Q., chapter I-13.3);

(35) subparagraph 28 of the first paragraph of section 1, subsections 2 and 6 of section 220, the first and second paragraphs of section 222 and the first and second paragraphs of section 508 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(36) section 2 of the Municipal Aid Prohibition Act (R.S.Q., chapter I-15);

(37) the first paragraph of section 24.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2);

(38) subparagraph 1.1 of the first paragraph of section 2, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

(39) subparagraph 4 of the third paragraph of section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);

(40) section 66 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);

(41) subparagraph *l* of the second paragraph of section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

(42) sections 16 and 18, the first, third, fourth and fifth paragraphs of section 30, the second paragraph of section 36, the first paragraph of section 45, the fourth paragraph of section 58, the first paragraph of section 90, the first paragraph of section 92, the fourth paragraph of section 106, the first paragraph of section 111, section 124, the first paragraph of section 125.13, section 125.15, the second paragraph of section 125.24, the first paragraph of section 125.26, subparagraphs 13 and 20 of the first paragraph of section 125.27, the first paragraph of section 125.30, the third paragraph of section 131, the first paragraph of section 139, the fifth paragraph of section 153, the first paragraph of section 162, amended by section 6 of chapter 8 of the statutes of 2003, the second paragraph of section 176.27, subparagraph 1 of the first paragraph and the third paragraph of section 176.28, the first paragraph of section 179, the first paragraph of section 193, sections 201, 210.3.1, 210.8 and 210.11, the first paragraph of section 210.31, subparagraph 3 of the second paragraph of section 210.44, subparagraph 3 of the second paragraph of section 210.53, section 210.63, the fourth paragraph of section 210.79, the first paragraph of section 214.1, the first paragraph of section 214.3 and sections 279 and 289 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(43) sections 18 and 19 of the Pesticides Act (R.S.Q., chapter P-9.3);

(44) the fourth paragraph of section 73, the third paragraph of section 100 and the second paragraph of section 108 of the Police Act (R.S.Q., chapter P-13.1);

(45) section 79.10, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(46) the third paragraph of section 43, the second paragraph of section 104 and sections 118.3.1 and 118.3.2 of the Environment Quality Act (R.S.Q., chapter Q-2);

(47) the second paragraph of section 72 and sections 76 and 82 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(48) the first paragraph of section 20 and section 73 of the Act respecting safety in sports (R.S.Q., chapter S-3.1);

(49) paragraph *e* of section 1 and sections 59, 74, 82 and 95 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

(50) section 32 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

(51) subparagraph 10 of the first paragraph of section 18, the third paragraph of section 19, the first paragraph of section 21, section 27, the first paragraph of section 27.1, the second paragraph of section 35.1, section 37, the first and second paragraphs of section 38 and sections 42 and 46 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1);

(52) the first paragraph of section 4, the first paragraph of section 5, section 8, the first paragraph of section 9, the first paragraph of section 17, sections 18 to 20, the first paragraph of section 30, the second paragraph of section 48, the second paragraph of section 61, section 62 and section 69 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);

(53) the third paragraph of section 77, the eighth paragraph of section 95, the first paragraph of section 103, the first paragraph of section 119, section 122, the first and second paragraphs of section 123, section 124, the second paragraph of section 136, the first paragraph of section 139, the first paragraph of section 150 and section 262 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01);

(54) paragraph *b* of subsection 2 of section 14 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);

(55) the first paragraph of section 23, the first paragraph of section 24 and the first and second paragraphs of section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(56) section 67 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

(57) the third paragraph of section 1 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

(58) paragraph 13 of section 1 of the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);

(59) paragraph *m* of section 2, section 18.1, subparagraph 1 of the first paragraph of section 20 and sections 157, 338, 361.1 and 408 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(60) section 18, the second paragraph of section 22 and the first paragraph of section 27 of the Act respecting the Agence de développement Station Mont-Tremblant (1997, chapter 100), amended by section 13 of chapter 43 of the statutes of 1999;

(61) section 45 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2), amended by section 13 of chapter 43 of the statutes of 1999;

(62) section 42 of the Act respecting certain facilities of Ville de Montréal (1998, chapter 47), amended by section 14 of chapter 43 of the statutes of 1999;

(63) the first paragraph of section 1 and sections 2 and 6 of the Act respecting the amalgamation of Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite (1999, chapter 88);

(64) section 257 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

(65) sections 24 and 30 of the Act respecting the Agence de développement de Ferme-Neuve (2002, chapter 83).

251. Unless otherwise indicated by the context, in any other Act, statutory instrument or other document.

(1) a reference to the Minister or Deputy Minister of Municipal Affairs and Greater Montréal is a reference to the Minister or Deputy Minister of Municipal Affairs, Sports and Recreation and a reference to the Ministère des Affaires municipales et de la Métropole is a reference to the Ministère des Affaires municipales, du Sport et du Loisir;

(2) a reference to the Act respecting the Ministère des Affaires municipales et de la Métropole or to one of its provisions is a reference to the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir or to the corresponding provision of that Act.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

252. Sections 95, 105 and 114 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) have effect from 1 January 2002.

253. Paragraph 1 of section 7 of the Act to amend the Act respecting labour standards and other legislative provisions (2002, chapter 80) has effect from 1 January 2002.

254. Where, under its constituting Act or Order in Council, a municipality resulting from an amalgamation is subject to a transitional scheme limiting the variation in the tax burden established for the territory of each municipality that ceased to exist upon the amalgamation, and under the scheme, that burden is established separately for each group formed of the units of assessment situated in such a territory and to which all or part of the general property tax rate applies, the municipality may provide that, instead, the tax burden is established separately for each group formed of the units of assessment or the parts of such units that are situated in such a territory and the total of whose values, determined under this section, is the tax base for applying such a rate.

The values taken into consideration are those appearing in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE" in the form entitled "SOMMAIRE DU RÔLE D'ÉVALUATION FONCIÈRE", the use of which is prescribed by the regulation under paragraph 1 of section 263 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and that is filled out in anticipation of the fiscal year for which the municipality is to establish the tax burden referred to in the first paragraph.

Where the municipality imposes the general property tax for the fiscal year concerned at the five specific rates permitted,

(1) the values the total of which is the tax base for applying the basic rate are the values the sum of which is entered in the box in the last line under the heading "TAUX DE BASE";

(2) the values the total of which is the tax base for applying the rate specific to the category of immovables consisting of six or more dwellings are the values the sum of which is entered in the box in the last line under the heading "TAUX 6 LOGEMENTS OU PLUS";

(3) the values the total of which is the tax base for applying the rate specific to the category of non-residential immovables are the values the sum of which is entered in the box in the last line under the heading "TAUX NON RÉSIDENTIEL";

(4) the values the total of which is the tax base for applying the rate specific to the category of industrial immovables are the values the sum of which is entered in the box in the last line under the headings "TAUX INDUSTRIEL (CLASSE 2)" and "TAUX IND. (SAUF CL. 1 ET 2)";

(5) the values the total of which is the tax base for applying the rate specific to the category of serviced vacant land are the values resulting from adding the values the sum of which is entered in each of the two boxes in the last line under the heading "SERVICED VACANT LAND RATE".

Where the municipality imposes the general property tax for the fiscal year concerned at less than the five specific rates permitted, the values described in the subparagraphs of the third paragraph are combined so as to reflect the composition of the various categories of immovables that results from the municipality's decision regarding the specific rates it fixes under subdivision 2 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation.

Schedule I to the regulation referred to in the second paragraph must be applied as if the reference "Code MAMM" appearing in parentheses after the name of each prescribed form were deleted. Notwithstanding section 8 of chapter 3 of the statutes of 2003, Forms 6 to 8 and 10 to 14 prescribed in that schedule apply in respect of the property assessment roll of Ville de Montréal that comes into force on 1 January 2004. Form 14 prescribed in that schedule, as it exists following the 2003 updating of Volume 2 of the manual to which

the regulation refers, is applicable in anticipation of the notice to be given by the Minister of Municipal Affairs, Sports and Recreation regarding that updating under paragraph 1 of section 263 of the Act respecting municipal taxation.

255. Where a unit of assessment that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is the subject of a lease that is in force on the first day following the fiscal year of reference, within the meaning of the second paragraph, and that does not allow the owner to increase the rent stipulated to take into account new taxes of which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section, increase the rent stipulated to take into account all or part of the additional amount payable by the owner for a fiscal year in relation to the fiscal year of reference by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The fiscal year of reference is the last fiscal year for which the municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation in respect of the sector where the unit of assessment is situated, either separately or within the whole territory of the municipality. The fiscal year of reference may not, however, be prior to the fiscal year 2003.

The rent that may be so increased is the rent payable for the period, subsequent to the fiscal year of reference, in which the lease applies and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease covering part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease covers such premises among other premises within the unit of assessment, the increase in rent must take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that such leased premises are of the total of the rental values of all the leased premises at the end of the fiscal year of reference. However, another proportion, as agreed upon by the owner and all the lessees of the premises, may be established.

The amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector only exists where, under section 244.29 of the Act respecting municipal taxation, the municipality fixes a general property tax rate specific to the category provided for in section 244.33 of that Act. Subject to the seventh paragraph, the amount then corresponds to the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year.

For the fiscal year before the end of which the lease ceases to apply, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the sixth paragraph by the quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to apply, by 365 or by 366 in the case of a leap year.

Sections 491 and 244.64 of the Act respecting municipal taxation apply, with the necessary modifications, for the purpose of interpreting the words "owner" and "tax" used in this section.

This section does not apply to Ville de Montréal.

256. Notwithstanding sections 468.10 and 468.15 of the Cities and Towns Act (R.S.Q., chapter C-19) and articles 579 and 584 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), the Régie intermunicipale de police de la Rivière-du-Nord may continue to be the owner of the police station that belongs to it in the territory of Ville de Prévost, and may continue to operate the police station and to maintain its head office there, so long as the police station remains necessary for the organization and management of a police force and places of detention for the purpose of serving the municipalities that are parties to the agreement concerning the board.

257. Any act performed by a municipality under a provision enacted by any of sections 68, 127, 152, 191, 192 and 200 or under section 254 may apply for the purposes of any fiscal year as of the fiscal year 2004.

Sections 193 to 199 have effect for the purposes of any fiscal year as of the fiscal year 2004. However, anything done for the fiscal year 2004 in accordance with a provision as it existed before being amended or replaced by any of those sections remains valid.

Any budget adopted for the fiscal year 2004 and any resolution or by-law related to the budget that was adopted in anticipation of the coming into force of any of the sections mentioned in the first two paragraphs or section 234 or 235 are valid.

258. The fifth paragraph of section 121 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 69, is deemed to have always applied, as so amended, to the city and to the former Ville de Montréal to which the city succeeded on 1 January 2002.

259. Every resolution and every by-law adopted by the council of Ville de Québec before 1 May 2004 with regard to a power conferred on the borough council as of that date are deemed to have been adopted by the borough council.

260. A process of adoption or amendment begun before 1 May 2004 in respect of a by-law provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1) or in Chapter VII of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5), is continued by the city council according to the rules applicable before that date.

261. The council of Ville de Québec may amend a by-law in order to prohibit a project permitted by the applicable by-laws. Such an amending by-law has no effect against a project for which a permit application was filed with the city before the executive committee of the city requested the appropriate department to prepare the draft amending by-law.

The by-law is not subject to approval by way of referendum. It ceases to have effect in a borough on the date of coming into force of the last by-law adopted by the council of that borough in accordance with section 116 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 101.

262. Any municipality resulting from an amalgamation that paid the Commission administrative des régimes de retraite et d'assurances contributions collected from members of its council without or before adhering to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) and before 13 November 2003 is deemed to have adhered to the plan for those persons as of the beginning of the period for which contributions were collected.

263. Any municipality resulting from an amalgamation and referred to in section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) that paid the Commission administrative des régimes de retraite et d'assurances contributions collected from members of its council after the date of constitution of the municipality and before 13 November 2003 is deemed to have adhered to the plan for those persons as of the beginning of the period for which contributions were collected.

264. Any municipality resulting from an amalgamation before 13 November 2003 and referred to in section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) may adopt a by-law provided for in the first paragraph of that section, provided the by-law comes into force before 31 December 2004.

265. Section 238 has effect from 19 December 2002.

266. Section 242 has effect from 16 July 2003.

267. This Act comes into force on 18 December 2003, except sections 74, 77, 78, 85 to 87, 89 to 96, 98 to 102 and 261, and sections 74.4 to 74.6 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) enacted by section 75, which come into force on 1 May 2004.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 24
(2003, chapter 20)

An Act to amend the Act respecting financial services cooperatives

Introduced 11 November 2003
Passage in principle 18 November 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the Act respecting financial services cooperatives so that a federation can identify, from among the cooperatives established outside Québec whose mission is similar to those established under the Act, categories of auxiliary members that may exercise voting rights at the general meeting of the federation.

The bill also allows credit unions to constitute a reserve for future dividends. It changes the rules governing the remuneration of members of the board of a credit union and the attendance allowance for members of a council of representatives. It changes the definition of associate of an officer and provides for the expulsion of credit union members who engage in activities that represent an unacceptable risk for the credit union.

The bill stipulates that the person responsible for a federation's audit cannot sit on the board of directors of the security fund. It also sets out the rules for auditing the federation's financial statements.

The bill contains transitional provisions and concordance amendments.

Bill 24

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 6 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by replacing "to provide services to credit unions, credit union members" in paragraph 3 by "to provide services to credit unions and their members, participating auxiliary members and their members".

2. Section 84 of the said Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

"(4.1) in the case of a credit union, establishing and maintaining a reserve for future dividends;".

3. Section 88 of the said Act is amended by inserting "the reserve for future dividends or, if that reserve has insufficient funds, out of" after "reserve, out of" in the second line.

4. Section 89 of the said Act is amended by inserting "the reserve for future dividends and" after "allocated to" in the fourth line.

5. The said Act is amended by inserting the following section after section 90:

"**90.1.** The allocation of dividends from the reserve for future dividends must be consistent with the standards of the federation."

6. Section 115 of the said Act is amended

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

(2) by replacing "a legal person controlled by the officer" in subparagraph 3 of the first paragraph by "a legal person or a partnership controlled by the officer";

(3) by striking out subparagraph 4 of the first paragraph;

(4) by replacing "cohabiting" in the second line of the second paragraph by "living".

7. Section 162 of the said Act is amended by replacing "a statement of the stabilization reserve and" in the first and second lines of paragraph 4 by "a statement of the reserve for future dividends, a statement of the stabilization reserve, a statement".

8. Section 204 of the said Act is amended by adding the following paragraph after paragraph 4:

"(5) carries on an activity, determined by the federation, that represents an unacceptable financial risk for the credit union."

9. Section 221 of the said Act is amended by inserting the following paragraph after paragraph 4:

"(4.1) decide on the payment of dividends from the reserve for future dividends;".

10. Section 236 of the said Act is amended

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

"**236.** A member other than the president of the board of directors may only receive remuneration if remuneration for the office held by that member is permitted by the federation.

The member is remunerated in keeping with the standards established by the federation.

Board members are entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions.";

(2) by replacing "However" in the first line of the second paragraph by "In addition".

11. The said Act is amended by inserting the following section after section 236:

"**236.1.** A member of the board of a credit union that is not a member of a federation may be remunerated if permitted by the by-law of the credit union in respect of the office held by the member.

The by-law must specify the amount of the remuneration, which may vary according to the office the member holds.

Board members are entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions."

12. The said Act is amended by inserting the following section after section 246:

"**246.1.** The president is remunerated in keeping with the standards established by the federation."

13. The said Act is amended by inserting the following section after section 287:

"**287.1.** The federation may identify by by-law one or more categories of participating auxiliary members from among the auxiliary members referred to in the first paragraph of section 286. The by-law shall stipulate the conditions that the participating auxiliary members must meet in order to exercise their voting rights and be eligible to office."

14. Section 288 of the said Act is replaced by the following section:

"**288.** Subject to the provisions of a by-law passed by the federation under section 287, auxiliary members have the rights and obligations arising from their status as members but, with the exception of participating auxiliary members, they do not have voting rights and their representatives are not eligible to office."

15. The said Act is amended by inserting the following section after section 288:

"**288.1.** The voting rights allotted to participating auxiliary members in accordance with the criteria determined by by-law of the federation must not exceed the limits determined by regulation of the Government. The regulation may not permit the participating auxiliary members to exercise together more than 30% of the voting rights at a general meeting of the federation."

16. Section 294 of the said Act is amended

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

"(1) the manner in which credit unions and any participating auxiliary members are to be represented at meetings;";

(2) by replacing "to which each credit union is entitled" in paragraph 2 by "to which each credit union and each participating auxiliary member, if any, is entitled".

17. Section 295 of the said Act is amended by inserting "and any participating auxiliary members" after "credit unions".

18. Section 297 of the said Act is amended by replacing "the groups to which the credit unions belong," in paragraph 1 by "groups".

19. The said Act is amended by inserting the following section after section 297:

"**297.1.** In addition to the reimbursement of reasonable expenses incurred in the exercise of their functions, the members of a council of representatives shall receive an attendance allowance in the amount set by the board of directors. The aggregate amount paid in that regard may not exceed the amount set by the general meeting. No allowance may be paid before the maximum amount has been set by the general meeting."

20. Section 298 of the said Act is amended

(1) by replacing "may be represented only by a" in the first sentence of the second paragraph by "shall be represented by a single";

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

"The second paragraph does not apply to participating auxiliary members."

21. Section 300 of the said Act is amended by striking out ", in accordance with the standards of the federation" in the second paragraph.

22. The said Act is amended by inserting the following section after section 336:

"**336.1.** For the purposes of paragraph 5 of section 204, the federation may determine the activities that represent an unacceptable financial risk for the credit union when they are exercised by a member of that credit union."

23. Section 369 of the said Act is amended by adding the following paragraphs at the end:

"(11) the remuneration of the president of the board of directors;

"(12) the remuneration of the other members of the board of directors and the members of the board of audit and ethics, which may vary with the office they hold."

24. Section 371 of the said Act is amended by adding the following paragraph at the end:

"(5) the reserve for future dividends."

25. Section 372 of the said Act is amended by inserting the following paragraph after paragraph 3:

"(3.1) the issuing of subordinated debt securities;".

26. The said Act is amended by inserting the following section after section 382:

"**382.1.** After informing a member of a credit union in writing of the grounds invoked and giving the member an opportunity to submit observations, the federation may suspend or expel the member from the credit union if it believes that the member's activities

(1) represent an unacceptable financial risk for the credit union; or

(2) are contrary to the credit union's interests.

Before exercising the power given it in the first paragraph, the federation must inform the credit union of its intention and give it an opportunity to submit observations.

The federation informs the credit union of its decision. The credit union informs the member and enters the decision in its register."

27. Section 424 of the said Act, amended by section 338 of chapter 45 of the statutes of 2002, is again amended by adding ", and audited by an auditor of the federation's audit service and by another auditor" at the end of subparagraph 5 of the first paragraph.

28. Section 497 of the said Act is amended

(1) by replacing "of president, director general and person in charge of inspections" in paragraph 1 by "of president and director general, and the person in charge of inspection for the federation, unless the latter is also responsible for the federation's audits";

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

"The person responsible for the federation's audit may not be a member of the board of directors."

29. Sections 500, 501 and 502 of the said Act are amended by replacing "paragraph 2" by "subparagraph 2 of the first paragraph".

30. Section 599 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 7 of the first paragraph:

"(7.0.1) determine the limits applicable to the reserve for future dividends;";

(2) by inserting the following subparagraph after subparagraph 8 of the first paragraph:

"(8.1) determine, for the purposes of section 288.1, the limits to the voting rights that participating auxiliary members may exercise together at a general meeting of the federation;".

31. For the purposes of section 288.1 of the Act respecting financial services cooperatives, enacted by section 15 of this Act, the participating auxiliary members cannot exercise together more than 10% of the voting rights at a general meeting of the federation, until that limit is revised by regulation.

32. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 25
(2003, chapter 21)

An Act respecting local health and social services network development agencies

Introduced 11 November 2003
Passage in principle 10 December 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill, by establishing an integrated health and social services organization, seeks to bring services closer to the public and make it easier for people to move through the network. To that end, it proposes the creation of local health and social services network development agencies to succeed the regional health and social services boards by operation of law and without further formality.

The bill states that the mission of such an agency is to establish an integrated services organization in its area of jurisdiction. To do so, an agency must draw up and propose an organization model based on one or more local services networks covering all or part of the agency's area of jurisdiction.

The bill also stipulates that each of the local networks must include a local authority consolidating the institutions, identified by the agency, that provide local community service centre services, long-term care centre services and, except in certain cases, hospital centre services. In addition, each local network must include the services or activities of physicians, pharmacists, community organizations, social economy enterprises and private resources.

The bill states that an agency will exercise the powers, functions and duties conferred on a regional board in the board's place, unless the Minister of Health and Social Services deems it inappropriate for an agency to exercise any of them.

The bill also specifies that the decision of the Minister to accept the organization model proposed by an agency must be approved by the Government. Once the decision has been approved, the Minister will ask the Inspector General of Financial Institutions, if necessary, to issue letters patent amalgamating all the public institutions referred to in the proposal into a single public institution constituted under the Act respecting health services and social services. The new institution will act as the local authority for the local health and social services network. The letters patent will also name the 15 provisional members of the new institution's board of directors.

The bill confers certain powers on the Minister, including the power to take over the provisional administration of an agency if it fails to propose an organization model in keeping with the Act.

The bill also contains various transitional measures.

Bill 25

AN ACT RESPECTING LOCAL HEALTH AND SOCIAL SERVICES NETWORK DEVELOPMENT AGENCIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

1. The purpose of this Act is to establish an integrated health and social services organization, including prevention, assessment, diagnostic, treatment, rehabilitation and support services, in order to bring health and social services closer to the general public and make it easier for people to move through the health and social services network.

2. The local health and social services network development agencies whose names appear in the schedule are hereby established.

Each of these agencies is a legal person that succeeds, by operation of law and without further formality, the regional health and social services board designated in the schedule opposite its name.

3. Each agency is a mandatary of the State. Its property forms part of the domain of the State, but the execution of its obligations may be levied against its property.

An agency binds none but itself when it acts in its own name.

4. The area of jurisdiction of an agency is the territory of the regional board that it succeeds and its head office is located in the same place as the head office of that regional board.

5. The affairs of an agency are administered by a board of directors composed of not more than 16 members appointed by the Minister, including

(1) the president and executive director of the agency;

(2) a member of the regional medical commission;

(3) a member of the regional nursing commission; and

(4) a member of the regional multidisciplinary commission.

6. The following persons may not be members of the board of directors of an agency:

(1) persons not resident in Québec;

(2) minors;

(3) persons under tutorship or curatorship;

(4) persons convicted in the preceding five years of a crime punishable by three years of imprisonment or more;

(5) persons who, in the preceding three years, forfeited office as members of the board of directors of an institution or regional board under paragraph 2 of section 498 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(6) persons convicted in the preceding three years of an offence against the Act respecting health services and social services or its regulations.

7. With the exception of the members referred to in paragraphs 1 to 4 of section 5, no person who is employed by the Ministère de la Santé et des Services sociaux, an agency, an institution or the Régie de l'assurance maladie du Québec, is remunerated by the Régie, or has entered into a service contract under section 259.2 of the Act respecting health services and social services may sit on the agency's board of directors.

Scholarships, grants, subsidies and sums of money paid under a research contract are not deemed to be remuneration for the purposes of the first paragraph.

8. A member referred to in paragraphs 2 to 4 of section 5 ceases to be a member of the board of directors upon losing the qualification required for appointment.

9. The president and executive director is appointed for a term of not more than three years; the other board members are appointed for a term of not more than two years.

At the expiry of their terms, the members remain in office until replaced or reappointed.

10. A vacancy occurring after the appointment of a member of a board of directors must be filled for the remainder of the term of office.

An unexplained absence from the number of board meetings stipulated in the agency's rules of internal management, in the cases and circumstances provided in those rules, constitutes a vacancy.

11. A board member may resign by sending a notice in writing to that effect to the board of directors. A vacancy occurs upon acceptance of the resignation by the board of directors.

12. The president and executive director is responsible for the administration and operation of the agency within the scope of its by-laws.

The office of president and executive director is a full-time position. The president and executive director sees that the decisions of the board of directors are carried out and that the board receives all the information it requires or needs to discharge its responsibilities.

The remuneration, employment benefits and other conditions of employment of the president and executive director are determined by the Government.

13. The members of the board of directors elect the chair and vice-chair of the board from among their number.

The president and executive director of an agency and the members referred to in paragraphs 2 to 4 of section 5 may not be elected as chair or vice-chair of the board.

The vice-chair of the board replaces the chair if the chair is absent or unable to act.

14. The members of the board of directors other than the president and executive director of the agency are not remunerated. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

15. The quorum at meetings of the board of directors is a majority of the members, including the chair or the vice-chair.

Decisions of the board of directors are made by a majority vote of the members present. In the case of a tie-vote, the person chairing the meeting has a casting vote.

16. The chair calls board meetings, presides over them and sees that they proceed smoothly. The chair exercises any other functions assigned to the chair by the board.

17. The board of directors must meet at least six times a year.

However, it must meet at the request of the chair or at the written request of one-third of its members in office.

18. The meetings of the board of directors are public; the board of directors may, however, order that a meeting be held *in camera*, particularly when it considers this appropriate to avoid causing a person harm or when it is

deliberating on the negotiation of working conditions; the decisions made at meetings held *in camera* are public, subject to the protection of any personal information they may contain.

The board of directors must hold a question period at each meeting.

Documents submitted or sent to the board of directors and information given at public meetings of the board, as well as the minutes of those meetings, are public, subject to the protection of any personal information they may contain.

19. When a quorum of members is physically present at the place where a meeting of the board of directors is to be held and a majority of those members have given their consent, a board member may participate in the meeting by means of videoconferencing, telephone or other communications equipment that allows everyone participating in the meeting to communicate verbally with one another. In such a case, the member is deemed to have attended the meeting.

The minutes of such a meeting must mention

(1) the fact that the meeting was held using the communications equipment indicated;

(2) the name of the members physically present at the meeting, and the names of the members who agreed to the use of the communications equipment; and

(3) the name of the member who participated in the meeting with the assistance of the communications equipment.

20. In an urgent situation, the members of the board of directors may participate in a special meeting by telephone conference call, if there is a quorum and if all the members reached have given their consent.

The minutes of such a meeting must mention the fact that the meeting was held by telephone conference call, and that all the members who participated in the meeting agreed to the procedure. The decisions made at the meeting must be tabled at the following public meeting.

21. The fiscal year of an agency ends on 31 March.

An agency may adopt rules of internal management for the conduct of its affairs.

22. No instrument, document or writing binds an agency unless it is signed by the chair, the president and executive director or, to the extent determined by by-law of the board of directors, by a person the board designates.

23. The minutes of the meetings of the board of directors, approved by the board and signed by the chair and the secretary, are authentic. The same applies to documents and copies or extracts issued by the agency or forming part of its records if certified true by the chair or the secretary.

DIVISION II

MISSION

24. The mission of a local health and social services network development agency is to establish, in its area of jurisdiction, an integrated health and social services organization.

25. To accomplish its mission, an agency must draw up an organization model based on one or more local health and social services networks covering all or part of the agency's area of jurisdiction, and propose it to the Minister within the time the Minister specifies.

Each of these local health and social services networks must be designed so as to

(1) provide the people in its territory with access to a broad range of primary health and social services, including prevention, assessment, diagnostic, treatment, rehabilitation and support services;

(2) guarantee the people in its territory access to the specialized services available in the agency's area of jurisdiction and to superspecialized services, through agreements or other means, and taking into consideration the activities of the integrated university health network recognized by the Minister and associated with the local health and social services network;

(3) allow the establishment of mechanisms for the referral and follow-up of users of health and social services, and the introduction of clinical protocols for those services;

(4) involve the different groups of professionals working in the territory and enable them to build linkages;

(5) foster the cooperation and involvement of all the stakeholders in the other sectors of activity in the territory that have an impact on health and social services; and

(6) ensure the participation of the available human resources needed to provide health and social services.

26. Each of these local health and social services networks must include a local authority consolidating the institutions, identified by the agency, that provide local community service centre, long-term care centre and, except in the cases provided in the second paragraph, hospital centre services.

In order to give the general public in its territory access to general and specialized hospital services, a local authority must make an agreement with an institution operating a hospital centre if such an institution could not be included in the authority because of

(1) the absence of such services in its territory; or

(2) the complexity involved in integrating those services or consolidating them with the other services provided through the local authority, particularly considering the size of the territory served by the institution, the number or capacity of the facilities situated in the territory, or the sociocultural, ethnocultural or linguistic characteristics of the population served.

27. In addition to the local authority, each local health and social services network must include the activities and services of physicians and pharmacists.

Each of these networks must also include the activities and services of community organizations, social economy enterprises and private resources in its territory.

28. The local authority is responsible for coordinating the activities and services of each of the local health and social services networks through agreements or other means.

Where physicians are concerned, such agreements or means must be the subject of consultations with the regional department of general medicine established under section 417.1 of the Act respecting health services and social services and the regional medical commission instituted under section 367 of that Act.

29. A local health and social services network development agency exercises all the powers, functions and duties conferred by law on a regional health and social services board in place of that board and in keeping with the rules applicable to it, unless the Minister deems it inappropriate for an agency to exercise certain of those powers, functions and duties.

In addition, the president and executive director of such an agency exercises all the powers, functions and duties conferred by law on the president and executive director of a regional health and social services board in place of the president and executive director of such a board.

DIVISION III

ORGANIZATION MODEL

30. For the purpose of defining and proposing an organization model in accordance with section 25, the agency carries out consultations, in particular with the institutions concerned, the regional department of general medicine

established under section 417.1 of the Act respecting health services and social services, the regional committee formed under section 510 of that Act and the population of its territory through the people's forum established under section 343.1 of that Act.

In addition, the agency makes sure that the activities in the organization model it proposes and those in the integrated university health network will be carried on in a complementary manner.

31. At the expiry of the time specified under section 25 and after complying with section 30, the Minister may propose an organization model on the Minister's own initiative.

32. A decision made by the Minister to accept the organization model proposed by an agency under section 25 must be approved by the Government, with or without modification. The same applies to an organization model proposed by the Minister under section 31.

The Minister tables every order made under the first paragraph in the National Assembly within 30 days of the day on which it is made or, if the National Assembly is not sitting, within 30 days of resumption.

33. Once the order under section 32 has been made, and if necessary, the Minister, in accordance with section 318 of the Act respecting health services and social services and despite sections 325 to 327 of that Act, requests the Inspector General of Financial Institutions to issue letters patent amalgamating all the public institutions covered by the proposal and having their head office in the territory of the local health and social services network concerned to form a public institution constituted under that Act.

The letters patent must, despite the second paragraph of section 319 of the Act respecting health services and social services, name 15 persons who will act as provisional members of the board of directors of the new public institution resulting from the amalgamation for a period of two years from the issue of the letters patent. Those persons, chosen after consulting with the institutions covered by the proposal, must include one member of the board of directors of each of those institutions. Upon appointment by the provisional members of the board of directors, the executive director of the institution also sits on the board.

The new public institution resulting from the amalgamation acts as the local authority of the local health and social services network concerned.

34. If the services that an institution mentioned in a program developed under section 348 of the Act respecting health services and social services was required to make available in the English language to the English-speaking population are transferred to a local authority referred to in section 33, the local authority must maintain those services as if it were mentioned in the program until the program is revised.

35. Where an institution recognized under section 29.1 of the Charter of the French language (R.S.Q., chapter C-11) is amalgamated with an institution holding such recognition, the new institution retains the recognition until such time as, at its request, it is withdrawn by the Government pursuant to that Charter.

36. Where an institution recognized under section 29.1 of the Charter of the French language is amalgamated with an institution not holding such recognition, the new institution only retains the recognition for the facilities previously maintained by the recognized institution, until such time as, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of that Charter. For the purposes of sections 20 and 26 of that Charter, a person who exercises functions or performs work in such a facility is deemed to be an employee of the facility.

DIVISION IV

POWERS OF THE MINISTER

37. If at any time the Minister finds that an agency is not complying with the requirements of section 25, the Minister may, for that sole reason, assume the provisional administration of the agency as set out in the Act respecting health services and social services.

38. The Minister may exercise all the powers with respect to an agency that are conferred on the Minister by law with respect to a regional board.

In addition, the Minister may exercise the powers mentioned in sections 499 to 501 of the Act respecting health services and social services, on the Minister's initiative.

DIVISION V

TRANSITIONAL AND FINAL PROVISIONS

39. A local health and social services network development agency has all the rights, acquires all the property and assumes all the obligations of the regional health and social services board that it succeeds, and proceedings to which the board is a party may be continued by the agency without continuance of suit.

40. Persons who, on 29 January 2004, are employees of a regional health and social services board listed in the schedule become, without further formality, employees of the agency that succeeds the regional board.

These employees hold the position and exercise the functions assigned to them by the agency.

41. The term of office of the members of a regional health and social services board listed in the schedule ends on 29 January 2004.

However, the person who, on 29 January 2004, holds the position of president and executive director of a regional health and social services board listed in the schedule becomes, by operation of law, without further formality and until the expiry of the person's term, the president and executive director of the local health and social services network development agency that succeeds the regional board. As well, the remuneration, employment benefits and other conditions of employment that are applicable to that person are maintained.

42. As of 30 January 2004, the amount allocated by the Minister to the operating budget of a regional health and social services board for a fiscal year becomes the amount allocated to the operating budget of the agency that succeeds it.

43. The records and documents of a regional health and social services board listed in the schedule become, without further formality, the records and documents of the local health and social services network development agency that succeeds it.

44. A people's forum established under section 343.1 of the Act respecting health services and social services, a regional medical commission established under section 367 of that Act, a regional nursing commission established under section 370.1 of that Act, a regional multidisciplinary commission established under section 370.5 of that Act, and a regional department of general medicine established under section 417.1 of that Act are continued, and their members remain in office, and these bodies and their members continue to exercise their responsibilities in accordance with the relevant provisions of that Act.

45. Unless the context indicates otherwise and as of 30 January 2004, a reference to a "regional health and social services board" in any Act, regulation, order, order in council or other document is a reference to a "local health and social services network development agency".

46. The term of office of the provisional board members of a local authority of a local health and social services network, determined under the second paragraph of section 33, may be extended by the Minister, as long as the additional period does not exceed one year.

47. The Minister of Health and Social Services is responsible for the administration of this Act.

48. Not later than 30 January 2006, the Minister must report to the Government on the application of this Act and, if necessary, on the expediency of maintaining it in force or amending it.

The report is tabled in the National Assembly by the Minister within the next 30 days or, where the National Assembly is not sitting, within 30 days of resumption. The report is examined by the appropriate committee of the National Assembly.

49. This Act comes into force on 30 January 2004.

SCHEDULE

• Agence de développement de réseaux locaux de services de santé et de services sociaux de l'Abitibi-Témiscamingue	• Régie régionale de la santé et des services sociaux de l'Abitibi-Témiscamingue
• Agence de développement de réseaux locaux de services de santé et de services sociaux du Bas-Saint-Laurent	• Régie régionale de la santé et des services sociaux du Bas-Saint-Laurent
• Agence de développement de réseaux locaux de services de santé et de services sociaux de Chaudière-Appalaches	• Régie régionale de la santé et des services sociaux de Chaudière-Appalaches
• Agence de développement de réseaux locaux de services de santé et de services sociaux de la Côte-Nord	• Régie régionale de la santé et des services sociaux de la Côte-Nord
• Agence de développement de réseaux locaux de services de santé et de services sociaux de l'Estrie	• Régie régionale de la santé et des services sociaux de l'Estrie
• Agence de développement de réseaux locaux de services de santé et de services sociaux de la Gaspésie—Iles-de-la-Madeleine	• Régie régionale de la santé et des services sociaux de la Gaspésie—Iles-de-la-Madeleine
• Agence de développement de réseaux locaux de services de santé et de services sociaux de Lanaudière	• Régie régionale de la santé et des services sociaux de Lanaudière
• Agence de développement de réseaux locaux de services de santé et de services sociaux des Laurentides	• Régie régionale de la santé et des services sociaux des Laurentides
• Agence de développement de réseaux locaux de services de santé et de services sociaux de Laval	• Régie régionale de la santé et des services sociaux de Laval
• Agence de développement de réseaux locaux de services de santé et de services sociaux de la Mauricie et du Centre-du-Québec	• Régie régionale de la santé et des services sociaux de la Mauricie et du Centre-du-Québec

• Agence de développement de réseaux locaux de services de santé et de services sociaux de la Montérégie	• Régie régionale de la santé et des services sociaux de la Montérégie
• Agence de développement de réseaux locaux de services de santé et de services sociaux de Montréal	• Régie régionale de la santé et des services sociaux de Montréal-Centre
• Agence de développement de réseaux locaux de services de santé et de services sociaux de l'Outaouais	• Régie régionale de la santé et des services sociaux de l'Outaouais
• Agence de développement de réseaux locaux de services de santé et de services sociaux de la Capitale nationale	• Régie régionale de la santé et des services sociaux de Québec
• Agence de développement de réseaux locaux de services de santé et de services sociaux du Saguenay—Lac-Saint-Jean	• Régie régionale de la santé et des services sociaux du Saguenay—Lac-Saint-Jean

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 27
(2003, chapter 23)

An Act respecting commercial aquaculture

Introduced 11 November 2003
Passage in principle 19 November 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill is designed to provide a framework for commercial aquaculture, for the operation of commercial fish ponds and for aquacultural research and experimentation in the waters in the domain of the State.

The bill authorizes the Minister to establish regional or local aquaculture development frameworks, in keeping with the principle of sustainable development and in consultation with the stakeholders concerned, so as to promote the ordered growth of aquaculture in the waters in the domain of the State. A licensing system is proposed under which the issuance of licences will be subject to certain authorizations provided for in the Environment Quality Act and the Act respecting the conservation and development of wildlife. The bill also determines the conditions to be satisfied and obligations to be complied with by a licence holder engaged in aquaculture activities. Special provisions apply to aquaculture sites in the domain of the State.

The bill also provides that the Minister may submit an application for the issue or amendment of an aquaculture licence to a public consultation, on the terms and conditions determined by the Minister. Provision is made for authorizations to be issued for aquacultural research and experimentation in the waters in the domain of the State.

The bill provides for the transmission between the Minister of Agriculture, Fisheries and Food, the Minister of the Environment, the Minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec and the Minister of Health and Social Services of information necessary for the administration of the Act and the prevention of any risk to, and the protection of, public health or safety, the environment or wildlife.

The bill authorizes the Minister to appoint the inspectors necessary for the carrying out of the Act, and determines the powers of the inspectors as regards inspection, seizure and forfeiture. Administrative and penal penalties are also provided for.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) ;

– Act respecting the financing of commercial fishing (R.S.Q., chapter F-1.3) ;

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

– Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) ;

– Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) ;

– Farm Producers Act (R.S.Q., chapter P-28) ;

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

Bill 27

AN ACT RESPECTING COMMERCIAL AQUACULTURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to aquaculture carried on for commercial purposes and, in the waters in the domain of the State, to aquaculture carried on for research or experimentation purposes. It also applies to the operation of fishing ponds for commercial purposes.

The activities must be carried out with due regard for public health and safety, the environment and wildlife.

"Aquaculture" means the cultivation or raising of aquatic organisms, in particular fish, amphibians, echinoderms, shellfish, crustaceans or plants, except organisms cultivated or raised for aquarium fishkeeping purposes.

"Fishing pond" means a body of water of a maximum area of 20 hectares, containing cultured fish exclusively, closed on all sides to hold the fish captive, and used for recreational fishing.

For the purposes of this Act, "person" includes a partnership, an association and a body, unless the context indicates otherwise.

CHAPTER II

FRAMEWORKS FOR AQUACULTURE DEVELOPMENT

2. The Minister may, in keeping with the principle of sustainable development, establish regional or local aquaculture development frameworks to facilitate the ordered growth of aquaculture in the waters in the domain of the State.

The frameworks shall be developed and revised in consultation with the stakeholders concerned by the use of the waters of the State and their resources and with the regional or local communities.

The frameworks shall indicate, for given geographic sectors, the sites best suited for aquaculture as well as, taking into account, among other things, the

aquaculture zoning determined under the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), the species and varieties of aquatic organisms and the practices and techniques to favour at those sites. The frameworks may also propose the development of infrastructures and services useful to aquaculturists.

3. The aquaculture development frameworks and their revision must be submitted for approval to the Government which may amend them.

CHAPTER III

LICENCES AND AUTHORIZATION

DIVISION I

AQUACULTURE LICENCES AND FISHING POND LICENCES

§1. — *General provisions*

4. A person may not carry on commercial aquaculture activities or operate a fishing pond for commercial purposes unless the person holds a licence.

5. The Minister shall issue

(1) an aquaculture licence; or

(2) a fishing pond licence.

The Minister shall issue one licence per aquaculture site or fishing pond but may issue a licence for more than one fishing pond if the ponds are located near each other.

"Aquaculture site" means a determined geographic location on land or water where aquaculture activities are carried on.

6. A licence is valid for a period of ten years and may be renewed for the same period.

The Minister may, however, issue or renew a licence for a shorter period if the Minister considers it advisable.

7. No person may transfer a licence without the authorization of the Minister.

In addition, the Minister may temporarily authorize a person other than the licence holder to act under the authority of the licence, in particular in the case of the death, liquidation of the property or bankruptcy of the licence holder, or in any other similar situation. The person to whom temporary authorization is granted must respect all the obligations of the licence holder under this Act and the regulations.

8. The Minister shall issue, amend or renew a licence, or authorize the transfer of a licence where a person

(1) satisfies the conditions and pays the fees determined by regulation; and

(2) furnishes, where required, the certificate of authorization provided for in section 22 of the Environment Quality Act (R.S.Q., chapter Q-2) or the authorization issued under section 128.7 of the Act respecting the conservation and development of wildlife.

9. The Minister may subject the issue, amendment, renewal or transfer of a licence to any other condition, restriction or prohibition the Minister determines and specifies in the licence.

10. On receiving an application for the issue or amendment of an aquaculture licence, the Minister may submit the application to a public consultation on the terms and conditions and in the manner the Minister determines.

11. The Minister may, in accordance with section 47, refuse to issue, amend, renew or authorize the transfer of an aquaculture licence for reasons of public interest.

12. A licence holder must, in carrying on aquaculture activities, use the books, registers and other documents prescribed by regulation and make them available to the Minister on request.

A licence holder must also, at the request of the Minister, provide any information relating to the aquaculture activities.

13. A licence holder must comply with any standards that the Government may prescribe by regulation that relate to the operation of an aquaculture site or a fishing pond and that concern, in particular,

(1) the construction, layout and equipment of an aquaculture site or a fishing pond;

(2) the cultivation, raising and keeping in captivity of aquatic organisms and the transportation of live aquatic organisms intended for consumption; and

(3) the quality of the operation and of the aquatic organisms cultivated, raised or kept in captivity.

14. A licence holder must pay the annual fees fixed by regulation.

15. A licence holder shall also provide the Minister with an annual report of activities and with any other information or document prescribed by regulation.

16. A licence holder may not, except with the authorization of the Minister, modify activities in such manner as to render the information and documents provided to the Minister inaccurate or incomplete.

In addition, a licence holder must, within 60 days, inform the Minister of any change in the name under which the licence holder carries on activities.

17. A licence holder must display the licence or a duplicate of the licence so that it is clearly legible, in a conspicuous place in the holder's business establishment.

A licence holder must, in the same manner, display a duplicate or the number of the licence at the holder's aquaculture site or fishing pond or on equipment at the site or pond.

18. A licence holder must as soon as practicable remedy any defect or deterioration in equipment or a facility that constitutes a risk to public health or safety, the environment or wildlife.

If a licence holder fails to comply with the first paragraph, the Minister may take the necessary measures to remedy the defect or deterioration, at the holder's expense.

§2. — *Special provisions that apply to aquaculture sites in the domain of the State*

19. The holder of an aquaculture licence for an aquaculture site in the waters in the domain of the State must hold a lease for aquaculture purposes issued under the Watercourses Act (R.S.Q., chapter R-13).

20. The holder of an aquaculture licence for an aquaculture site in the domain of the State must comply with the development and yield standards established by regulation.

21. Every person operating an aquaculture site in the domain of the State whose aquaculture licence has been cancelled or has expired must return the site to a condition satisfactory to the Minister, at the person's expense.

In addition, every person operating an aquaculture site the initial area of which has been reduced must, at the person's expense, return the unexploited portion to a condition satisfactory to the Minister.

If a person fails to comply with the first or second paragraph, the Minister may take the necessary measures to return the site to a satisfactory condition, at the person's expense.

If a structure, equipment, an installation or any other object is abandoned at an aquaculture site, the Minister may dispose of such property in accordance with the rules of the Civil Code.

This section does not operate to limit the powers of the Minister of the Environment as regards management of waters in the domain of the State and environmental protection.

DIVISION II

AUTHORIZATION FOR RESEARCH AND EXPERIMENTATION PURPOSES

22. A person who does not hold an aquaculture licence may not engage in aquaculture for research or experimentation purposes in the waters in the domain of the State unless authorized to do so by the Minister.

The holder of such an authorization must satisfy the conditions and comply with the restrictions or prohibitions determined by the Minister and specified in the authorization.

23. Sections 8, 10 to 18 and 21 apply, with the necessary modifications, to an authorization issued under this division.

CHAPTER IV

REGISTER AND INFORMATION

24. The Minister shall keep a register of licence holders containing the information specified in the licences.

The information contained in the register is public information.

25. The Minister or the person designated by the Minister in his or her department shall transmit to the Minister of the Environment, the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (R.S.Q., chapter S-11.012) and the Minister of Health and Social Services, and shall receive from them, any confidential industrial, financial, commercial, scientific or technical information held by the Minister or furnished by a third person and necessary for the application of this Act and the regulations or for the prevention of a risk to public health or safety, the environment or wildlife, and for their protection.

The first paragraph applies notwithstanding sections 23 and 24 and subparagraphs 5 and 9 of the first paragraph of section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

26. The Minister or the person designated by the Minister in his or her department may transmit to the Minister of Fisheries and Oceans Canada, and receive from that Minister, any confidential industrial, financial, commercial, scientific or technical information held by the Minister or furnished by a third person and necessary for the application of this Act and the regulations or for

the prevention of a risk to public health or safety, the environment or wildlife, and for their protection.

The first paragraph applies notwithstanding sections 23 and 24 and subparagraphs 5 and 9 of the first paragraph of section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

CHAPTER V

INSPECTION, SEIZURE AND FORFEITURE

27. The Minister may appoint the inspectors necessary for the carrying out of this Act and the regulations and may provide for the remuneration of such persons among them who are not remunerated according to the Public Service Act (R.S.Q., chapter F-3.1.1).

28. An inspector has, in the performance of inspection duties, the powers of a peace officer.

An inspector must present identification on request and show the certificate bearing the signature of the Minister and attesting to the inspector's capacity.

29. No person may hinder or refuse to obey an inspector performing inspection duties.

In addition, a person who is the subject of an inspection must give the inspector all reasonable assistance.

30. An inspector may not be prosecuted for any official act done in good faith in the performance of inspection duties.

31. An inspector may, in the performance of inspection duties,

(1) enter, at any reasonable hour, the business establishment of and have access to the aquaculture site or fishing pond of a holder of a licence or authorization or of a person contravening section 4 or 22, and make an inspection thereof;

(2) examine the premises and any equipment, installation, material, apparatus, product or any other property to which this Act or the regulations apply, take samples without charge and take photographs or make recordings;

(3) order the immobilization of any vehicle used to transport a product, and make an inspection thereof; and

(4) require any book, register, bill of lading or other document or record to be produced for examination or for the purpose of obtaining copies or extracts

if the inspector has reasonable grounds to believe that it contains information relating to the application of this Act or the regulations.

32. An inspector may, in the performance of inspection duties, seize any product or other property if the inspector has reasonable grounds to believe that an offence against this Act or the regulations has been committed in respect of the property, or that the property was used to commit such an offence.

An inspector who seizes property shall draw up minutes and give a copy to the person from whom the property was seized.

33. The owner or possessor of the property seized shall have custody of it. However, where the inspector considers it advisable, the inspector may designate another custodian, or transfer the property seized to other premises for safekeeping purposes. In addition, the custodian shall have custody of the property seized and submitted in evidence, unless the judge to whom it was submitted in evidence decides otherwise.

The property seized shall remain under safekeeping until it is disposed of in accordance with any of sections 34 to 37, 39 and 40 or, if proceedings are instituted, until a judge disposes of the property by judgment.

34. Where the property seized is perishable or likely to depreciate rapidly, a judge may, on the application of the seizor, authorize the sale of the property.

Prior notice of not less than one clear day of the application must be served on the person from whom the property was seized and on persons claiming a right in the property. However, the judge may exempt the seizor from service if deterioration of the property is imminent.

The sale shall be made on the conditions fixed by the judge. The proceeds of sale shall be deposited with the Minister of Finance in accordance with the Deposit Act (R.S.Q., chapter D-5).

35. Property seized or the proceeds of its sale must be returned to the owner or person who had possession of the property if

(1) ninety days have elapsed since the date of the seizure and no proceedings have been instituted; or

(2) the inspector is of the opinion, after verification within ninety days, that no offence against this Act or the regulations has been committed, or that the owner or person who had possession of the property seized has complied with this Act and the regulations since the seizure.

36. The owner or person who had possession of the property seized may at any time apply to a judge to obtain the return of the property or the proceeds of the sale thereof.

The application must be served on the seizor or, if proceedings have been instituted, on the prosecuting party.

The judge shall grant the application if he or she is satisfied that the applicant will suffer serious or irreparable damage if detention of the property seized or of the proceeds of its sale is maintained and that the return of the property or proceeds will not hinder the course of justice.

37. Notwithstanding section 36, where unlawful possession prevents property seized or the proceeds of its sale from being returned to the person from whom the property was seized or to a person claiming to be entitled thereto, the judge shall, on the application of the seizor or the prosecuting party, order forfeiture of the property or the proceeds ; if unlawful possession is not proved, the judge shall designate the person to whom the property or the proceeds may be returned.

Prior notice of the application must be served on the person from whom the property was seized and on the other person entitled to make such an application, except where they are in the presence of the judge. Such prior notice may, where applicable, be given in the statement of offence and specify that the application for forfeiture is to be made at the time of the judgment.

The Minister shall prescribe the manner in which the property forfeited is to be disposed of.

38. A judge may, on the application of the seizor, order that the period of detention be extended for a maximum of ninety days.

Before deciding on the merit of the application, the judge may order that it be served on the person the judge designates.

39. Where a seizure is made under section 32, a judge may, upon pronouncing a conviction for an offence under a provision of this Act or the regulations, and on the application of the prosecuting party, declare the forfeiture of the seized property.

In such a case, however, if aquatic organisms or products of aquatic organisms are among the seized property, the conviction entails forfeiture thereof.

Prior notice of the application for forfeiture must be given by the prosecuting party to the person from whom the property was seized and to the defendant, except where they are in the presence of the judge.

The Minister shall prescribe the manner in which the property forfeited is to be disposed of.

40. Where the rightful owner or possessor of property seized by an inspector is unknown or untraceable, the property or the proceeds of its sale shall be transferred ninety days after the day of seizure to the Public Curator or to the

Minister of Finance, according to whether it is the property or the proceeds of sale that is involved; a statement describing the property or the proceeds of sale and indicating, where applicable, the name and last known address of the interested party shall be sent to the Public Curator at the time of the transfer.

The provisions of the Public Curator Act (R.S.Q., chapter C-81) pertaining to unclaimed property apply to the property or proceeds of sale so transferred to the Public Curator or to the Minister of Finance.

41. Subject to section 34, no person, except with the assent of an authorized person, may sell or offer for sale seized or forfeited property, or remove or allow such property, its container or the writ of seizure or forfeiture to be removed, or remove or break a seal affixed by an inspector.

CHAPTER VI

REGULATORY POWERS

42. The Government may make regulations

(1) determining subclasses of licences and the fees, conditions, restrictions or prohibitions relating to each subclass which a licence holder is required to pay, satisfy or comply with;

(2) determining the conditions for the issue, amendment, renewal or transfer of a licence and the related fees and administrative charges;

(3) determining the fees and administrative charges payable for the issue of an authorization;

(4) determining the books, registers and other documents to be used by a licence holder in carrying on aquaculture activities;

(5) prescribing standards that apply to the operation of an aquaculture site or a fishing pond and that concern, in particular,

(*a*) the construction, layout and equipment of an aquaculture site or a fishing pond;

(*b*) the cultivation, raising and keeping in captivity of aquatic organisms and the transportation of live aquatic organisms intended for consumption; and

(*c*) the quality of the operation and of the aquatic organisms cultivated, raised or kept in captivity;

(6) determining the annual fees to be paid by a licence holder;

(7) determining the reports, information and documents to be provided annually by a licence holder;

(8) establishing development and yield standards for aquaculture sites in the domain of the State;

(9) prescribing rules relating to inspection, sample taking, seizure and forfeiture;

(10) exempting, on the conditions it may fix, a class of persons, products, aquatic organisms, establishments, activities or places it determines from the application of all or part of this Act and the regulations; and

(11) determining, from among the provisions of a regulation made pursuant to this Act, those the contravention of which constitutes an offence.

CHAPTER VII

ADMINISTRATIVE PENALTIES AND PROCEEDINGS BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

43. The Minister may suspend, cancel or refuse to renew the licence of a holder who or that

(1) has been convicted of an offence under this Act or the regulations, unless the holder has obtained a pardon;

(2) no longer satisfies the conditions for obtaining a licence or no longer holds the certificate of authorization or the authorization required under paragraph 2 of section 8;

(3) does not satisfy a condition or comply with a restriction or prohibition specified in the licence;

(4) does not satisfy the requirements set out in section 14, 15, 16, 18 or 19;

(5) repeatedly fails to comply with a provision of this Act or a regulation made under this Act; or

(6) has ceased operations permanently or for twelve or more consecutive months.

The Minister may also refuse to authorize a licence holder to transfer a licence to any person referred to in subparagraph 1 of the first paragraph.

In addition, the Minister may suspend, cancel or refuse to renew the licence of a holder who or that refuses to take a measure prescribed in an order issued under Division II of Chapter IV.1 of the Act respecting the conservation and development of wildlife, Chapter II of the Plant Protection Act (R.S.Q.,

chapter P-39.01), Division I of the Animal Health Protection Act (R.S.Q., chapter P-42) or Division IV of Chapter I of the Environment Quality Act.

44. The Minister may amend, suspend, cancel or refuse to renew an aquaculture licence for an aquaculture site in the domain of the State if the licence holder does not operate the site in compliance with the development and yield standards established by regulation.

45. The Minister may revoke the authorization of a holder to carry on research and experimentation in the waters in the domain of the State if the holder fails to satisfy the conditions or comply with the restrictions or prohibitions specified in the authorization.

46. The Minister may amend, suspend or cancel a licence or revoke an authorization for reasons of public interest.

47. Before amending, suspending, cancelling or refusing to issue, amend, renew or transfer a licence, or before refusing to issue or revoking an authorization, the Minister shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and grant the holder at least ten days to present observations. The Minister shall also give notice of his or her decision in writing, with the reasons on which it is based, to any person whose licence the Minister amends, suspends, cancels, refuses to issue, amend, renew or transfer or whose authorization the Minister refuses to issue or revokes.

48. Any person whose application for a licence or authorization is refused, whose licence is amended, suspended, cancelled or not amended, renewed or transferred, or whose authorization is revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within thirty days of notification of the decision.

CHAPTER VIII

PENAL PROVISIONS

49. Every person who contravenes section 13 or 14, the second paragraph of section 16 or section 17, or a provision of a regulation the contravention of which constitutes an offence under paragraph 11 of section 42, is guilty of an offence and is liable to a fine of $250 to $750 and, in the case of a second or subsequent offence, to a fine of $750 to $2,500.

Where a person is found guilty of an offence under section 13 and the offence entails a risk to public health or safety, the environment or wildlife, the amount of the fine is $2,000 to $6,000 and, in the case of a second or subsequent offence, $6,000 to $18,000.

50. Every person who contravenes the first paragraph of section 7 or section 12, 15 or 19 is guilty of an offence and is liable to a fine of $500 to

$1,500 and, in the case of a second or subsequent offence, to a fine of $1,500 to $4,500.

51. Every person who contravenes section 4, 20, 22, 29, 33 or 41, or who does not comply with a condition, restriction or prohibition specified in the person's licence or authorization, is guilty of an offence and is liable to a fine of $1,000 to $3,000 and, in the case of a second or subsequent offence, to a fine of $3,000 to $9,000.

In addition, every person who carries on an activity referred to in section 4 or 22 after the person's licence has been suspended or cancelled or an authorization has been revoked pursuant to any of sections 43 to 46 is guilty of an offence and is liable to a fine of $2,000 to $6,000 and, in the case of a second or subsequent offence, to a fine of $6,000 to $18,000.

52. Every person who contravenes the first paragraph of section 16, section 18 or section 21 is guilty of an offence and is liable to a fine of $2,000 to $6,000 and, in the case of a second or subsequent offence, to a fine of $6,000 to $18,000.

53. Where a legal person, partnership, association or body commits an offence against this Act or any of its regulations, the director, officer, employee, partner or mandatary of the legal person, partnership, association or body who directed, authorized or advised the commission of the offence or consented to it is a party to the offence and is liable to the penalty prescribed for the offence.

54. Every person who knowingly, by any act or omission, aids another person to commit an offence under any of sections 49 to 52 or who advises, encourages or incites a person to commit an offence is a party to the offence and is liable to the penalty prescribed for the offence.

55. In proceedings instituted for an offence under this chapter, the inspection, analysis or sampling report and the minutes of the seizure or forfeiture, signed by an inspector, are proof of their contents, unless there is evidence to the contrary, and no proof of the signature or of the quality of the signatory is required if the person certifies in the inspection, analysis or sampling report that he or she personally observed the facts stated therein.

CHAPTER IX

AMENDING PROVISIONS

56. The title of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is replaced by the following title:

"ACT RESPECTING COMMERCIAL FISHING AND COMMERCIAL HARVESTING OF AQUATIC PLANTS".

57. The heading of Chapter II of the said Act is replaced by the following heading:

"COMMERCIAL HARVESTING OF AQUATIC PLANTS".

58. Section 12 of the said Act is repealed.

59. Section 13 of the said Act is replaced by the following section:

"**13.** A person may not harvest aquatic plants on a commercial basis in the places determined by regulation unless the person holds a licence issued by the Minister.

The first paragraph does not apply to the harvesting of aquatic plants cultivated under the Act respecting commercial aquaculture (2003, chapter 23)."

60. Section 14 of the said Act is amended by striking out the fourth paragraph.

61. Section 18 of the said Act is repealed.

62. Section 19 of the said Act is amended by replacing "Division I of the Animal Health Protection Act (chapter P-42)" in the second paragraph by "Chapter II of the Plant Protection Act (chapter P-39.01)".

63. Section 49 of the said Act is amended

(1) by striking out paragraphs 4 and 5;

(2) by replacing "norms relating to the commercial cultivation and harvesting" in paragraph 6 by "standards for the commercial harvesting";

(3) by replacing "commercial cultivation or harvesting" in paragraph 7 by "commercial harvesting".

64. Section 51 of the said Act is amended by striking out ", 12" in the first line of the first paragraph.

65. Section 52 of the said Act is amended by striking out ", 12" in the second line of the first paragraph.

66. Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

(1) by striking out the definition of "fish-breeding plant";

(2) by replacing the definition of "fishing pond" by the following definition:

""**fishing pond**" means a fishing pond within the meaning of section 1 of the Act respecting commercial aquaculture (2003, chapter 23);";

(3) by inserting the following definition in alphabetical order:

""**aquaculture site**" means a site within the meaning of section 5 of the Act respecting commercial aquaculture (2003, chapter 23);".

67. Section 51 of the said Act is amended

(1) by replacing "a licence to operate a fish-breeding plant or a fishing pond under section 14 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01) if the application for a licence" by "an aquaculture licence, a fishing pond licence or an authorization for research and experimentation purposes under the Act respecting commercial aquaculture (2003, chapter 23), if the application for a licence or an authorization";

(2) by adding the following paragraph:

"The first paragraph does not apply to a person authorized by the Société under section 47 to disregard a provision of a regulation made under paragraph 1 or 4 of section 73."

68. Section 73 of the said Act is amended

(1) by replacing "a fish-breeding" in paragraph 1 by "an aquaculture";

(2) by replacing "fish-breeding plants" in paragraph 4 by "aquaculture sites".

69. Section 74 of the said Act is amended by replacing "a fish-breeding plant" at the end of the first paragraph by "an aquaculture site".

70. Section 84.2 of the said Act is amended by replacing "fish-breeding" by "aquaculture".

71. Section 6.1 of the Act respecting the financing of commercial fishing (R.S.Q., chapter F-1.3) is amended by replacing "aquiculture" by "aquaculture".

72. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended

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

"(1.1) section 48 of the Act respecting commercial aquaculture (2003, chapter 23);";

(2) by replacing paragraph 14 by the following paragraph:

"(14) section 21 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (chapter P-9.01);".

73. Section 44 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing "aquicultural" in the second paragraph by "aquaculture".

74. Section 1 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by replacing "aquicultural" in paragraph *k* by "aquaculture".

75. Section 2 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended by replacing "bred in a fish-breeding plant or fishing pond referred to in section 12 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01)" in the second paragraph by "raised in a fishing pond or aquaculture site referred to respectively in sections 1 and 5 of the Act respecting commercial aquaculture (2003, chapter 23)".

CHAPTER X

TRANSITIONAL PROVISIONS

76. In the Regulation respecting the signing of certain permits of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.R.Q., 1981, chapter M-14, r.4.4), a reference to the Act respecting commercial fisheries and aquaculture becomes a reference to the Act respecting commercial aquaculture and to the Act respecting commercial fishing and commercial harvesting of aquatic plants.

77. Unless the context indicates otherwise and having regard to the necessary modifications, in every Act and in every by-law, regulation, order in council or other statutory instrument,

(1) a reference to any of sections 1 to 11 of the Act respecting commercial fisheries and aquaculture becomes a reference to any of sections 1 to 11 of the Act respecting commercial fishing and commercial harvesting of aquatic plants;

(2) a reference to the Act respecting commercial fisheries and aquaculture or to any of its provisions other than the provisions referred to in paragraph 1 becomes a reference to the Act respecting commercial aquaculture or to the corresponding provision of that Act.

78. Licences for the operation of a fish-breeding plant or a fishing pond or for the cultivation of aquatic plants issued under the Act respecting commercial fisheries and aquaculture remain valid for one year as of (*insert the date of coming into force of this section*).

79. A regulation made under the Act respecting commercial fisheries and aquaculture remains in force until it is replaced or revoked by a regulation made under the Act respecting commercial aquaculture or the Act respecting commercial fishing and commercial harvesting of aquatic plants.

CHAPTER XI

FINAL PROVISIONS

80. The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 33
(2003, chapter 28)

An Act to amend the Charter of Ville de Montréal

Introduced 13 November 2003
Passage in principle 28 November 2003
Passage 18 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the Charter of Ville de Montréal with respect to various aspects of that city's administration.

The bill stipulates that the city council and the council of any borough concerned may submit a joint request to the Government to change the boundaries of a borough. A public consultation meeting must be held in every borough whose boundaries are the subject of the request.

The bill replaces the position of borough chair by that of borough mayor. It states that a borough mayor must be elected to that position by the electors in the borough, beginning with the next general election. The bill grants the borough mayor the powers of the mayor of a municipality in the fields of jurisdiction under the authority of the borough council. The bill also stipulates that a borough council may appoint an acting borough mayor.

The bill amends the rules governing the remuneration of elected municipal officers of Ville de Montréal, making the borough council responsible for setting additional remuneration amounts for positions held on the borough council.

The bill also grants the borough council new powers related to personnel management, particularly with respect to the hiring and dismissal of officers and employees assigned to the borough. The bill grants the borough council the power to create various borough departments and to appoint department heads and assistant heads. It increases the responsibilities of the borough council in the negotiation of the collective agreements of officers and employees assigned to the borough.

The bill enables the city council and each borough council to agree on the content of a resolution called a "borough contract", which, among other things, sets rules for establishing and updating the allotment made to the borough council.

The bill further grants a borough council, under certain conditions, the capacity to sue and be sued in any matter under its jurisdiction. It allows a borough council to hold a consultative referendum under the Act respecting elections and referendums in municipalities.

The bill makes changes affecting land use planning and development in order to enable a borough council to initiate certain changes in the planning program.

The bill makes changes affecting fiscal and financial matters in order to enable a borough council to prepare a budget and a program of capital expenditures for the borough. It empowers the borough council to create a working fund, make certain borrowings and levy certain taxes.

The bill also allows the borough council to exercise the jurisdiction of the city as regards the adoption and application of a by-law on nuisances and one on the use of pesticides.

Lastly, the bill enables the city council to delegate to a borough council the passing or application of any by-law the city council decides or, if the monies for that purpose are provided for in the borough council's allotment, any power related to the exercise of a field of jurisdiction under the authority of the city council.

Bill 33

AN ACT TO AMEND THE CHARTER OF VILLE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by inserting the following section after section 10:

"**10.1.** Any request made to the Government to have the boundaries of a borough modified shall be made by the city council and the council of any borough whose boundaries are the subject of the request.

In any borough whose boundaries are the subject of the request, a public consultation meeting shall be conducted by the borough mayor or any other member of the borough council designated by the mayor.

The secretary of the borough shall give public notice of the public meeting at least eight clear days before the meeting is held. The notice shall indicate the place, date, time and subject of the meeting. The notice shall also indicate that a copy of the request to change the boundaries of the borough is available for consultation at the borough office.

During the public meeting, the person conducting the meeting must explain the request to change the boundaries of the borough and hear the persons and organizations that wish to express themselves."

2. Section 17 of the said Charter is amended

(1) by replacing "chair" in the first line by "mayor";

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

"The borough council shall hold at least ten regular meetings each year."

3. Section 18 of the said Charter is amended

(1) by replacing "chair" in the first line of the first paragraph by "mayor";

(2) by striking out ", until the first general election following the general election of 4 November 2001," in the third and fourth lines of the second paragraph.

4. Sections 19 and 20 of the said Charter are replaced by the following sections:

"**19.** The borough mayor shall be elected by all the electors of the borough. The borough mayor is a city councillor.

"**20.** The borough mayor has, with respect to the fields of jurisdiction of the borough council, the powers, rights and obligations assigned to the mayor of a local municipality by the Cities and Towns Act (chapter C-19) or any other Act."

5. Section 20.1 of the said Charter is amended by replacing "chair" in the second line by "borough mayor".

6. The said Charter is amended by inserting the following section after section 20.1:

"**20.2.** A borough council may designate an acting mayor of the borough from among its members.

Section 56 of the Cities and Towns Act (chapter C-19) applies, with the necessary modifications."

7. Section 21 of the said Charter is repealed.

8. Section 33 of the said Charter is amended by striking out subparagraph 10 of the first paragraph.

9. Section 34 of the said Charter is amended by replacing ", determine the scope of their activities and appoint the department heads and assistant heads" in the first, second and third lines of subparagraph 4 of the second paragraph by "and determine the scope of their activities".

10. Section 34.1 of the said Charter is amended

(1) by inserting "except where matters referred to in section 49.2 are concerned" at the end of subparagraph *a* of paragraph 5;

(2) by inserting "and in sections 47 to 49" at the end of subparagraph *b* of paragraph 5;

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

"The resolution by which the executive committee exercises the power provided for in subparagraph *c* of subparagraph 7 of the first paragraph must be sent to the Minister of Municipal Affairs, Sports and Recreation within 30 days after the adoption of the resolution."

11. The said Charter is amended by inserting the following section after section 34.1:

"**34.2.** The executive committee must, at least once a year, invite each borough council to submit advice and recommendations on the administration of the affairs of the city.

On the same occasion, the borough council shall report on the administration of the affairs of the borough."

12. Section 37 of the said Charter is amended by replacing "chair" in the fourth line by "mayor".

13. Section 38 of the said Charter is replaced by the following section:

"**38.** Every borough whose council is composed exclusively of city councillors besides the mayor of the borough shall be divided into districts."

14. Section 39 of the said Charter is amended

(1) by striking out the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"In every borough whose council includes only one borough councillor, all the councillors shall be elected by all the electors of the borough.";

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

"Every borough whose council includes two or more borough councillors must be divided into districts for the purposes of those offices of borough councillor."

15. Section 39.1 of the said Charter is replaced by the following section:

"**39.1.** Not later than 1 December 2004 or any other date set by the Government, the city council shall report to the Minister of Municipal Affairs, Sports and Recreation on the number of borough councillors each borough council should include, the division of the borough territories for the purposes of the first general election to be held after that of 4 November 2001, and the manner in which city councillors and borough councillors should be elected in that election.

To provide for the application of a proposal made by the city council in its report, the Government may, by order, make a rule derogating from a provision of this Charter, an Act for which the Minister of Municipal Affairs, Sports and Recreation is responsible, a special Act that applies to the city or an instrument made under any of those Acts.

An order of the Government made under the second paragraph comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the order."

16. Section 43 of the said Charter is replaced by the following section:

"**43.** The city council shall fix the remuneration and allowance of borough councillors in accordance with the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

It may, in accordance with that Act, fix additional remuneration relating to any special position held by a member of the borough council on that council or on any committee of the council and grant the borough mayor and deputy mayor additional remuneration.

Additional remuneration under this section is deemed to be referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers."

17. Section 45 of the said Charter is amended

(1) by striking out ", and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment are within the authority of the city council" in the fourth, fifth and sixth lines;

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

"Subject to section 49.2, the negotiation of the conditions of employment of officers and employees who are employees within the meaning of the Labour Code (chapter C-27) and the determination of the conditions of employment of officers and employees who are not employees represented by a certified association within the meaning of that Code are within the authority of the city council."

18. The said Charter is amended by replacing sections 46 to 49 by the following sections:

"**46.** The city council may establish rules relating to the hiring and dismissal of officers and employees.

"**47.** The borough council shall make the decisions relating to the hiring and dismissal of officers and employees who exercise their functions or perform work in connection with the powers of a borough council in a manner consistent with the rules established by the city council under section 46.

It shall also determine the assignment and the responsibilities of the officers and employees.

"**48.** The borough council shall appoint a borough director on the recommendation of a selection committee of which the director general of the city is a member.

The borough director shall report directly to the borough council as regards matters under the jurisdiction of the borough council.

Subject to section 57.1, the borough director has, in respect of the officers and employees who exercise their functions or perform work in connection with the powers of a borough council, the powers and obligations assigned to the director general of a municipality by the Cities and Towns Act (chapter C-19), with the necessary modifications.

"**49.** The borough council may create various departments within the borough, determine the scope of their activities and appoint the department heads and assistant heads.

Despite the third paragraph of section 130, that power may not be delegated to an officer or employee.

"**49.1.** The city council shall define a plan for the classification of positions and related salaries, as well as for the staffing methods used to fill positions, and determine the conditions and the procedures for the identification, placing on reserve and assignment of officers and employees having permanent tenure who are surplus to requirements.

Borough staffing must be effected in a manner consistent with the rules set out in the first paragraph and give priority to the employees in the borough who meet the criteria set out in those rules and in the provisions of any applicable collective agreement.

"**49.2.** The borough council shall negotiate and agree to the clauses of a collective agreement that relate to the following matters:

(1) release for union activities for local purposes, except quantum;

(2) union posting;

(3) information to be sent to the union;

(4) the labour relations or industrial relations committee;

(5) subject to the rules established by the city council, the filling of positions and the movement of manpower within a borough;

(6) leave without pay, except parental leave;

(7) training, advanced training and technological changes;

(8) overtime work, except remuneration;

(9) work schedules, except duration of work;

(10) annual vacation, except quantum and remuneration;

(11) statutory and floating holidays, except quantum and remuneration;

(12) acquired rights;

(13) the terms and conditions relating to parking, except fees;

(14) contract work;

(15) statuses not governed by the collective agreement, in particular probationary employees, students and volunteers;

(16) disciplinary measures;

(17) local occupational health and safety committees.

The borough council may delegate the powers provided for in the first paragraph to the executive committee.

"**49.3.** The negotiation by the borough council of the clauses relating to the matters referred to in section 49.2 may not begin before the certified association and the city make an agreement on matters other than those referred to in section 49.2.

The agreement shall be filed at one of the offices of the Commission des relations du travail in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27). The agreement shall take effect in accordance with the second paragraph of that section."

19. Section 50 of the said Charter is amended by replacing "48" in the second line by "49.2".

20. Section 52 of the said Charter is amended by replacing "48" in the first line by "49.2".

21. Section 53 of the said Charter is amended by replacing "48" in the first line by "49.2".

22. Section 57 of the said Charter is replaced by the following:

"**56.1.** A borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 49.2.

In no case, however, may a negotiation under the first paragraph give rise to a dispute.

"**57.** A clause negotiated and agreed on by the borough council is without effect where it alters the scope of a clause negotiated and agreed on by the city council on a matter other than those referred to in section 49.2.

The same rule applies to any decision made by a person appointed to rule on the subject of a disagreement under section 55.

Where a clause ceases to have effect by reason of the application of this section, the parties shall negotiate in order to replace it.

If the parties fail to agree, sections 53 to 56 apply.

"**57.1.** The authority of the director general of the city is exercised over officers or employees whose job or work is connected with the powers of a borough council only when they are carrying out a function that is under the authority of the city council or the executive committee or is connected with a strategic operation.

"DIVISION VI.1

"COMMISSION DE LA FONCTION PUBLIQUE DE MONTRÉAL

"**57.2.** A public service commission is hereby established under the name "Commission de la fonction publique de Montréal".

"**57.3.** The city council must determine, by by-law, the number of members constituting the public service commission.

"**57.4.** In addition to the functions that the city council may assign to it, the public service commission must ascertain the impartiality and fairness of staffing rules to fill positions established by the city council under section 49.1 and the impartiality and fairness of the other manpower management policies established by the city.

"**57.5.** The public service commission, on its own initiative or at the request of the city council, the executive committee or a borough council, may make any recommendation it considers appropriate.

"**57.6.** The public service commission shall establish its internal management rules.

"**57.7.** The city council shall appoint the members of the public service commission and designate a chair and one or two vice-chairs from among their number. The city council shall determine the term, the remuneration and the other conditions of employment of the members of the commission.

"**57.8.** No member of the city council or of a borough council may be appointed a member of the public service commission."

23. Section 83 of the said Charter is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) to hold the public consultations required under an applicable provision or requested by the city council on revisions to the city's planning program, on the complementary document referred to in section 88, and on the changes to the planning program that must be made to carry out a project referred to in the first paragraph of section 89;";

(2) by striking out the second paragraph.

24. Section 84.1 of the said Charter is repealed.

25. The said Charter is amended by inserting the following sections after section 85.2:

"**85.3.** The city council may submit opinions and make recommendations to a borough council on any matter within the latter's authority.

"**85.4.** The city council may adopt a resolution setting out rules governing the establishment and updating of the allotment referred to in section 143 and rules governing the establishment of a development fund through which the city shall ensure, for a 10-year period, that the borough council receives 50% of the additional revenue generated as a result of new development projects carried out in the borough.

This resolution shall take effect as of the date on which the borough council adopts a resolution expressing its agreement with the city council resolution. It may not be amended or repealed without the agreement of the borough council.

Once the city council resolution takes effect, it is called a "borough contract"."

26. Section 87 of the said Charter is amended by replacing paragraph 2 by the following paragraph:

"(2) economic promotion and community, cultural, economic, social, environmental and transportation development;".

27. The heading of Subdivision 3 of Division II of Chapter III of the said Charter is replaced by the following heading:

"§3. — *Economic promotion and community, cultural, economic, social, environmental and transportation development*".

28. Section 91 of the said Charter is replaced by the following sections:

"**91.** The city must draw up a plan for the development of its territory that encompasses the environmental, transportation and community, cultural, economic and social development objectives pursued by the city.

The plan may also include objectives related to any other matter under municipal jurisdiction.

"**91.1.** Subject to section 137, the city council shall exercise the jurisdiction of the city as regards economic promotion and development."

29. Section 94 of the said Charter is replaced by the following section:

"**94.** The city council shall exercise the jurisdiction of the city as regards the parks and cultural, sports and recreational facilities listed in Schedule D.

The city council may decide by by-law that it will exercise the jurisdiction of the city as regards any other park or cultural, sports or recreational facility acquired or built by the city or a body under its authority after 18 December 2003 and identified in the by-law."

30. Section 105 of the said Charter is replaced by the following section:

"**105.** The city shall identify by by-law from among the streets and roads for whose management it is responsible under section 467.16 of the Cities and Towns Act (chapter C-19) those that form the arterial road system and those that form the system under the authority of the borough councils.

The city council shall exercise the jurisdiction of the city as regards roads, traffic signs and signals, traffic control and parking in the arterial road system. It may set standards by by-law for the harmonization of the rules governing roads, traffic signs and signals and traffic control in all the road systems referred to in the first paragraph."

31. Section 130 of the said Charter is amended

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

"(4) the environment;";

(2) by striking out ", other than the power to borrow, the power to levy taxes and the power to sue and be sued" in the sixth and seventh lines of the second paragraph;

(3) by replacing "assigned by the city to the borough" in the first and second lines of the third paragraph by "who performs work in connection with the powers of a borough council".

32. The said Charter is amended by inserting the following sections after section 130:

"**130.1.** Where, for the implementation of a development plan referred to in section 91, the borough council acquires, disposes of or leases an immovable, it must do so in conformity with the objectives of the plan.

"**130.2.** The borough council may sue and be sued in connection with any matter under its jurisdiction relating to an event which took place after 17 December 2003.

However, the borough council does not have that capacity

(1) where the dispute also concerns a matter under the authority of the city council; or

(2) where the executive committee considers that it is in the general interest of the city that that capacity be given to the executive committee."

33. The said Charter is amended by inserting the following section after the heading of Subdivision 2 of Division III of Chapter III:

"**130.3.** The borough council shall exercise the jurisdiction of the city provided for in sections 109.1 to 109.4 of the Act respecting land use planning and development (chapter A-19.1) as regards an amendment to the planning program other than an amendment to the complementary document provided for in section 88 or an amendment to the planning program required to carry out a project referred to in the first paragraph of section 89, with the necessary modifications, in particular, the following modifications:

(1) the second paragraph of section 109.1 is replaced by the following paragraph:

" As soon as practicable after the adoption of the draft by-law amending the planning program, the secretary of the borough shall send the secretaries of every contiguous borough and the clerk of the city a certified copy of the draft by-law and of the resolution under which it is adopted.";

(2) the term "office of the municipality" in section 109.3 is replaced by "borough office";

(3) the terms "in its territory" and "in the territory of the municipality" in section 109.3 are replaced by "in the borough".

Every notice of motion, prior to the adoption by the city council of a by-law amending the planning program following the adoption of a draft by-law by the borough council in accordance with the first paragraph, must be given to the borough council.

A copy of the notice of motion must be sent to the city clerk as soon as possible."

34. The said Charter is amended by replacing the heading of Subdivision 5 of Division III of Chapter III by the following heading:

"§5. — *The environment*".

35. Section 136 of the said Charter is amended by adding the following paragraph at the end:

"It shall also exercise the jurisdiction of the city as regards the transportation of residual materials and their deposit at a treatment or elimination site or at a transfer station determined by the city council."

36. The said Charter is amended by inserting the following section after section 136:

"**136.1.** The borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to nuisances and as regards the application of a by-law relating to the use of pesticides."

37. Section 137 of the said Charter is amended by striking out ", in accordance with the rules established in the development plan prepared by the city pursuant to section 91," in the second and third lines.

38. Section 141 of the said Charter is amended

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

"**141.** The borough council shall exercise the jurisdiction of the city in respect of the parks and the cultural, sports and recreational facilities situated in the borough, except those identified in Schedule D or in a by-law under the second paragraph of section 94.";

(2) by striking out "and in accordance with the rules established in the development plan prepared by the city pursuant to section 91" in the second, third and fourth lines of the second paragraph.

39. Section 142 of the said Charter is amended by replacing "rules prescribed under the second and third paragraphs" in the third and fourth lines by "standards prescribed under the second paragraph".

40. The said Charter is amended by inserting the following sections after section 143:

"**143.1.** The annual budget that the executive committee draws up and submits to the city council shall include a borough budget in respect of each borough.

"**143.2.** The borough council shall draw up a borough budget that provides for revenues at least equal to the expenditures provided for therein and send it to the executive committee within the time fixed by the executive committee.

The borough budget shall provide for an amount to cover claim settlements and the payments entailed by court sentences."

41. Section 144 of the said Charter is replaced by the following sections:

"**144.** The borough council is responsible for the management of the borough budget adopted by the city council in compliance with the minimum standards determined by by-law of the city council regarding the level of services to be offered by each borough council.

The borough council may authorize a transfer of moneys. It may also amend the budget to take into account any unexpected sums received for the carrying out of work or sums derived from a gift made by a person for a specific purpose or a subsidy granted by the Government or a minister or agency of the Government and already paid or payment of which is assured.

In such a case, the borough council shall inform the treasurer of the city and the executive committee of the amendment within five days so that the executive committee may amend the budget of the city to take the amendment into account.

"**144.1.** The amount, if any, by which revenues exceed the expenditures provided for in the borough budget adopted by the city council shall be for the exclusive use of the borough council.

"**144.2.** The borough council shall draw up a supplementary budget to make up any anticipated deficit and send it to the executive committee for submission to the city council and adoption.

To raise the revenues provided for in the supplementary budget, the borough council shall adopt, with the supplementary budget, a by-law imposing a special tax on all taxable immovables in the borough, on the basis of their value. The by-law shall come into force on the day on which the city council adopts the supplementary budget.

The city council may not adopt the supplementary budget if a tax account covering the special tax only and identifying it as a consequence of the

supplementary budget cannot be sent at least 30 days before the end of the fiscal year.

In such a case, the deficit shall be carried over to the borough budget for the next fiscal year and the borough council must adopt a by-law imposing the special tax described in the second paragraph to raise the revenues required to make up the deficit. The by-law comes into force at the same time as the city budget.

"**144.3.** Where the funds provided for in the borough budget adopted by the city council are insufficient to provide for the payment of the amount awarded by judgment in a proceeding referred to in the first paragraph of section 130.2, the borough council, immediately after service of the judgment, shall impose a special tax by resolution on all taxable immovables in the borough, on the basis of their value, to raise the revenues required to pay the amount awarded.

The borough council may also proceed by way of a loan by-law requiring only the approval of the Minister of Municipal Affairs, Sports and Recreation. The repayment of the loan is to be borne by all the owners of immovables in the borough.

"**144.4.** The executive committee shall prepare the programme of capital expenditures referred to in section 473 of the Cities and Towns Act (chapter C-19) and submit it to the city council. The programme shall include a programme of capital expenditures for each borough.

"**144.5.** The borough council shall draw up and send the executive committee a programme of the capital expenditures of the borough, within the time fixed by the executive committee.

"**144.6.** The secretary of the borough shall give public notice of the meeting at which the borough council is to draw up the borough budget or the programme of capital expenditures at least eight days in advance.

At the meeting, the deliberations of the council and the question period shall deal exclusively with the budget or the programme.

"**144.7.** At least four weeks before the borough budget is sent to the executive committee pursuant to section 143.2, the mayor of the borough, at a meeting of the council, shall report on the financial position of the city in respect of the borough.

The mayor of the borough shall report more particularly on the latest financial results, the latest programme of capital expenditures, preliminary information regarding the financial results for the fiscal year preceding that for which the next budget will be made and the general orientation of the next budget and the next programme of capital expenditures to be drawn up by the borough council.

The mayor of the borough shall also report on the external auditor's latest report and the auditor general's latest report, only to the extent that they contain elements specifically concerning the borough.

The mayor of the borough shall also table a list of all contracts involving an expenditure exceeding $25,000 entered into by the borough council since the last meeting of the council at which the mayor of the borough reported on the financial position of the city in respect of the borough in accordance with the first paragraph.

The mayor of the borough shall also table a list of all contracts involving an expenditure exceeding $2,000 entered into within that period with the same contracting party, if those contracts involve a total expenditure exceeding $25,000.

The list shall indicate, for each contract, the name of each contracting party, the amount of the consideration and the purpose of the contract.

The borough mayor's report must be distributed free of charge to every civic address in the borough. In addition to or instead of this distribution, the borough council may order that the report be published in a newspaper circulated in the borough.

"**144.8.** The borough council may constitute a working fund. Section 569 of the Cities and Towns Act (chapter C-19) applies in respect of the fund, with the necessary modifications."

42. Section 146 of the said Charter is replaced by the following sections:

"**146.** Despite section 145, and to increase the level of its services, the borough council may, by by-law, require compensation from the owner or occupant of an immovable situated in the borough, or levy a tax on all or any portion of the taxable immovables situated in the borough.

The filing of the notice of motion that must precede the adoption of a by-law referred to in the first paragraph and the adoption of such a by-law must respectively be preceded by a public notice published at least seven days before the holding of the meeting of the borough council at which the notice of motion is to be filed or the by-law adopted, as the case may be.

The public notice shall contain the following information:

(1) the place, date and time of the meeting at which the notice of motion is to be filed or the by-law adopted, as the case may be; and

(2) the subject of the notice or of the by-law, as the case may be.

"**146.1.** The borough council may adopt a loan by-law for the realization of an item of the programme of capital expenditures of the borough adopted by the city council.

The repayment of the loan is to be borne by all the owners of taxable immovables in all or part of the borough.

The by-law shall be submitted to the qualified electors for approval, except where the subject of the by-law is referred to in subparagraph 2 of the first paragraph of section 148."

43. Section 147 of the said Charter is repealed.

44. Schedule C to the said Charter is amended by inserting the following section after section 67:

"**67.1.** The jurisdiction of the city under sections 66 and 67 of this schedule shall be exercised by the borough council, except in the case of an excavation or the occupation of the public domain for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks."

45. Section 69.1 of Schedule C to the said Charter is replaced by the following section:

"**69.1.** For the purposes of parades, demonstrations, festivals or special events, the executive committee may prescribe or amend any rule relating to the occupation of the public domain and to any traffic and parking rules that apply to the streets and roads in the city's arterial road system and to the streets and roads forming the system under the responsibility of the borough councils if

(1) more than one borough is concerned;

(2) the streets and roads in both the city's arterial road system and the systems under the responsibility of borough councils are affected; or

(3) the parade, demonstration, festival or event is metropolitan in scope."

46. Schedule C to the said Charter is amended by inserting the following section after the heading of subdivision 19 of Division II of Chapter III:

"**185.1.** The borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to

(1) noise;

(2) dogs and other house pets;

(3) the distribution of advertising items;

(4) public markets, except those designated by the city council; and

(5) matters referred to in sections 78 and 79 of this schedule."

47. Section 186 of Schedule C to the said Charter is replaced by the following section:

"**186.** The city council may, in its internal management by-law, on the terms and conditions it determines, delegate the following powers to a borough council:

(1) the passage and application of any by-law the city council determines;

(2) any power related to the exercise of a jurisdiction of the city council for which appropriations are provided in the annual allotment provided for in section 143 of this Charter."

48. Section 199 of Schedule C to the said Charter is amended by replacing "chair" in the third paragraph by "mayor".

49. The said Charter is amended by adding the following schedule at the end:

"SCHEDULE D

"(*section 94*)

"PARKS AND CULTURAL, SPORTS OR RECREATIONAL FACILITIES

— Parc du Mont-Royal, including Parc Jeanne-Mance

— Parc Jean-Drapeau

— Parc René-Lévesque

— Parc linéaire du Complexe environnemental Saint-Michel

— Parc de l'Anse-à-l'Orme

— Parc du Bois-de-l'Île-Bizard

— Parc du Bois-de-Liesse

— Parc de l'Île-de-la-Visitation

— Parc de la Pointe-aux-Prairies

— Parc du Bois-de-Saraguay

— Parc du Cap-Saint-Jacques

— Parc du Bois-d'Anjou

— Parc du Bois-de-la-Roche

— Parc des îles Gagné, Rochon et Boutin

— Parc de l'Île-Ménard

— Parc de l'île cadastre 150

— Parc Angrignon

— Parc Maisonneuve, including the Golf municipal

— Parc Lafontaine

— Parc Jarry

— Promenade Bellerive

— Parc des Rapides

— the Bibliothèque centrale de Montréal

— the Phonothèque

— the Chapelle historique du Bon-Pasteur

— the Centre d'histoire de Montréal

— the Théâtre de la Verdure

— the Bibliobus

— the Musée de la Pointe-à-Callières

— the Musée de Lachine

— the Complexe sportif Claude-Robillard

— the Centre de tennis Jarry."

TRANSITIONAL AND FINAL PROVISIONS

50. A rule relating to the election of a borough mayor or of city councillors or borough councillors or to the division of boroughs into districts, referred to in section 19, 38 or 39 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) as amended by sections 4, 13 and 14 of this Act, respectively, only applies for the first general election following that of 4 November 2001 and for any subsequent election.

51. Section 11 has effect as of 1 January 2004.

52. Any remuneration or allowance fixed by the city council under section 21 or 43 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), as those sections read on 17 December 2003, shall be maintained until amended, replaced or struck out under section 43 of the said Charter as amended by section 16 of this Act.

53. In respect of a first collective agreement referred to in sections 176.14 to 176.21 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the negotiation by the borough council of the clauses relating to the matters referred to in section 49.2 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) shall begin within 30 days after the making of the collective agreement between the certified association and the city or, where applicable, after the decision of the arbitrator made in lieu of the collective agreement.

As regards the matters referred to in section 49.2, the conditions of employment negotiated or contained in the decision of the arbitrator for the employees who are not employees of the borough shall apply to the employees of the borough until an agreement is reached under section 52 of the Charter of Ville de Montréal or until the mediator-arbitrator makes a decision under section 55 of that Charter.

In the case of any collective agreement made or on which a decision by the arbitrator was made before 18 December 2003, the time limit prescribed in the first paragraph shall apply from that date.

54. Any public consultation begun by the Office de consultation publique de Montréal before 18 December 2003 in accordance with subparagraph 2 of the first paragraph of section 83 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) shall be continued by the Office despite the amendment made to that subparagraph by section 23 of this Act.

55. Paragraph 2 of section 31 and sections 40 to 43 have effect for the purposes of any municipal fiscal year as of the municipal fiscal year fixed by the Government.

However, until paragraph 2 of section 31 takes effect, the second paragraph of section 130 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing ", the power to levy taxes and the power to sue and be sued" in the sixth and seventh lines by "and the power to levy taxes".

56. Any planning program amendment process begun by the council of Ville de Montréal and in progress on 18 December 2003 shall be continued by the council despite the coming into force of section 33 of this Act.

57. Any provision of a by-law concerning a borough that was adopted and put into force by the council of Ville de Montréal under sections 66 and 67 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) before 18 December 2003 is deemed to have been adopted by the borough council.

58. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 34
(2003, chapter 29)

An Act respecting the Ministère du Développement économique et régional et de la Recherche

Introduced 12 November 2003
Passage in principle 12 December 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill creates the Ministère du Développement économique et régional et de la Recherche. To that end, the bill defines the mission of the new department as including the functions formerly exercised by the Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Regions.

Besides establishing new local and regional authorities, including regional conferences of elected officers, the bill maintains the provisions relating to the Conseil de la science et de la technologie and to the different funds established under the Act respecting the Ministère de l'Industrie et du Commerce, the Act respecting the Ministère de la Recherche, de la Science et de la Technologie and the Act respecting the Ministère des Régions, which are incorporated into the Act respecting the Ministère du Développement économique et régional et de la Recherche.

As well, the bill contains transitional provisions and provisions for concordance.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., chapter A-12.1);

– Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);

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

– Health Insurance Act (R.S.Q., chapter A-29);

– Act to promote the capitalization of small and medium-sized businesses (R.S.Q., chapter A-33.01);

– Savings and Credit Unions Act (R.S.Q., chapter C-4);

– Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1);

– Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

– Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

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

– Fish and Game Clubs Act (R.S.Q., chapter C-22);

– Amusement Clubs Act (R.S.Q., chapter C-23);

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

– General and Vocational Colleges Act (R.S.Q., chapter C-29);

– Companies Act (R.S.Q., chapter C-38);

– Cemetery Companies Act (R.S.Q., chapter C-40);

– Act respecting Roman Catholic cemetery companies (R.S.Q., chapter C-40.1);

– Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44);

– Telegraph and Telephone Companies Act (R.S.Q., chapter C-45);

– Mining Companies Act (R.S.Q., chapter C-47);

– Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);

– Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

– Act respecting the constitution of certain Churches (R.S.Q., chapter C-63);

– Religious Corporations Act (R.S.Q., chapter C-71);

– Real Estate Brokerage Act (R.S.Q., chapter C-73.1);

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

– Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14);

– Roman Catholic Bishops Act (R.S.Q., chapter E-17);

– Executive Power Act (R.S.Q., chapter E-18);

– Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

– Act respecting fabriques (R.S.Q., chapter F-1);

– Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);

– Taxation Act (R.S.Q., chapter I-3);

– Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1);

– Winding-up Act (R.S.Q., chapter L-4);

– Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);

– Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);

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

– Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);

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

– Government Departments Act (R.S.Q., chapter M-34);

– Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);

– Act respecting the special powers of legal persons (R.S.Q., chapter P-16);

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

– Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);

– Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);

– Act respecting health services and social services (R.S.Q., chapter S-4.2);

– Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel (R.S.Q., chapter S-10.0001);

– Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

– Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1);

– Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

– Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01);

– Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);

– Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1);

– Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2);

– Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4);

– Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5);

– National Benefit Societies Act (R.S.Q., chapter S-31);

– Act respecting societies for the prevention of cruelty to animals (R.S.Q., chapter S-32);

– Professional Syndicates Act (R.S.Q., chapter S-40).

LEGISLATION REPLACED BY THIS BILL:

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

– Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2);

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

LEGISLATION REPEALED BY THIS BILL:

– Act respecting the Société du tourisme du Québec (1994, chapter 27);

– Act respecting the Ministère des Finances, de l'Économie et de la Recherche (2002, chapter 72).

Bill 34

AN ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MINISTER'S RESPONSIBILITIES

1. The Ministère du Développement économique et régional et de la Recherche shall be under the direction of the Minister of Economic and Regional Development and Research, appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The mission of the Minister shall be to support economic and regional development, as well as research, particularly by encouraging coordinated and concerted action among the various players in the economic, scientific, social and cultural arenas in order to promote job creation, economic prosperity, scientific development and sustainable development, and enable local and regional communities to take responsibility for their own economic and regional development in partnership with the State.

3. The Minister shall formulate policies in the areas under the Minister's authority and propose them to the Government with a view to fostering the development of industry, particularly tourism, trade and cooperatives, promoting research, science, technology and innovation, and encouraging local and regional development.

The Minister shall implement these policies and oversee and coordinate their application in collaboration with any government departments and bodies concerned.

4. The Minister shall also be responsible for the administration of the Acts assigned to the Minister, and shall assume any other responsibility conferred on the Minister by the Government.

5. The functions and powers of the Minister shall be, more particularly, to

(1) frame and implement development strategies and assistance programs in collaboration with any government departments and bodies concerned;

(2) provide a main gateway, on-line or otherwise, to such business start-up and development services as the Minister deems necessary and provide ready access to the forms and procedures needed to complete registration, modification, declaration and other formalities;

(3) seek new investments, expand existing markets and ensure that activities resulting from these investment prospecting and market expansion efforts are realized within the scope of the policy on Canadian intergovernmental affairs and the policy on international affairs;

(4) promote Québec as a tourism destination and further the development and promotion of Québec's tourism products;

(5) ensure the coherence of government action in the fields of research, science, technology and innovation, and promote Québec's influence in those fields both within Canada and abroad;

(6) increase the effectiveness of initiatives aimed at stimulating local and regional development by promoting the harmonization, simplification and accessibility of entrepreneurial support services;

(7) ensure that government action to support local and regional development is coherent and concordant by taking part in the development of related measures and ministerial decisions and giving an opinion whenever appropriate;

(8) be responsible, in conjunction with recognized local and regional authorities, for the funds made available to such authorities and administer the other sums entrusted to the Minister for the carrying out of local or regional development projects;

(9) make agreements with government departments and bodies on cooperative arrangements to facilitate the exercise of the Minister's responsibilities; and

(10) advise the Government and government departments and bodies and make recommendations, where warranted.

6. In the exercise of ministerial responsibilities, the Minister may

(1) obtain the necessary information from government departments and bodies;

(2) enter into agreements with a person, association, partnership or body;

(3) facilitate the development and signing of agreements, particularly between bodies and government departments and bodies;

(4) enter into agreements in accordance with the applicable legislative provisions with a government other than that of Québec, a department of such

a government, an international organization, or a body under the authority of such a government or organization; and

(5) conduct or commission research, studies and analyses and make the findings public.

7. The Minister may take all appropriate measures in the pursuit of the Minister's mission. In particular, the Minister shall provide financial and technical support for the realization of actions or projects, subject to the conditions determined by the Minister under government guidelines and policies and, in certain cases, with the authorization of the Government.

8. The Minister may make regulations to

(1) prescribe the fees payable for any act performed or document issued by the Minister; and

(2) prescribe the fees, costs or other compensation payable for the services provided by the Minister.

9. The Minister shall lay before the National Assembly an activity report for each fiscal year of the Government within six months of the end of the fiscal year or, if the Assembly is not sitting, within 30 days of resumption. The report shall reflect the contents of the activity reports sent to the Minister by the regional conferences of elected officers pursuant to section 104.

CHAPTER II

DEPARTMENTAL ORGANIZATION

10. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of the Ministère du Développement économique et régional et de la Recherche.

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

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

12. In the performance of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

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

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions indicated, and in that case shall specify the

public servant or holder of a position to whom the functions may be subdelegated.

14. The personnel of the department shall consist of the public servants required for the carrying out of the functions of the Minister; they shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

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

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

A deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government.

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

The Government may, subject to the conditions it determines, allow that a facsimile of such a signature be engraved, lithographed or printed. The facsimile must be authenticated by the countersignature of a person authorized by the Minister.

17. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 15, is authentic.

18. An intelligible transcription of a decision or other data stored by the department on a computer or any other computer storage medium is a document of the department and is proof of its contents where certified true by a person referred to in the second paragraph of section 15.

CHAPTER III

TOURISM PARTNERSHIP FUND

19. A tourism partnership fund is hereby established for the promotion and development of tourism.

20. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities. The Government shall also determine the nature of the activities that may be financed by the fund and the nature of the costs and expenses that may be charged to the fund. Moreover, the Government may change the name of the fund.

21. The fund shall be made up of

(1) the proceeds from the sale of the goods and services financed by the fund;

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

(3) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund;

(4) the sums paid into the fund by the Minister of Finance pursuant to section 23 and the first paragraph of section 24;

(5) the sums paid into the fund by the Minister of Revenue as the proceeds from the specific accommodation tax collected pursuant to the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

(6) the sums paid into the fund by the Minister of Revenue, out of the proceeds of the Québec sales tax collected pursuant to the Act respecting the Québec sales tax, on the dates and to the extent determined by the Government; and

(7) the interest earned on bank balances proportionate to the sums referred to in paragraphs 3 and 5.

22. The management of the sums making up the fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions designated by him.

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

23. The Minister, as manager of the fund, may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).

24. The Minister of Finance may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions he determines, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

25. The sums referred to in paragraph 5 of section 21 and the interest earned thereon shall be paid out to the regional tourism associations representing the tourism regions where the specific accommodation tax is applicable.

The Minister shall determine the dates on which and the conditions subject to which the payments are to be made as well as the terms and conditions of payment.

26. The sums required to pay the remuneration of and expenditures relating to the employment benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to fund-related activities shall be taken out of the fund.

27. The surpluses accumulated in the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

28. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

29. The fiscal year of the fund shall end on 31 March.

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

CHAPTER IV

THE CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

31. The "Conseil de la Science et de la Technologie" is hereby established.

32. The secretariat of the Conseil is located at the place determined by the Government. Notice of the location or of any transfer of the secretariat is published in the *Gazette officielle du Québec*.

33. The Conseil is composed of 15 members, including a president, appointed by the Government and representing the research, college and university education, business and labour communities, the field of scientific and technical information and the public and parapublic sectors.

The Government may appoint not more than three observers to the Conseil; they participate in the meetings of the Conseil but have no vote.

34. The president of the Conseil is appointed for not over five years; the other members are appointed for not over three years.

The term of office of the members may be renewed consecutively only once. At the expiry of their terms of office, the members remain in office until they are replaced or reappointed.

35. Any vacancy occurring during the term of office of the members of the Conseil is filled in accordance with the mode of appointment prescribed in section 33.

Absence from a number of meetings determined by the internal management by-laws of the Conseil constitutes a vacancy in the cases and circumstances indicated therein.

36. The president, who shall exercise his duties full time, has supervision and direction of the Conseil and its personnel.

The Government shall fix the remuneration, social benefits and other conditions of employment of the president.

37. Members of the Conseil other than the president are not remunerated. They are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

38. The sittings of the Conseil and, as the case may be, of its committees are public, except those dealing with matters of internal management.

The Conseil may hold its sittings anywhere in Québec.

Seven members are a quorum at sittings of the Conseil.

In case of a tie-vote, the president has a casting vote.

39. The secretary and the other members of the personnel of the Conseil are appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

DIVISION II

FUNCTIONS AND POWERS

40. The function of the Conseil is to advise the Minister on any matter relating generally to the advancement of science and technology in Québec.

For that purpose, the Conseil must make periodic reports to the Minister on the progress and needs of scientific research and technological development.

41. In performing its function, the Conseil may

(1) advise or make recommendations to the Minister on any matter relating to the advancement of science and technology in Québec;

(2) solicit or receive petitions, opinions and suggestions from interested agencies or groups and from the general public on any matter relating to the advancement of science and technology in Québec;

(3) conduct studies and investigations that it considers useful or necessary for the performance of its function, or cause them to be effected.

42. The Conseil shall advise the Minister on any question submitted by him in connection with the advancement of science and technology.

It may also communicate its findings and conclusions to the Minister.

43. The Conseil may form committees for the proper conduct of its work. It must also, at the request of the Minister, form subcommittees to investigate particular matters.

The members of committees and subcommittees are not remunerated; they are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

44. The Conseil may adopt internal management by-laws.

DIVISION III

REPORT

45. The Conseil, not later than 31 July each year, shall transmit to the Minister a report of its activities for the preceding fiscal year.

The Minister shall table the report in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

CHAPTER V

RESEARCH SUPPORT FUNDS

DIVISION I

ESTABLISHMENT AND ORGANIZATION

46. The following bodies are hereby established:

(1) the "Fonds québécois de la recherche sur la nature et les technologies";

(2) the "Fonds de la recherche en santé du Québec";

(3) the "Fonds québécois de la recherche sur la société et la culture".

47. Each Fonds is a legal person.

48. Each Fonds is a mandatary of the State.

The property of each Fonds is part of the domain of the State but the performance of its obligations may be levied against its property.

Each Fonds binds only itself when it acts in its own name.

49. Each Fonds has its head office at the place determined by the Government. Notice of the location or of any transfer of the head office is published in the *Gazette officielle du Québec*.

50. Each Fonds is administered by a board of directors composed of not more than 14 members, including a chairman and managing director, appointed by the Government.

The Government may appoint observers to each Fonds. The observers participate in the meetings of the Fonds but have no vote.

51. The members of the board of directors shall appoint a vice-chairman from among themselves. If the chairman and managing director is temporarily absent or unable to act, the vice-chairman shall exercise the functions of the chairman and managing director.

52. The chairman and managing director is appointed for not over five years.

The other members are appointed for not over three years.

53. At the end of their terms the members of the board of directors remain in office until they are replaced or reappointed.

The appointment of the chairman and managing director may be renewed more than once; the appointment of the other members may be renewed only once.

54. Every vacancy occurring during a term of office is filled in accordance with the mode of appointment prescribed in section 50.

Absence from a number of meetings determined by the internal by-laws of each Fonds constitutes a vacancy.

55. The chairman and managing director shall preside at meetings of the board of directors and exercise such other functions as are assigned to him by the by-laws of internal management of the Fonds.

The chairman and managing director shall administer the Fonds and have the direction of its personnel.

The chairman and managing director shall devote his full time to his official duties.

The Government shall fix the remuneration, social benefits and the other conditions of employment of the chairman and managing director.

56. Members other than the chairman and managing director are not remunerated. However, they are entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to the reimbursement of reasonable expenses incurred by them in the performance of their duties, and to an attendance allowance.

57. In no case may the chairman and managing director, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Fonds. However, such forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Any other member of the board of directors who has any interest in such an undertaking must, under pain of forfeiture of office, disclose it in writing to the chairman and managing director and abstain from participating in any deliberation and any decision concerning the undertaking.

58. Each Fonds may establish offices at places it determines and may hold its sittings anywhere in Québec.

The quorum at meetings of the board of directors is over one half of the members of the board of directors of the Fonds.

In case of a tie-vote, the chairman and managing director has a casting vote.

59. Every decision signed by all the members of the board of directors has the same force as if it had been taken at a regular sitting.

60. The members of the personnel of a Fonds shall be appointed in accordance with the staffing plan established by by-law of the Fonds.

Subject to the provisions of a collective agreement, a Fonds shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government. The by-law may also make them subject to the second paragraph of section 57.

DIVISION II

FUNCTIONS AND POWERS

61. The functions of the Fonds québécois de la recherche sur la nature et les technologies are

(1) to promote and provide financial support for research in the fields of natural sciences, mathematical sciences and engineering;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of research related to natural sciences, mathematical sciences and engineering;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to manage scholarship programs for graduate and postgraduate students, on its own behalf and on behalf of the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture and through grant programs for teaching duties reduction;

(5) to create any necessary partnership, in particular with universities, colleges and the industry, and the government departments and public and private bodies concerned.

62. The functions of the Fonds de la recherche en santé du Québec are

(1) to promote and provide financial support for all areas of research in the field of health, including basic, clinical and epidemiological research, research in the field of public health and research in the field of health services;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of health research;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and health care institutions, and the government departments and public and private bodies concerned.

63. The functions of the Fonds québécois de la recherche sur la société et la culture are

(1) to promote and provide financial support for the development of research in the fields of social and human sciences and the field of education, management, arts and letters;

(2) to promote and provide financial support for the dissemination of knowledge in fields of research related to social and human sciences and to education, management, arts and letters;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and cultural institutions, and the government departments and public and private bodies concerned.

64. Each Fonds shall, every three years on the date fixed by the Minister, transmit to the Minister a three-year plan of activities describing

(1) the context in which the Fonds operates and the main issues it is concerned with;

(2) the chosen strategic orientations, objectives and courses of action;

(3) the results to be achieved at the end of the period covered by the plan;

(4) the performance indicators used to measure the achievement of results.

The plan shall indicate separately, for the first year covered, the amounts estimated for the management expenditures of the Fonds and the amounts estimated for each of the financial support programs.

The plan shall be submitted to the Government for approval and must take into account the directives that the Minister may give to the Fonds on its objectives and orientations.

The plan shall be tabled in the National Assembly within 15 days of its approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.

65. At the beginning of each fiscal year on the date fixed by the Minister, a Fonds shall send the budgetary estimates for the year concerned, along with the list of the activities planned for that year, to the Minister for approval.

66. Every Fonds may, within the scope of its plan of activities approved by the Government and on the conditions it determines, grant financial support by way of subsidies and grants.

Every Fonds may also grant financial support in any other manner approved by the Government.

67. A financial support program must determine

(1) the form and content of applications for financial support, the information they must contain and the documents which must accompany them;

(2) the terms and conditions subject to which financial support may be granted and the criteria for the assessment of applications for financial support;

(3) the scales and limits of the financial support.

The elements mentioned in subparagraphs 2 and 3 are subject to approval by the Minister.

68. Every Fonds may form committees responsible for the assessment of the applications for financial support that are addressed to it.

The members of such committees are not remunerated; they are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

However, committee members delegated by departments and public agencies are not entitled to an attendance allowance.

69. Every Fonds may, according to law, enter into any agreement with any government other than that of Québec, any department of such a government, any international organization, or any agency of such a government or organization, in order to carry out its functions.

70. Every Fonds may adopt internal management by-laws.

71. In addition to its functions provided for under this division, every Fonds shall implement the financial support programs that are under its authority pursuant to another Act or, with the authorization of the Government and on the conditions it determines, the financial support programs under the authority of a department or a public agency. The Fonds shall then carry out its functions in accordance with this subdivision, wherever practicable.

72. In no case may a Fonds, unless authorized by the Government,

(1) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government;

(2) make a contract for a term or amount exceeding that determined by the Government.

No Fonds may acquire immovables.

73. In the pursuit of its objectives, a Fonds may, with the authorization of the Minister, enter into agreements or conventions with any person, partnership or organized body for the purpose of receiving or accepting gifts, legacies, grants or other contributions.

DIVISION III

FINANCIAL PROVISIONS

74. The Government may, on the conditions it determines,

(1) guarantee any loan contracted by a Fonds as well as the execution of any of its obligations;

(2) authorize the Minister of Finance to advance to a Fonds any amount deemed necessary for the carrying out of its functions.

Any sum that the Government may be called to pay under the guarantees or to advance to a Fonds is taken out of the consolidated revenue fund.

DIVISION IV

DOCUMENTS, ACCOUNTS AND REPORTS

75. No deed, document or writing binds a Fonds unless it is signed by its chairman and managing director or by a member of its personnel and, in the case of such a member, only to the extent determined by regulation of the Fonds.

A Fonds may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines or a facsimile of a signature to be engraved, lithographed or printed on them. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chairman and managing director of the Fonds.

Every by-law made by virtue of this section comes into force 10 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

76. A document or a copy of a document emanating from a Fonds or forming part of its records and signed or certified true by a person referred to in section 75 is authentic.

77. The fiscal year of each Fonds ends on 31 March.

78. Not later than 31 July each year, each Fonds shall transmit to the Minister a report of its activities for the preceding fiscal year.

The report shall, in addition to the information the Minister may prescribe, contain a progress report on the three-year plan approved under section 64.

79. The Minister shall table the annual report of a Fonds in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

80. The books and accounts of the Fonds shall be audited every year by the Auditor General and also whenever so ordered by the Government.

The auditor's report must accompany the annual report of every Fonds.

DIVISION V

PENAL PROVISIONS

81. Every person who gives false or misleading information in view of obtaining or procuring financial support provided for by this Chapter is guilty of an offence and liable to a fine of not more than $5,000.

82. Where a legal person commits an offence against section 81, every director or representative of that legal person who was aware of the offence is deemed to be a party to the offence and is liable to a fine of not more than $5,000 unless he proves to the satisfaction of the court that he did not acquiesce to the commission of the offence.

83. No person found guilty of an offence against section 81 or 82 or against section 380 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in connection with financial support contemplated under this Chapter may, unless he has been pardoned, obtain financial support under this Chapter for a period of two years from the conviction.

DIVISION VI

COMITÉ PERMANENT DES PRÉSIDENTS-DIRECTEURS GÉNÉRAUX DES FONDS DE RECHERCHE DU QUÉBEC

84. The "Comité permanent des présidents-directeurs généraux des Fonds de recherche du Québec" hereinafter called the "committee" is hereby established.

The functions of the committee are

(1) to harmonize the strategic programs of the different Fonds and ensure the coherence and complementarity of their action;

(2) to integrate, so far as possible, the management services of the different Fonds;

(3) to simplify the research financing procedure;

(4) to advise the Minister on the development of the research support programs of the different Fonds.

85. The committee is composed of the chairmen and managing directors of the Fonds established under section 46.

Any member who is absent or unable to act may be replaced by the vice-chairman of the Fonds of which the member is chairman and managing director.

86. The committee may adopt internal management by-laws.

87. The committee shall have no equity resources; its operating costs shall be paid out of the budgets of the Fonds.

88. Each year, the committee shall, on the date fixed by the Minister, transmit to the Minister a report of its activities. The report must contain all the information the Minister may prescribe.

The report shall be tabled in the National Assembly within 15 days of its receipt by the Minister if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.

CHAPTER VI

LOCAL AND REGIONAL AUTHORITIES

DIVISION I

LOCAL DEVELOPMENT CENTRES

89. The Minister shall enter into an agreement with the regional county municipality concerning its role and responsibilities in local development and the conditions under which they are to be exercised.

This agreement must take into account the powers and obligations of the regional county municipality under sections 90 and 91.

The regional county municipality shall administer the funds entrusted to it under this agreement and holds all the necessary powers to carry out the agreement.

90. A regional county municipality may take any measure to promote local development and entrepreneurial support within its territory.

To that end, it may more particularly

(1) offer a full range of front-line services to businesses, possibly in partnership with persons or bodies including those from the private sector, by grouping or coordinating those services and providing funding for them;

(2) develop a local plan of action to stimulate the economy and create employment taking into account the five-year development plan established by the regional conference of elected officers in its territory and, if applicable, the metropolitan land use and development plan as well as the general economic development plan adopted by the metropolitan community in its territory, and see to the implementation of the local plan of action;

(3) formulate, in keeping with provincial and regional orientations, strategies and objectives, a strategy for the development of entrepreneurship, including social economy entrepreneurship; and

(4) act as an advisory body for the benefit of the local employment centre serving its territory.

This section applies despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

91. The regional county municipality shall entrust the exercise of its powers under section 90 to a body it shall constitute under the name "local development centre". It may also designate an existing body as a local development centre.

The regional county municipality may also assign the local development centre a mandate stemming from a power conferred to it by law or from an agreement with the Government or one of its Ministers or bodies.

92. A local development centre must be a non-profit body constituted under Part III of the Companies Act (R.S.Q., chapter C-38).

A local development centre may also be designated by the initialism "LDC". No person or body may use a name that includes the words "local development centre" or the initialism "LDC" unless designated as such under this Act.

A local development centre shall carry out its activities in compliance with the agreement made under section 89 and in keeping with the expectations expressed by the regional county municipality.

93. Local development centres shall be distributed as follows:

(1) the territory of a regional county municipality may be served by one local centre only; and

(2) the territories of two or more regional county municipalities may be served by the same local centre.

The territory of Ville de Montréal may be served by more than one local development centre, in which case the city shall identify their respective territories.

94. The regional county municipality shall appoint the members of the board of directors of a local development centre it constitutes. In the case of an existing body, the body must make any changes required to the composition of its board of directors and voting rights to bring them into conformity with the second and third paragraphs.

The board of directors of a local development centre must include elected municipal officers, representatives of the business community and the social economy, and the Member of the National Assembly for any electoral division in the territory served by the local development centre, as a non-voting member. The board of directors shall also include the following persons as non-voting members:

(1) the head of the local development centre; and

(2) the director of the local employment centre.

Each voting member has one vote only.

95. A local development centre must file an annual activity report with the regional county municipality on the date and in the manner determined by the regional county municipality, together with its financial statements for the preceding fiscal year.

The report shall contain any other information required by the regional county municipality. The financial statements shall be filed together with the auditor's report.

96. For the purposes of this division, a local municipality whose territory is not comprised in that of a regional county municipality is considered a regional county municipality.

DIVISION II

REGIONAL CONFERENCES OF ELECTED OFFICERS

97. A regional conference of elected officers is hereby established for each administrative region of Québec.

However, for the Montérégie administrative region, three regional conferences of elected officers are hereby established, more specifically, one for the territory of Ville de Longueuil, one for the territories of the regional county municipalities of Beauharnois-Salaberry, Haut-Saint-Laurent, Jardins-de-Napierville, Roussillon and Vaudreuil-Soulanges, and one for the territories of the regional county municipalities of Acton, Brome-Missisquoi, La Haute-Yamaska, La-Vallée-du-Richelieu, Lajemmerais, Bas-Richelieu, Haut-Richelieu, Maskoutains and Rouville.

For the Nord-du-Québec administrative region, a regional conference of elected officers is hereby established for the territory of the Municipalité de Baie-James and the territories of the cities of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami, while the Kativik Regional Government and the Cree Regional Authority are deemed to act as the regional conference of elected officers for their respective communities.

A regional conference of elected officers is a legal person.

98. A regional conference of elected officers is the primary interlocutor of the Government for the territory or community it represents as regards regional development.

The Minister shall enter into an agreement with the regional conference of elected officers determining the conditions that the regional conference undertakes to fulfill and the role and responsibilities of each of the parties.

99. The mandate of a regional conference of elected officers consists primarily in evaluating local and regional planning and development bodies funded in whole or in part by the Government, promoting concerted action

among partners in the region and, where warranted, giving advice to the Minister on regional development matters.

The regional conference of elected officers shall establish a five-year development plan that identifies general and specific development objectives for the region in keeping with sustainable development and taking foremost account of young people's participation and, in accordance with the principles of equality and parity, women's participation, in the democratic life of the region.

The five-year development plan must also take into account regional manpower and employment strategies and objectives defined by the regional council of labour market partners in its territory and, if applicable, the metropolitan land use and development plan as well as the general economic development plan adopted by the metropolitan community in its territory.

The regional conference of elected officers may enter into specific agreements with government departments or bodies and, where warranted, other partners, to exercise the powers and responsibilities stemming from the agreement referred to in section 98.

The regional conference of elected officers shall carry out any other mandate received from the Minister.

100. The board of directors of a regional conference of elected officers shall be composed of the following members from its territory:

(1) the wardens of the regional county municipalities;

(2) the mayors of local municipalities with a population of 5,000 or more; and

(3) the mayors of the local municipalities listed in the schedule.

In the case of the Capitale-Nationale administrative region, in addition to the persons mentioned in the first paragraph, the board of directors of the regional conference of elected officers shall include the borough chairs and two members of the executive committee of Ville de Québec designated by that executive committee.

In the case of the Côte-Nord administrative region, in addition to the persons mentioned in the first paragraph, the board of directors of the regional conference of elected officers shall include two mayors designated by and from among the mayors of the local municipalities in that administrative region whose territories are not comprised in the territory of a regional county municipality. For the purpose of that designation, the administrator of the Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent is considered a mayor. The two mayors shall be designated at a meeting convened and held by the secretary-treasurer of the municipality with the largest population among those local municipalities except the Municipalité de Côte-Nord-du-Golfe-

du-Saint-Laurent. The meeting may be held as provided by article 164.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), with the necessary modifications. At the beginning of the meeting, the mayors may decide the procedure to be followed in case of a tie-vote. The secretary-treasurer shall draw up the minutes of the meeting.

The cities of Gatineau, La Tuque, Lévis, Mirabel, Rouyn-Noranda, Saguenay, Shawinigan, Sherbrooke and Trois-Rivières shall designate, among the members of their respective councils, an additional member to sit on the board of directors of the regional conference of elected officers in their respective territories.

If the warden of a regional county municipality is also the mayor of a local municipality referred to in the first paragraph, the council of the regional county municipality shall appoint one additional member to the board of directors of the regional conference from among its members. The same applies if the territory of a regional county municipality does not include a local municipality referred to in the first paragraph.

The board of directors of the regional conference of elected officers of the administrative region of Laval, the territory of Ville de Longueuil and the administrative region of Montréal shall be composed of all the members of the municipal council of Ville de Laval, Ville de Longueuil and Ville de Montréal respectively.

The board of directors of the regional conference of elected officers of the Nord-du-Québec administrative region shall be composed of the members of the council of the Municipalité de Baie-James referred to in section 36 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2).

If the territory of a regional conference of elected officers includes at least one Native community represented by a band council, the board of directors of the regional conference shall include a representative of the Native nation to which the Native community belongs.

On the request of a regional conference of elected officers, the Government may, by order, allow the regional conference to appoint to its board of directors one or more additional representatives of a local municipality, chosen by the council of the local municipality from among its members.

On the request of a regional conference of elected officers, the Government may, by order, amend the schedule to add one or more rural local municipalities.

101. A regional conference of elected officers shall appoint to its board of directors additional members whose number may not exceed one third of all council members except those referred to in the eighth paragraph of section 100. The conference shall choose these additional members after consulting the bodies it considers representative of the various sectors of the community it serves, particularly those in the economic, education, cultural and scientific

sectors. The regional conference shall determine the term of office of additional members.

Instead of appointing additional members as provided in the first paragraph, the regional conferences of elected officers for the administrative region of Laval, the territory of Ville de Longueuil and the administrative region of Montréal may establish a sector-based, theme-based or territory-based consultation mechanism with the socioeconomic groups in their respective territories. The agreement referred to in section 98 shall specify how the consultation mechanism is to operate.

The Member of the National Assembly for an electoral division over whose territory a regional conference of elected officers has authority is entitled to take part in the proceedings of the board of directors of the regional conference but is not entitled to vote.

102. The meetings of the board of directors of a regional conference of elected officers are public.

103. A regional conference of elected officers shall administer the funds entrusted to it by the Government under an agreement for the carrying out of any regional development project under the authority of the Minister who has signed the agreement.

104. A regional conference of elected officers must file an annual activity report with the Minister on the date and in the manner determined by the Minister, together with its financial statements for the preceding fiscal year.

The report shall contain any other information required by the Minister. The financial statements shall be filed together with the auditor's report.

105. The Minister shall lay the activity report of a regional conference of elected officers before the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption.

106. The Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec shall establish, with the regional conferences of elected officers for their respective territories, a mechanism to harmonize the exercise of their powers and responsibilities.

107. The harmonization mechanism referred to in section 106 shall be approved jointly by the Minister of Economic and Regional Development and Research and the Minister of Municipal Affairs, Sports and Recreation.

108. The Kativik Regional Government and the Cree Regional Authority acting as a regional conference of elected officers and the regional conference of elected officers established for the territory of the Municipalité de Baie-James and the territories of the cities of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami shall establish a mechanism to harmonize the exercise of their powers and responsibilities.

DIVISION III

TABLE QUÉBEC-RÉGIONS

109. A consultative committee known as the "Table Québec-régions" is hereby established.

The consultative committee shall advise the Minister on any matter within its purview which is submitted to it by the Minister.

110. The composition of the consultative committee shall be determined jointly by the Minister of Economic and Regional Development and Research and the Minister of Municipal Affairs, Sports and Recreation.

CHAPTER VII

REGIONAL DEVELOPMENT FUND

111. A regional development fund is hereby established.

The fund shall be dedicated to the financing of the measures provided for in the specific agreements entered into between a regional conference of elected officers, a goverment department or body and, where applicable, any other partner.

The fund may also be dedicated to the financing of any other activity pursued by a regional conference of elected officers.

112. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities and the nature of the activities financed by and the costs that may be charged to the fund.

The particulars of the management of the fund shall be determined by the Conseil du trésor.

113. The fund shall be made up of the following sums:

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

(2) the sums paid into the fund by the Minister of Finance as advances taken out of the consolidated revenue fund;

(3) the sums paid into the fund by the Minister of Finance as borrowings from the financing fund established under the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01);

(4) the gifts, legacies and other contributions paid into the fund to further the attainment of the objects of the fund.

114. The management of the sums making up the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to the order of, and deposited with the financial institutions determined by, the Minister of Finance.

The Minister of Economic and Regional Development and Research shall keep the books of account of the fund and record the financial commitments chargeable to it. The Minister shall also ensure that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

115. The Minister of Finance may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may advance to the consolidated revenue fund, on a short-term basis and subject to the conditions determined by the Minister of Finance, any part of the sums making up the fund that is not required for its operation.

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

116. The Minister of Economic and Regional Development and Research may, as the manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).

117. The sums required for the payment of the remuneration and expenses relating to employment benefits and other conditions of employment of the persons who, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), are assigned to the operation of the fund shall be taken out of the fund.

118. Any surplus accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

119. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

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

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

122. The Minister shall, not later than (*insert the date occurring five years after the date of coming into force of this section*), submit to the Government an assessment report stating whether or not it is advisable to maintain the fund.

The Minister shall lay the report before the National Assembly within 30 days of its submission or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER VIII

AGREEMENT FOR THE IMPLEMENTATION OF CERTAIN POLICIES

123. The Minister, with the authorization of the Government, may enter into any agreement with a regional county municipality or local municipality whose territory is not comprised within the territory of a regional county municipality where such an agreement is needed to implement any local or regional development policy of the Government in the territory of that municipality. The authorization of the Government may emanate from the content of the policy.

124. An agreement under section 123 shall specify, among other things, any responsibility that is delegated to the regional county municipality or local municipality, and determine the conditions governing the delegation.

125. The regional county municipality or local municipality that is party to an agreement under section 123 shall have the necessary powers to meet its commitments and exercise its responsibilities under the agreement for the purposes of the implementation of the policy.

The municipality may, among other things, institute any proceeding and exercise any power required to settle any dispute or disagreement resulting from the carrying out of the agreement.

126. The Municipal Aid Prohibition Act (R.S.Q., chapter I-15) does not apply to assistance granted pursuant to an agreement under section 123.

127. The third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) does not apply in respect of a decision whereby the council of a regional county municipality enters into an agreement under section 123.

128. The council of a regional county municipality may, by by-law, for the purposes of an agreement under section 123 and in respect of a local municipality whose territory is not covered by the agreement or only a part of whose territory is covered by the agreement, prescribe criteria for the determination of the number of votes and the number of the population attributed to any representative of the local municipality for the purpose of decision making by the regional county municipality in relation to the carrying out of the agreement. The by-law may also establish criteria for the determination of the proportion of the local municipality's contribution to the payment of the expenses of the regional county municipality relating to the agreement.

CHAPTER IX

AMENDING PROVISIONS

DIVISION I

INTEGRATION OF CERTAIN PROVISIONS OF OTHER ACTS INTO THIS ACT

129. Division II.2 of the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17), comprising sections 17.1 to 17.12, becomes, under the same heading, Chapter III of this Act, comprising sections 19 to 30, subject to the following amendments:

(1) the reference to section 17.5 and the first paragraph of section 17.6 in paragraph 4 of section 17.3 becomes a reference to section 23 and the first paragraph of section 24;

(2) the reference to paragraph 5 of section 17.3 in the first paragraph of section 17.7 becomes a reference to paragraph 5 of section 21.

130. Chapter II of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2), comprising sections 7 to 15, becomes, under the same heading, Chapter II of this Act, comprising sections 10 to 18, subject to "de la Recherche, de la Science et de la Technologie" in section 7 being replaced by "du Développement économique et régional et de la Recherche".

131. Chapter II.1 of the said Act and Divisions I, II and III of that Chapter, comprising sections 15.1 to 15.15, become, under the same headings, Chapter IV of this Act and Divisions I, II and III of that Chapter, comprising sections 31 to 45, subject to the reference to section 15.3 in the first paragraph of section 15.5 becoming a reference to section 33.

132. Chapter II.2 of the said Act, Divisions I, II, III, IV and V of that Chapter and Chapter II.3 of that Act, comprising sections 15.16 to 15.56, become, under the same headings, Chapter V of this Act and Divisions I, II, III, IV, V and VI of that Chapter, comprising sections 46 to 88, subject to the following amendments:

(1) the reference to section 15.20 in the first paragraph of section 15.24 becomes a reference to section 50;

(2) the reference to section 15.27 in the second paragraph of section 15.30 becomes a reference to section 57;

(3) ", and shall be accompanied with the budgetary estimates for the two following years" at the end of the second paragraph of section 15.33 is struck out;

(4) section 15.33.1 is replaced by the following section:

"**15.33.1.** At the beginning of each fiscal year on the date fixed by the Minister, a Fonds shall send the budgetary estimates for the year concerned, along with the list of the activities planned for that year, to the Minister for approval.";

(5) "Government" in the second paragraph of section 15.35 is replaced by "Minister";

(6) the reference to section 15.43 in section 15.44 becomes a reference to section 75;

(7) the third paragraph of section 15.46 is struck out;

(8) the reference to section 15.33 in the second paragraph of section 15.46 becomes a reference to section 64;

(9) "by this Act" is replaced in section 15.49 by "by this Chapter";

(10) the reference to section 15.49 in section 15.50 becomes a reference to section 81;

(11) the reference to section 15.49 or 15.50 in section 15.51 becomes a reference to section 81 or 82 and "under this Act" is replaced by "under this Chapter";

(12) the reference to section 15.16 in section 15.53 becomes a reference to section 46.

133. Chapter III of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001), comprising sections 24 to 35, becomes, under the same heading, Chapter VII of this Act, comprising sections 111 to 122, subject to the following amendments:

(1) "a regional development council" in the second and third paragraphs of section 24 is replaced by "a regional conference of elected officers";

(2) "des Régions" in section 29 is replaced by "du Développement économique et régional et de la Recherche";

(3) "not later than 1 April 2003" in section 35 is replaced by "not later than (*insert the date occurring five years after the date of coming into force of this section*)".

134. Chapter III.1 of the said Act, comprising sections 35.1 to 35.6, becomes, under the same heading, Chapter VIII of this Act, comprising sections 123 to 128, subject to the reference to section 35.1 in sections 35.2 to 35.6 becoming a reference to section 123.

DIVISION II

OTHER AMENDMENTS

§1. — *General amendments*

135. The words "of Industry and Trade" are replaced by the words "of Economic and Regional Development and Research" and the words "de l'Industrie et du Commerce" are replaced by the words "du Développement économique et régional et de la Recherche" in the following provisions:

(1) section 25 of the Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., chapter A-12.1);

(2) sections 11, 37 and 39 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);

(3) section 21 of the Act to promote the capitalization of small and medium-sized businesses (R.S.Q., chapter A-33.01);

(4) section 50 of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

(5) section 46 of Schedule C to the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

(6) section 239 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

(7) section 8 of the Fish and Game Clubs Act (R.S.Q., chapter C-22), enacted by section 264 of chapter 45 of the statutes of 2002;

(8) section 12 of the Amusement Clubs Act (R.S.Q., chapter C-23), enacted by section 266 of chapter 45 of the statutes of 2002;

(9) section 1 of the Companies Act (R.S.Q., chapter C-38), amended by section 275 of chapter 45 of the statutes of 2002;

(10) section 15 of the Cemetery Companies Act (R.S.Q., chapter C-40), enacted by section 280 of chapter 45 of the statutes of 2002;

(11) section 53 of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1), enacted by section 282 of chapter 45 of the statutes of 2002;

(12) section 99 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44), enacted by section 285 of chapter 45 of the statutes of 2002;

(13) section 26 of the Telegraph and Telephone Companies Act (R.S.Q., chapter C-45), amended by section 287 of chapter 45 of the statutes of 2002;

(14) section 24 of the Mining Companies Act (R.S.Q., chapter C-47), amended by section 290 of chapter 45 of the statutes of 2002;

(15) section 16 of the Act respecting the constitution of certain Churches (R.S.Q., chapter C-63), enacted by section 294 of chapter 45 of the statutes of 2002;

(16) section 20 of the Religious Corporations Act (R.S.Q., chapter C-71), enacted by section 340 of chapter 45 of the statutes of 2002;

(17) section 190 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1), replaced by section 347 of chapter 45 of the statutes of 2002;

(18) section 17 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

(19) sections 9.3 and 17.1 of the Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14);

(20) section 23 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17), enacted by section 502 of chapter 45 of the statutes of 2002;

(21) section 76 of the Act respecting fabriques (R.S.Q., chapter F-1), enacted by section 509 of chapter 45 of the statutes of 2002;

(22) section 38 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);

(23) sections 965.11.7.1, 965.36.1, 1029.8.36.5, 1029.8.36.6, 1029.8.36.7, 1029.8.36.16, 1029.8.36.20, 1029.8.36.21, 1029.8.36.22, 1029.8.36.23, 1029.8.36.54, 1029.8.36.55, 1029.8.36.55.1, 1029.8.36.56, 1029.8.36.72.1, 1029.8.36.72.14, 1130 and 1137.1 of the Taxation Act (R.S.Q., chapter I-3);

(24) section 275 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1), amended by section 539 of chapter 45 of the statutes of 2002;

(25) sections 17 and 18 of the Winding-up Act (R.S.Q., chapter L-4) and section 35 of that Act, enacted by section 544 of chapter 45 of the statutes of 2002;

(26) section 20.1.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);

(27) sections 21 and 38 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);

(28) section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);

(29) section 7 of the Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);

(30) section 54 of the Act respecting the special powers of legal persons (R.S.Q., chapter P-16), amended by section 548 of chapter 45 of the statutes of 2002;

(31) section 539 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45), replaced by section 552 of chapter 45 of the statutes of 2002;

(32) section 63 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

(33) sections 1 and 20 of the Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01);

(34) sections 15, 15.1 and 17 of the Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);

(35) section 8 of the National Benefit Societies Act (R.S.Q., chapter S-31), enacted by section 614 of chapter 45 of the statutes of 2002;

(36) section 5 of the Act respecting societies for the prevention of cruelty to animals (R.S.Q., chapter S-32), enacted by section 616 of chapter 45 of the statutes of 2002;

(37) section 31 of the Professional Syndicates Act (R.S.Q., chapter S-40), enacted by section 620 of chapter 45 of the statutes of 2002.

136. The words “of Industry and Trade” are replaced by the words “of Finance” in sections 20.2, 30, 34.1, 37, 59 and 61 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13).

137. The words “of Research, Science and Technology” are replaced by the words “of Economic and Regional Development and Research” and the words “de la Recherche, de la Science et de la Technologie” are replaced by the words “du Développement économique et régional et de la Recherche” in the following provisions:

(1) section 42 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1);

(2) section 17.2 of the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(3) section 1 of the Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);

(4) sections 227, 737.19, 737.22.0.0.5 and 1029.8.1 of the Taxation Act (R.S.Q., chapter I-3);

(5) sections 89, 90 and 91 of the Act respecting health services and social services (R.S.Q., chapter S-4.2).

138. The words "of Regions" in section 27 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01) are replaced by the words "of Economic and Regional Development and Research".

139. The words "Act respecting the Ministère de l'Industrie et du Commerce (chapter M-17)" are replaced by the words "Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)" in sections 965.35, 1049.12, 1049.13 and 1049.14 of the Taxation Act (R.S.Q., chapter I-3).

140. The words "Act respecting the Ministère de la Recherche, de la Science et de la Technologie (chapter M-19.1.2)" are replaced by the words "Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)" in the following provisions:

(1) section 96 of the Health Insurance Act (R.S.Q., chapter A-29);

(2) section 11.1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);

(3) section 88 of the Act respecting health services and social services (R.S.Q., chapter S-4.2).

141. The words "of Municipal Affairs and Greater Montréal" are replaced by the words "of Economic and Regional Development and Research" in the following provisions:

(1) paragraph *c* of section 1 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);

(2) section 30 of the Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1);

(3) section 45 of the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1).

§2. — *Specific amendments*

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

142. Section 79.20 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing subparagraphs 2, 3 and 4 of the second paragraph by the following subparagraphs:

"(2) the local action plan developed under section 90 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29) by the local development centre serving the territory of the regional county municipality;

"(3) the five-year development plan established under section 99 of the Act respecting the Ministère du Développement économique et régional et de la Recherche by the regional conference of elected officers for the administrative region in which the territory of the regional county municipality is situated;

"(4) any agreement entered into under section 98 of the Act respecting the Ministère du Développement économique et régional et de la Recherche by the regional conference of elected officers referred to in paragraph 3;".

CHARTER OF VILLE DE LONGUEUIL

143. Section 60.2 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing "12 of the Act respecting the Ministère des Régions (chapter M-25.001)" at the end of the first paragraph by "89 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)".

CITIES AND TOWNS ACT

144. Section 466.2 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing "accredited under the Act respecting the Ministère des Régions (chapter M-25.001)" in the fourth and fifth lines by "referred to in section 91 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)".

MUNICIPAL CODE OF QUÉBEC

145. Article 627.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing "accredited under the Act respecting the Ministère des Régions (chapter M-25.001)" in the fourth and fifth lines by "referred to in section 91 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)".

146. Article 688.10 of the said Code is amended by replacing "accredited under the Act respecting the Ministère des Régions (chapter M-25.001)" in the third and fourth lines by "referred to in section 91 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)".

EXECUTIVE POWER ACT

147. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended

(1) by replacing subparagraph 16 of the first paragraph by the following subparagraph:

"(16) A Minister of Economic and Regional Development and Research;";

(2) by striking out subparagraphs 34 and 35 of the first paragraph.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

148. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing "of Industry and Trade, the Deputy Minister of Research, Science and Technology" in the second and third lines by "of Economic and Regional Development and Research".

TAXATION ACT

149. Section 1029.8.21.17 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing "of Industry and Trade and the Minister of Research, Science and Technology" in the third paragraph by "of Economic and Regional Development and Research".

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

150. Section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is amended

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

(2) by replacing subparagraph 3 of the third paragraph by the following subparagraph:

"(3) the Deputy Minister of Economic and Regional Development and Research or an Associate or Assistant Deputy Minister of Economic and Regional Development and Research designated by the Deputy Minister;".

151. Section 38 of the said Act is amended

(1) by replacing "the regional development council" in the second and third lines of paragraph 6 by "the regional conference of elected officers referred to in section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)";

(2) by replacing "the regional development council" in the first line of paragraph 7 by "the regional conference of elected officers referred to in section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche".

152. Section 40 of the said Act is amended

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

(2) by replacing subparagraph 3 of the third paragraph by the following subparagraph:

"(3) the regional director of the Ministère du Développement économique et régional et de la Recherche or a regional representative from that department designated by the Deputy Minister of the Ministère du Développement économique et régional et de la Recherche."

GOVERNMENT DEPARTMENTS ACT

153. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended

(1) by replacing paragraph 15 by the following paragraph:

"(15) The Ministère du Développement économique et régional et de la Recherche, presided over by the Minister of Economic and Regional Development and Research;";

(2) by striking out paragraphs 34 and 35.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

154. Section 47 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended by replacing "to the regional development council" at the end of the first paragraph by "to the regional conference of elected officers referred to in section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

155. Section 343.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing "the regional development council" in the second line of the third paragraph by "the regional conference of elected officers referred to in section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29)".

ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DE LA ZONE DE COMMERCE INTERNATIONAL DE MONTRÉAL À MIRABEL

156. Section 50 of the Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel (R.S.Q., chapter S-10.0001) is replaced by the following section:

"**50.** The Minister of Economic and Regional Development and Research is responsible for the administration of this Act, except section 38, which is under the administration of the Minister of Finance."

ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

157. Section 5 of the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1) is amended by replacing "Three" in the first line by "Two" and by replacing "of Industry and Trade, one by the Minister of Research, Science and Technology and the other" in the second and third lines by "of Economic and Regional Development and Research and one".

158. Section 33 of the said Act is amended by replacing "of Research, Science and Technology" in the second line by "of Economic and Regional Development and Research".

ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

159. Section 5 of the Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2) is replaced by the following section:

"**5.** One person shall be delegated to the board of directors by the Minister of Economic and Regional Development and Research from among the personnel members of the Minister's department."

160. Section 33 of the said Act is amended by replacing "of the Minister of Industry and Trade, the Minister of Research, Science and Technology" in the first and second lines by "of the Minister of Economic and Regional Development and Research".

161. Section 45 of the said Act is replaced by the following section:

"**45.** The Minister of Economic and Regional Development and Research is responsible for the administration of this Act."

ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

162. Section 5 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4) is replaced by the following section:

"**5.** One person shall be delegated to the board of directors by the Minister of Economic and Regional Development and Research from among the personnel members of the Minister's department."

163. Section 33 of the said Act is amended by replacing "of the Minister of Industry and Trade, the Minister of Research, Science and Technology" in the first and second lines by "of the Minister of Economic and Regional Development and Research".

164. Section 45 of the said Act is replaced by the following section:

"**45.** The Minister of Economic and Regional Development and Research is responsible for the administration of this Act."

ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

165. Section 5 of the Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5) is replaced by the following section:

"**5.** A person shall be delegated to the board of directors by the Minister of Economic and Regional Development and Research from among the personnel members of the Minister's department."

166. Section 33 of the said Act is amended by replacing "of the Minister of Industry and Trade, the Minister of Research, Science and Technology" in the first and second lines by "of the Minister of Economic and Regional Development and Research".

167. Section 42 of the said Act is replaced by the following section:

"**42.** The Minister of Economic and Regional Development and Research is responsible for the administration of this Act."

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

168. This Act replaces the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17), the Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2) and the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001).

169. The Act respecting the Société du tourisme du Québec (1994, chapter 27) and the Act respecting the Ministère des Finances, de l'Économie et de la Recherche (2002, chapter 72) are repealed.

170. In any agreement, regulation, by-law, order in council, ministerial order, agreement, contract or other document, regardless of its nature or form, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Minister or Deputy Minister of Industry and Trade is a reference to the Minister or Deputy Minister of Economic and Regional Development and Research and a reference to the Ministère de l'Industrie et du Commerce is a reference to the Ministère du Développement économique et régional et de la Recherche;

(2) a reference to the Minister or Deputy Minister of Research, Science and Technology is a reference to the Minister or Deputy Minister of Economic and Regional Development and Research and a reference to the Ministère de la Recherche, de la Science et de la Technologie is a reference to the Ministère du Développement économique et régional et de la Recherche;

(3) a reference to the Minister or Deputy Minister of Regions is a reference to the Minister or Deputy Minister of Economic and Regional Development and Research and a reference to the Ministère des Régions is a reference to the Ministère du Développement économique et régional et de la Recherche;

(4) a reference to the Act respecting the Ministère de l'Industrie et du Commerce or to any of its provisions is a reference to the Act respecting the Ministère du Développement économique et régional et de la Recherche or to the corresponding provision of that Act;

(5) a reference to the Act respecting the Ministère de la Recherche, de la Science et de la Technologie or to any of its provisions is a reference to the Act respecting the Ministère du Développement économique et régional et de la Recherche or to the corresponding provision of that Act;

(6) a reference to the Act respecting the Ministère des Régions or to any of its provisions is a reference to the Act respecting the Ministère du Développement économique et régional et de la Recherche or to the corresponding provision of that Act.

171. The community economic development corporations and other bodies referred to in Schedule A to the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001), as it read on (*insert the date preceding the date of coming into force of section 91*) and a body which, on that date, was accredited in accordance with section 8 of the said Act, are deemed to be designated as local development centres under section 91 until the regional county municipality establishes or designates a new one. They shall continue to act under the name they were using on (*insert the date preceding the date of coming into force of section 91*).

Within the six months following (*insert the date of coming into force of this section*), such deemed designated local development centres shall make any changes required to the composition of their board of directors and voting rights to bring them into conformity with section 94.

172. Agreements entered into under section 12 of the Act respecting the Ministère des Régions shall remain effective until they expire or until an agreement is signed in accordance with section 89, whichever occurs first.

However, the provisions of those agreements that relate to the discontinuance of the activities of a local development centre or to the non-renewal of the agreement shall continue to apply, with the necessary modifications, after that occurrence.

173. Subject to the provisions of the agreement entered into under section 89, if applicable, the rights and obligations of a local development centre existing on (*insert the date preceding the date of coming into force of this section*) under an agreement entered into under section 12 of the Act respecting the Ministère des Régions, except rights and obligations relating to the operating expenses of that local development centre, or under agreements entered into with government departments, bodies or local or regional groups, shall be transferred, where applicable, from that local development centre to the new local development centre established or designated by the regional county municipality as of the date of its establishment or designation.

174. The accreditation granted by the Minister under section 16 of the Act respecting the Ministère des Régions shall cease, for each administrative region, when an agreement is entered into in accordance with section 98.

175. Agreements entered into under section 19 or 20 of the Act respecting the Ministère des Régions shall remain effective until they expire or until an agreement is signed in accordance with section 98, whichever occurs first.

However, the provisions of those agreements that relate to the discontinuance of the activities of a regional development council or to the non-renewal of the agreement shall continue to apply, with the necessary modifications, after that occurrence.

176. Subject to the provisions of the agreement entered into under section 98, if applicable, the rights and obligations of a regional development council under an agreement entered into under section 19 or 20 of the Act respecting the Ministère des Régions, except rights and obligations relating to the operating expenses of that regional council, or under agreements entered into with government departments, bodies or regional groups, shall be transferred to the regional conference of elected officers, as of the date specified in the agreement entered into under section 98.

177. The property and assets of a regional development council acquired under an agreement entered into under section 19 or 20 of the Act respecting the Ministère des Régions shall be transferred, after the payment of debts and the extinction of liabilities, to the regional conference of elected officers that entered into an agreement under section 98.

178. The Government may determine to what extent and on which territory a Minister shall exercise the responsibilities set out in Chapters VI, VII and VIII of this Act.

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

SCHEDULE
(*section 100*)

Ville de Beaupré
Ville de Berthierville
Ville de Cabano
Ville de Carleton-Saint-Omer
Ville de Disraeli
Ville d'East Angus
Ville de Fermont
Ville de Forestville
Municipalité de Havre-Saint-Pierre
Ville de Huntingdon
Ville de La Pocatière
Municipalité de Lac-Etchemin
Ville de Malartic
Ville de Maniwaki
Village de Napierville
Ville de New Richmond
Ville de Richmond
Ville de Saint-Césaire
Ville de Saint-Gabriel
Municipalité de Saint-Jean-Port-Joli
Ville de Saint-Joseph-de-Beauce
Ville de Saint-Pascal
Ville de Saint-Tite
Ville de Senneterre
Ville de Témiscaming
Ville de Trois-Pistoles
Ville de Valcourt
Ville de Ville-Marie
Ville de Warwick
Ville de Waterloo

Coming into force of Acts

Gouvernement du Québec

O.C. 45-2004, 21 January 2004

An Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the Agence nationale d'encadrement du secteur financier

WHEREAS the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45) was assented to on 11 December 2002;

WHEREAS, under section 750 of the Act, amended by section 178 of the Act to amend the Act respecting insurance and other legislative provisions (2002, c. 70), the provisions of the Act come into force on the date or dates to be fixed by the Government, except section 63, paragraph 2 of section 179, paragraph 2 of section 197, section 213, paragraph 3 of section 214, section 220, paragraph 3 of section 221, paragraph 2 of section 231, sections 233 to 239, 242, 245, 306, 309, paragraph 1 of section 310, sections 315, 334, 335, 337, 350, 353, 356, paragraph 2 of section 357, paragraph 1 of section 359, sections 362, 377, 383, 387, paragraphs 1, 2 and 3 of section 407, sections 409, 459, 471, 490, 504, 511, 514, 541, 553, paragraph 1 of section 559, sections 563 and 567, paragraph 1 of section 569, section 582, paragraph 1 of section 589, paragraph 1 of section 590, paragraph 2 of section 591, sections 592, 593, 597, 600, 605 to 609, 612, 623, paragraphs 1 and 2 of section 624, sections 625, 626, 627, 628, 630, 632 to 637, 640, 641, 653, 686, 690, 691, 692, 693, 704, 732 to 738, 745, 746 to 749 and 750, which came into force on 11 December 2002, and sections 694 and 741 which come into force on the date of coming into force of section 7;

WHEREAS Order in Council 111-2003 dated 6 February 2003 fixed 6 February 2003 as the date of coming into force of the first and third paragraphs of section 116, sections 117 to 152, section 153 except its fifth paragraph, sections 154 to 156, 485 and paragraph 3 of section 689 of the Act;

WHEREAS Order in Council 542-2003 dated 16 April 2003 fixed 16 April 2003 as the date of coming into force of sections 1 to 3, 20 to 22, 25 to 32, the first paragraph of section 33, section 36 and sections 39 to 47 of the Act;

WHEREAS Order in Council 1271-2003 dated 3 December 2003 fixed 3 December 2003 as the date of coming into force of sections 92, 95, 97 to 102, 106 and sections 108 to 115 of the Act;

WHEREAS it is expedient to fix 1 February 2004, 1 June 2004, 1 August 2004 and 1 January 2005 as the dates of coming into force of certain other provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT 1 February 2004 be fixed as the date of coming into force of sections 4 to 19, 23, 24, the second paragraph of section 33, sections 34, 35, 37, 38, 48 to 62, 64 to 91, 93, 94, 96, 103, the second paragraph of section 104, sections 105, 107, 157 to 178, paragraphs 1 and 3 of section 179, sections 180 to 196, paragraphs 1 and 3 of section 197, sections 198 to 212, paragraphs 1 and 2 of section 214, sections 215 to 219, paragraphs 1 and 2 of section 221, sections 222 to 230, paragraph 1 of section 231, sections 232, 240, 241, 243, 244, 246 to 263, section 264 to the extent that it enacts section 7 of the Fish and Game Clubs Act (R.S.Q., c. C-22), section 265, section 266 to the extent that it enacts section 11 of the Amusement Clubs Act (R.S.Q., c. C-23), sections 267 to 274, 276 to 279, section 280 to the extent that it enacts section 14 of the Cemetery Companies Act (R.S.Q., c. C-40), section 281, section 282 to the extent that it enacts section 52 of the Act respecting Roman Catholic cemetery companies (R.S.Q., c. C-40.1), sections 283 and 284, section 285 to the extent that it enacts section 98 of the Gas, Water and Electricity Companies Act (R.S.Q., c. C-44), sections 286, 288, 289 and 291 to 293, section 294 to the extent that it enacts section 15 of the Act respecting the constitution of certain Churches (R.S.Q., c. C-63), sections 295 to 305, 307, 308, the second paragraph of section 310, sections 311 to 314, 316 to 333, 336, 338 and 339, section 340 to the extent that it enacts section 19 of the Religious Corporations Act (R.S.Q., c. C-71), sections 341, 344 to 346, 348, 349, 351, 352, 354, 355, paragraph 1 of section 357, paragraph 2 of section 358, sections 360, 363 to 372, paragraph 1 of section 374, sections 375, 376, 379 to 382, 385, 386, 388, 389, 391 to 399, 401, 402, 404 to 406, paragraph 4 of section 407, sections 408, 410 to 415, 417, 419 to 444, 446 to 458, 460 to 470, 472 to 482, 486 to 489, 492 to 501, section 502 to the extent that it enacts section 22 of the Roman Catholic Bishops Act (R.S.Q., c. E-17), sections 503, 505 to 508, section 509 to the extent that it enacts section 75 of the

Act respecting fabriques (R.S.Q., c. F-1), sections 510, 512, 513, 515 to 538, 540, 542, 543, section 544 to the extent that it enacts section 34 of the Winding-up Act (R.S.Q., c. L-4), sections 545 to 547, 549 to 551, 554 to 558, paragraph 2 of section 559, sections 560 to 562, 564 to 566, 568, paragraph 2 of section 569, sections 570 to 581, 583 to 588, paragraph 2 of section 589, paragraph 2 of section 590, paragraph 1 of section 591, sections 594 to 596, 598, 599, 601 to 604, 610, 611, 613, section 614 to the extent that it enacts section 7 of the National Benefit Societies Act (R.S.Q., c. S-31), section 615, section 616 to the extent that it enacts section 4 of the Act respecting societies for the prevention of cruelty to animals (R.S.Q., c. S-32), section 617 to 619, section 620 to the extent that it enacts section 30 of the Professional Syndicates Act (R.S.Q., c. S-40), sections 621, 622, paragraph 3 of section 624, sections 629, 631, 638, 639, 642 to 652, 654 to 685, 687, 688, paragraphs 1, 2, 4 and 5 of section 689, sections 695 to 703, 705 to 726, 731, 739, 740 and 742 to 744 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45), as amended by the Act to amend the Act respecting insurance and other legislative provisions (2002, c. 70) and the Act giving effect to the Budget Speech delivered on 1 November 2001, to the supplementary statement of 19 March 2002 and to certain other budget statements (2003, c. 9);

THAT 1 June 2004 be fixed as the date of coming into force of paragraph 1 of section 358, paragraph 2 of section 359, section 373, paragraph 2 of section 374 and sections 445 and 730 of the Act;

THAT 1 August 2004 be fixed as the date of coming into force of the first paragraph of section 104 of the Act;

THAT 1 January 2005 be fixed as the date of coming into force of sections 342, 343, 361, 378, 384, 390, 400, 403, 416, 418, 483, 484, 491, 727, 728 and 729 of the Act.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

6157

Regulations and other acts

Gouvernement du Québec

O.C. 18-2004, 14 January 2004

An Act respecting the civil aspects of international and interprovincial child abduction
(R.S.Q., c. A-23.01)

Application of the Act respecting the civil aspects of international and interprovincial child abduction to Brazil, El Salvador, Estonia, Malta, Uzbekistan, Peru, Sri Lanka, Trinidad and Tobago and Uruguay

WHEREAS, under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, on the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs and Native Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec*, any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

WHEREAS that section also provides that the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS Brazil, El Salvador, Estonia, Malta, Uzbekistan, Peru, Sri Lanka, Trinidad and Tobago and Uruguay have acceded to the Convention on the civil aspects of international child abduction;

WHEREAS, pursuant to article 38 of the Convention, the accession of a State will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession;

WHEREAS the Government considers that Québec residents will benefit in the above-mentioned States from measures similar to those set out in the Act respecting the civil aspects of international and interprovincial child abduction as of the date of the taking of effect of the Convention between those States and Québec;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice and the Minister of International Relations:

THAT the Gouvernement du Québec accept the accession of Brazil, El Salvador, Estonia, Malta, Uzbekistan, Peru, Sri Lanka, Trinidad and Tobago and Uruguay to the Convention on the civil aspects of international child abduction;

THAT those States be designated as States to which the Act respecting the civil aspects of international and interprovincial child abduction applies;

THAT the Act take effect as regards those States on 1 November 2003.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

6139

Gouvernement du Québec

O.C. 19-2004, 14 January 2004

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

Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders — Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, namely the Ordre des ingénieurs du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, with the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Education;

WHEREAS, in accordance with that provision, the Office made the required consultations;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 27 August 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Chair of the Office following that publication;

WHEREAS, on 22 September 2003, the Ordre des ingénieurs du Québec gave its agreement in respect of the proposed amendments;

WHEREAS, on 20 November 2003, the Office gave a favourable opinion so that the Regulation attached to this Order in Council may be made by the Government;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders *

Professional Code
(R.S.Q, c. C-26, s. 184, 1st par.)

1. Section 1.21 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended

(1) by replacing "minéralogie" in paragraph *a* by "minéralurgie";

(2) by adding the following at the end of paragraph *a*: "baccalauréat en génie alimentaire;";

(3) by adding the following at the end of paragraph *c*: "baccalauréat en génie informatique;";

(4) by replacing "Technologie Supérieure" in paragraph *d* by "technologie supérieure";

(5) by replacing "Bachelor Engineering in Computer Engineering" in the French text of paragraph *i* by "Bachelor of Engineering in Computer Engineering";

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

"*(j)* diplôme de baccalauréat en ingénierie, B. ing., obtained upon completion of the program "Baccalauréat en génie des systèmes électromagnétiques" of the Université du Québec offered by the Université du Québec à Rimouski;

(k) diplôme de baccalauréat en ingénierie, B. ing., obtained upon completion of the program "Baccalauréat en génie électromécanique" of the Université du Québec offered by the Université du Québec en Abitibi-Témiscamingue.".

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 815-2003 dated 11 August 2003 (2003, *G.O.* 2, 2673). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

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

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Gouvernement du Québec

O.C. 20-2004, 14 January 2004

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

Urbanistes
— Code of ethics
— Amendment

Regulation to amend the Code of ethics of the members of the Ordre des urbanistes du Québec

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS, the Bureau of the Ordre des urbanistes du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des urbanistes du Québec;

WHEREAS, pursuant to section 95.3 of the Professional Code, a draft of the regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 July 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the members of the Ordre des urbanistes du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des urbanistes du Québec *

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

1. The Code of ethics of the members of the Ordre des urbanistes du Québec is amended by inserting the following after subdivision 6 of Division III:

"***§6.1.*** *Lifting of professional secrecy to protect individuals*

33.1. A town planner may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the town planner has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the town planner may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid. The town planner may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If it is necessary in the best interests of the person exposed to the danger, the town planner shall consult another member of the order, a member of another professional order, or any other qualified person, provided the consultation will not cause a delay likely to be prejudicial to the person or persons in danger.

* The Code of ethics of the members of the Ordre des urbanistes du Québec, approved by Order in Council 917-99 dated 18 August 1999 (1999, *G.O.* 2, 2822), has not been amended since its approval.

33.2. A town planner shall enter in the client's record as soon as possible:

(1) the date and time of the communication;

(2) the reasons supporting the decision to communicate the information, including the act of violence to be prevented, the name of the person who caused the town planner to communicate the information and the name of every person exposed to the danger; and

(3) the content of the communication, the mode of communication and the name of the person to whom the information was given.".

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

6141

Gouvernement du Québec

O.C. 21-2004, 14 January 2004

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

Chemists
— Code of ethics
— Amendment

Regulation to amend the Code of ethics of chemists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS the Bureau of the Ordre des chimistes du Québec made the Regulation to amend the Code of ethics of chemists;

WHEREAS, pursuant to section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 7 May 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of chemists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of chemists *

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

1. The Code of ethics of chemists is amended by inserting the following after subdivision 6 of Division III:

"***§6.1.*** *Lifting of professional secrecy to protect individuals*

52.1. A chemist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the chemist has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the chemist may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid. The chemist may only communicate such information as is necessary to achieve the purposes for which the information is communicated, in particular the name of the person in danger, the name and contact information of the person who made the threats, the nature of the threats and the circumstances in which they were made.

* The Code of ethics of chemists, approved by Order in Council 27-2001 dated 17 January 2001 (2001, *G.O.* 2, 1017), has not been amended since its approval.

If it is necessary in the best interests of the person exposed to the danger, the chemist shall consult another member of the order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

52.2. A chemist shall enter in the client's record as soon as possible:

(1) the name of the person exposed to the danger;

(2) the reasons supporting the decision to communicate the information; and

(3) the subject of the communication, the mode of communication, the name of any person to whom the information was given and the date and time it was communicated.

The chemist shall send that information to the bureau of the syndic without delay."

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

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Gouvernement du Québec

O.C. 22-2004, 14 January 2004

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

Chartered accountants
— Code of ethics
— Amendments

Regulation to amend the Code of ethics of chartered accountants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS the Bureau of the Ordre des comptables agréés du Québec made the Regulation to amend the Code of ethics of chartered accountants;

WHEREAS, pursuant to section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 July 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of chartered accountants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of chartered accountants*

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

1. The Code of ethics of chartered accountants is amended by adding the following at the end of section 48: "In addition, the member is released from his obligation of professional secrecy in the case and in accordance with the terms and conditions set out in section 48.1.".

* The Code of ethics of chartered accountants, approved by Order in Council 58-2003 dated 22 January 2003 (2003, *G.O.* 2, 861), has not been amended since its approval.

2. The Code is amended by inserting the following after section 48:

"**48.1.** A member who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicates information protected by professional secrecy to prevent an act of violence shall:

(1) communicate the information without delay to the person exposed to the danger or that person's representative, and to the persons who can come to that person's aid;

(2) use a method of communication that ensures the confidentiality of the information under the circumstances; and

(3) enter the following information in the client's record as soon as possible:

(a) the purpose of the communication;

(b) the date on which the information was communicated;

(c) the method of communication used;

(d) the name of all persons to whom the information was communicated; and

(e) the reasons for the decision to communicate the information.".

3. The Code is amended by inserting the following after section 60:

"**60.1.** A member who is informed that an inquiry is being held or who has been served notice of a complaint regarding his professional conduct or competence shall not, directly or indirectly, harass, intimidate or threaten the person who requested the inquiry, or any other person involved in the events relating to the inquiry or complaint.".

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

6143

Gouvernement du Québec

O.C. 23-2004, 14 January 2004

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

Pharmacists
— Code of ethics
— Amendment

Regulation to amend the Code of ethics of pharmacists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS the Bureau of the Ordre des pharmaciens du Québec made the Regulation to amend the Code of ethics of pharmacists;

WHEREAS, pursuant to section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 March 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of pharmacists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of pharmacists*

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

1. The Code of ethics of pharmacists is amended by inserting the following sections after section 3.06.05:

"**3.06.06.** In addition to the circumstances provided for in section 3.06.02, a pharmacist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the pharmacist has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

In such a case, the pharmacist may only communicate the information to the person exposed to the danger or that person's representative and to the persons who can come to that person's aid; the pharmacist may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If it is necessary in the best interests of the person exposed to the danger, the pharmacist shall consult another member of the Order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

3.06.07. Where information protected by professional secrecy is communicated under section 3.06.06, the pharmacist must enter the following information in the client's record:

(1) the identity of the person in danger;

(2) the identity and contact information of any person who made threats;

(3) the nature of the threats and the circumstances in which they were made;

(4) the identity and contact information of any person or body that received the information;

(5) the date and time of the communication and of the events leading to the communication.".

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

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* The Code of ethics of pharmacists (R.R.Q., 1981, c. P-10, r.5) has been amended once by the regulation approved by Order in Council 56-94 dated 10 January 1994 (1994, *G.O.* 2, 691).

Gouvernement du Québec

O.C. 24-2004, 14 January 2004

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

Optometrists
— Code of ethics
— Amendment

Regulation to amend the Code of ethics of optometrists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Code;

WHEREAS the Bureau of the Ordre des optométristes du Québec made the Regulation to amend the Code of ethics of optometrists;

WHEREAS, pursuant to section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 July 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of optometrists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of optometrists*

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

1. The Code of ethics of optometrists is amended by inserting the following after section 38:

"**38.1.** The communication by an optometrist of confidential information to ensure the protection of persons, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), must:

(1) be made within a reasonable time to achieve the purpose intended by the communication; and

(2) be noted in the patient's record, along with the name and contact information of any person to whom the information was communicated, the information in question, the reasons for the decision to communicate the information and the method of communication used.".

* The Code of ethics of optometrists, approved by Order in Council 643-91 dated 8 May 1991 (1991, *G.O.* 2, 1691), was last amended by the regulation approved by Order in Council 1072-95 dated 9 August 1995 (1995, *G.O.* 2, 2680).

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

6145

Gouvernement du Québec

O.C. 25-2004, 14 January 2004

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

Geologists
— Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of geologists

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS the Bureau of the Ordre des géologues du Québec adopted the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists;

WHEREAS, under section 95.3 of the Professional Code, a draft regulation was sent to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 11 June 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of geologists

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I
CONCILIATION

1. A client who has a dispute with a geologist concerning the amount of an account for professional services, whether such account was paid in whole or in part or not paid, may apply in writing for conciliation by the syndic of the Ordre des géologues du Québec within 45 days following receipt of that account.

For the purposes of this Regulation, a client is a person required to pay the account of a geologist.

2. Where sums for payment of the account were withdrawn or withheld by the geologist from moneys kept or received by the geologist for or on behalf of the client, the time period begins to run when the latter becomes aware of thewithdrawal or withholding.

3. An application for conciliation of an account for which no payment, withdrawal or withholding was made may be sent to the syndic after the expiry of 45 days prescribed in section 1, provided that it is sent before the client is served with proceedings concerning the account.

4. A geologist may not institute proceedings in respect of an account for professional fees within 45 days of the date of receipt of that account by the client.

5. Upon receipt of an application for conciliation, the syndic shall notify the geologist involved or, if unable to do so personally, the geologist's firm. The syndic shall also send the client a copy of this Regulation.

6. Once the geologist has been notified that the syndic has received the application for conciliation, the geologist may not institute proceedings in respect of an account for professional fees so long as the dispute may be settled by conciliation or arbitration. A geologist may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

7. The syndic shall proceed with the conciliation in the manner the syndic deems most appropriate.

To that end, the syndic may request from the geologist or client any information or document deemed appropriate.

8. Any agreement during conciliation shall be recorded in writing, signed by the client and the geologist and filed with the secretary of the Order.

9. If conciliation does not lead to an agreement within 30 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute by registered or certified mail to the client and the geologist.

The report must contain, where applicable, the following information :

(1) the amount of the account for professional fees in dispute ;

(2) the amount that the client acknowledges owing ;

(3) the amount that the geologist acknowledges having to reimburse or is willing to accept in settlement of the dispute ; and

(4) the amount, if any, suggested by the syndic during conciliation as payment to the geologist or reimbursement to the client.

The syndic shall also send the client a form provided for in Schedule I and describe the procedure and deadline for submitting the dispute to arbitration.

10. The conciliation record shall be filed with the secretary of the Order. The record shall include the application for conciliation and the conciliator's report. The record shall be kept for at least one year, but no longer than five years.

DIVISION II
ARBITRATION

§1. Application for arbitration

11. Within 30 days of receiving the conciliation report, a client may apply for arbitration of the account by sending the form provided for in Schedule I to the secretary of the Ordre des géologues du Québec by registered or certified mail. The client shall enclose a copy of the conciliation report and a certified cheque in the amount the client acknowledges owing with the application for arbitration.

12. Upon receipt of an application for arbitration, the secretary of the Order shall notify the geologist involved or, if unable to do so personally, the geologist's firm.

13. An application for arbitration may only be withdrawn in writing and with the geologist's consent.

14. If an agreement is reached between the parties after the application for arbitration, the agreement shall be recorded in writing, signed by the parties and filed with the secretary of the Order.

Where the agreement is reached after the council of arbitration has been formed, the agreement shall be recorded in the arbitration award and the council shall decide the expenses in accordance with the manner provided for in section 31.

§2. Council of arbitration

15. The council of arbitration shall be composed of three arbitrators when the amount in dispute is $10 000 or more and of a single arbitrator when the amount in dispute is less than $10 000.

16. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order. If the council consists of three arbitrators, the Bureau shall appoint the chair and secretary.

17. The secretary of the Order shall inform the arbitrators and the parties by mail that a council of arbitration has been formed.

18. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure, except paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within ten days of receiving the notice provided for in section 17 or of the day on which the reason for the request becomes known.

The Bureau shall rule on such request and, where required, shall see that the recused arbitrator is replaced.

19. Before acting, the members of the council of arbitration shall take the oath in Schedule II to the Professional Code (R.S.Q., c. C-26).

§3. Hearing

20. The secretary of the Order shall give the council of arbitration and the parties or their advocates at least ten days' written notice of the date, time and place of the hearing.

21. The parties are entitled to be represented by an advocate or to be assisted.

22. The council of arbitration may require the parties to submit to it, within a specified time limit, a statement of their claims together with supporting documents.

23. The council of arbitration shall, with diligence, hear the parties, receive their evidence or record their failure to appear. To that end, it shall follow the rules of procedure it deems most appropriate.

24. The chair shall draw up the minutes of the hearing and shall have them signed by the other members of the council, if applicable.

25. A party requesting that the testimony be recorded shall assume the cost thereof.

26. In the event of an arbitrator's death or inability to act, the other arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the Bureau shall designate one of the other two members to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator appointed by the Bureau and the dispute shall be reheard.

§4. Arbitration Award

27. The council of arbitration shall issue its award within 60 days of the end of the hearing.

28. The award shall be issued by a majority of the members of the council. Failing a majority, the award shall be issued by the chair.

The award shall give reasons and shall be signed by all the members. If an arbitrator refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though it had been signed by all the arbitrators.

29. In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute, determine the reimbursement or payment to which a party is entitled and, where applicable, rule on the amount that the client acknowledged owing and that the client sent with the application for arbitration.

30. The expenses incurred by the parties for the holding of the arbitration shall be paid by each of them.

31. In its award, the council of arbitration may rule on the arbitration expenses, namely the expenses incurred by the Order for the arbitration. However, the total amount of the expenses must not exceed 15% of the amount in dispute.

32. Where the account in dispute is upheld in whole or in part or where a reimbursement is granted, the council of arbitration may also add interest and an indemnity in accordance with articles 1618 and 1619 of the Civil Code, calculated from the date of the application for conciliation.

33. The arbitration award is binding on the parties and is subject to compulsory execution in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

34. An arbitration award shall be filed with the secretary of the Order by the council of arbitration. A copy of the arbitration award shall be sent to the parties or to their advocates within ten days after its filing.

35. The arbitration record shall be filed with the secretary of the Order. The record shall include the applications for conciliation and arbitration of accounts, the documents tabled by the parties and the award; the arbitration record shall be kept for at least one year, but no longer than five years.

Upon request, the secretary shall return to a party the documents it filed with the record.

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

SCHEDULE I
(s. 9)

APPLICATION FOR ARBITRATION OF ACCOUNT

I, the undersigned, _____
(name of client)

_____
(domicile)

Declare that:

1. _____is claiming from me
(name of geologist)
(or refuses to reimburse me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists.

4. I declare that I have received and have taken cognizance of the above-mentioned Regulation.

5. I agree to abide by the procedure provided for in the Regulation and, where required, to pay to _____
_____ the amount of the arbitration
(name of geologist)
award.

_____
Signature

6146

Gouvernement du Québec

O.C. 28-2004, 14 January 2004

An Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs
(R.S.Q., c. M-25.2)

Program for the awarding of lands in the domain of the State for the installation of wind turbines

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2), amended by chapter 8 of the Statutes of 2003, the Minister may, with the approval of the Government, prepare programs for the development of lands or forest resources in the domain of the State that are under the Minister's authority in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the second paragraph of section 17.14 of the Act, the Minister may, for the purposes of such programs, in addition to exercising in respect of a forest in the domain of the State that is covered by a program all the powers devolving on the Minister under the Forest Act (R.S.Q., c. F-4.1), apply any measure the Minister considers necessary for the purpose of fostering sustainable forest development, including a measure granting, for that purpose, any right other than a right under that Act to a legal person the Minister designates;

WHEREAS, under the first paragraph of section 17.15 of the Act, the Minister may, to the extent specified in a program, exempt land and property made subject by the Minister to a program from the application of all or part of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), or exempt a forest in the domain of the State made subject by the Minister to a program from the application of all or part of the Forest Act;

WHEREAS, on 16 December 2002, the Minister of Natural Resources announced a moratorium on the lease and sale of lands in the domain of the State for the establishment of wind farms;

WHEREAS the Regulation respecting wind energy and biomass energy was made by Order in Council 352-2003 dated 5 March 2003 under the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01);

WHEREAS the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, made by Order in Council 231-89 dated 22 February 1989, as amended, provides that the lease of such land must be awarded to the first applicant;

WHEREAS it is expedient to approve the program allowing the Minister of Natural Resources, Wildlife and Parks to award land rights on lands in the domain of the State to the bidders retained after the solicitation of public tenders under the Regulation respecting wind energy and biomass energy for the purpose of the establishment of wind farms;

WHEREAS it is expedient to lift the moratorium on the lease and sale of lands in the domain of the State for the establishment of wind farms;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks:

THAT the program for the awarding of lands in the domain of the State for the installation of wind turbines, attached to this Order in Council, be approved;

THAT the administration of the program be entrusted to the Minister of Natural Resources, Wildlife and Parks.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

PROGRAM FOR THE AWARDING OF LANDS IN THE DOMAIN OF THE STATE FOR THE INSTALLATION OF WIND TURBINES

DIVISION I
DECLARATORY AND INTERPRETATIVE PROVISIONS

1. PURPOSE OF THE PROGRAM

The purpose of the Program is to make accessible and reserve lands in the domain of the State for the development of the wind industry and to provide a framework for the granting of land rights for the use of those lands for that purpose. More specifically, the aims of the Program are

— to permit the establishment of wind farms on lands in the domain of the State to encourage regional development;

— to award land rights for the installation of wind power facilities to bidders retained after the tender solicitation under the Regulation respecting wind energy and biomass energy made by Order in Council 352-2003 dated 5 March 2003; and

— to fix the rent for land in the domain of the State for any other wind power facility on the basis of market prices for comparable installations.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates otherwise,

"bidder retained" means a bidder who has entered into a contract for the sale of wind energy with the electric power distributor referred to in section 74.1 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) after a tender solicitation under the Regulation respecting wind energy and biomass energy made by Order in Council 352-2003 dated 5 March 2003; (*soumissionnaire retenu*)

"land right" means a lease or other right on land in the domain of the State granted by the Minister of Natural Resources, Wildlife and Parks under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or this Program; (*droit foncier*)

"letter of intent" means a document by which the Minister undertakes to award for the benefit of an applicant the land rights required for the applicant to install wind power facilities on land in the domain of the State in compliance with the special conditions set out in this Program; (*letter d'intention*)

"market rent" means the amount of rent derived from an analysis of rents usually paid for comparable spaces; (*loyer paritaire*)

"Minister" means the Minister of Natural Resources, Wildlife and Parks; (*Ministre*)

"Program" means this Program prepared under sections 17.13, 17.14 and 17.15 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2); (*programme*)

"wind power facilities" means any work, appliance or equipment used to generate electric power by means of wind energy and to deliver the electric power, as well as any related work, appliance, facility or equipment; (*installations éoliennes*)

3. TERRITORY OF APPLICATION

The Program applies to lands in the domain of the State, with the exception of lands that have already been the subject of a delegation of management in favour of regional county municipalities or municipalities under a program relating to such a delegation, except if the territory management agreement signed between the parties expressly provides for the application of this Program or if an application to that effect is made by the municipality and approved by the Minister.

DIVISION II
PROTECTION OF LAND AREAS WITH WIND POWER POTENTIAL

4. LETTER OF INTENT

A person wishing to tender in connection with a tender solicitation under the Regulation respecting wind energy and biomass energy for a wind power facilities project located in whole or in part on land in the domain of the State must obtain from the Minister a letter of intent describing the land concerned.

The letter of intent shall state that the Minister may grant the applicant the land rights required for the installation of wind power facilities on the land in the domain of the State described in the letter, subject to a contract for the sale of wind energy being entered into with the electric power distributor referred to in section 74.1 of the Act respecting the Régie de l'énergie after the tender solicitation under the Regulation respecting wind energy and biomass energy, and subject to all permits and certificates required under an Act or a regulation then in force being obtained and compliance with the requirements of section 11 of the Program and the conditions to be later specified by the Minister for the installation of such facilities.

The Minister may, at his or her discretion, issue or refuse to issue such a letter of intent.

5. EFFECT OF THE LETTER OF INTENT

The Minister may refuse to grant any land right on land in the domain of the State that has been the subject of a request for a letter of intent so as to protect the potential for the installation of wind power facilities after tender solicitation under the Regulation respecting wind energy and biomass energy.

Land in the domain of the State in respect of which a letter of intent has been requested may not be the subject of a request for use for a wind power facilities project under the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State made by Order in Council 231-89 dated 22 February 1989, as amended.

On the date on which tenders under the Regulation respecting wind energy and biomass energy are submitted, a letter of intent for land in the domain of the State ceases to have effect if no tender has been submitted in respect of the land.

The entering into of contracts for the sale of wind energy with the electric power distributor referred to in section 74.1 of the Act respecting the Régie de l'énergie after tender solicitation under the Regulation respecting wind energy and biomass energy terminates all letters of intent issued under the Program that are not related to the contracts for the sale of wind energy.

Land that has been the subject of a letter of intent is withdrawn by the Minister from staking, map designation, mining exploration or mining, in accordance with section 304 of the Mining Act (R.S.Q., c. M-13.1), so that no mining right may be granted on the land.

6. MINIMUM PERIOD

A minimum period of 60 days of examination and analysis applies to a request for a letter of intent. The Minister may, at his or her discretion, issue or refuse to issue a letter of intent before the expiry of the 60-day period. Requests made before the coming into force of the Program are valid only from the coming into force of the Program and the complete filing of the request.

7. DOCUMENTS TO BE SUBMITTED

The request must include a plan showing the location of the lands in the domain of the State concerned to a scale of 1:20 000 or greater, the number of projected wind turbines, the area of land to be occupied by each wind turbine and the access roads, as well as any other document or information that the Minister may consider appropriate to require for examination of the request.

8. FEES PAYABLE

The fees payable for the examination of a request for a letter of intent are $200 per assembly of wind power facilities in the same sector.

DIVISION III
AWARDING OF LANDS IN THE DOMAIN OF THE STATE TO BIDDERS RETAINED

9. AWARDING METHOD

The Minister may, at his or her discretion, award the land rights required for the installation of wind power facilities to the bidders retained, by lease or otherwise.

10. ELIGIBILITY

The Minister may grant to a bidder retained a land right in respect of land in the domain of the State for the installation of wind power facilities for the purposes of electric power generation. To obtain a land right under the Program, the bidder retained must be a legal person.

11. DOCUMENTS TO BE SUBMITTED

The bidder retained must send to the Minister a written request for land rights on land in the domain of the State on which wind power facilities are to be installed.

The request must include a plan showing the location of the projected site to a scale of 1:20 000 or greater, a development plan including the location of projected equipment and access roads, a work schedule, as well as any other document or information that the Minister may consider appropriate to require for examination of the request.

To obtain the land rights, the bidder retained must hold all the authorizations required by government authorities, including, in particular, certificates of authorization of the Ministère de l'Environnement and municipal permits and certificates.

The Minister may issue to the bidder retained an offer of land rights, conditional on all permits, certificates and other required documents being obtained.

On the granting of the land rights, the bidder retained must have the land surveyed at his or her expense in accordance with the directions of the Minister.

12. TERM OF THE LAND RIGHTS GRANTED

The Minister may grant land rights for a maximum term equivalent to the term of the contract for the purchase of electric power, plus one year, subject to compliance with the conditions stipulated in the lease, except on notice to the contrary from the Minister.

In the event that the contract for the purchase of electric power between the bidder retained and the electric power distributor ends before the scheduled term, the lease granting land rights also ends on written notice from the Minister.

13. RENEWAL

Land rights granted may be renewed subject to the conditions of the Program and any applicable regulation then in force.

14. ALLOCATION OF TIMBER VOLUMES

Where the installation of wind power facilities takes place in an area subject to a timber supply and forest management agreement or any other forest management agreement or contract under the Forest Act (R.S.Q., c. F-4.1), the commercial timber harvested in the area must be sent to the wood processing plants holding the forestry rights for those areas.

15. SPECIAL CLAUSES

The Minister is authorized to include any special clause in land rights contracts that is conducive to the pursuit of the Program's objectives.

16. REVOCATION

The land rights may be revoked if the bidder retained has not completed the installation of the wind power facilities in accordance with the development plan within a period of 24 months following the signing of the contract relating to the granting of the land rights. The Minister reserves the right to extend that period.

Any land right obtained on the basis of erroneous or fraudulent information furnished by the bidder retained may be revoked by the Minister.

DIVISION IV
AWARDING OF LANDS IN THE DOMAIN OF THE STATE FOR OTHER WIND POWER FACILITIES

17. AWARDING METHOD

The Minister may award land rights on lands in the domain of the State for the installation of wind power facilities that are not related to tender solicitation under the Regulation respecting wind energy and biomass energy, in particular in the cases of wind power facilities to be used for research and experimental purposes, own-account consumption purposes or for the purpose of selling electric power to Hydro-Québec Production or for other purposes. Such land rights are awarded according to the provisions of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State.

DIVISION V
RENT FOR WIND POWER FACILITIES

18. LEASE PRICE

The leasing of land in the domain of the State for the installation of wind power facilities, whether or not a consequence of tender solicitation under the Regulation respecting wind energy and biomass energy, is subject to a market-based rent determined by the Minister. The rent is determined on the basis of the market rents for comparable installations in the region concerned.

The rent is payable yearly on the signing of the lease and on each anniversary date of the lease. Despite the term of the lease, the amount of the rent is revised every five years after the signing of the lease on the basis of prevailing market rent.

DIVISION VI
TRANSITIONAL AND FINAL

19. REGULATORY PROVISIONS

The regulatory provisions made under the Act respecting the lands in the domain of the State, to the extent that they are consistent with the Program, remain applicable to the lands in the domain of the State awarded for the purposes of wind energy generation within the framework of this Program. The provisions of the Program do not exempt lessees of lands in the domain of the State from complying with the regulations and Acts in force.

20. EXCLUSIONS

The Program does not apply to the authorizations and land rights required to install wind measuring instruments or to agreements entered into between the government, its mandataries and third persons for the installation of wind power facilities before the coming into force of the Program.

21. MORATORIUM

The moratorium on the lease and sale of lands in the domain of the State for the establishment of wind farms, announced by the Minister of Natural Resources on 16 December 2002, is lifted as of the coming into force of the Program.

22. COMING INTO FORCE

The Program comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 29-2004, 14 January 2004

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade — Amendments

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS, under paragraph 3 of section 97 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, determine the standards and conditions the lessee must observe regarding the construction and location of buildings and structures and the maximum value of such improvements or structures;

WHEREAS, under paragraph 9 of section 162 of the Act, the Government may make regulations determining the conditions that must be fulfilled by the holder of a licence and the obligations with which the holder of a licence must comply;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting trapping activities and the fur trade attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 24 September 2003 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

WHEREAS no comments have been received in respect of the draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting trapping activities and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 97, par. 3, and s. 162, par. 9)

1. Section 12 of the Regulation respecting trapping activities and the fur trade is amended by deleting subparagraph 1 of the first paragraph.

2. Section 27 is amended

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

"(11) in the case of a lessee of exclusive trapping rights in the Dunière Wildlife Sanctuary, the buildings or structures must be erected on lands in the domain of the State.".

(2) by adding the following paragraph:

"A lessee may erect buildings or structures, other than the cabin, over an area that does not exceed by more than 10 m^2 the area referred to in subparagraph 6 of the first paragraph, provided that the buildings or structures do not have direct access to the cabin.".

3. Section 29 is revoked.

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

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* The Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915), was last amended by the regulation made by Order in Council 983-2002 dated 28 August 2002 (2002, *G.O.* 2, 4664). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

Gouvernement du Québec

O.C. 39-2004, 14 January 2004

An Act respecting roads
(R.S.Q., c. V-9)

The management and property of parts of Autoroute 15 situated in Ville de Laval

WHEREAS Autoroute 15 in Ville de Laval is State property under section 7 of the Act respecting roads (R.S.Q., c. V-9), as it read on 17 December 1997, since it was acquired and administered by the Office des autoroutes du Québec before 1 January 1983;

WHEREAS the Government, under section 2 of the Act, has confirmed by Order in Council 292-93 dated 3 March 1993 and amended by Order in Council 1292-94 dated 17 August 1994, that Autoroute 15 situated in Ville de Laval is under the management of the Minister of Transport;

WHEREAS the access ramp to Autoroute 15 North known as lots 3 003 992, 3 003 994 and 3 003 996 of the cadastre of Québec, registration division of Laval, was redefined and it is expedient to abandon the management of those lots, which are shown as parcels 1, 2 and 3 on plan XX80-5100-0229 prepared by Pierre Gingras, l.s., under number 717 of his minutes;

WHEREAS the access ramps of the northeast, northwest, southwest and southeast quadrants of Autoroute 15 known as lots 2 900 173, 2 900 176, 2 900 178, 2 900 181, 2 900 185 and 2 900 189 of the cadastre of Québec, registration division of Laval, were redefined and it is expedient to abandon the management of those lots, which are shown as parcels 1, 2, 3, 4, 5 and 6 on plan XX80-5100-0235 prepared by Benoît Desroches, l.s., under number 11217 of his minutes;

WHEREAS lots 3 003 992, 3 003 994 and 3 003 996 as well as lots 2 900 173, 2 900 176, 2 900 178, 2 900 181, 2 900 185 and 2 900 189 of the cadastre of Québec, registration division of Laval, will no longer be part of Autoroute 15 and it is expedient to declare that those lots are no longer an autoroute so that the Minister of Transport may dispose of them as surplus immovable property in accordance with the Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies made by Order in Council 294-98 dated 18 March 1998;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the management of parts of Autoroute 15 known as lots 3 003 992, 3 003 994 and 3 003 996 as well as lots 2 900 173, 2 900 176, 2 900 178, 2 900 181, 2 900 185 and 2 900 189 of the cadastre of Québec, registration division of Laval, be abandoned and that those lots no longer be declared as an autoroute so that the Minister of Transport may dispose of them as surplus immovable property;

THAT the schedules to Orders in Council 292-93 dated 3 March 1993 and 1294-94 dated 17 August 1994 be amended accordingly;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 42-2004, 14 January 2004

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Occupational health and safety in mines — Amendments

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 1, 7, 9, 19, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223 of that Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply, and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of that Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with section 224 of that Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2003, with a notice indicating that at the expiry of 60 days following that notice, it could be adopted by the Commission, with or without amendment, and submitted to the Government for approval;

WHEREAS the Commission made the Regulation to amend the Regulation respecting occupational health and safety in mines, with amendments, at its meeting of 19 September 2003;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety in mines*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 7, 8, 10, 19, 41, 42, 2nd and 3rd pars.)

1. Section 1 of the Regulation respecting occupational health and safety in mines is amended

(1) by inserting the following definition after "main fan":

""main ventilation circuit": all the underground openings used to distribute fresh air from the atmosphere and to discharge foul air to the surface; (*circuit principal de ventilation*)";

by inserting the following definition after "ASTM":

""auxiliary circuit": the path travelled by a volume of air that takes its source from an auxiliary fan supplying air to all the workers and motorized equipment on a site or an underground working, from the main ventilation circuit to its discharge from the auxiliary circuit; (*circuit secondaire*)";

(2) by inserting the following definition after "surface pillar":

""working face": any surface of the working where blasting work is carried out; (*front de taille*)";

(3) by inserting the following definition after "blasting agent":

""blasting site": any location where explosives are present in a drill hole in preparation for blasting; (*lieu de sautage*)";

(4) by inserting the following definition before "ANSI":

""air recirculation": the reintroduction of exhaust air from a main ventilation circuit or an auxiliary circuit in the main circuit; (*recirculation de l'air*)";

(5) by inserting the following definition after "raise":

""reuse of air": the reuse of exhaust air from a main ventilation circuit or an auxiliary circuit to ventilate another ventilation circuit or an underground work station; (*réutilisation de l'air*)".

2. Section 27 is amended

(1) by inserting "89," after "87,";

(2) by replacing "and 412" by ", 412 and 437".

3. Section 89 is replaced by the following:

"**89.** Main fans and auxiliary fans shall not recirculate air to ventilate an underground work station.

However, reuse of air in a main ventilation circuit or an auxiliary circuit is permitted under the following conditions:

(1) the concentration of carbon monoxide in the ambient air must be measured at the inlet of each circuit where air is reused;

(2) these measurements must be taken at least once a week during mucking operations carried out with diesel equipment and each time the ventilation equipment is altered; and

(3) when the concentration of carbon monoxide exceeds 11.4 milligrams per cubic metre (10 ppm), a response plan must be implemented to reduce and maintain the concentration below that level.

The results of those measurements must be recorded in a register.".

4. Section 100.1 is amended by replacing "Canadian Centre for Mineral and Energy Technology, CANMET" in the first paragraph by "Mining and Mineral Sciences Laboratories, MMSL-CANMET".

* The Regulation respecting occupational health and safety in mines, approved by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the regulation approved by Order in Council 465-2002 dated 17 April 2002 (2002, *G.O.* 2, 2283). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

5. Section 102 is amended

(1) by replacing "1,5 milligrams" in subparagraph *a* of paragraph 1 by "0.6 milligrams";

(2) by replacing "Canadian Centre for Mineral and Energy Technology, CANMET" in paragraph 1.1 by "Mining and Mineral Sciences Laboratories, MMSL-CANMET".

6. Section 124 is amended by adding the following paragraph at the end:

"The report must be forwarded to the mine's health and safety committee, the Commission de la santé et de la sécurité du travail and the mine rescue department.".

7. The following is inserted after section 124:

"**124.1.** When a worker has not been reached following the evacuation drill described in section 123, corrective measures must be taken to remedy the situation, and they must be followed up to prevent a recurrence of the situation.".

8. Section 130 is amended by adding the following after paragraph 14:

"(15) the combustible material warehouse; and

(16) the raise climber.".

9. Section 133 is amended

(1) by replacing "on any diesel or electric vehicle" in paragraph 1 by "on any motorized vehicle powered by a diesel engine or electric motor,";

(2) by adding the following after paragraph 2:

"(3) on any raise climber powered by a diesel engine or electric motor; in the case of a diesel engine, the hydraulic fluid used for the climber must comply with the standard referred to in paragraph 1.".

10. Section 160 is replaced by the following:

"**160.** Every fuel supply system must be

(1) equipped with an anti-siphon device and a flow controller in order to prevent tank overflow; and

(2) designed so that the fuel is never supplied by gravity feed.".

11. The following is inserted after section 174.01:

"**174.02.** Any motorized vehicle powered by a diesel engine or electric motor must be maintained to prevent accumulation of oil, grease or other combustible materials.".

12. Section 185 is replaced by the following:

"**185.** For any underground mine and for any new development and its subsequent operation, motorized vehicles manufactured from 1 April 1993 must be protected against falling objects by a protective structure complying with ISO Standard 3449:1992, Earth-moving machinery – Falling-object protective structures – Laboratory tests and performance requirements (FOPS).

The design, manufacturing or installation of a protective structure is deemed carried out in accordance with the standard referred to in the first paragraph if an engineer has issued a signed and sealed certificate certifying that the design, manufacturing or installation of the structure complies with the standards referred to in the first and third paragraphs.

The first paragraph does not apply to motorized vehicles manufactured from 1 April 1993 if those vehicles comply, as of 12 February 2004, with SAE Standard J231-JAN81, Minimum Performance Criteria for Falling Object Protective Structure (FOPS).".

13. Section 188 is replaced by the following:

"**188.** Any alteration to the structure, chassis, cab, or rollover or falling object protective structure of a motorized vehicle must comply with the standards referred to in sections 183 to 187, SAE Standard J674A (1976), Safety Glazing Materials - Motor Vehicles, and for rigid plastic materials, ANSI Standard Z26.1-1977, Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways.

Any alteration to the structure, chassis, cab or protective structure is deemed carried out in accordance with the standards referred to in the first paragraph if an engineer has issued a signed and sealed certificate certifying that the alteration of the structure, chassis, cab or structure complies with the standards.".

14. The following is inserted after section 267:

"**267.1.** A voice communication system must be established in shaft sinking operations in accordance with a specific procedure for the use of auxiliary hoists to move heavy equipment used at the bottom of the shaft, such as a work platform, a clamshell or a boom drill. This procedure must also require that the hoistman repeat the instructions.

This communication system must be separate from the system referred to in the second paragraph of section 263.".

15. Section 269 is amended by inserting "for moving a conveyance" after "used".

16. Section 288.1 is replaced by the following:

"**288.1.** Despite section 288, the minimum safety factor of a new hoisting rope installed on a drum hoist used in a vertical shaft is determined according to the following formula:

minimum safety factor = 25,000/4,000 + L

(L being the maximum length of rope in metres suspended below the head sheave where the conveyance is at the lower limit of travel).

In such a case, the following standards must also be met:

(1) the drum hoist must comply with SABS Standard 0294:2000, Code of Practice for the Performance, Operation, Testing and Maintenance of Drum Winders relating to Rope Safety, subject to the adaptation guide of South African Standard SABS0294:2000 in accordance with the Mine Occupational Health and Safety Regulation published by the Mining and Mineral Sciences Laboratories, MMSL-CANMET; and

(2) the hoisting rope must be used, maintained and checked in accordance with SABS Standard 0293:1996, Code of Practice for the Condition Assessment of Steel Wire Ropes on Mine Winders, subject to the adaptation guide of South African standard SABS0293:1996 in accordance with the Mine Occupational Health and Safety Regulation published by the Mining and Mineral Sciences Laboratories, MMSL-CANMET.

However, the minimum safety factor of a new hoisting rope shall not be reduced to less than 4.0 at the head sheave during the two years following 12 February 2004.".

17. Section 402 is revoked.

18. Section 418 is amended by deleting the third paragraph.

19. The following is inserted after section 418.1:

"**418.2.** Despite subparagraph 4 of the second paragraph of section 418, when crushing work is carried out with a stationary crusher, the explosives required for the work may be stored in a recess if the quantity of explosives does not exceed 25 kilograms (55.1 lb.); the provisions of subparagraph 6 of the second paragraph of section 418 do not apply to those explosives.

418.3. Despite section 415 and the second paragraph of section 418, explosives used for a raise carried out by a raise climber may be temporarily stored in a container secured to the basket of the climber under the following conditions:

(1) the raise exceeds 100 metres (328.1 ft.) from its opening;

(2) the quantity of explosives never exceeds the quantity required for one shift; however, this quantity must never exceed 100 kilograms (220.5 lb.);

(3) the explosives used do not contain nitroglycerine;

(4) the container used is designed and constructed according to the plans and specifications of an engineer and it must be designed for a fire resistance rating of at least 30 minutes; and

(5) the electric squibs or detonators are placed in a separate closed container lined with an electric insulation material.".

20. Section 424 is amended by adding the following after subparagraph *f* of paragraph 1:

"*(g)* an oil or grease depot set up from 12 February 2004 containing over 1,000 litres (220 gal.) of oil or grease; the minimum distance must be 30 metres (98.4 ft.) for a depot containing between 101 and 1,000 litres (between 22.2 and 220 gal.) of oil or grease;".

21. Section 426 is amended by adding "Subject to section 418.3," at the beginning of the section.

22. Section 432 is replaced by the following:

"**432.** Only workers assigned to the handling of explosives in a shaft conveyance may ride in a shaft conveyance with explosives; the explosives load must be secured so that it will not hit the workers or fall on them.".

23. Section 433 is amended by replacing "blasting accessories, ignition fuses and other types of explosives" by "explosives and blasting accessories".

24. Section 434 is amended by replacing "2 500 kilograms (5 511,5 lbs)" in paragraph 3 by "3,000 kilograms (6,614 lb.)".

25. Section 437 is amended

(1) by replacing the portion before paragraph 1 by the following:

"**437.** Before drilling on a working face of an underground mine, it shall be";

(2) by adding the following after paragraph 2:

"(3) in the case of the floor of a site where drilling is carried out,

(a) washed in accordance with paragraph 1 or fully cleaned with compressed air; and

(b) examined in accordance with paragraph 2 and the observations must be recorded in a register.".

26. Section 443 is amended by replacing the second paragraph by the following:

"If the provisions of subparagraph *b* of paragraph 3 of section 437 cannot apply and if the working towards which the working face is moving is inaccessible, drilling must be carried out by means of a remote control device under supervision and the drilling area must be evacuated.".

27. Section 447 is amended by replacing "onto a blasting site" by "to the loading area".

28. Section 460 is amended by adding the following after paragraph 4:

"(5) be disconnected from the main circuit when it enters a location such as a tunnel, a sub-level or an abandoned sector of the mine.".

29. Section 463 is amended by replacing paragraph 3 by the following:

"(3) where a worker must remain in the blasting area, the worker must be provided with a shelter that protects against fly-rock; the location, design or construction of the shelter must be certified by a certificate signed and sealed by an engineer.".

30. Section 465 is replaced by the following:

"**465.** Before firing underground,

(1) a warning must be given in the blasting area by an audible, visual or vocal signal and workers not assigned to the firing must be evacuated from that area; and

(2) when a worker must remain in the blasting area, the worker must be provided with a shelter that protects against fly-rock; the location, design or construction of the shelter must be certified by a certificate signed and sealed by an engineer.".

31. Schedule II is amended by adding the following at the end:

"Shaft sinking/bucket

3 bells – pause – 1 bell	Hoist	Executive, between the bottom of the shaft and the lower chair
3 bells – pause – 2 bells	Lower	Executive, between the lower chair and the bottom of the shaft.".

32. Schedule III is amended by adding the following at the end of the first paragraph: "In addition, the signals must also serve as destination signals for the lower chair level towards which the workers are descending during the sinking of a shaft:".

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

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Gouvernement du Québec

O.C. 46-2004, 21 January 2004

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03)

Regulation 3 under section 746 of the Act

Regulation 3 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

WHEREAS the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45) was assented to on 11 December 2002;

WHEREAS, under the first paragraph of section 746 of the Act, the Government may, by regulation made before 11 December 2004, adopt any other transitional provision or measure that is expedient for the carrying out of the Act;

WHEREAS, under the second paragraph of that section, a regulation made under the first paragraph shall not be subject to the publication requirement provided for in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and shall enter into force on the date of its publication in the *Gazette officielle du Québec* or at any later date indicated therein and the regulation may also, if it provides therefor, apply from any date not prior to 11 December 2002;

WHEREAS it is expedient to make a regulation under section 746 to adopt certain transitional provisions and other measures expedient for the carrying out of the Act respecting the Agence nationale d'encadrement du secteur financier;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT Regulation 3 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation 3 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03, s. 746)

1. Section 265 of the Securities Act (R.S.Q., c. V-1.1), amended by section 696 of chapter 45 of the Statutes of 2002, is again amended by adding the following paragraph at the end:

"Where a requirement to file the financial statements under Division II of Chapter II of Title III of the Act is not complied with, the power to order a person to cease any activity in respect of a transaction in securities shall be exercised by the Agency.".

2. Section 273.2 of the said Act, amended by section 696 of chapter 45 of the Statutes of 2002, is again amended by inserting "to the Agency" after "repay" in the second line.

3. Where, under the regime applicable prior to 1 February 2004, a person was to make a decision after a hearing, and since that date the making of the decision has become part of the exercise of an administrative function, the rules of procedure of the former regime remain applicable to a decision still to be rendered if, on 1 February 2004, the decision has not been rendered and if, on that date, the citizen has been called or informed of the date fixed for the hearing.

4. Despite section 713 of the Act respecting the Agence nationale d'encadrement du secteur financier, matters brought before the Commission des valeurs mobilières du Québec before 1 February 2004 which, under section 93 of the Act, are under the jurisdiction of the Bureau de décision et de révision en valeurs mobilières shall be continued before the Bureau.

If the hearing of those matters has already begun, the Bureau shall, as regards the evidence already produced, rely on the exhibits, testimonies, notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing.

The secretary of the Agence nationale d'encadrement du secteur financier shall send to the secretary of the Bureau de décision et de révision en valeurs mobilières the records pertaining to the matters referred to in this section. Once sent, those records become the records of the Bureau.

5. An appeal to the Commission des valeurs mobilières du Québec brought before 1 February 2004 from a decision of the Bureau des services financiers referred to in section 120 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), as it read on 31 January 2004, shall be continued before the Court of Québec.

The secretary of the Agence nationale d'encadrement du secteur shall send to the office of the Court of Québec the records pertaining to the matters referred to in this section. Once sent, those records become the records of the Bureau.

6. Despite the second paragraph of section 742 of the Act respecting the Agence nationale d'encadrement du secteur financier, a member of the Commission des valeurs mobilières du Québec who, on 1 February 2004, had begun to hear a matter but has yet to determine it shall continue to exercise his or her functions in order to conclude the matter.

That person is then, for the time required to conclude the matter, considered to be a supernumerary member of the Bureau de décision et de révision en valeurs mobilières and shall receive from the Bureau the same remuneration as the remuneration the person was receiving on the day before the end of his or her term.

7. A decision referred to in the first paragraph of section 322 of the Securities Act made before 1 February 2004 may be reviewed by the Bureau de décision et de révision en valeurs mobilières if, on 31 January 2004, the time allotted to apply for a review has not expired.

8. The rules of evidence and procedure applicable before the Bureau de décision et de révision en valeurs mobilières apply, as warranted by the status of each case, to matters which, on 1 February 2004, are continued before the Bureau.

Where the parties or interested persons have already been called to the hearing, the former rules of evidence and procedure remain applicable to the matters, unless the parties agree to apply the new rules.

9. This Regulation comes into force on 1 February 2004.

6158

M.O., 2004

Order number 2004-001 of the Minister of Health and Social Services dated 15 January 2004

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service

WHEREAS, under sections 303 and 314 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Minister of Health and Social Services shall propose a classification of the services offered by family-type resources based on the degree of support or assistance required by users;

WHEREAS, under those same sections, the Minister shall also determine the rates or the scale of rates of compensation applicable to each type of service provided for in the classification;

WHEREAS the Minister made the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service by Minister's Order 93-04 dated 30 November 1993 (1993, *G.O.* 2, 6781);

WHEREAS it is expedient to adjust certain amounts of compensation that may be paid to family-type resources for services offered to their users;

WHEREAS, to that end and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service was published on page 3143 of the *Gazette officielle du Québec* of 8 October 2003, with a notice that it could be proposed by the Minister on the expiry of 45 days following that publication;

WHEREAS it is expedient to propose the Amendments to the Classification without amendment;

THEREFORE, the Minister of Health and Social Services proposes the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, the text of which is attached to this Order.

PHILIPPE COUILLARD,
Minister of Health
and Social Services

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service*

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 303 and 314)

1. The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service is amended by inserting the following after section 5:

* The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service was made by Order 93-04 of the Minister of Health and Social Services on 30 November 1993 (1993, *G.O.* 2, 6781). It has not been amended since it was made.

"**5.1.** In addition to the amounts paid pursuant to sections 4 and 5, family-type resources shall also be entitled to a daily lump sum of $1 per user.".

2. Section 18 is amended by replacing "$300.00" by "$500".

3. The following is inserted after section 20:

"**20.1.** A foster family shall be entitled, as an allowance to cover a child's personal expenses, to a daily amount of $3 for each child in foster care.".

4. Section 21 is amended

(1) by replacing "$48.53" in subparagraph 1 of the first paragraph by "$77.22";

(2) by replacing "$108.35" in subparagraph 2 of the first paragraph by "$128.44".

5. Section 26 is amended

(1) by replacing "and 19 to 22" in the first paragraph by ", 19, 20 and 22";

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

"The amounts provided for in section 21 shall be, as of 1 January 2004, indexed on the basis of the index referred to in the first paragraph.".

6. These Amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

6154

M.O., 2004-002

Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 19 January 2004

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 19 January 2004

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan*

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 60)

1. The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, in Appendix IV entitled "Exceptional Medications, With Recognized Indications for Payment Purposes":

(1) by substituting the following for the indications accompanying the medication "FORMOTEROL FUMARATE HYDRATE / BUDESONIDE":

"FORMOTEROL FUMARATE DIHYDRATE / BUDESONIDE:

◆ for treatment of asthma and other reversible obstructive diseases of the respiratory tract in persons whose control of the disease is insufficient despite the use of an inhaled corticosteroid;

◆ for treatment of persons suffering from moderate or severe chronic obstructive pulmonary disease (COPD) whose COPD is not under control despite the use of an inhaled short-acting $ß_2$ agonist, an inhaled long-acting $ß_2$ agonist and an inhaled anticholinergic agent.

In the case of the medical conditions set out in either of the preceding two paragraphs, persons insured by the Régie de l'assurance maladie du Québec who obtained a reimbursement for an association of formoterol fumarate dihydrate / budesonide or of salmeterol xinafoate / fluticasone propionate within 365 days preceding 1 October 2003 are eligible for a continuation of their treatment;";

(2) by substituting the following for the indications accompanying the medication "SALMETEROL XINAFOATE / FLUTICASONE PROPIONATE":

"SALMETEROL XINAFOATE / FLUTICASONE PROPIONATE:

◆ for treatment of asthma and other reversible obstructive diseases of the respiratory tract in persons whose control of the disease is insufficient despite the use of an inhaled corticosteroid;

◆ for treatment of persons suffering from moderate or severe chronic obstructive pulmonary disease (COPD) whose COPD is not under control despite the use of an inhaled short-acting ß$_2$ agonist, an inhaled long-acting ß$_2$ agonist and an inhaled anticholinergic agent.

In the case of the medical conditions set out in either of the preceding two paragraphs, persons insured by the Régie de l'assurance maladie du Québec who obtained a reimbursement for an association of formoterol fumarate dihydrate / budesonide or of salmeterol xinafoate / fluticasone propionate within 365 days preceding 1 October 2003 are eligible for a continuation of their treatment;";

(3) by substituting the following for the indications accompanying the medication "TIOTROPIUM BROMIDE MONOHYDRATE":

"TIOTROPIUM BROMIDE MONOHYDRATE:

◆ for treatment of persons suffering from moderate or severe chronic obstructive pulmonary disease (COPD) whose COPD is not under control despite a prior trial with an inhaled short-acting ß$_2$ agonist and inhaled ipratropium;".

2. The List of medications, attached to the Regulation, is amended by inserting the following in Subdivision 28:12.92, MISCELLANEOUS ANTICONVULSANTS, before the generic name TOPIRAMATE:

LEVETIRACETAM P

Tab. 250 mg					
+ 02247027	Keppra	Lundbeck	120	178.80	1.4900
Tab. 500 mg					
+ 02247028	Keppra	Lundbeck	120	218.40	1.8200
Tab. 750 mg					
+ 02247029	Keppra	Lundbeck	120	310.80	2.5900

3. This Regulation comes into force on 28 January 2004.

6159

Draft Regulations

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

Regulation
— 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 the application of the Building Act, the text of which appears below, may be made by the Government, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine, in relation to the draft Regulation to amend the Construction Code that introduces Chapter IV Elevators and Other Elevating Devices and Chapter VII Passenger Ropeways, and the draft Regulation to amend the Safety Code that introduces Chapter IV Elevators and Other Lifts and Chapter V Passenger Ropeways, which elevators, other lifts and elevating devices and passenger ropeways come under the Building Act (R.S.Q., c. B-1.1).

The draft Regulation proposes to subject the elevators, other lifts and elevating devices in a building or in facilities intended for use by the public as well as passenger ropeways that belong to the Government, its departments and bodies that are mandataries of the Government to Chapters II and III of the Building Act and to the regulations respecting the application of those Chapters, in particular Chapters IV and VII of the Construction Code and Chapters IV and V of the Safety Code. The construction of the government machinery as well as its maintenance will be governed by the same standards as those that apply to private sector machinery.

Further information may be obtained by contacting Stéphane Mercier, Engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7e étage, Montréal (Québec) H2M 2V2, telephone: (514) 864-7249; fax: (514) 873-9936.

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 Alcide Fournier, Chair and Executive Director, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3e étage, Montréal (Québec) H2M 2V2.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, s. 182, 1st par., subpars. 1, 3 and 4)

1. Section 3.4 of the Regulation respecting the application of the Building Act is amended by adding the following after paragraph 3:

"(4) elevators, freight elevators, dumbwaiters, escalators, moving walks and material lifts referred to in Code CAN/CSA B44-00, incorporated by section 4.02 of Chapter IV of the Construction Code, introduced by section 1 of the Regulation to amend the Construction Code approved by Order in Council (*insert the number and date of the Order in Council approving the Regulation*) and defined in that Code;

(5) lifts referred to in CSA Standard CAN/CSA B355-00, incorporated by section 4.02 of Chapter IV of the Construction Code and defined in that standard;

(6) elevating devices referred to in CSA Standard CAN/CSA B613-00, incorporated by section 4.02 of Chapter IV of the Construction Code and defined in that standard; and

(7) passenger ropeways referred to in CSA Standard CAN/CSA Z98-01, referred to in section 7.01 of Chapter VII of the Construction Code, introduced by section 1 of the Regulation to amend the Construction Code approved by Order in Council (*insert the number and date of the Order in Council approving the Regulation*).".

2. Division V is replaced by the following:

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100) was last amended by the regulations made by Orders in Council 1477-2002 dated 11 December 2002 (2002, *G.O.* 2, 6489) and 876-2003 dated 20 August 2003 (2003, *G.O.* 2, 2738). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

"**DIVISION V**
APPLICATION OF CHAPTER III OF THE BUILDING ACT TO CERTAIN INSTALLATIONS OF THE STATE

3.6. The Government, its departments and bodies that are mandataries of the State are bound, with respect to their plumbing systems in a building or in facilities intended for use by the public and to their elevators, freight elevators, dumbwaiters, escalators, moving walks, material lifts and other elevating devices or lifts in a building, by Chapter III of the Act and by the regulations under that Chapter. The same applies to their facilities intended for use by the public, their electrical installations and their installations intended to use, store or distribute gas.".

3. This Regulation comes into force on (*insert the date that corresponds to the forty-fifth day following the date of its publication in the Gazette officielle du Québec*) except in respect of the provisions respecting the safety requirements provided for in Chapters IV and V of the Regulation to amend the Safety Code approved by Order in Council (*insert the number and date of the Order in Council*), which come into force on the respective date of coming into force of those Chapters.

6138

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

Construction Code
— 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 Construction Code, the text of which appears below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish minimum standards applicable throughout Québec to construction work on elevators and other elevating devices and on passenger ropeways in order to ensure the quality of the work and the safety of the installations. The standards were adopted by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1).

The standards constitute Chapters IV and VII of the Construction Code, which is made up essentially of CSA Standard CAN/CSA B44-00 : Safety Code for Elevators, CSA Standard CAN/CSA B355-00 : Lifts for Persons with Physical Disabilities including the amendments of B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities, CSA Standard CAN/CSA B613-00 : Private Residence Lifts for Persons with Physical Disabilities and CSA Standard CAN/CSA Z98-01 : Passenger Ropeways including the amendments in Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, published by the Canadian Standards Association to which amendments were made to facilitate the application of the standards and to adapt them to the specific needs of Québec, in compliance with the provisions of the Building Act.

The main measures concern

— automatic updating of the referenced standards to reflect technological change ;

— a requirement for the contractor or owner builder :

– to not begin construction work, except certain work, unless plans and specifications have been prepared for the work ;

– to declare to the Board certain construction work on an elevator or other elevating device ;

– to not install a lift for persons with physical disabilities unless the prototype has been approved by a professional and the approval has been sent to the Board ; and

– to provide the Board with a certificate of conformity with the requirements of Chapter VII of the Construction Code produced and signed by an engineer after construction work, except certain work, on a passenger ropeway.

The draft Regulation has no impact on the public and businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Stéphane Mercier, Engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7e étage, Montréal (Québec) H2M 2V2, telephone : (514) 864-7249 ; fax : (514) 873-9936.

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 Alcide Fournier, Chair and Executive Director, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3e étage, Montréal (Québec) H2M 2V2.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 1, 2.1, 3, 7, 37 and 38 and s. 192)

1. The Construction Code is amended by inserting the following after section 3.04:

"**CHAPTER IV**
ELEVATORS AND OTHER ELEVATING DEVICES

DIVISION I
INTERPRETATION

4.01 In this Chapter, unless the context indicates otherwise, "Code" means the "Code de sécurité sur les ascenseurs et monte-charge, CAN/CSA B44-00", the "CSA Standard CAN/CSA B44-00: Safety Code for Elevators", and "standard" means the standard "Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00" including the amendments of "B355S1-02 Supplément nº 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées", "CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities" including the amendments of "B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities" or the standard "Appareils élévateurs d'habitation pour personnes handicapées, CAN/CSA B613-00", "CSA Standard CAN/CSA B613-00: Private Residence Lifts for Persons with Physical Disabilities", published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, any amendments and new editions that are published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II
APPLICATION OF CODES AND STANDARDS

4.02 Subject to the amendments provided for in Division VII of this Chapter, the codes, standards and provisions of this Chapter apply to all construction work on an elevator or other elevating device referred to in the codes and standards and installed in a building or constituting facilities intended for use by the public designated by regulation made by the Government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies and that is carried out from the date of coming into force of this Chapter.

DIVISION III
REFERENCES

4.03 In the Code or standards, a reference to the National Building Code of Canada is a reference to Chapter I of this Code.

DIVISION IV
PLANS AND SPECIFICATIONS

4.04 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work, on an elevator or other elevating device to which Chapter IV of the Construction Code applies, unless the plans and specifications have been prepared for the work, where information is required, in respect of the work, under section 2.28 or 3.28 of the Code.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work in such manner as to establish if the work carried out complies with section 4.02.

DIVISION V
INSTALLATION

4.05 A contractor or owner-builder may not install an elevator or other elevating device unless it meets the design and manufacturing requirements of the Code or standards referred to in section 4.01, as the case may be.

4.06 A contractor or owner-builder may not install a lift for persons with physical disabilities unless the prototype has been approved by a professional within the meaning of the Professional Code (R.S.Q., c. C-26), specialized in that matter. The approval must certify that the prototype complies with the standards referred to in section 4.01 and that the approval has been sent to the Régie du bâtiment du Québec.

The type, trademark, model number and features of the approved prototype and the name of the manufacturer shall be entered on the list of the approved prototypes of lifts for persons with physical disabilities that is made public by the Board.

* The Construction Code approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203) was last amended by the regulation approved by Order in Council 875-2003 dated 20 August 2003 (2003, *G.O.* 2, 2730). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

DIVISION VI
DECLARATION OF WORK

4.07 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on an elevator or other elevating device referred to in section 4.02, declare the work to the Board with the following information:

(1) the components that were subject to tests and inspections provided for the elevating device when required under 8.10 of the Code or Appendix A "Inspection and Testing" of "CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities";

(2) the name, address and telephone number of the person for whom the work is carried out;

(3) the name, address and telephone number of the person who prepared the plans and specifications related to the construction work;

(4) the address of the site and nature of the work;

(5) the type, trademark and model of the device, the name of the manufacturer and the technical features of the device; and

(6) the date and place where the tests and inspections were conducted together with the name and title of the person by whom they were performed.

The declaration must be sent to the Board no later than on the twentieth day of the month that follows the completion of the work or the re-use of the elevator or elevating device, as the case may be. The declaration must be made on the form provided for that purpose by the Board or on any other document drawn up for that purpose.

DIVISION VII
AMENDMENTS TO THE CODE

4.08 Code CSA B44-00 is amended

(1) by replacing the definition of "authority having jurisdiction" in 1.3 by the following:

"authority having jurisdiction: Régie du bâtiment du Québec";

(2) by adding "The term also includes a funicular railway." at the end of the definition of "elevator, inclined" in 1.3;

(3) by replacing the definition of "regulatory authority" in 1.3 by the following:

"regulatory authority": Régie du bâtiment du Québec";

(4) by replacing "inspection", "inspecter" and "inspecté" wherever those words appear in the French text by "vérification", "vérifier" and "vérifié", with the necessary modifications;

(5) by replacing "MAINTENIR" in figure 2.27.7.2 of the French text by "ATTENTE";

(6) by replacing "c8.6.12.1.1" in c8.6.12.1.1 of the French text by "c8.6.12";

(7) by replacing "c8.6.12.1.2" in c8.6.12.1.2 of the French text by "c8.6.12";

(8) by replacing "the contractor" in c8.6.12.4.1.1 by "the contractor or owner-builder";

(9) by replacing "contractor" in c8.6.12.2.5 by "contractor or owner-builder";

(10) by striking out "by an inspector employed by the authority having jurisdiction, or" in 8.10.1.1.1;

(11) by striking out "in the presence of the inspector specified in 8.10.1.1.1" in 8.10.1.1.2;

(12) by adding "NOTE: 8.11 becomes the first part of Appendix N." in 8.11.

DIVISION VIII
PENAL

4.09 Any contravention of any of the provisions of this Chapter constitutes an offence.".

2. The Code is amended by adding the following after section 5.05:

"CHAPTER VII
PASSENGER ROPEWAYS

DIVISION I
INTERPRETATION

7.01 In this Chapter, unless the context indicates otherwise, "standard" means the standard "Remontées mécaniques, CAN/CSA Z98-01, Avril 2002" including the amendments in the standard "Z98S1-02 Supplément nº 1 à la norme CAN/CSA-Z98-01 Remontées mécaniques, Février 2003" or "CSA Standard CAN/CSA Z98-01: Passenger Ropeways, June 2001" including the amendments in "Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, December 2002", published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, the amendments and new editions published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II
APPLICATION OF STANDARDS

7.02 Subject to the amendments provided for in Division V of this Chapter, the standards and provisions of this Chapter apply to all construction work on a passenger ropeway referred to in the standard and constituting facilities intended for use by the public designated by regulation made by the government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies, including its vicinity, and that is carried out from the date of coming into force of this Chapter.

DIVISION III
PLANS AND SPECIFICATIONS

7.03 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work on a passenger ropeway to which Chapter VII of the Construction Code applies, unless the plans and specifications have been prepared for the work.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work to establish if the work carried out complies with section 7.02.

The plans and specifications must contain information on the following:

(1) towers;

(2) upper and lower stations;

(3) sheaves and sheave assemblies;

(4) counterweight sheaves;

(5) deropement equipment and switches;

(6) main drive;

(7) rope grips;

(8) hangers and spring boxes;

(9) hangers and chairs, or cars, or cabins;

(10) brakes and backstops;

(11) tensioning systems and details;

(12) foundations of all structures;

(13) electric power and lightning protection;

(14) electric controls and safety schematics;

(15) communication systems;

(16) hydraulic schematic systems;

(17) haul and counterweight rope details;

(18) structures or buildings;

(19) evacuation equipment (seats, ropes);

(20) service and inspection platforms;

(21) ramps; and

(22) elevation plan.

DIVISION IV
CERTIFICATE OF CONFORMITY

7.04 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on a passenger ropeway, provide the Régie du bâtiment du Québec with a certificate of conformity with this Chapter produced and signed by a recognized person stating that

(1) the passenger ropeway is installed in accordance with this Chapter;

(2) the tests and inspections that are provided for the passenger ropeway have been performed and their results are satisfactory; and

(3) the information required from the manufacturer pursuant to the standard has been provided by the latter.

The certificate shall also specify the components inspected, the means used and the data used as the basis for drawing up the certificate, the type, trademark, model, address of the site where the construction work on the passenger ropeway was performed, the nature of the work, the date of the tests and inspections and the name and title of the person by whom they were performed, the date of signature, name, address and telephone number of the engineer who produced the certificate and the date of completion of the construction work. The certificate of conformity may be made on the form provided for that purpose by the Board.

7.05 An engineer who is a member of the Ordre des ingénieurs du Québec or the holder of a temporary license issued under the Engineers Act (R.S.Q., c. I-9) is a person recognized for producing and signing the certificate of conformity required under section 7.04.

7.06 A person is no longer recognized when the person ceases to be a member of the Ordre des ingénieurs du Québec or is no longer the holder of a temporary license.

DIVISION V
AMENDMENTS TO THE STANDARD

7.07 Standard CSA Z98-01 is amended

(1) by revoking Clause 1.5;

(2) by replacing Clause 1.6 by the following:

"**1.6.** For the purposes of this standard, a self-powered reversible above-surface ropeway means a passenger ropeway.";

(3) by replacing "The owner" in Clause 11.25.3 by "The owner or owner-builder";

(4) by replacing "It shall be the responsibility of the owner to ensure that the following conditions have been met:" in Clause 11.25.4 by "The owner or owner-builder shall ensure that the following conditions have been met:".

DIVISION VI
PENAL

7.08 Any contravention of any of the provisions of this Chapter constitutes an offence.".

2. This Regulation comes into force on (*insert the date that corresponds to the forty-fifth day following the date of its publication in the Gazette officielle du Québec*).

6136

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards
— 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 labour standards, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to increase the general minimum wage rate from $7.30 to $7.45 per hour as of 1 May 2004, and to $7.60 per hour as of 1 May 2005. Under the draft Regulation, the rate payable to employees who receive gratuities or tips will be increased from $6.55 to $6.70 per hour as of 1 May 2004, and to $6.85 per hour as of 1 May 2005.

The proposed increases in the minimum wage rates take into account the ability of businesses to pay and will improve the purchasing power of low-wage earners, enabling them to participate in the general prosperity.

Further information concerning the draft Regulation may be obtained by contacting Julie Massé, policy development adviser, Direction des politiques, de la construction et des décrets, 200, chemin Sainte-Foy, 7e étage, Québec (Québec) G1R 5S1, telephone: (418) 643-1432; fax: (418) 643-3514.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Regulation respecting labour standards*

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 40, 89, par. 1 and s. 91)

1. Section 3 of the Regulation respecting labour standards is amended by replacing everything that follows "is:" by the following:

"(1) $7.45 per hour, from 1 May 2004 to 30 April 2005; and

(2) $7.60 per hour, as of 1 May 2005.".

2. Section 4 is amended by replacing everything that follows "is:" by the following:

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 638-2003 dated 4 June 2003 (2003, *G.O.* 2, 1888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

"(1) $6.70 per hour, from 1 May 2004 to 30 April 2005; and

(2) $6.85 per hour, as of 1 May 2005.".

3. This Regulation comes into force on 1 May 2004.

6134

Draft Regulation

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

Social workers
— Integration of marital and family therapists
— Amendment

The Minister responsible for the administration of legislation respecting the professions hereby gives notice, in accordance with sections 27.2 and 27.3 of the Professional Code (R.S.Q., c. C-26), that the draft Amendment to the Schedule to the Order in Council concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec (Order in Council 1274-2001 dated 24 October 2001), the text of which appears as a schedule, will be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Amendment is to amend the Schedule to the Order in Council, effective from 30 November 2001, in order to make adjustments to the conditions for the issue of a marital and family therapist's permit.

In the opinion of the Ordre professionnel des travailleurs sociaux du Québec, the adjustments are necessary so that the Order may issue marital and family therapist's permits to qualified persons.

The draft Amendment proposes to allow a candidate to complete the training pertaining to marital and family therapy after receiving a master's degree. The degree will have been obtained after receiving a bachelor's degree comprising specific training in human development, in the theoretical models of personality and behaviour and in intervention models or methods. The specific training may have been acquired in part at the master's level and in part at the bachelor's level. The training may also have been acquired entirely at the master's level, as currently provided for in the Schedule to the integration order.

The draft Amendment also proposes to allow a practitioner in marital and family therapy who, anytime before the date of taking of effect of the integration, meets the requirements for admission to the Association des psychothérapeutes conjugaux et familiaux du Québec, to obtain a marital and family therapist's permit. The Schedule to the Order in Council currently allows practitioners who were members of the Association, on the date preceding the date of coming into force of the Order in Council, to obtain the permit.

The draft Amendment has no impact on businesses, including small and medium-sized businesses.

The draft Amendment will, pursuant to the second paragraph of section 27.2 of the Professional Code, be submitted for consultation to the Office des professions du Québec which will compile and transmit the comments of the Conseil interprofessionnel du Québec and of the Ordre professionnel des travailleurs sociaux du Québec to the Minister responsible for the administration of legislation respecting the professions.

Further information may be obtained by contacting Lucie Boissonneault, research officer, or France Lesage, advocate, Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; telephone: (418) 643-6912 or 1 800 643-6912; fax: (418) 643-0973.

Any person having comments to make is asked to send them, before the expiry of the 60-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. Comments may be sent by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order concerned and to the interested persons, departments or agencies.

MARC BELLEMARE,
Minister responsible for the administration of legislation respecting the professions

SCHEDULE

AMENDMENT TO THE SCHEDULE TO THE ORDER IN COUNCIL CONCERNING THE INTEGRATION OF MARITAL AND FAMILY THERAPISTS INTO THE ORDRE PROFESSIONNEL DES TRAVAILLEURS SOCIAUX DU QUÉBEC*

Professional Code
(R.S.Q., c. C-26, s. 27.3)

1. Section 26 of the Schedule to the Order in Council concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec is amended by replacing the second paragraph by the following:

"The training and supervision referred to in the first paragraph must have been completed after receiving a master's degree awarded by a university located in Québec, obtained after receiving a bachelor's degree awarded by a university located in Québec, upon completion of a program comprising at least 135 hours or 9 credits of theoretical training in human development, in the theoretical models of personality and behaviour and in intervention models or methods. All or part of those minimum 135 hours or 9 credits of theoretical training may have been completed as part of the program leading to the master's degree.".

2. Section 27 is amended by replacing "two" in paragraph 1 by "four".

3. Section 28 is amended by adding the following paragraph at the end:

"A person who, anytime before the effective date of the integration, met the requirements for admission as a clinical member of the Association des psychothérapeutes conjugaux et familiaux du Québec, approved by the board of directors of the Association on 27 October 1995, may obtain a marital and family therapist's permit provided that the person completes an application for such permit in the form prescribed by the Bureau of the Order, before the expiry of the four years following the effective date of the integration.".

4. This Amendment comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec.*

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* The Schedule to Order in Council 1274-2001 dated 24 October 2001 (2001, *G.O.* 2, 5848) concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec has never been amended.

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

Safety Code
— 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 Safety Code, Chapter IV Elevators and Other Lifts and Chapter V Passenger Ropeways, the text of which appears below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation proposes to establish, in a Safety Code, the minimum standards applicable throughout Québec to the use, operation, maintenance, inspection and testing by the owner of elevators and other lifts and the standards applicable to passenger ropeways, in order to ensure the safety of the public using them. The safety of elevators and other lifts and passenger ropeways will henceforth be better defined with the application of requirements, in particular as regards maintenance, which were agreed to by consensus from all stakeholders.

The main measures concern

— the requirement to carry out inspections and tests, according to intervals established on the basis of age and inherent quality of the equipment, on the frequency and method of usage and on the original manufacturer's recommendations or a professional engineer's recommendations;

— a log, maintained in the machine room, pertaining to all the maintenance activities and up-to-date wiring diagrams of electrical protective devices;

— the renewal of the plan currently in force in the sector of elevators and other lifts and in the sector of passenger ropeways that consists in the collection of inspection fees from the owner.

The main impact on the public and businesses, including small and medium-sized businesses, will be a new tariff imposed on condominium and industrial building owners. In addition, certain additional costs could be required to ensure a level a safety compliant with the requirements of the standards for elevators installed in condominiums.

Further information may be obtained by contacting Stéphane Mercier, Engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7e étage, Montréal (Québec) H2M 2V2, telephone : (514) 864-7249 ; fax : (514) 873-9936.

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 Alcide Fournier, Chair and Executive Director, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3e étage, Montréal (Québec) H2M 2V2.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Safety Code*

Building Act
(R.S.Q., c. B-1.1, ss. 175, 176, 176.1, 178, 179, 185, 1st par., supbars. 20, 37 and 38, and s. 192)

1. The Safety Code is amended by inserting the following after section 89 :

"**CHAPTER IV**
ELEVATORS AND OTHER LIFTS

DIVISION I
INTERPRETATION

90. In this Chapter, unless the context indicates otherwise,

"Code" means the "Code de sécurité sur les ascenseurs et monte-charge, CAN/CSA B44-00" or "CSA Standard CAN/CSA B44-00 : Safety Code for Elevators" referred to in Chapter IV of the Construction Code made under the Building Act (R.S.Q., c. B-1.1), as amended by Division VII of that Chapter ;

"elevator" means an elevator, a freight elevator, a dumbwaiter, an escalator, a moving walk and a material lift referred to and defined in the Code ;

"lift" means a lift referred to and defined in the standard ;

"standard" means the standard "Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00" including the amendments in "B355S1-02 Supplément nº 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées" or "CSA Standard CAN/CSA B355-00 : Lifts for Persons with Physical Disabilities" including the amendments in "B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities", referred to in Chapter IV of the Construction Code.

DIVISION II
GENERAL

91. An elevator or other lift shall be used for the purposes for which it was designed and be maintained in safe and proper working condition.

92. Any required rectification shall be made to an elevator or other lift when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or alterations.

DIVISION III
MAINTENANCE STANDARDS

93. An elevator or other lift shall be maintained in accordance with the provisions of c8.6.12 of the Code or those of Appendix B to the standard.

94. A log pertaining to the maintenance provided for in c8.6.12 of the Code or Appendix B to the standard, and up-to-date wiring diagrams shall be maintained in the machine room by the owner of an elevator or other lift.

DIVISION IV
LEVIES AND FEES

95. A levy of $65 per elevator or other lift shall be paid annually to the Régie du bâtiment du Québec by the owner of an elevator or other lift. However, the owner shall pay a levy of $129 for the year during which an elevator or other lift is put into service.

96. The following fees shall be paid to the Board by the owner for the inspection of an elevator or other lift no later than 30 days after the invoice date :

(1) in the case of an elevator or other lift other than an inclined elevator :

(a) $108 where the elevator or other lift serves ten landings or fewer ; and

(b) $108 plus $10 per landing in excess of the tenth landing, where the elevator serves more than ten landings ;

* The Safety Code approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654) has been amended once, by the regulation approved by Order in Council 877-2003 dated 20 August 2003 (2003, *G.O.* 2, 2739).

(2) in the case of an inclined elevator, $108 per hour or fraction of an hour.

97. Every owner shall pay to the Board inspection fees of $108 per hour or fraction of an hour for the inspection of an elevator or other lift carried out following the issue of a remedial notice provided for in section 122 of the Building Act.

98. The owner shall allow the Board to affix an identification plate to an elevator or other lift.

DIVISION V
PENAL

99. Any contravention of any of the provisions of this Chapter, except the provisions of sections 95 to 97, constitutes an offence.

CHAPTER V
PASSENGER ROPEWAYS

DIVISION I
INTERPRETATION

100. In this Chapter, unless the context indicates otherwise,

"passenger ropeway" means a passenger ropeway referred to in the standard;

"standard" means the standard "Remontées mécaniques, CAN/CSA Z98-01, Avril 2002" including the amendments in "Z98S1-02 Supplément nº 1 à la norme CAN/CSA-Z98-01 Remontées mécaniques, Février 2003" or "CSA Standard CAN/CSA Z98-01: Passenger Ropeways, June 2001" including the amendments in "Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, December 2002", published by the Canadian Standards Association, referred to in Chapter VII of the Construction Code made under the Building Act (R.S.Q., c. B-1.1), as amended by Division V of that Chapter.

DIVISION II
GENERAL

101. A passenger ropeway shall be used for the purposes for which it was designed and be maintained in safe and proper working condition.

102. The vicinity of a passenger ropeway may not be altered in such manner that the passenger ropeway no longer complies with Chapter VII of the Construction Code.

103. Any required rectification shall be made to a passenger ropeway when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or alterations.

DIVISION III
OPERATION AND MAINTENANCE

104. The inspection, periodic testing, operation and maintenance of a passenger ropeway shall be carried out in accordance with the provisions of the standard.

105. A new passenger ropeway or a passenger ropeway that has been altered or renovated may be put into service only if the certificate provided for in section 7.04 of the Construction Code has been sent to the Régie du bâtiment du Québec.

DIVISION IV
LEVIES AND FEES

106. A levy shall be paid annually to the Board by the owner of a passenger ropeway no later than 30 days after the invoice date:

(1) in the case of an above-surface ropeway or a reversible passenger ropeway: $520; or

(2) in the case another passenger ropeway: $231.

107. The owner shall allow the Board to affix an identification plate to a passenger ropeway.

DIVISION V
PENAL

108. Any contravention of any of the provisions of this Chapter, except the provisions of section 106, constitutes an offence.".

2. This Regulation replaces the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, made by Order in Council 111-97 dated 29 January 1997, the Regulation respecting the fees exigible from owners of elevators, approved by Order in Council 1154-99 dated 6 October 1999, the Regulation respecting Passenger Ropeways, made by Order in Council 2476-82 dated 27 October 1982 and, in respect of passenger ropeways, the Regulation respecting fees exigible from owners of passenger ropeways and amusement park rides, approved by Order in Council 941-95 dated 5 July 1995.

3. For the first periodic load testing, the owner has five years as of (*insert the date of coming into force of section 104 introduced by section 1*) to comply with the provisions of section 104 in respect of the above-surface ropeways and reversible passenger ropeways existing on that date. However, the owner shall begin the tests in the first year with the oldest installations existing on that date and shall have at least 20% of the installations tested each year.

4. This Regulation comes into force on (*insert the date that corresponds to the first day of May following the date of its publication in the Gazette officielle du Québec*) except for Chapter IV, which comes into force on (*insert the date that corresponds to the first anniversary of publication of this Regulation in the Gazette officielle du Québec).*

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified