Québec Laws and Volume 138

Part 2

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Laws and Regulations

Summary

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Bill 120 (2005, chapter 44)

An Act to abolish certain public bodies and transfer administrative responsibilities

Introduced 15 June 2005 Passage in principle 8 November 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

This bill abolishes certain public bodies and confers on ministers the responsibilities assigned to some of those bodies or to other public bodies.

Thus, the bill repeals the Act constituting the Observatoire québécois de la mondialisation and strikes out the provisions constituting the Commission des programmes d'études, the Comité d'évaluation des ressources didactiques, the Comité d'orientation de la formation du personnel enseignant and the Conseil de surveillance des activités de la Sûreté du Québec. It also enables the Government to dissolve the Société nationale de l'amiante or to change its status.

The bill also terminates the Fonds central pour le bénéfice des personnes incarcérées and establishes a trust patrimony designated as the "Fonds central de soutien à la réinsertion sociale", the administration of which will be entrusted to the Minister of Public Security as trustee.

Lastly, the bill transfers to the Minister of Revenue the provisional administration of property assigned to the Public Curator under the Public Curator Act.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);
- Act respecting commercial aquaculture (R.S.Q., chapter A-20.2);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);

- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Cooperatives Act (R.S.Q., chapter C-67.2);

– Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);

- Act respecting racing (R.S.Q., chapter C-72.1);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);

– Deposit Act (R.S.Q., chapter D-5);

– Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

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

- Education Act (R.S.Q., chapter I-13.3);

– Winding-up Act (R.S.Q., chapter L-4);

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

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

- Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);

– Police Act (R.S.Q., chapter P-13.1);

- Food Products Act (R.S.Q., chapter P-29);

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

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

- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);

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

- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting correctional services (R.S.Q., chapter S-4.01);

- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

- Professional Syndicates Act (R.S.Q., chapter S-40);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting the Québec correctional system (2002, chapter 24).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Observatoire québécois de la mondialisation (R.S.Q., chapter O-1.1).

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Bill 120

AN ACT TO ABOLISH CERTAIN PUBLIC BODIES AND TRANSFER ADMINISTRATIVE RESPONSIBILITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

OBSERVATOIRE QUÉBÉCOIS DE LA MONDIALISATION

1. The Act respecting the Observatoire québécois de la mondialisation (R.S.Q., chapter O-1.1) is repealed.

DIVISION II

COMMITTEES OF THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

2. The heading of Division II.1 of Chapter VII of the Education Act (R.S.Q., chapter I-13.3) is amended by striking out "COUNCIL AND".

3. Subdivisions 1 and 2 of Division II.1 of Chapter VII of the Act are repealed.

4. Subdivision 4 of Division II.1 of Chapter VII of the Act is repealed.

5. Section 477.19 of the Act is amended by striking out "the council or of" in the first line of the first paragraph.

6. Section 477.22 of the Act is amended by striking out "the council or of" in the first line.

7. Section 477.23 of the Act is amended

(1) by replacing "of the council or committee and manage its operations" in the first and second lines of the first paragraph by "of the committee and manage its operations";

(2) by striking out "council or" in the first line of the second paragraph.

8. Section 477.24 of the Act is amended by striking out "the council or" in the first line.

9. Section 477.25 of the Act is amended by striking out "council and the" in the first line.

10. Section 477.26 of the Act is amended by striking out "the council and" in the first line.

11. Section 477.27 of the Act is amended by replacing "The council and each of the committees" in the first line by "The committees".

12. The records and documents of the Commission des programmes d'études, the Comité d'évaluation des ressources didactiques and the Comité d'orientation de la formation du personnel enseignant become the records and documents of the Minister of Education, Recreation and Sports.

DIVISION III

CONSEIL DE SURVEILLANCE DES ACTIVITÉS DE LA SÛRETÉ DU QUÉBEC

13. Section 264 of the Police Act (R.S.Q., chapter P-13.1) is amended by striking out the second paragraph.

14. Section 265 of the Act is amended by striking out the second paragraph.

15. Section 266 of the Act is amended by replacing "transmit to the Conseil de surveillance des activités de la Sûreté du Québec and to the Minister, at the latter's request," in the first, second and third lines by ", on request, transmit to the Minister".

16. Chapter IV of Title V of the Act, comprising sections 290 to 303, is repealed.

17. Section 357 of the Act is repealed.

DIVISION IV

FONDS CENTRAL POUR LE BÉNÉFICE DES PERSONNES INCARCÉRÉES

18. Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by inserting the following paragraph after paragraph 4:

"(4.1) to administer, as trustee, the Fonds central de soutien à la réinsertion sociale, advise the Government on regulations concerning programs of activity set up by the funds established in houses of detention, devise policies on the matter and advise those funds as regards the organization and development of those programs;".

19. Section 22.0.2 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended

(1) by replacing "central fund for the benefit of confined persons" in the second line of the first paragraph by "Minister";

(2) by replacing "central fund" in the last line of the first paragraph by "Minister".

20. Section 22.0.19 of the Act is amended

(1) by replacing "central fund for the benefit of confined persons at the time fixed by the fund" in the first paragraph by "Fonds central de soutien à la réinsertion sociale at the time determined by the Minister";

(2) by replacing "fixed by the central fund" in the second paragraph by "determined by the Minister".

21. Section 22.0.22 of the Act is amended by striking out the second paragraph.

22. The heading of subdivision 2 of Division V.0.1 of the Act is replaced by the following heading:

"§2. — Fonds central de soutien à la réinsertion sociale".

23. Section 22.0.26 of the Act is amended by replacing "Fonds central pour le bénéfice des personnes incarcérées" by "Fonds central de soutien à la réinsertion sociale".

24. Section 22.0.27 of the Act is replaced by the following section:

"**22.0.27.** The central fund, established as a social trust patrimony, provides gifts or loans, with or without interest, to support funds established in houses of detention in financial difficulty."

25. Section 22.0.28 of the Act is amended by replacing the portion before paragraph 1 by the following:

"22.0.28. The central fund is made up of".

26. Sections 22.0.29 to 22.0.32 of the Act are replaced by the following sections:

"**22.0.29.** The Minister is the trustee of the central fund.

"22.0.30. The expenses related to the administration of the central fund and to the Minister's responsibilities with respect to the programs of activities are payable by the central fund.

"22.0.31. The Minister must appoint a committee to advise the Minister in the administration of the central fund. The committee must include representatives of the Direction générale des services correctionnels of the Ministère de la Sécurité publique and representatives of the community sector.

"**22.0.32.** When the Minister withdraws a sum from the central fund, the Minister is acting as the trustee."

27. Section 23.1 of the Act is amended by replacing "central fund" in paragraphs 4, 6 and 12 by "Minister".

28. Section 75 of the Act respecting the Québec correctional system (2002, chapter 24) is amended

(1) by replacing "Fonds central de soutien à la réinsertion sociale, established under section 102" in the second and third lines of the first paragraph by "Minister";

(2) by replacing "Fonds central" at the end of the first paragraph by "Minister".

29. Section 94 of the Act is amended

(1) by replacing "central fund" in the second line of the first paragraph by "Minister";

(2) by replacing "central fund" in the second paragraph by "Minister".

30. Section 97 of the Act is amended by striking out the second paragraph.

31. Section103 of the Act is replaced by the following section:

"**103.** The central fund, established as a social trust patrimony, provides gifts or loans, with or without interest, to support funds established in correctional facilities in financial difficulty."

32. Section 104 of the Act is amended by replacing the part before paragraph 1 by the following part:

"**104.** The central fund is made up of".

33. Sections 105 to 109 of the Act are replaced by the following sections:

"105. The Minister is the trustee of the central fund.

The Government shall determine by regulation the obligations of the Minister in the Minister's capacity as trustee of the central fund, the nature of the trust and its operating rules, which may vary from those provided in Title VI and Title VII of Book Four of the Civil Code of Québec.

"**106.** The expenses related to the administration of the central fund and to the Minister's responsibilities with respect to the programs of activities are payable by the central fund.

"107. The Minister must appoint a committee to advise the Minister in the administration of the central fund. The committee must include representatives of the Direction générale des services correctionnels of the Ministère de la Sécurité publique and representatives of the community sector.

"108. When the Minister withdraws a sum from the central fund, the Minister is acting as the trustee."

34. Section 193 of the Act is amended by replacing "central fund" in paragraph 24 by "Minister".

35. The Minister of Public Security, as trustee of the Fonds central de soutien à la réinsertion sociale, replaces the central fund for the benefit of confined persons. The Minister shall acquire the rights and assume the obligations of the fund.

DIVISION V

PROVISIONAL ADMINISTRATION OF PROPERTY

§1. — Transfer of responsibilities

36. Section 12 of the Public Curator Act (R.S.Q., chapter C-81) is amended by inserting the following paragraph at the end:

"Certain powers set out in this Act are exercised, however, by the Minister of Revenue, in particular with regard to the provisional administration of property under Division V of Chapter II."

37. Sections 24, 26 to 26.7, 26.9 and 27.1, the third paragraph of section 29, section 32, the second paragraph of section 41, the second paragraph of section 41.1 and paragraph 4 of section 68 of the Act are amended by replacing "Public Curator" wherever it appears by "Minister of Revenue".

38. Section 28.1 of the Act is amended by striking out "by the Public Curator" in the first line of the first paragraph.

39. Section 40 of the Act is amended

(1) by inserting "or of the Minister of Revenue" after "Public Curator" in the first line of the first paragraph;

(2) by replacing "Public Curator" in the first and the fourth lines of the second paragraph by "Minister of Revenue".

40. Section 55 of the Act, amended by section 33 of chapter 24 of the statutes of 2005, is again amended

(1) by adding "The fees are established by regulation." at the end of the first paragraph;

(2) by striking out the first sentence of the second paragraph;

(3) by replacing "minister responsible for the administration of this Act" in the second paragraph by "Minister of Revenue".

41. Section 69.1 of the Act is amended by replacing "or of a person authorized by the Public Curator" in the first and second lines by ", of the Minister of Revenue or of a person authorized by either of them".

42. Section 74 of the Act is amended

(1) by inserting "or the Minister of Revenue" after "Public Curator" in the first line;

(2) by replacing "Public Curator" in the second and third lines by "mover" and by replacing "Public Curator" in the fourth line by "Minister of Revenue".

43. Section 76 of the Act is amended

(1) by replacing "The Public Curator may" by "The Public Curator and the Minister of Revenue may";

(2) by replacing "The object of such agreements may, in particular, concern the delegation, to the Public Curator," in the first and second lines of the second paragraph by "The object of the agreements entered into by the Minister of Revenue may, in particular, concern the delegation to the Minister".

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

"76.1. Sections 10, 11, 27 and 28.2, the first and second paragraphs of section 29, sections 30, 31, 33 and 35 to 38, the first paragraph of section 41, the first paragraph of section 41.1, sections 42 to 44.1, 46 to 52, 54, the first paragraph of section 55, sections 57, 58 and 66, paragraphs 5, 6, 7 and 9 of section 68, sections 75 and 75.1, the second paragraph of section 204 and the regulations made under this Act and relating to the administration of property

apply, with the necessary modifications, to the provisional administration of property entrusted to the Minister of Revenue under this Act.

"76.2. A civil proceeding by the Minister of Revenue or against the Minister of Revenue or the Government in relation to the provisional administration of property entrusted to the Minister of Revenue by law is instituted in the name of the Deputy Minister of Revenue, despite any inconsistent provision.

A penal proceeding for an offence under section 69 or 69.1 may be instituted by the Deputy Minister of Revenue.

Sections 72.4 and 77 of the Act respecting the Ministère du Revenu (chapter M-31) and the second and third paragraphs of section 93 of that Act apply to such a civil or penal proceeding, with the necessary modifications.

"76.3. Proceedings, including judgments, to which the Public Curator is a party on 31 March 2006 in relation to the provisional administration of property entrusted to the Minister of Revenue by law are continued after that date by the Minister of Revenue, without continuance of suit.

"76.4. In any contract, agreement, accord, order in council or other document relating to the provisional administration of property entrusted to the Minister of Revenue by law, the exercise of the rights and the performance of the obligations of the Public Curator in that respect are continued, from 1 April 2006, by the Minister of Revenue."

45. Section 77 of the Act, amended by section 34 of chapter 24 of the statutes of 2005, is replaced by the following section:

"77. The Minister of Families, Seniors and the Status of Women is responsible for the administration of this Act, except for the provisions relating to the provisional administration of property provided for in Division V of Chapter II, the third paragraph of section 12, section 27.1, the third paragraph of section 29, section 32, subparagraphs 3 and 4 of the first paragraph and the second paragraph of section 40, the second paragraph of section 55, paragraphs 4 and 4.1 of section 68, section 69 and the second paragraph of section 76, the administration of which is entrusted to the Minister of Revenue."

46. Section 2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting "the provisions relating to the provisional administration of property provided for in section 77 of the Public Curator Act (chapter C-81)," after "(chapter P-2.2)," in the second line of the second paragraph.

§2. — Consequential provisions

47. Article 92 of the Civil Code of Québec (1991, chapter 64) is amended by inserting "or the Minister of Revenue as provisional administrator of property" after "Public Curator" in the first paragraph.

48. Section 12 of the Act respecting registry offices (R.S.Q., chapter B-9) is amended

(1) by replacing "Public Curator" in the text following the fourth dash by "Minister of Revenue";

(2) by replacing "Public Curator's capacity" in the first line of the text following the fourteenth dash by "capacity of the Public Curator or the Minister of Revenue";

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

"Notices given before 1 April 2006 by the Public Curator in the exercise of the functions of provisional administrator of property entrusted to the Minister of Revenue under the Public Curator Act (chapter C-81) are deemed to have been given by the Minister of Revenue."

49. Section 145 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing ", trustee or public curator" in the second line of the first paragraph by "or trustee".

50. Section 15 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding "or to the Minister of Revenue as provisional administrator of property" at the end of paragraph 3.

51. Section 393 of the Code is amended

(1) by replacing "Public Curator" at the end of the first paragraph by "Minister of Revenue";

(2) by replacing "Public Curator" and "Curator" in the second paragraph by "Minister of Revenue" and "Minister" respectively.

52. Section 6 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by inserting "or to the Minister of Revenue in the exercise of the functions of provisional administrator of property entrusted to him by law, or" after "curator" in the first line of paragraph 1.

53. Section 27 of the Professional Syndicates Act (R.S.Q., chapter S-40) is amended

(1) by replacing "The Public Curator appointed according to the Public Curator Act (chapter C-81)" in the first and second lines of the first paragraph by "The Minister of Revenue";

(2) by replacing "Public Curator" in the first line of the second paragraph by "Minister of Revenue".

54. Except in the expression "Public Curator Act", the words "Public Curator" are replaced by "Minister of Revenue" wherever they appear in the following provisions:

(1) articles 363, 698, 699, 700, 701, 805, 936, 937, 1357 and 2279 of the Civil Code of Québec (1991, chapter 64);

(2) section 40 of the Act respecting commercial aquaculture (R.S.Q., chapter A-20.2);

(3) sections 93.118, 93.215 and 93.243 of the Act respecting insurance (R.S.Q., chapter A-32);

(4) sections 314, 325 and 326 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

(5) section 50 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5);

(6) articles 541 and 542 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(7) articles 137, 139 and 318 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(8) sections 185 and 191 of the Cooperatives Act (R.S.Q., chapter C-67.2);

(9) sections 173, 174, 184 and 185 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);

(10) section 100 of the Act respecting racing (R.S.Q., chapter C-72.1);

(11) section 22 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

(12) sections 27 and 27.1 of the Deposit Act (R.S.Q., chapter D-5);

(13) section 36 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(14) section 196 of the Forest Act (R.S.Q., chapter F-4.1);

(15) sections 20 and 22 of the Winding-up Act (R.S.Q., chapter L-4);

(16) section 45 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);

(17) section 33.5 of the Food Products Act (R.S.Q., chapter P-29);

(18) section 55.22 of the Animal Health Protection Act (R.S.Q., chapter P-42);

(19) sections 63 and 64 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);

(20) section 147.0.6 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(21) section 238 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

(22) section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

(23) section 42 of the Marine Products Processing Act (R.S.Q., chapter T-11.01).

55. The exercise of the rights and the performance of the obligations of the Public Curator arising from responsibilities relating to the provisional administration of property entrusted to the Minister of Revenue are continued, as of 1 April 2006, by the Minister of Revenue.

56. Employees of the Public Curator assigned to functions relating to the provisional administration of property and other employees of the Public Curator become employees of the Ministère du Revenu on 1 April 2006 if a decision providing for their transfer is made by the Conseil du trésor before that date.

57. In any regulation, unless the context indicates otherwise, a reference to the Public Curator is a reference to the Minister of Revenue if the provisional administration of property is entrusted to that Minister under this Act.

DIVISION VI

SOCIÉTÉ NATIONALE DE L'AMIANTE

58. On the date and on the terms and conditions it determines, the Government may, by order, dissolve the Société nationale de l'amiante, constituted under the Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2) or provide for its continuance as a legal person established in the public interest governed by Part IA of the Companies Act (R.S.Q., chapter C-38).

The Act respecting the Société nationale de l'amiante is repealed from that date.

DIVISION VII

COMING INTO FORCE

59. This Act comes into force on 16 December 2005, except sections 18 to 27 and 35, which come into force on 1 January 2006, sections 36 to 57, which come into force on 1 April 2006, and sections 28 to 34, which come into force on the date or dates to be set by the Government.



Bill 121 (2005, chapter 45)

An Act to amend the Mining Act

Introduced 1 November 2005 Passage in principle 1 December 2005 Passage 13 December 2005 Assented to 16 December 2005

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EXPLANATORY NOTES

This bill amends the Mining Act to establish a classification system for outstanding geological sites where mining activities are to be forbidden. It also provides that the Minister may take the measures needed to ensure the development and preservation of such sites.

The bill clarifies the interdiction to prospect on certain parcels of land and the powers granted to inspectors authorized by the Minister.

It also introduces changes to the time at which certain reports must be submitted, the length of the temporary suspension of certain rights and the time at which such a suspension takes effect.

Bill 121

AN ACT TO AMEND THE MINING ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Mining Act (R.S.Q., chapter M-13.1) is amended by inserting the following definition after the definition of "**natural gas**":

""outstanding geological site" means land whose geological, geomorphic, landscape or biological characteristics are of educational value, or of interest for scientific research or conservation purposes, and that deserves to be protected, in particular because it is threatened, rare or vulnerable;".

2. Section 27 of the Act is amended by adding ", or on land referred to in section 304.1 or withdrawn from staking, designation on a map, mining exploration or mining operations by ministerial order or, to the extent provided for therein, by the effect of another Act" at the end.

3. The Act is amended by inserting the following section after section 30:

"30.1. No person may stake, designate on a map or carry on mining exploration or mining operations work on an outstanding geological site classified under section 305.1."

4. Section 222 of the Act is amended by replacing "before the fifteenth day of the following month" in the second line of the second paragraph by "within 30 days after the end of the period referred to in the report".

5. Section 251 of the Act is amended by adding the following paragraph at the end:

"(4) take photographs of the premises and the property located there."

6. The Act is amended by inserting the following before the heading "SPECIAL POWERS" in Chapter X:

"POWERS OF THE MINISTER

"DIVISION I".

7. Section 304.1 of the Act is amended

(1) by inserting "or to the publication of a notice of classification of an outstanding geological site under section 305.1" after "section 304" in the second line of the first paragraph;

(2) by replacing "maximum period of six months" in the third line of the first paragraph by "period of 18 months";

(3) by replacing "on the date of filing of a notice in the office of the registrar" in the second paragraph by "after the filing of a notice in the office of the registrar, on the date indicated in the notice".

8. The Act is amended by inserting the following division after section 305:

"DIVISION II

"OUTSTANDING GEOLOGICAL SITE

"305.1. The Minister may classify an outstanding geological site and establish the boundaries of the site after consulting the Minister of Sustainable Development, Environment and Parks, associations in the Québec mining industry and, where applicable, the holders of mining rights, municipalities, urban communities or Native communities concerned.

The notice of classification must be published in the *Gazette officielle du Québec*.

The boundaries of a classified outstanding geological site are shown on maps kept at the office of the registrar.

"305.2. The Minister may extend the boundaries of an outstanding geological site classified under section 305.1 or, if the Minister considers that the grounds for classification no longer exist, declassify part or all of the site after consulting the Minister of Sustainable Development, Environment and Parks.

"305.3. The Minister may take the measures needed to ensure the development or the preservation of an outstanding geological site classified under section 305.1.

"305.4. Before classifying an outstanding geological site located on private property, extending its boundaries or exercising the power described in section 305.3, the Minister must enter into an agreement with the owner.

"305.5. The Minister must request the registration in the land register of the agreement referred to in section 305.4 and forward to the owner a certified statement of registration. The agreement, once registered, is binding on all subsequent acquirers.

The agreement must also be filed in the office of the registrar."

"321.1. Every person who contravenes section 30.1, damages an outstanding geological site classified by the Minister under section 305.1, or destroys or damages property located on such a site is liable to a fine of \$500 to \$100,000 in the case of a natural person and of \$1,000 to \$200,000 in the case of a legal person.

In the case of a second or subsequent conviction, the fines prescribed in the first paragraph are doubled."

10. This Act comes into force on 16 December 2005.



Bill 123 (2005, chapter 46)

An Act respecting tax-exempt status for certain payments made in accordance with the Partnership Agreement on Economic and Community Development in Nunavik

Introduced 19 October 2005 Passage in principle 8 November 2005 Passage 13 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

This bill amends the Act respecting the Makivik Corporation and the Act respecting Northern villages and the Kativik Regional Government to exempt payments made by the Government to the Makivik Corporation and the Kativik Regional Government in accordance with the Partnership Agreement on Economic and Community Development in Nunavik signed on 9 April 2002 from any form of taxation, fee or levy.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);

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

Bill 123

AN ACT RESPECTING TAX-EXEMPT STATUS FOR CERTAIN PAYMENTS MADE IN ACCORDANCE WITH THE PARTNERSHIP AGREEMENT ON ECONOMIC AND COMMUNITY DEVELOPMENT IN NUNAVIK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MAKIVIK CORPORATION

1. The Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1) is amended by inserting the following section after section 41:

"41.1. The payments made to the Corporation by the Gouvernement du Québec in accordance with sections 2.2.3 and 2.5.1 of the Partnership Agreement on Economic and Community Development in Nunavik entered into on 9 April 2002 by the Gouvernement du Québec, the Makivik Corporation and the Kativik Regional Government, approved by Order in Council 645-2002 (2002, G.O. 2, 4231, in French), are not subject to any form of taxation, fee or levy."

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

2. The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting the following section after section 408:

"**408.1.** The payments made to the Regional Government by the Gouvernement du Québec in accordance with section 2.5.1 of the Partnership Agreement on Economic and Community Development in Nunavik entered into on 9 April 2002 by the Gouvernement du Québec, the Makivik Corporation and the Kativik Regional Government, approved by Order in Council 645-2002 (2002, G.O. 2, 4231, in French), are not subject to any form of taxation, fee or levy."

3. This Act comes into force on 16 December 2005 but has effect from 10 May 2002.



Bill 124 (2005, chapter 47) Educational Childcare Act

Introduced 25 October 2005 Passage in principle 13 December 2005 Passage 16 December 2005 Assented to 16 December 2005

Québec Official Publisher 2005

EXPLANATORY NOTES

This bill replaces the Act respecting childcare centres and childcare services. The new provisions are mainly designed to enhance the quality of the educational childcare services provided to children, from birth until their admission to preschool education, by childcare centre and day care centre permit holders and by recognized home childcare providers. They are also designed to foster the harmonious development of childcare services, taking into account the needs of parents, particularly their need to reconcile their parental and professional responsibilities.

The bill determines the conditions under which childcare centre and day care centre permits are issued and renewed by the Minister of Families, Seniors and the Status of Women, the term of such permits and the conditions under which they can be suspended or revoked. In addition, the bill requires certain day care centre permit holders to form a parents advisory committee.

As well, the bill provides for accreditation of home childcare coordinating offices by the Minister, according to certain terms and conditions. The purpose of these coordinating offices is to grant recognition to home childcare providers in the territory assigned to them and to apply monitoring measures determined by regulation.

The bill also contains control and recovery measures. More particularly, it confers inspection and investigation powers on the Minister and authorizes the Minister to place a childcare centre, a day care centre or an accredited home childcare coordinating office under provisional administration.

The bill maintains the Government's power to set the amount of the contribution to be paid by a parent for childcare services for which the childcare provider is subsidized. It authorizes the Government to make regulations determining conditions of payment of the parental contribution for a day or half day of childcare, and cases in which full or partial exemption from the parental contribution may be granted for specific services.

In addition, the bill gives the Minister the power to grant subsidies to certain permit applicants and permit holders and to accredited home childcare coordinating offices, as well as to childcare providers that provide childcare for which the parental contribution set by the Government is payable. Other provisions of the bill deal with the drawing-up and communication of certain documents, reports and information.

The bill contains penal provisions and provides for powers of representation and delegation. It also provides that the Minister may sign an agreement with one or more representative associations of home childcare providers, and determines representation criteria and recognition requirements applicable to such associations as well as conditions for the implementation of such an agreement.

Lastly, the bill includes consequential amendments and transitional provisions.

LEGISLATION REPLACED BY THIS BILL:

- Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2).

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);

- Act to facilitate the establishment of a pension plan for employees working in childcare services (R.S.Q., chapter E-12.011);

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

- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

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

Act respecting health services and social services (R.S.Q., chapter S-4.2);

- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

- Tobacco Act (R.S.Q., chapter T-0.01).

Bill 124

EDUCATIONAL CHILDCARE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

DIVISION I

SCOPE AND INTERPRETATION

1. The object of this Act is to enhance the quality of the educational services provided by childcare providers covered by this Act so as to ensure the health and safety of the children to whom childcare services are provided, particularly those with special needs or who live in a precarious socio-economic situation, foster their development and well-being and provide them with equality of opportunity.

A further object of this Act is to foster the harmonious development of childcare services, taking into account the needs of parents — particularly their need to reconcile their parental and professional responsibilities — and their right to choose their childcare provider.

2. This Act applies to childcare centres, day care centres and recognized home childcare providers and to home childcare coordinating offices accredited by the Minister.

This Act does not apply to

(1) persons who provide or offer to provide occasional organized childcare services, in a health or social services institution, in a commercial establishment, at a fair or exhibition or during a special event, to children whose parents are on site and can be reached if needed;

(2) day camp or vacation camp operators; or

(3) school boards or private educational institutions that provide childcare at school within the meaning of the Education Act (R.S.Q., chapter I-13.3) or the Act respecting private education (R.S.Q., chapter E-9.1);

(4) public bodies and community organizations that provide temporary childcare as part of their mandate to support and assist families or as part of a specific activity involving parents or children.

3. In this Act, unless otherwise required by the context,

(1) the person who has *de facto* custody of a child is considered to be a parent of the child, except if the person having parental authority objects;

(2) a person is related to another person if that other person is

(*a*) the person's spouse or child, the child of the person's spouse, or the person's mother, father, aunt, uncle, brother or sister or their spouse;

(b) the person's partner or the partnership in which the person is a partner;

(c) a legal person controlled by the person or by a person referred to in subparagraph *a*;

(d) a legal person in which the person holds 10% or more of all voting rights attached to issued shares or 10% or more of all issued shares; or

(e) a legal person of which the person is a director or officer.

DIVISION II

CHILDCARE SERVICES

4. Every child has a right to quality personalized educational childcare services until the end of elementary school.

Such right must be exercised taking into account the organization and resources of childcare providers and of accredited home childcare coordinating offices and their right to agree or refuse to provide childcare to a child, the rules relating to subsidies and the priority given to children from birth until their admission to preschool education.

5. In order to ensure the provision of educational childcare services, the educational program applied by a childcare provider must include activities aimed at

(1) fostering children's overall development, particularly their emotional, social, moral, cognitive, language, physical and motor development; and

(2) helping children gradually adapt to life in society and integrate a group harmoniously.

The educational program must also include promotional and preventive elements aimed at providing an environment conducive to the development of a healthy lifestyle, healthy eating habits and behaviour that have a positive effect on the children's health and well-being.

It may also include any other element or service determined by the Minister.

6. No person may provide or offer to provide childcare to more than six children unless the person holds a childcare centre or day care centre permit or is a home childcare provider recognized by an accredited home childcare coordinating office.

CHAPTER II

CHILDCARE CENTRES AND DAY CARE CENTRES

DIVISION I

PERMITS

7. The Minister may issue a childcare centre permit to a non-profit legal person or a cooperative whose board of directors is as follows:

(1) it is made up of at least seven members;

(2) at least two thirds of its members are parents who are clients or future clients of the childcare centre;

(3) at least one of its members is from the business sector or the institutional, social, education or community sector;

- (4) no more than two of its members are staff members of the centre; and
- (5) none of its members is related to another.

No board member referred to in subparagraph 2 or 3 may be a staff member of the centre or a person related to a staff member of the centre.

The prohibition concerning related persons does not apply to an Aboriginal board of directors formed for the establishment or operation of a centre on Aboriginal territory.

The Government may make rules concerning the election of the members of the board of directors, its operation and the content of its internal by-laws.

- **8.** An applicant for a childcare centre permit must also
 - (1) undertake to provide educational childcare in one or more facilities;
 - (2) be granted subsidies by the Minister;
 - (3) hold no other permit under this Act; and

9. A childcare centre permit holder accredited as a home childcare coordinating office must, within six months of accreditation, make the necessary changes to its board of directors so that

(1) it is made up of at least nine members;

(2) at least two thirds of its members are, in equal proportions, parents who are clients of the centre and parents whose children are provided childcare coordinated by the centre; and

(3) at least one member is a provider of home childcare coordinated by the centre.

10. The Minister may refuse to issue a childcare centre permit if the Minister judges that the permit application does not address the needs and priorities identified by the Minister considering, among other factors, the permits already issued, the permit applications and other applications for authorization under section 21 awaiting a decision, the subsidies available and the relevance of subsidizing a permit applicant on the proposed territory.

No childcare centre permit may be issued to a private education institution within the meaning of the Act respecting private education.

In order to provide for the implementation of an agreement between the Government and a Mohawk community, the Minister may issue a childcare centre permit to a non-profit organization that does not meet the requirements of section 7, on the condition that the organization is governed as provided for in that section.

11. The Minister may issue a day care centre permit to a person provided

(1) the person undertakes to provide educational childcare to children in a single facility;

(2) the person meets the other conditions prescribed by regulation; and

(3) the person pays the fees determined by regulation.

However, the Minister may not issue a day care centre permit to a school board or a municipality.

For the purposes of this section, a Native band council is considered a legal person.

12. A permit must state

(1) the name and address of the permit holder;

(2) the address of the permit holder's main establishment and of each of the facilities where childcare is provided;

(3) the maximum number of children in each of the facilities;

(4) the maximum number of children per age class or per age class group in each of the facilities; and

(5) the number of subsidized childcare spaces, if any, where this number differs from the number referred to in paragraph 3.

13. A permit holder may not provide childcare in a facility to more children than the number stated on the permit or provide childcare to children for periods exceeding 48 consecutive hours.

A permit holder may not provide childcare to children in age classes other than those stated on the permit or to more children in each age class or age class group than the number stated on the permit.

14. A permit holder must comply with the standards established by this Act and, if so required by regulation, file a certificate with the Minister establishing compliance with those standards.

The Government may make regulations determining the standards with respect to which a certificate is required, the form and contents of the certificate and the time when it must be filed.

15. Only the holder of a permit issued by the Minister may use a name that includes the term "childcare centre" or "day care centre".

16. Childcare services must be provided by a permit holder at the address appearing on the permit, except during outings organized for the children.

However, with the Minister's authorization, childcare services may be provided elsewhere than at that address for a specified period, provided the permit holder shows

(1) that childcare services cannot be provided in the facility whose address appears on the permit for reasons beyond the permit holder's control;

(2) that the situation is temporary; and

(3) that the alternate facility is suitable for the children's health and safety.

17. A permit holder must notify the Minister in writing, within 15 days, of a change of name or address and, in the case of a legal person, of a change of director.

A permit holder must provide, with respect to a new director, the information required by regulation.

18. A permit applicant must submit to the Minister for approval the plans of any facility in which the permit applicant proposes to provide childcare services.

The same applies if a permit holder is planning to alter a facility, add a new facility or relocate a facility permanently.

Such plans must be signed and sealed by an architect or any other professional authorized to do so.

19. The Minister must make a decision within 60 days after receiving the plans. The Minister may refuse to approve the plans if the proposed premises or alterations do not appear to comply with the standards established by regulation.

20. The permit holder must ensure that the premises and alterations comply at all times with the approved plans and the standards established by regulation.

21. The childcare centre permit holder must obtain the Minister's written authorization before increasing the number of children beyond the maximum stated on the permit, altering a facility, adding a new facility or relocating a facility permanently.

The Minister may refuse to grant the authorization requested if the Minister judges that the proposed change does not address the needs and priorities identified by the Minister considering, among other factors, the permits already issued, the permit applications and other applications for authorization under the first paragraph awaiting a decision, the subsidies available and the relevance of subsidizing the permit holder on the proposed territory.

22. A permit holder must display the permit in each facility, in a place readily visible and accessible to the public at all times.

DIVISION II

TERM AND RENEWAL OF PERMITS

23. A permit is issued or renewed for five years, or for a shorter period if the Minister considers it appropriate.

If the Minister has yet to decide the application for renewal of a permit on the date of expiry, the permit remains in force until the decision is made, but for no more than 120 days.

24. The requirements of sections 7, 8, 9 and 11 apply to the modification or renewal of a permit.

25. A permit is not transferable.

DIVISION III

REFUSAL TO ISSUE OR RENEW A PERMIT, SUSPENSION OR REVOCATION OF A PERMIT

26. The Minister may refuse to issue a permit if

(1) the applicant is unable to ensure the health, safety or well-being of the children to whom the applicant proposes to provide childcare;

(2) the applicant or a director of the applicant exhibits or has exhibited behaviour that could reasonably pose a threat for the physical or emotional safety of the children to whom the applicant proposes to provide childcare;

(3) the applicant or a director of the applicant is charged with or has been convicted of an indictable or criminal offence related to the abilities and conduct required to operate a childcare centre or a day care centre;

(4) the applicant or a director of the applicant was convicted of an offence under section 6 in the two years preceding the application;

(5) the applicant or a director of the applicant held a permit that was revoked or not renewed under paragraph 4, 5 or 6 of section 28 in the three years preceding the application; or

(6) the applicant made a false declaration or distorted a material fact in the application.

27. Police forces in Québec are required to communicate any information required by regulation that is needed to verify the existence of an impediment under paragraph 2 or 3 of section 26.

The investigation to that end must be concerned with any sexual misconduct, failure to provide necessities of life, criminal operation of a motor vehicle, violent behaviour, criminal negligence, fraud, theft, arson and drug or narcoticrelated offence.

For the purpose of assessing impediments, an advisory committee composed of persons who have a marked interest in child protection or expertise and experience in that field is established by the Minister.

28. The Minister may suspend, revoke or refuse to renew a permit if

(1) the permit holder commits or authorizes, consents to or participates in the commission of an offence under this Act;

(2) the permit holder no longer meets the requirements for the issue of a permit;

(3) the permit holder fails to show that no impediment exists under paragraph 2 or 3 of section 26;

(4) the permit holder makes a false declaration or distorts a material fact in the application for the issue or renewal of the permit, or in a document or information required by the Minister;

(5) the permit holder engages in practices or tolerates a situation which could endanger the health, safety or well-being of the children to whom the permit holder provides childcare;

(6) the permit holder ceases to operate without first complying with section 30;

(7) the permit holder refuses or neglects to comply with a notice of noncompliance issued under section 65; or

(8) the permit holder refuses or neglects to pay a sum owed to the Minister.

29. Before refusing to issue or renew a permit or suspending or revoking a permit, the Minister must notify the applicant or permit holder in writing and give the applicant or permit holder at least 10 days to submit observations.

The Minister's decision, with reasons, is communicated to the applicant or permit holder in writing.

30. A permit holder who intends to cease to operate must notify the Minister in writing and comply with the conditions determined by regulation.

The permit is revoked as of the date set out in the notice.

DIVISION IV

PARENTS ADVISORY COMMITTEE

31. The day care centre permit holder must form, in each facility, a parents committee composed of five parents elected by and from among the parents who are clients of the centre, other than the permit holder, the members of the board of directors, the members of the staff and persons related to them.

However, the permit holder is not required to form a parents committee if a majority of the board members are parents who are clients of the day care centre and meet the requirements of the first paragraph.

32. The permit holder must consult the parents committee on all aspects of the childcare provided in the day care centre, including

- (1) the application of the educational program;
- (2) the acquisition and use of educational materials and equipment;
- (3) the location or change of location of the facility;
- (4) the physical layout and furnishings of the facility;
- (5) the services provided; and
- (6) the processing of complaints.

33. The permit holder must, by means of a written notice, call a meeting of all the parents who are clients of the day care centre so that they may elect their representatives to the parents committee.

The meeting must be held within three months after the issue of the permit and, subsequently, every year before 15 October.

34. The parents committee chooses a chair and a secretary from among its members. The chair presides over the meetings of the committee and the secretary keeps the minutes.

The permit holder must see to it that the parents committee meets at least four times a year. Three members constitute the quorum.

If a vacancy occurs on the parents committee, the permit holder calls a meeting so that the vacancy may be filled.

35. The parents committee adopts by-laws.

The Government may, by regulation, determine rules governing the operation of a parents committee.

36. The permit holder communicates the names of the parents committee members in writing to all parents who are clients of the day care centre.

37. The permit holder must call a meeting of the parents committee in writing at least ten days in advance, by a notice informing the members of the date, time and place of the meeting and the matters on the agenda. The notice is also sent to all parents.

38. All documents relating to the parents committee must be kept by the permit holder on the premises of the facility for at least five years.

39. A member of a parents committee may not be prosecuted for any act done in good faith in the exercise of committee functions.

CHAPTER III

HOME CHILDCARE SERVICES

DIVISION I

HOME CHILDCARE COORDINATING OFFICES

§1. — Functions of a coordinating office

40. A home childcare coordinating office is a childcare centre permit holder accredited by the Minister to coordinate, in a specifically defined territory, the educational childcare services to be provided by the home childcare providers it has recognized, and to monitor the application of the standards established by regulation for such childcare providers.

A coordinating office may also be a non-profit legal person that has as its main purpose to act as a coordinating office and is formed by childcare centre permit holders having an establishment in the specifically defined territory. The board of directors of the legal person must be in compliance with the requirements of subparagraphs 3 and 5 of the first paragraph and the second, third and fourth paragraphs of section 7 and the requirements of section 9, with the necessary modifications. The board must be composed of at least nine members a majority of whom are parents whose children are provided home childcare coordinated by the office. Board members must also include a home childcare provider whose operation is coordinated by the office, and representatives of childcare centres that are members of the legal person.

However, if no organization meets the criteria set out in section 43 or agrees to be accredited as a coordinating office, the Minister may accredit a nonprofit legal person having an establishment in the territory.

The Minister may accredit a coordinating office following an application or after solicitation.

41. Only a home childcare coordinating office accredited by the Minister may recognize a person as a home childcare provider or coordinate the home childcare services of a person it has recognized.

Only the holder of accreditation from the Minister may use a name that includes the term "home childcare coordinating office".

42. A home childcare coordinating office has the following functions:

(1) to grant recognition within the territory assigned to it;

(2) to apply monitoring measures determined by regulation for the home childcare providers it has recognized;

(3) to distribute subsidized childcare spaces according to parents' childcare needs;

(4) to determine, according to the cases and conditions determined by regulation, a parent's eligibility for payment of the contribution set by the Government under section 82;

(5) to administer, according to the Minister's instructions, the granting, payment, maintenance, suspension, reduction or withdrawal of subsidies to the home childcare providers it has recognized and to manage the agreements, documents and information necessary for the administration of the subsidies;

(6) to maintain a centralized information service for home childcare services; and

(7) to foster ongoing training and development for home childcare providers and provide technical and pedagogical support on request;

(8) to deal with parents' complaints concerning the home childcare providers it has recognized.

§2. — Terms and conditions of accreditation

43. In granting accreditation, the Minister is to consider, among other things, the following criteria with regard to a childcare centre permit holder or a legal person:

(1) its objectives and priorities, the integrity and quality of its organization, its ability to coordinate home childcare in accordance with the geographical and cultural context, and its viability;

(2) its contribution to childcare services in terms of enrichment, complementarity and diversity;

(3) its resources;

(4) its presence in the territory defined by the Minister and its ability to collaborate with existing institutional, social, educational and community bodies; and

(5) the participation of parents, the users of the services it coordinates, in its activities.

The Minister may make accreditation subject to conditions determined by the Minister.

44. The accreditation determines the number of subsidized childcare spaces to be distributed by the coordinating office in the territory assigned to it.

45. Accreditation is granted for a renewable period of three years.

46. Notice of each accreditation, renewal or revocation is published in the *Gazette officielle du Québec*.

47. The Minister may, at the request of a coordinating office, modify its accreditation according to the criteria set out in section 43.

48. A coordinating office must obtain the Minister's authorization before changing the address of its head office, disposing of or transferring a significant asset that is necessary for its operations and was acquired by means of a subsidy, or making a change in its organization.

§3. — Revocation of accreditation

49. The Minister may revoke an accreditation in the following circumstances:

(1) the accredited party requests revocation of the accreditation;

(2) the accreditation was granted on the basis of false or misleading information;

(3) the accredited party does not comply with the conditions determined by law;

(4) the Minister judges that a change in the accredited party's circumstances makes revocation necessary given the criteria considered in granting the accreditation; or

(5) the accredited party acts contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds, or there has been malfeasance or breach of trust.

Unless the revocation is at the accredited party's request, the Minister must notify the accredited party in writing and give the accredited party at least 10 days to submit observations.

50. The Minister's decision, with reasons, is communicated in writing.

51. When an accreditation is revoked, the Minister assumes the coordination of services provided by the home childcare providers recognized by the former coordinating office, until a new coordinating office is accredited for the territory concerned. As of that time, the home childcare providers are deemed to have been recognized by the new coordinating office.

DIVISION II

HOME CHILDCARE PROVIDERS

52. A natural person who, in return for payment, provides childcare in a private residence

(1) to up to six children of whom not more than two are under the age of eighteen months, including the person's own children under nine years of age and any other children under nine who ordinarily live with the person and are present while the childcare is provided, or

(2) if the person is assisted by another adult, to up to six children of whom not more than four are under the age of eighteen months, including their own children under nine years of age and any other children under nine who ordinarily live with them and are present while the childcare is provided,

may be recognized as a home childcare provider by a coordinating office, according to the terms and conditions determined by regulation.

53. A natural person, other than a day care centre permit holder, who, in return for payment, provides childcare in a private residence to at least seven but no more than nine children must be recognized as a home childcare provider by a coordinating office in the manner determined by regulation and must be assisted by another adult.

The person and the adult assistant may not provide childcare to more than four children under the age of eighteen months and must, for the purpose of calculating the number of children, include any children under nine years old of their own, and any children under nine who ordinarily live with them and are present while the childcare is provided.

54. A recognized home childcare provider is committed to providing educational childcare services to children and is subject to monitoring by the coordinating office that granted its recognition.

55. Recognition of a home childcare provider is granted for a three-year period, and may be renewed, suspended or revoked under the circumstances and conditions determined by regulation.

56. A recognized home childcare provider is, with regard to the services the person provides to parents in that capacity, a provider of services within the meaning of the Civil Code.

Despite any conflicting provision, a recognized home childcare provider, when acting within the home childcare operation, is deemed not to be in the employ of, or an employee of, the coordinating office that granted its recognition. The same applies to an adult assistant and any employees of the home childcare provider.

CHAPTER IV

DOCUMENTS

57. Childcare providers and coordinating offices that receive subsidies must keep and preserve the books, accounts and registers required by the Minister, in the manner the Minister prescribes.

58. Childcare providers must keep and preserve, in accordance with the regulations, a registration card and an attendance card for each child to whom they provide childcare.

59. A coordinating office must send to the Minister, not later than 30 June of each year, an up-to-date list of the names of and contact information for each home childcare provider it has recognized, along with, in each case, the date of recognition, the number of children to whom childcare is to be provided, the number of subsidized childcare spaces assigned and the number of these spaces that have been filled.

The Minister may, during the year, require a coordinating office to send an update of the list.

CHAPTER V

REPORTS

60. The fiscal year of permit holders and coordinating offices ends on 31 March, unless another date is prescribed by another Act.

61. A permit holder or coordinating office that receives a subsidy under this Act must send to the Minister, not later than three months after the end of its fiscal year, a financial report for that fiscal year.

The report is to be audited if the subsidies received during that fiscal year total \$25,000 or more.

62. A permit holder or coordinating office that ceases to operate or whose permit or accreditation is revoked or not renewed must send to the Minister a financial report for the period that begins on the start-date of the current fiscal year and ends on the date operations cease or the permit or accreditation expires.

The report is to be audited if the subsidies received during this period total \$25,000 or more. The report must be submitted not later than three months after the cessation of operations or the notification of the Minister's decision to revoke or not to renew the permit or accreditation.

63. Permit holders and coordinating offices must send an activities report to the Minister not later than 30 June of each year.

64. The financial report and the activities report must contain the information required by the Minister.

CHAPTER VI

CONTROL MEASURES

DIVISION I

NOTICE OF NON-COMPLIANCE

65. The Minister may issue a notice ordering that corrective measures be taken by

(1) any person that does not comply with this Act;

(2) a permit holder or coordinating office that acts or has acted contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds; or

(3) a childcare centre permit holder or coordinating office whose financial situation must be redressed.

This written notice must specify the corrective measures to be taken and the time granted for their implementation.

DIVISION II

PROVISIONAL ADMINISTRATION

66. The Minister may designate a person to provisionally administer a childcare centre, day care centre or coordinating office

(1) if its permit is suspended or revoked;

(2) if the permit holder engages in practices or tolerates a situation likely to compromise the health, safety or well-being of the children to whom childcare is provided;

(3) if the permit holder or accredited party acts contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds, or if there has been malfeasance or breach of trust;

(4) if the Minister has reasonable grounds to believe that the permit holder or accredited party is using subsidies for purposes other than those for which they were granted; or

(5) if an investigation into the management and operations of the permit holder or accredited party is conducted under section 80.

The provisional administration must not last longer than 120 days; the Minister may grant an extension of not more than 90 days.

67. The provisional administration suspends the powers of the permit holder or accredited party.

68. A preliminary report of the provisional administrator's findings, with recommendations, is filed with the Minister as soon as possible.

The Minister sends a copy of the report to the permit holder or accredited party and gives the permit holder or accredited party at least 10 days to submit observations.

69. If the preliminary report confirms the existence of a situation described in section 66, the Minister may

(1) make retention of the permit or accreditation subject to restrictions the Minister judges appropriate, prescribe a time limit for correcting the situation and, if the time limit is not met, impose another period of provisional administration; or

(2) order the provisional administrator to continue to administer the childcare centre, day care centre or coordinating office.

70. The provisional administrator submits a final report to the Minister upon ascertaining that the situation that gave rise to the provisional administration has been, or cannot be, corrected.

The costs, fees and expenses of the provisional administration are payable by the permit holder or accredited party concerned, unless the Minister decides otherwise.

71. The provisional administrator may not be prosecuted for any act done in good faith in the exercise of his or her functions.

DIVISION III

INSPECTION

72. The Minister may authorize a person to act as an inspector for the purposes of this Act.

An inspector is an employee of the Minister. Before conducting an inspection, the inspector must identify himself or herself and, on request, show a certificate of authority signed by the Minister.

73. An inspector designated by the Minister may

(1) at any reasonable time, enter any premises where he or she has reasonable grounds to believe that activities are carried on which require a permit, recognition or accreditation under this Act, for the purpose of verifying whether the Act is being complied with;

(2) at any reasonable time, enter any premises where home childcare is provided, for the purpose of verifying whether the provisions of Chapter VII are being complied with;

(3) inspect any premises and equipment covered by this Act, and take photographs or make recordings;

(4) require that any document be communicated for examination or reproduction, if he or she has reasonable grounds to believe that it contains information relating to the application of this Act.

74. If an inspector discovers that a permit holder has failed to comply with a safety standard prescribed for a play area, play space or play equipment, he or she may issue a notice of non-compliance indicating the deficiencies observed and the time granted to correct them.

If the permit holder fails to comply with the notice, the Minister may order such work as is necessary at the permit holder's expense or prohibit access to the premises or equipment until the situation is corrected.

75. If an inspector discovers that the state of a play space or area or of play equipment constitutes a hazard for children, he or she must order its immediate evacuation.

The permit holder may submit observations to the Minister within the time specified in the evacuation order.

The Minister may suspend or cancel the inspector's decision.

76. An inspector may affix a seal to play equipment to which he or she has prohibited access.

No person may break a seal affixed by an inspector.

77. When the premises or the play equipment are no longer a hazard for children and comply with the standards prescribed by regulation, the Minister authorizes access to the premises or the equipment and the removal of any seals.

78. No person may hinder an inspector in the exercise of inspection functions, make misleading statements to an inspector or refuse to provide an inspector with the information he or she has the right to obtain under this Act.

The person in charge of the premises being inspected and any person who works there are required to assist the inspector. In addition, the person having custody, possession or control of a document referred to in paragraph 4 of section 73 must give the inspector access to the document and assistance in examining it.

79. An inspector may not be prosecuted for any act done in good faith in the exercise of inspection functions.

DIVISION IV

INVESTIGATIONS

80. The Minister or any person designated by the Minister may investigate any matter relating to the application of this Act.

In the context of an investigation, the Minister and investigators are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

An investigator must, on request, identify himself or herself and show a certificate of authority signed by the Minister.

81. An investigator may send a summons by fax machine or any other electronic means, provided the intended recipient can be so reached.

CHAPTER VII

PARENTAL CONTRIBUTION AND SUBSIDIES

DIVISION I

CONTRIBUTIONS

82. The Government may, by regulation, set the amount of the contribution to be paid by a parent for childcare services for which the childcare provider is subsidized.

In all other cases, the childcare provider sets the amount of the parental contribution for the childcare services provided.

83. The parental contribution referred to in the first paragraph of section 82 applies to childcare services according to the age group of the children and the type and duration of services as determined by regulation.

The contribution may be indexed according to the method prescribed by regulation. The indexed amount is payable as of the coming into force of the amendment.

For the purposes of paragraphs e and f of section 190 and section 191 of the Consumer Protection Act (R.S.Q., chapter P-40.1), the total amount to be paid and the rate stated in the childcare services contract are revised accordingly.

84. The Government may, by regulation, determine conditions of payment of the parental contribution for a day or half day of childcare, and cases in which full or partial exemption from the contribution is granted for the services determined by the Government.

85. A parent pays the contribution or is fully or partially exempted from paying it on condition that a subsidy has been granted to the childcare provider for the childcare space requested by the parent.

86. A subsidized childcare provider may not demand payment of a contribution from a parent who has been exempted, or demand payment of a contribution other than that set by regulation for the services concerned. In addition, a subsidized childcare provider may not charge administration, registration or management fees for the services provided, or charge a fee for entering a person on a waiting list for a subsidized childcare space.

A subsidized childcare provider may not make a child's admission subject to a parent's undertaking to pay a contribution exceeding that set by regulation for the services concerned or to pay fees referred to in the first paragraph. In addition, a subsidized childcare provider may not refuse to provide childcare to a child because his or her parents refuse to pay such a contribution or such fees.

87. A parent who believes he or she has been wronged by the decision of a permit holder or home childcare coordinating office regarding the parent's eligibility for payment of the contribution set by regulation or for an exemption may apply to the Minister for a review of the decision.

The application must be made in writing within 90 days after the day on which the parent is notified of the decision, and must contain a brief summary of the grounds for the review.

The Minister may grant an extension if the parent can show that he or she was unable, for serious and valid reasons, to act sooner.

88. Within 30 days after receiving the application, the Minister sends a written decision, with reasons, to the parent and childcare provider concerned.

DIVISION II

SUBSIDIES

89. The Minister may, according to the conditions and priorities the Minister determines, grant a subsidy

(1) to a childcare centre permit applicant, for the establishment of such a centre; or

(2) to a childcare centre permit holder or a home childcare coordinating office, for funding purposes.

90. The Minister may, according to the conditions and priorities the Minister determines, subsidize childcare providers for the provision of childcare services for which the contribution payable is set by the Government. The amount of such subsidies may vary depending on whether the childcare provider is a childcare centre permit holder, day care centre permit holder or home childcare provider.

Such subsidized childcare is for children from birth to their admission to preschool, and may be offered to children in preschool or elementary school who cannot be provided childcare at school within the meaning of the Education Act and the Act respecting private education.

91. The Minister may likewise grant a subsidy to any person, partnership or association in order to facilitate or support the development or improvement of childcare services, to meet specific childcare needs or to foster experimentation or innovation in the field of childcare.

92. The Minister may, according to the conditions the Minister determines, enter into a subsidy agreement with a permit applicant or childcare provider.

93. The Minister determines the number of subsidized childcare spaces annually and allocates them to permit applicants, permit holders and home childcare coordinating offices, according to the needs and priorities the Minister determines.

Home childcare providers may not receive a subsidy for the childcare they provide, within their childcare operation, to their own children or to children who ordinarily live with them. Nor may they receive a subsidy for childcare provided to their assistants' children or to children who ordinarily live with their assistants, if the services are provided at the children's residence.

94. The Minister may reallocate childcare spaces that a permit applicant or a permit holder fails to make available, or that a coordinating office fails to distribute, within the time determined by the Minister.

Likewise, the Minister may reallocate a childcare space allocated to a permit holder if it becomes unoccupied.

A coordinating office may reallocate a childcare space allocated to a home childcare provider if it becomes unoccupied or if the services offered no longer satisfy the terms of the subsidy agreement.

95. A childcare provider that has been allocated fewer childcare spaces than the allowable maximum may only make up the difference by accepting

children who will occupy the spaces already allocated or who do not meet the conditions set out in the second paragraph of section 90.

96. A subsidy granted to a home childcare provider may be paid by the Minister to the coordinating office.

The coordinating office must remit the subsidy to the home childcare provider within 15 days following the provision of the childcare services.

97. The Minister may cancel or reduce a subsidy or suspend payment in whole or in part if the recipient

(1) is not entitled to the subsidy;

(2) refuses or neglects to comply with the subsidy agreement;

(3) refuses or neglects to comply with sections 57 to 65;

(4) refuses or neglects to pay an amount due to the Minister under this Act;

(5) acts contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds, or uses such subsidies for purposes other than those for which they were granted;

(6) files a financial report containing a qualification or reasons for a denial of opinion, and the Minister judges that corrective measures must be taken;

(7) contravenes section 86; or

(8) refuses or neglects to establish or comply with a recovery plan under section 98.

If a non-compliance notice has not already been issued to the subsidy recipient, the Minister, before applying a measure provided for in the first paragraph, gives the recipient at least 10 days to submit observations.

98. In a case described in subparagraph 5 or 6 of the first paragraph of section 97, the Minister may, before cancelling, reducing or suspending a subsidy, establish, in cooperation with a permit holder or a coordinating office and within the time determined by the Minister, a recovery plan to correct the situation.

The plan may include recommendations regarding the management of human, financial or physical resources and provide for the presence, for a specified time, of a person designated by the Minister to assist in carrying out the plan.

99. The recipient of a subsidy must, for a period of six years, keep all supporting documents related to the granting and use of the subsidy, and must allow the Minister to audit such documents at any time.

100. Any subsidy received without entitlement must be repaid to the Minister by the recipient.

Any amount due is subject to interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), and may be deducted from any future subsidies.

101. When a childcare centre permit holder or a home childcare coordinating office ceases to operate, is dissolved, or has its permit or accreditation revoked, the assets it acquired out of subsidies are transferred to a non-profit legal person with similar objects designated by the Minister.

CHAPTER VIII

COMMUNICATION OF INFORMATION

102. A permit holder, a home childcare coordinating office or a recognized home childcare provider must communicate to the Minister, on request, the personal or other information needed by the Minister for the purposes of this Act, whether for studies, research or the administration of a subsidy.

In the case of a coordinating office, the information referred to in the first paragraph includes that obtained from a home childcare provider that it has recognized. A home childcare provider must likewise, on request, communicate to the coordinating office the information it needs to exercise its functions or administer a subsidy.

The information concerned may relate to the permit holder, the coordinating office or a home childcare provider, their directors or personnel, the childcare services they provide or coordinate, or the children receiving childcare and their parents.

103. In order to determine whether the objectives of the Act are being achieved, the Minister may require that parents whose child is receiving subsidized childcare communicate to the Minister, at the time determined and using the form supplied by the Minister, the documents and information prescribed by regulation concerning their employment, annual income bracket, family make-up and childcare needs.

CHAPTER IX

PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

104. An applicant who is denied a permit, a permit holder whose permit is suspended, revoked or not renewed, a home childcare provider whose recognition is suspended, revoked, or not renewed, or a parent who believes he or she had been wronged by a decision under section 88 may contest the decision of the Minister or the home childcare coordinating office, as the case

may be, before the Administrative Tribunal of Québec within 60 days after being notified of the decision.

105. A home childcare coordinating office whose decision is contested is a party to the proceeding within the meaning of section 101 of the Act respecting administrative justice (R.S.Q., chapter J-3) and must, among other things, send the documents and information referred to in the first paragraph of section 114 of that Act to the secretary of the Tribunal within 30 days after receiving a copy of the motion.

CHAPTER X

REGULATIONS

106. The Government may, by regulation, for part or all of Québec,

(1) determine the content of an application for the issuance or renewal of a permit, the qualifications required of the applicant, the conditions to be met, the information and documents to be provided and the fees to be paid;

(2) define classes according to the age of the children and the childcare services provided by the permit holder;

(3) set the maximum number of children permitted in a childcare provider's premises or play space, according to the dimensions and lay-out of the premises or play space, the age of the children and the services to be provided;

(4) establish the standards of hygiene, salubrity and safety to be met by childcare providers;

(5) establish standards for the lay-out, equipment, furnishing, maintenance, heating and lighting of premises where childcare is provided, require that there be a play space, delimit areas within that space for specific uses and establish standards for the lay-out, equipment, maintenance and safety of the play space or play areas;

(6) establish rules for the election of the directors of a legal person or cooperative holding a childcare centre permit and for the operation of its board of directors, and determine the content of its by-laws;

(7) establish the requirements to be met by the staff members of a coordinating office or the holder of a childcare or day care centre permit according to the responsibilities and the type of job held, in particular with regard to safety and moral character, and determine which of the impediments or criminal or indictable offences referred to in paragraphs 2 and 3 of section 26 are to be retained;

(8) establish qualification standards, including standards of equivalency with regard to training and experience acquired outside Québec, and other requirements to be met by persons working for a childcare provider; (9) establish qualification standards, including standards of equivalency with regard to training and experience acquired outside Québec, and other requirements to be met by a person responsible for managing a childcare centre, day care centre or home childcare coordinating office, and define the duties of this person;

(10) establish qualification standards, including standards of equivalency with regard to training and experience acquired outside Québec, and other requirements to be met by a person responsible for granting recognition to home childcare providers, and define the duties of this person;

(11) identify the records that must be kept by a permit holder or a home childcare coordinating office as well as the information and documents these records must contain, and define rules for their preservation;

(12) determine the information and documents that a childcare provider or home childcare coordinating office must update and communicate;

(13) set the ratio of staff to children to be respected by a childcare provider;

(14) determine the formalities to be followed when registering and admitting children and when taking them on an outing;

(15) determine the content of registration cards and attendance cards, and establish standards for their preservation, consultation and reproduction;

(16) determine the standards with respect to which a permit holder must file a certificate, the form and contents of the certificate and the time it must be filed;

(17) determine the information and documents to be provided by a permit holder upon changing one of its directors;

(18) determine the information and documents needed to verify the existence of an impediment that a police force in Québec is required to communicate to the Minister;

(19) determine the conditions to be met by a permit holder or home childcare coordinating office that ceases to operate;

(20) determine rules governing the operation of the parents committee of a day care centre;

(21) determine the requirements to be met by a person seeking recognition as a home childcare provider or renewal of such recognition;

(22) determine terms and conditions for recognition of a home childcare provider;

(23) determine the monitoring measures to be applied to a home childcare provider and the situations that can lead to non-renewal, suspension or revocation of recognition;

(24) determine the information and documents a home childcare provider must communicate to the coordinating office that granted its recognition;

(25) set the parental contribution for the services determined by the Government and prescribe how it is to be calculated and when it is to be indexed;

(26) determine the terms and conditions for payment of the parental contribution set by the Government and define the cases in which a parent may be fully or partially exempted from paying that contribution for all or some services, as specified;

(27) determine the persons, other than the parent, from whom payment of the parental contribution set by the Government may be required;

(28) determine the age class and the type and duration of childcare services to which the parental contribution set by the Government applies;

(29) determine the documents and information that parents whose child is receiving subsidized childcare must communicate to the Minister concerning their employment, annual income bracket, family make-up and childcare needs; and

(30) determine, from among the provisions of a regulation made under this section, those whose infringement constitutes an offence punishable under section 117.

107. The Minister may, by regulation, for part or all of Québec,

(1) determine elements and services to be included in the educational program of a childcare provider; and

(2) determine conditions under which accreditation is to be granted by the Minister.

108. In an exceptional case and if the Minister considers it warranted and in the public interest, the Minister may authorize the application of a measure that departs from a standard established by or under this Act other than a standard established under any of paragraphs 13, 14, 16 and 21 to 30 of section 106.

However, before the Minister may authorize the application of a measure that departs from a standard established under paragraph 3, 4, 5, 8, 9 or 15 of section 106, the permit holder or applicant must prove to the Minister that the proposed measure is appropriate and would, to the same degree, ensure the health and safety and foster the development and well-being of the children.

CHAPTER XI

PENAL PROVISIONS

109. A person that contravenes section 6, 15, 41 or 53, the second paragraph of section 76, section 78 or section 99 or allows access to a play space, play area or play equipment access to which has been prohibited or the evacuation of which has been ordered under section 74 or 75 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

110. A permit holder that contravenes section 13, 14, 16, 17, 20, 22, 25 or 30 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

111. A day care centre permit holder that contravenes section 31 or 33, the second paragraph of section 34, section 37 or 38 is guilty of an offence and is liable to a fine of \$250 to \$1,000.

112. An accredited home childcare coordinating office that contravenes section 48 or 59 is guilty of an offence and is liable to a fine of \$250 to \$1,000.

113. A childcare provider or an accredited home childcare coordinating office receiving a subsidy under this Act that fails to keep, or records false or inaccurate information in, the books, accounts and registers referred to in section 57 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

114. A childcare provider that fails to keep, or enters false or misleading information on, the registration card or attendance card referred to in section 58 is guilty of an offence and is liable to a fine of \$250 to \$1,000.

115. A permit holder or an accredited home childcare coordinating office receiving a subsidy under this Act that fails to produce within the time prescribed, or records false or inaccurate information in, the report referred to in section 61, 62 or 63 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

116. A childcare provider that contravenes section 86 or 95 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

117. A person that contravenes a regulatory provision made under paragraph 30 of section 106 is guilty of an offence and is liable to a fine of \$250 to \$1,000.

118. If a legal person contravenes any of sections 109 to 117, any director or representative of the legal person who authorized, permitted or consented to

the commission of the offence is party to the offence and is liable to the fines provided for in those sections.

119. In the case of a second or subsequent conviction, the fines provided for in sections 109 to 117 are doubled.

120. If, in a facility, activities requiring a permit or recognition under section 6 are carried on without a permit, the Minister may, after notifying the parents of the children to whom childcare is provided, have the children evacuated and close the facility immediately, before proceedings are instituted under section 109.

CHAPTER XII

MISCELLANEOUS PROVISIONS

DIVISION I

REPRESENTATION AND DELEGATION

121. The Minister may designate regional representatives and determine their functions.

The Minister may also authorize, in writing, a person, government department or body or a public institution within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) to exercise some or all of the powers conferred on the Minister by this Act.

A person, government department, body or public institution so authorized may not be prosecuted for any act done in good faith in the exercise of those functions.

DIVISION II

PILOT PROJECTS

122. The Minister may establish a pilot project for the purpose of experimenting or innovating in the field of childcare services, or for the purpose of studying, improving or defining childcare standards.

The Minister may also authorize a person, partnership or association to provide childcare services within such a pilot project according to standards that depart from those established by or under this Act.

123. The Minister may issue directives establishing the standards applicable to a pilot project.

The Minister may, at any time, make changes or put an end to a pilot project after advising the person, partnership or association concerned.

124. The maximum duration of a pilot project is three years.

DIVISION III

AGREEMENT WITH REPRESENTATIVE ASSOCIATION

§1. — Agreement

125. The Minister may make an agreement with one or more representative associations of home childcare providers concerning the provision and financing of home childcare services and the creation and maintenance of programs and services that meet the needs of all home childcare providers.

Before making such an agreement, the Minister consults with all representative associations of home childcare providers and with all home childcare coordinating offices, and submits the draft agreement to the Government for approval.

126. If, during the process that is to lead to an agreement, the parties wish to bring in a third party to advise them on any matter that may be covered by the agreement or to facilitate the making of the agreement, they may agree on the appointment and terms of appointment of a third party.

127. The agreement is binding on all home childcare providers, whether or not they are members of an association that is party to the agreement, and on all home childcare coordinating offices.

§2. — Representative association

128. A representative association is

(1) an association whose membership consists solely of home childcare providers and comprising at least 350 members; or

(2) an alliance of associations whose membership consists solely of home childcare providers and which, together, comprise at least 350 members.

129. For the purposes of section 125, a home childcare provider belonging to a representative association may not be a member of another representative association other than an alliance referred to in paragraph 2 of section 128.

130. A representative association that is an alliance of associations has exclusive authority to represent each of the member associations.

131. In no case may a home childcare coordinating office or a person acting in its name represent or play a role in forming or administering a representative association of home childcare providers.

132. A representative association must, on request, communicate to the Minister up-to-date documents showing its constitution, the name and address of each home childcare provider that is a member of the association and the names of the home childcare coordinating offices having recognized each of them.

An alliance must also communicate up-to-date documents showing its constitution, the name and address of each association it represents, and the name and address of each home childcare provider that is a member of such an association, as well as the names of the home childcare coordinating offices having recognized each of them.

DIVISION IV

RECOGNITION OF EQUIVALENCY

133. In the exercise of ministerial responsibilities, the Minister may take the necessary measures, in collaboration with the government departments concerned or the competent bodies, to facilitate the recognition in Québec of training and experience acquired outside Québec and the awarding of an equivalency.

DIVISION V

LAND USE PLANNING AND DEVELOPMENT

134. Despite any existing zoning by-laws, the council of a local municipality may, by by-law and subject to the conditions imposed by the council, authorize the granting of permits for the use of land or the construction, alteration or occupation of buildings for the purposes of a childcare centre or day care centre within the meaning of this Act.

No municipal by-law made under a general law or special Act may operate to prevent

(1) the opening or maintenance of a home childcare operation for the sole reason that it is a home childcare operation;

(2) the maintenance of a day care centre operated by a person holding a permit authorizing the operation of a reception centre belonging to the class of day care centres that was issued by the Minister of Health and Social Services before 29 November 1979; or

(3) the maintenance of a childcare centre operated by a person holding a day care centre permit issued by the Office des services de garde à l'enfance before 1 September 1997.

The second paragraph overrides any general law or special Act and any municipal by-law made under a general law or special Act.

DIVISION VI

MINISTER RESPONSIBLE

135. The Minister of Families, Seniors and the Status of Women is responsible for the administration of this Act.

CHAPTER XIII

AMENDING PROVISIONS

CITIES AND TOWNS ACT

136. Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) of a childcare centre or day care centre within the meaning of the Educational Childcare Act (2005, chapter 47), for the purpose of setting up the childcare centre or day care centre in the immovables."

MUNICIPAL CODE OF QUÉBEC

137. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) of a childcare centre or day care centre within the meaning of the Educational Childcare Act (2005, chapter 47), for the purpose of setting up the childcare centre or day care centre in the immovables."

ACT TO FACILITATE THE ESTABLISHMENT OF A PENSION PLAN FOR EMPLOYEES WORKING IN CHILDCARE SERVICES

138. Section 1 of the Act to facilitate the establishment of a pension plan for employees working in childcare services (R.S.Q., chapter E-12.011) is amended by replacing "under the Act respecting childcare centres and childcare services (chapter C-8.2), of holders of a day care centre permit issued thereunder who have entered into an agreement under section 39.1 of that Act with the Minister and of associations representing such permit holders" by "under the Educational Childcare Act (2005, chapter 47), of holders of a day care centre

permit so issued receiving a subsidy under section 90 of that Act and of associations representing those permit holders".

139. Section 2 of the Act is amended by replacing "the holder of a child care centre permit under the Act respecting childcare centres and childcare services (chapter C-8.2)" in the second paragraph by "a home childcare coordinating office under the Educational Childcare Act (2005, chapter 47)".

ACT RESPECTING MUNICIPAL TAXATION

140. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing subparagraph c of paragraph 14 by the following subparagraph:

"(c) an immovable that is included in a unit of assessment entered on the roll in the name of a cooperative or a non-profit organization holding a childcare centre or day care centre permit or accredited as a home childcare coordinating office under the Educational Childcare Act (2005, chapter 47), and that is used chiefly for the carrying on of functions proper to a childcare centre, day care centre or coordinating office;".

141. Section 236 of the Act is amended by replacing subparagraph g of paragraph 1 by the following subparagraph:

"(g) a cooperative or non-profit organization under a childcare centre or day care centre permit or an accredited home childcare coordinating office pursuant to the Educational Childcare Act (2005, chapter 47);".

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

142. Section 255.2 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended

(1) by striking out "in accordance with the Act respecting childcare centres and childcare services (chapter C-8.2) and the regulations" in the first paragraph;

(2) by striking out "or another person determined by regulation under the said Act" in the second paragraph;

(3) by striking out the third and fourth paragraphs.

ACT RESPECTING ADMINISTRATIVE JUSTICE

143. Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 306 of chapter 1, section 158 of chapter 15, section 14 of chapter 16 and section 27 of chapter 17 of the statutes of 2005, is again amended

(1) by striking out paragraph 4 of section 1;

(2) by replacing paragraph 8 of section 3 by the following paragraph:

"(8) proceedings under section 104 of the Educational Childcare Act (2005, chapter 47);".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

144. Section 114 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is replaced by the following section:

"114. A public institution may

(1) operate a day care centre in accordance with the Educational Childcare Act (2005, chapter 47) or a stop over centre under section 153 of that Act;

(2) if it has been designated by the Minister of Families, Seniors and the Status of Women under section 121 of that Act to be the Minister's regional representative, act in that capacity and exercise the related functions;

(3) exercise any power that Minister authorizes it to exercise under that Act;

(4) make an agreement with that Minister under section 10 of the Act respecting the Ministère de la Famille et de l'Enfance (chapter M-17.2)."

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

145. Section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by replacing "day care establishments contemplated in the Act respecting childcare centres and childcare services (chapter C-8.2)" in subparagraph k of the first paragraph by "childcare providers within the meaning of the Educational Childcare Act (2005, chapter 47)".

146. Section 135.1 of the Act is replaced by the following section:

"135.1. A public institution may

(*a*) operate a day care centre in accordance with the Educational Childcare Act (2005, chapter 47);

(b) if it has been designated by the Minister of Families, Seniors and the Status of Women under section 121 of that Act to be the Minister's regional representative, act in that capacity and exercise the related functions;

(c) exercise any power that Minister authorizes it to exercise under that Act;

(*d*) make an agreement with that Minister under section 10 of the Act respecting the Ministère de la Famille et de l'Enfance (chapter M-17.2)."

TOBACCO ACT

147. Section 2 of the Tobacco Act (R.S.Q., chapter T-0.01), amended by section 3 of chapter 29 of the statutes of 2005, is again amended by replacing paragraph 4 by the following paragraph:

"(4) facilities operated by a childcare centre or day care centre within the meaning of the Educational Childcare Act (2005, chapter 47) and private residences where home childcare within the meaning of that Act is provided, during the hours when childcare is provided;".

148. Section 2.1 of the Act, enacted by section 4 of chapter 29 of the statutes of 2005, is amended by replacing ", day care centres, stop over centres and nursery schools within the meaning of the Act respecting childcare centres and childcare services" in paragraph 3 by "and day care centres within the meaning of the Educational Childcare Act (2005, chapter 47)".

149. Section 17 of the Act, amended by section 21 of chapter 29 of the statutes of 2005, is again amended by replacing "other childcare service" in paragraph 3 by "day care centre".

CHAPTER XIV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

150. This Act replaces the Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2).

151. A regulation made under the Act respecting childcare centres and childcare services remains in force until it is replaced or repealed by a regulation made under this Act.

152. Rights and obligations relating to home childcare services conferred on childcare centre permit holders by the Regulation respecting childcare centres, made by Order in Council 1069-97 (1997, G.O. 2, 4368), and the Regulation respecting reduced contributions, made by Order in Council 1071-97 (1997, G.O. 2, 4393), are conferred on accredited home childcare coordinating offices, with the necessary modifications.

153. Section 6 does not apply to a person operating a nursery school that establishes that the person was operating that nursery school on 25 October 2005.

"Nursery school" means an establishment that provides educational childcare in a facility where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day and are offered activities conducted over a fixed period.

154. A legal person or cooperative that holds a childcare centre permit on 1 June 2006 has until 1 June 2007 to bring the composition of its board of directors into compliance with the requirements of section 7.

155. Despite the second paragraph of section 11, a school board that holds a day care centre permit on 1 June 2006 may obtain a permit renewal from the Minister on the conditions prescribed by law.

156. Section 12 applies to a permit in force on 1 June 2006 only as of its renewal unless the permit holder requests a modification of the permit before its renewal.

157. Section 15 does not apply to a person, partnership or association which, on 14 May 1997, was using a name that includes the term "childcare centre" and appears in the declaration of registration filed under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45). The person, partnership or association may continue to use that name, provided that it is not used in such a manner as to lead to the belief that the centre is a childcare centre within the meaning of this Act.

158. The Minister may accredit, as a home childcare coordinating office, a legal person that holds a childcare centre permit on 16 December 2005 and that has been dispensed from providing childcare in a facility under section 73.1.1 of the Act respecting childcare centres and childcare services if it undertakes to bring its board of directors into compliance with the requirements of subparagraphs 3 and 5 of the first paragraph and the second, third and fourth paragraphs of section 7 and the requirements of section 9, with the necessary modifications, within six months after it is accredited.

However, the parent members of the board of directors must be parents whose children are provided childcare coordinated by the office.

159. A childcare centre permit holder that coordinates home childcare services on 16 December 2005 must communicate to the Minister, in the manner and according to the conditions determined by the Minister and not later than 20 January 2006, the names of and contact information for each home childcare provider the centre has recognized, the date of recognition and the number of subsidized childcare spaces granted.

160. A childcare centre permit holder that has not been accredited by the Minister as a home childcare coordinating office and operates a childcare centre in a territory assigned to a coordinating office must, without delay at the Minister's request, communicate to the coordinating office the names and

addresses of the persons the centre has recognized as home childcare providers, as well as the records drawn up concerning those persons in accordance with the Act respecting childcare centres and childcare services and the regulations.

Such persons are deemed to be recognized by the coordinating office as of 1 June 2006 unless they notify the coordinating office of their intention to give up the recognition.

161. A person who, on 1 June 2006, is a recognized home childcare provider must undergo an assessment not later than 31 March 2007 for the renewal of the person's recognition by the competent accredited coordinating office in accordance with section 55.

162. Section 59 applies with respect to the year 2006 from 30 September 2006.

163. Sections 61 and 63 apply to coordinating offices from the fiscal year 2006-2007.

164. The second paragraph of section 97 does not apply to a childcare centre permit holder whose subsidies have been cancelled or reduced because the permit holder no longer coordinates home childcare services.

165. Any case pending on 1 June 2006 before the Administrative Tribunal of Québec concerning the suspension or revocation of the recognition of a home childcare provider by a childcare centre permit holder is continued, without continuance of suit, by the territorially competent home childcare coordinating office. The same applies to any application for judicial review of a decision rendered by the Tribunal in such a matter pending on that date.

The childcare centre permit holder must, without delay, send the coordinating office a copy of the file prepared for that purpose. The coordinating office notifies the tribunal or court concerned.

However, the childcare centre permit holder may remain a party to the proceedings if it proves its interest.

166. A regulation made under this Act before 1 September 2006 may have a shorter publication period than that provided for in section 11 of the Regulations Act (R.S.Q., chapter R-18.1), but not shorter than 20 days. Furthermore, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

167. The Government may, by a regulation made before 1 April 2007, enact any other transitional provision or measure needed to carry out this Act.

A regulation made under this section is not subject to the publication requirement set out in section 8 of the Regulations Act or to the date of coming into force set out in section 17 of that Act. Such a regulation may, if it so provides, apply from any date not prior to 16 December 2005.

168. This Act comes into force on 16 December 2005, except sections 1 to 39, the first paragraph of section 41, sections 52 to 93, 95 to 157 and 161 to 165, which come into force on 1 June 2006.



Bill 128 (2005, chapter 48)

An Act to amend the Act respecting roads

Introduced 9 November 2005 Passage in principle 24 November 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

This bill amends the Act respecting roads to constitute a servitude on electric power transmission lines, belonging to a government enterprise, that cross or border a road under the management of the Minister of Transport, to prohibit access between two contiguous roads one or both of which are under the management of the Minister and to provide for agreements between the Minister and local municipalities with respect to the carrying out of work on the road network and the apportionment of the costs.

Bill 128

AN ACT TO AMEND THE ACT RESPECTING ROADS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting roads (R.S.Q., chapter V-9) is amended by inserting the following after section 13:

"DIVISION II.1

"SERVITUDE

"13.1. Any road that is crossed or bordered by an electric power transmission line of a government enterprise or one of its subsidiaries is subject to a servitude affecting the site required by the transmission line, without indemnity and subject to the terms of an agreement between the Minister and the enterprise or the subsidiary.

The servitude stands if the management of the road is devolved to a municipality or if the road is closed. However, the servitude is extinguished with the dismantling of the electric power transmission line.

As soon as an order to entrust the management of the road to a municipality is made by the Government under the first paragraph of section 3, the Minister so informs the enterprise or the subsidiary whose electric power transmission line is subject to the servitude. The enterprise or subsidiary must publish the servitude in the land register by means of a notice which must include the terms of the agreement between the enterprise or subsidiary and the Government. As soon as the servitude is published, it is enforceable against the municipality or any person who later acquires the immovable that comprises the site of the servitude."

2. Section 22 of the Act is amended by adding the following paragraphs:

"Furthermore, access between two contiguous roads one or both of which are under the management of the Minister is prohibited; access remains prohibited if the management of the road or roads is devolved from the Minister to a municipality or if one of the roads is closed.

The second paragraph does not apply to accesses that exist on 16 December 2005."

3. Section 22.1 of the Act is amended

(1) by striking out "acquired by the Minister,";

(2) by inserting ", or a prohibition or limitation of access to a road under section 22" after "section 2".

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

"32. The Minister may enter into an agreement with a local municipality concerning the carrying out of building, rebuilding or maintenance work on roads under the management of the Minister or of the municipality; the agreement may provide for the apportionment of the cost of the work."

5. This Act comes into force on 16 December 2005.



Bill 133 (2005, chapter 49)

An Act to insert article 1974.1 in the Civil Code

Introduced 15 November 2005 Passage in principle 24 November 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

This bill proposes to amend the Civil Code so that a lessee may resiliate a lease if, because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, the safety of the lessee or of a child living with the lessee is threatened.

Bill 133

AN ACT TO INSERT ARTICLE 1974.1 IN THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Québec (1991, chapter 64) is amended by inserting the following article after article 1974:

"1974.1. A lessee may resiliate the current lease if, because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, even by a third party, the safety of the lessee or of a child living with the lessee is threatened.

The resiliation takes effect three months after the sending of a notice to the lessor or one month after the notice if the lease is for an indeterminate term or a term of less than twelve months, or before the end of that period if the dwelling is re-leased or the parties agree otherwise.

The notice must be sent with an attestation from a public servant or public officer designated by the Minister of Justice, who, on examining the lessee's sworn statement that there exists a situation involving violence or sexual aggression, and other factual elements or documents supporting the lessee's statement provided by persons in contact with the victims, considers that the resiliation of the lease is a measure that will ensure the safety of the lessee or of a child living with the lessee. The public servant or public officer must act promptly."

2. The Minister of Justice must, not later than 1 April 2008, report to the Government on the application of article 1974.1 of the Civil Code and on the advisability of amending it.

The Minister must table the report in the National Assembly within the following 30 days or, if the National Assembly is not sitting, within 30 days of resumption.

3. This Act comes into force on 1 April 2006.



Bill 134 (2005, chapter 50)

An Act to again amend various legislative provisions concerning municipal affairs

Introduced 15 November 2005 Passage in principle 29 November 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

This bill amends various legislative provisions in order to take into account, among other things, the municipal reorganization occasioned by the reconstitution of certain municipalities on 1 January 2006. It specifically addresses the effect of the reorganization on metropolitan communities, public transit authorities and regional conferences of elected officers. It also adds the prevention and eradication of drug addiction and prostitution to the powers that can be exercised by an agglomeration council.

In addition, the bill grants the municipalities new delegation powers, in particular, by authorizing them to entrust any person with the operation of certain facilities and with the financing of work related to such operation. For the purposes of the application of the rules for awarding contracts, any contract by which a municipality implicitly entrusts the exercise of a municipal power to a third party is considered, under the bill, to be a contract for the supply of services.

The bill also grants local municipalities more latitude for the financing of certain expenditures. Thus, the financial reserve for the supply of water may henceforth be used to finance all the expenditures related to the supply of water, rather than only certain infrastructure expenditures. A similar financial reserve may be created to finance expenditures related to roads. In addition, the bill includes transitional provisions for Ville de Montréal related to those two elements.

The bill empowers municipalities to acquire a financial interest in certain development funds created in their territory. It also allows municipalities to form a limited partnership with a private-sector enterprise for the purpose of producing electric power by harnessing wind energy.

The bill also enacts, amends and corrects various provisions that govern municipal bodies. In particular, it broadens the rules governing the use of working funds, preserves the secrecy of confidential information when a document prepared by an assessor is consulted and relaxes the rules governing the updating of assessment rolls when more than one address must be changed.

LEGISLATION AMENDED BY THIS BILL:

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

- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Cities and Towns Act (R.S.Q., chapter C-19);
- 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);

- 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 the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);

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

- Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);

- Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01);

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

 Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18-2.1);

- Act respecting public transit authorities (R.S.Q., chapter S-30.01);

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

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

- Act respecting Ville de Chapais (1999, chapter 98);

- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);

- Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14);

- Municipal Powers Act (2005, chapter 6);

- Act to amend various legislative provisions concerning municipal affairs (2005, chapter 28).

Bill 134

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 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 135 of chapter 6 of the statutes of 2005, is again amended by replacing "or 124" in the second line of subparagraph 7 of the fourth paragraph by ", 124 or 126.1".

CHARTER OF VILLE DE GATINEAU

2. Section 86 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by replacing "December 2003" in the first line of the first paragraph by "March 2006".

CHARTER OF VILLE DE MONTRÉAL

3. Section 20 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 29 of chapter 28 of the statutes of 2005, is again amended by striking out the second paragraph.

4. Section 145 of the Charter is amended by replacing "The" in the first line of the first paragraph by "Except in the cases provided for in sections 146 and 146.1, the".

5. Section 146 of the Charter is amended by replacing "Despite section 145, and to" in the first line of the first paragraph by "To".

6. Section 146.1 of the Charter, amended by section 35 of chapter 28 of the statutes of 2005, is again amended by inserting "or for the financing of an expense arising from the exercise of a power delegated under section 186 of Schedule C" after "city council" in the third line of the first paragraph.

7. The Charter is amended by inserting the following section after section 151.3:

"**151.3.1.** The city may avail itself of the powers provided for in section 569.11 of the Cities and Towns Act (chapter C-19) in a different manner for each sector."

8. Section 133 of Schedule C to the Charter, amended by section 37 of chapter 28 of the statutes of 2005, is again amended

(1) by replacing "10%" in the fifth line of paragraph 1 by "20%";

(2) by inserting "or, in the case provided for in subparagraph b of the first paragraph, 10 years" after "years" in the second paragraph of paragraph 4.

CITIES AND TOWNS ACT

9. Section 114.4 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 50 of chapter 28 of the statutes of 2005, is amended by replacing "under" in the first line of the second paragraph by "provided for" and by adding the following paragraph after the second paragraph:

"The mayor of a borough of Ville de Montréal also has the power provided for in the first paragraph."

10. Section 114.11 of the Act, enacted by section 50 of chapter 28 of the statutes of 2005, is amended

(1) by replacing "estimate" in the third line of the first paragraph by "appropriation";

(2) by adding the following sentence at the end of the first paragraph: "The same applies to the budget of a borough of Ville de Montréal if the borough mayor exercised that power before the budget was adopted.";

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

"However, the appropriation may not exceed the amount determined by the Minister or the amount that corresponds to the percentage, determined by the Minister, of the total of the other appropriations for operating expenses provided for in the budget. If the Minister determines an amount and a percentage with regard to the same budget, the higher amount constitutes the applicable maximum.

If the budget of the municipality provides for appropriations for operating expenses related to a system of production, transmission or distribution of electric power, only 50% of the appropriations must be considered when determining the total referred to in the second paragraph.";

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

"The Minister may establish classes of municipalities and boroughs and determine a different amount or percentage for each one."

11. Section 114.12 of the Act, enacted by section 50 of chapter 28 of the statutes of 2005, is amended by replacing "estimate" in the second line of the first paragraph by "appropriation".

12. Section 488 of the Act is amended by replacing "a municipal or intermunicipal transit authority has jurisdiction pursuant to the Act respecting municipal and intermunicipal transit authorities (chapter S-30.1)" in the first, second and third lines by "a public transit authority has jurisdiction pursuant to the Act respecting public transit authorities (chapter S-30.01)".

13. Section 554 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first, third and fourth paragraphs by "Finance".

14. Section 555 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first paragraph by "Finance".

15. Section 563.1 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first paragraph by "Finance".

16. Section 569 of the Act is amended

- (1) by replacing "10%" in the first line of subsection 1.1 by "20%";
- (2) by replacing "five" in the third line of subsection 2 by "10".

17. The heading of subdivision 31.2 of Division XI of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is replaced by the following heading:

"§31.2. — Financial reserves for the supply of water and for roads".

18. Section 569.7 of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is amended by replacing "made to improve techniques and procedures and develop infrastructures related to the supply of water" in the second and third lines of the first paragraph by "related to the supply of water or to roads".

19. Section 569.8 of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is amended by replacing "for the supply of water" in the second line of subparagraph a of paragraph 2 by "either for the supply of water or for roads".

20. Section 569.11 of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is amended by replacing "for the supply of water" in the second line of the first paragraph by "either for the supply of water or for roads".

21. The Act is amended by inserting the following section after section 573.3.3:

"573.3.3.1. For the purposes of the preceding sections of this subdivision and the sections of the regulation under section 573.3.0.1, a contract by which a municipality implicitly delegates the exercise of a municipal power is considered a contract for the supply of services."

MUNICIPAL CODE OF QUÉBEC

22. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 938.3:

"938.3.1. For the purposes of the preceding articles of this Title and the sections of the regulation under article 938.0.1, a contract by which a municipality implicitly delegates the exercise of a municipal power is considered a contract for the supply of services."

23. Article 992 of the Code is amended by replacing "a municipal or intermunicipal transit authority has jurisdiction pursuant to the Act respecting municipal and intermunicipal transit authorities (chapter S-30.1)" in the first, second and third lines by "a public transit authority has jurisdiction pursuant to the Act respecting public transit authorities (chapter S-30.01)".

24. Article 1061 of the Code is amended by adding the following paragraphs after the fourth paragraph:

"Before approving a loan by-law of a regional county municipality the purpose of which is to finance a contribution to the common stock of a limited partnership formed under section 111 of the Municipal Powers Act (2005, chapter 6), the Minister may order the regional county municipality to submit the by-law for approval to the qualified voters in the local municipalities that must contribute to the payment of the expenditures relating to the partnership.

The Act respecting elections and referendums in municipalities (chapter E-2.2) applies, with the necessary modifications, to the approval required under the fifth paragraph."

25. Article 1065 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first and second sentences of subarticle 1 and in subarticle 2 by "Finance".

26. Article 1066 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first paragraph by "Finance".

27. Article 1071.1 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first paragraph by "Finance".

28. Article 1094 of the Code is amended

- (1) by replacing "10%" in the first line of subarticle 1.1 by "20%";
- (2) by replacing "five" in the third line of subarticle 2 by "10".

29. The heading of Chapter VII of Title XXVI of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is replaced by the following heading:

"CHAPTER VII

"FINANCIAL RESERVES FOR THE SUPPLY OF WATER AND FOR ROADS".

30. Article 1094.7 of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is amended by replacing "made to improve techniques and procedures and develop infrastructures related to the supply of water" in the second and third lines of the first paragraph by "related to the supply of water or to roads".

31. Article 1094.8 of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is amended by replacing "for the supply of water" in the second line of subparagraph a of paragraph 2 by "either for the supply of water or for roads".

32. Article 1094.11 of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is amended by replacing "for the supply of water" in the second line of the first paragraph by "either for the supply of water or for roads".

ACT RESPECTING THE COMMISSION MUNICIPALE

33. Section 3 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing "vice-presidents" in the first line of the second paragraph by "members".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

34. Section 4 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

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

"(1) the mayor of Ville de Montréal and 13 persons designated by the agglomeration council of that city from among the members of its regular

council and the councils of the other municipalities whose territory is situated in the agglomeration provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);";

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

"(3) the mayor of Ville de Longueuil and two persons designated by the agglomeration council of that city from among the members of its regular council and the councils of the other municipalities whose territory is situated in the agglomeration provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations;".

35. Section 189 of the Act is amended

(1) by replacing "10%" in the fifth line of paragraph 1 by "20%";

(2) by inserting "or, in the case provided for in subparagraph b of the first paragraph, 10 years" after "years" in the second paragraph of paragraph 4.

36. Schedule I to the Act is amended

(1) by inserting "Ville de Baie-D'Urfé, Ville de Beaconsfield," before the first "Ville" in the first line;

(2) by inserting "Ville de Boucherville, Ville de Brossard," after "Bois-des-Filion," in the second line;

(3) by inserting "Ville de Côte-Saint-Luc," after "Contrecœur," in the fourth line;

(4) by inserting "Ville de Dollard-Des Ormeaux, Ville de Dorval, Ville de Hampstead," after "Deux-Montagnes," in the fourth and fifth lines;

(5) by inserting "Ville de Kirkland," after "Hudson," in the fifth line;

(6) by inserting "Ville de L'Île-Dorval," after "L'Île-Cadieux," in the fifth line;

(7) by inserting "Ville de Montréal-Est, Ville de Montréal-Ouest, Ville de Mont-Royal," after "Montréal," in the tenth line;

(8) by inserting "Ville de Pointe-Claire," after "Pointe-Calumet," in the twelfth line;

(9) by inserting "Ville de Saint-Bruno-de-Montarville," after "Saint-Basile-Grand," in the fourteenth line;

(10) by inserting "Ville de Sainte-Anne-de-Bellevue," after "Saint-Constant," in the fifteenth line;

(11) by inserting "Ville de Saint-Lambert" after "Saint-Joseph-du-Lac," in the eighteenth line;

(12) by inserting "Village de Senneville," after "Saint-Sulpice," in the twenty-first line;

(13) by inserting ", Ville de Westmount" after "Verchères" in the twentythird line.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

37. Section 4 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing paragraph 1 by the following paragraph:

"(1) the mayor of Ville de Québec and eight persons designated by the agglomeration council of that city from among the members of its regular council and the councils of the other municipalities whose territory is situated in the agglomeration provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);".

38. Section 177 of the Act is amended by replacing "the Minister" in the third line by "the Minister of Finance".

39. Section 179 of the Act is amended

(1) by replacing "10%" in the fourth line of the first and second paragraphs of paragraph 1 by "20%";

(2) by adding the following paragraph at the end of paragraph 4:

"Despite the first paragraph, the term of a loan granted under subparagraph b of the first paragraph must not exceed 10 years."

40. Schedule A to the Act is amended

(1) by inserting "Ville de L'Ancienne-Lorette," after "Lac-Saint-Joseph," in the third line;

(2) by inserting "Ville de Saint-Augustin-de-Desmaures," after "Québec," in the fourth line.

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

41. Section 12 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), amended by section 196 of chapter 28 of the statutes of 2005, is

again amended by replacing "Municipal Affairs and Regions" in the first paragraph by "Finance".

42. Section 15 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by striking out "and the Minister of Municipal Affairs and Regions" at the end of the second sentence of the first paragraph.

43. Section 15.3 of the Act is amended by replacing "the authorizations required by law for the exercise of its borrowing power" in the first and second lines by "the authorization of the Minister of Finance".

44. Section 15.4 of the Act is amended by replacing "the authorizations required by law for the exercise of its borrowing power" in the second and third lines by "the authorization of the Minister of Finance".

45. Section 22.1 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" by "Finance".

46. Section 22.2 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" by "Finance".

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

47. Section 40.3 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2), enacted by section 65 of chapter 28 of the statutes of 2005, is amended by replacing the second sentence by the following sentence: "Section 111 of the Municipal Powers Act (2005, chapter 6) then applies, with the necessary modifications."

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

48. Section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing "Municipalité" in the second line by "Ville".

49. Section 19 of the Act, amended by section 244 of chapter 6 of the statutes of 2005 and section 155 of chapter 28 of the statutes of 2005, is again amended by inserting the following paragraph after paragraph 10:

"(10.1) the prevention and eradication of drug addiction and prostitution;".

50. Section 33 of the Act is amended by replacing "a new park or manage an existing park" in the third and fourth lines by "and manage a new park or

manage a park that existed on the date of the reorganization of the city to whose territory the agglomeration corresponds".

51. Section 34 of the Act is amended by adding the following paragraph at the end:

"The adoption of the by-law need not be preceded by a notice of motion."

52. Section 36 of the Act is amended by replacing "existing industrial park it identifies" in the second and third lines by "industrial park it identifies among those existing on the date of the reorganization of the city to whose territory the agglomeration corresponds".

53. Section 39 of the Act is amended

(1) by inserting ", by a by-law subject to the right of objection under section 115," after "may" in the first line of the first paragraph;

(2) by inserting ", in the manner set out in the first paragraph," after "amend it" in the second line of the second paragraph.

54. Section 43 of the Act is amended

(1) by replacing "The resolution" in the first line of the first paragraph by "The by-law";

(2) by striking out the second, third and fourth paragraphs.

55. Section 70 of the Act is amended by striking out the second paragraph.

56. Section 74 of the Act is amended by replacing "do not concern traffic or parking on thoroughfares" in the fifth and sixth lines of the first paragraph by "are not provisions of the Highway Safety Code (chapter C-24.2)".

57. Section 115 of the Act is amended by inserting "39," after "38," in the second line of the first paragraph.

58. Section 116 of the Act is amended by adding the following paragraph at the end:

"In the case of a by-law under section 39 intended to remove an element from the list of equipment, infrastructures and activities of collective interest, the by-law may be published or approved, as the case may be, only once a resolution expressing the agreement of the municipality concerned has been adopted by the council that would have the authority to make decisions concerning a subject referred to in section 41 in relation to that element should the by-law come into force." **59.** The Act is amended by inserting the following section after section 116:

"**116.1.** A related municipality may waive its right of objection to a bylaw it specifies.

An authenticated copy of the resolution by which the municipality waives its right is sent to the Minister and to each other related municipality simultaneously.

The by-law may be published to meet the publication requirement for its coming into force, before the period specified in section 115 has expired, if all the related municipalities have waived their right of objection to the by-law."

60. Section 175 of the Act is amended

(1) by replacing "the urban agglomeration of Montréal" in the first and second lines by "the urban agglomeration of Montréal, Québec or Longueuil";

(2) by replacing "the fiscal year 2006" in the third line by "either the fiscal year 2006 or the fiscal year 2007".

61. Section 178.1 of the Act, enacted by section 173 of chapter 28 of the statutes of 2005, is amended

(1) by inserting "an insurance contract or" before "a supply or services contract" in the third line of the first paragraph;

(2) by replacing "the supply of goods or services" in the sixth line of the first paragraph by "the contract";

(3) by inserting "supply or services" before "contract" in the first line of the fourth paragraph.

62. Section 178.2 of the Act, enacted by section 173 of chapter 28 of the statutes of 2005, is amended by replacing "the planned supply of goods or services" in the sixth line of the first paragraph by "the contract".

63. Section 179.1 of the Act, enacted by section 175 of chapter 28 of the statutes of 2005, is amended by replacing "the planned supply of goods or services" in the fifth and sixth lines of the first paragraph by "the contract".

ACT RESPECTING MUNICIPAL TAXATION

64. Section 79 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding the following sentence at the end of the second paragraph: "The right to examine a document granted in this paragraph is subject to section 79.1."

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

"79.1. In the case of an immovable that generates revenues due to the presence of two or more occupants, the right to examine a document granted to each occupant under the second paragraph of section 79 is subject to the rules set out in this section if the document the occupant of a part of the immovable wishes to examine contains financial information for determining the revenues generated by the immovable and that information specifically concerns another occupant or another part of the immovable.

The occupant may only examine the document if the financial information concerning any other occupant or part of the immovable is hidden or otherwise inaccessible or if it is integrated into the general information for the whole immovable in such a way that the reader is unable to match the information with another occupant or part of the immovable.

If the document is drawn up in such a way that compliance with the rule set out in the second paragraph is not practical, the document may not be examined. In such a case, another document allowing compliance with the rule must be prepared. The occupant may examine the other document or obtain a copy of it, on request.

The first three paragraphs apply to the right of an occupant, including a person who has filed an application for review or brought a proceeding before the Tribunal, to examine a document. They do not apply to the occupant of a business establishment. They do not limit the right of the Tribunal or a court before which the property value of the immovable is being contested to issue an order relating to the examination of relevant information by the occupant."

66. Section 176 of the Act is amended by adding the following paragraph after the second paragraph:

"If several addresses must be altered as a result of the constitution of a new local municipality, a regrouping or annexation, changes in the street name or number resulting from a territorial reorganization, or the replacement of a rural postal code by several urban postal codes, the assessor may file a global certificate for all of the alterations."

67. Section 180 of the Act is amended by adding the following sentence at the end of the first paragraph: "The clerk is not required to do so if the alteration was made by means of a global certificate under the third paragraph of section 176."

68. The Act is amended by inserting the following section after section 180:

"180.1. If several alterations were made by means of a global certificate under the third paragraph of section 176, the clerk gives a public notice, as set out in section 75, explaining in a general manner that the roll has been altered to reflect address changes made necessary by an event, specified by the clerk, referred to in that paragraph."

"Furthermore, no application for review may be filed or action to quash or set aside brought with regard to an alteration made by means of a global certificate under the third paragraph of section 176."

70. Section 232.2 of the Act is amended

(1) by inserting "or to which this paragraph applies" after "mentioned in this paragraph" in the first line of the second paragraph;

(2) by replacing "Ville de Montréal" in subparagraph 1 of the second paragraph by "any municipality whose territory is included in the agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)";

(3) by replacing "Ville de Longueuil" in subparagraph 3 of the second paragraph by "any municipality whose territory is included in the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations";

(4) by replacing "Ville de Québec" in subparagraph 5 of the second paragraph by "any municipality whose territory is included in the agglomeration of Québec provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations".

71. Section 244.40 of the Act is amended

(1) by inserting "or to which this paragraph applies" after "mentioned in this paragraph" in the first line of the second paragraph;

(2) by replacing "Ville de Montréal" in subparagraph 1 of the second paragraph by "any municipality whose territory is included in the agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)";

(3) by replacing "Ville de Longueuil" in subparagraph 3 of the second paragraph by "any municipality whose territory is included in the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations";

(4) by replacing "Ville de Québec" in subparagraph 5 of the second paragraph by "any municipality whose territory is included in the agglomeration of Québec provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations".

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

72. Section 4 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by replacing "five" in the fourth line by "10".

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

73. Section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01) is amended by replacing "the territory of Ville de Longueuil" in the third line of the second paragraph by "the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)".

74. Section 100 of the Act is amended by replacing the sixth paragraph by the following paragraph:

"The board of directors shall be composed of,

(1) in the case of the regional conference of elected officers of the administrative region of Laval, all the members of the council of Ville de Laval;

(2) in the case of the regional conference of elected officers established for the agglomeration of Longueuil:

(*a*) the mayor of Ville de Longueuil and 13 other persons designated by the city council from among its members;

(b) the mayor of Ville de Brossard and three other persons designated by the town council from among its members;

(c) the mayor of Ville de Boucherville and two other persons designated by the town council from among its members;

(*d*) the mayor of Ville de Saint-Bruno-de-Montarville and one other person designated by the town council from among its members; and

(*e*) the mayor of Ville de Saint-Lambert and one other person designated by the city council from among its members; and

(3) in the case of the regional conference of elected officers of the administrative region of Montréal:

(a) all the members of the council of Ville de Montréal; and

(*b*) the mayors of the other local municipalities whose territory is comprised in the administrative region, except the mayor of Ville de L'Île-Dorval." **75.** Section 101 of the Act is amended by replacing "the territory of Ville de" in the third line of the second paragraph by "the agglomeration of".

76. The schedule to the Act is amended by inserting "Ville de Rivière-Rouge" after "Ville de Richmond".

ENVIRONMENT QUALITY ACT

77. Section 114 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing "Sections 80 to 82" in the fourth line of the second paragraph by "Sections 231 to 233 of the Act respecting land use planning and development (chapter A-19.1) and sections 57 and 58 of the Municipal Powers Act (2005, chapter 6)".

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

78. Section 12 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is amended by striking out the second paragraph.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

79. Section 1 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended

(1) by replacing "that of Ville de Montréal" in the second line of subparagraph 1 of the first paragraph by "the agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)";

(2) by replacing "that of Ville de Québec" in the second line of subparagraph 2 of the first paragraph by "the agglomeration of Québec provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations";

(3) by replacing "that of Ville de Longueuil" in the second line of subparagraph 4 of the first paragraph by "the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations";

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

"For the purposes of any provision of this Act that refers to the council of a city without naming the city, if the provision applies to Ville de Montréal, Ville de Québec or Ville de Longueuil, the reference is to its agglomeration council rather than its regular council. The same applies for a provision referring to the act of a city if the act is under the authority of the municipal council."

80. Section 8 of the Act is amended

(1) by inserting ", acting through its agglomeration council," after "Montréal" in the first line;

(2) by replacing "its council" in the second line by "its regular council and the councils of the other municipalities whose territory is included in the agglomeration";

(3) by replacing "its residents" in the third line by "the residents of the agglomeration".

81. Section 9 of the Act is amended

(1) by inserting ", acting through its agglomeration council," after "Québec" in the first line;

(2) by replacing "its council" in the second line by "its regular council and the councils of the other municipalities whose territory is included in the agglomeration";

(3) by replacing "its residents" in the third line by "the residents of the agglomeration".

82. Section 11 of the Act is amended

(1) by inserting ", acting through its agglomeration council," after "Longueuil" in the first line;

(2) by replacing "its council" in the first and second lines by "its regular council and the councils of the other municipalities whose territory is included in the agglomeration";

(3) by replacing "its residents" in the third line by "the residents of the agglomeration".

83. Section 16.1 of the Act is amended by inserting "regular" before "council" in the third line.

84. Section 64 of the Act is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph and despite the third paragraph of section 1, a reference to the council of a city is a reference, in the case of a public transit authority referred to in any of subparagraphs 1, 2 and 4 of the first paragraph of that section, to the council of any municipality whose territory is included in the area of jurisdiction of the public transit authority."

85. Section 114 of the Act is amended by adding the following paragraph at the end:

"The municipalities whose territory is included in an agglomeration referred to in section 1 are solidarily liable for the obligations and commitments of the public transit authority whose area of jurisdiction corresponds to the agglomeration."

86. Section 123 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the second paragraph by "Finance".

87. Section 150 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended

(1) by striking out "and the Minister of Municipal Affairs and Regions" in the portion before subparagraph 1 of the first paragraph;

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

"The making of a regulation described in the first paragraph requires the recommendation of the Minister of Finance in the case of a regulation under any of subparagraphs 3 to 5 of that paragraph, or the recommendation of the Minister of Municipal Affairs and Regions in any other case."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

88. Section 21.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 139 of chapter 28 of the statutes of 2005, is amended

(1) by replacing "of a municipality with a population of 500,000 or more" in subparagraph 2 of the second paragraph by "of Ville de Québec";

(2) by replacing "to 499,999" in subparagraph 3 of the second paragraph by "or more".

89. Section 31.2 of the Act is amended by replacing "31.6" in the first line by "31.5".

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

90. Section 227 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting "of Finance" after "Minister" in the third line of the first paragraph.

91. Section 398 of the Act is amended by inserting "of Finance" after "Minister" in the third line of the first paragraph.

ACT RESPECTING VILLE DE CHAPAIS

92. Section 2 of the Act respecting Ville de Chapais (1999, chapter 98), amended by section 94 of chapter 77 of the statutes of 2002, section 235 of chapter 19 of the statutes of 2003 and section 145 of chapter 28 of the statutes of 2005, is again amended by replacing "2005" in the second paragraph by "2016".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

93. Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37), amended by section 237 of chapter 19 of the statutes of 2003, is again amended by replacing "2006" in the second line of the tenth paragraph by "2008".

ACT RESPECTING THE CONSULTATION OF CITIZENS WITH RESPECT TO THE TERRITORIAL REORGANIZATION OF CERTAIN MUNICIPALITIES

94. Section 65 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) is amended by striking out "in the reconstituted municipality" in the third line.

95. Section 76.2 of the Act, enacted by section 147 of chapter 28 of the statutes of 2005, is amended

(1) by inserting "an insurance contract or" before "a supply or services contract" in the second line of the first paragraph;

(2) by striking out ", under which the reconstituted municipality receives goods or services" in the fourth and fifth lines of the first paragraph;

(3) by striking out "the supply of goods or services under" in the first and second lines of the second paragraph;

(4) by replacing "Any call for tenders for the contract," in the third line of the fourth paragraph by "Any call for tenders for a supply or services contract,".

96. Section 76.4 of the Act, enacted by section 147 of chapter 28 of the statutes of 2005, is amended by striking out "supply or services" in the first line of the second paragraph.

97. Section 78.1 of the Act, enacted by section 156 of chapter 29 of the statutes of 2004 and amended by section 148 of chapter 28 of the statutes of 2005, is again amended by striking out "in the reconstituted municipality" in the fourth line of the first paragraph.

98. Section 82 of the Act is amended by adding the following sentence at the end of the first paragraph: "In the case of Municipalité des Îles-de-la-Madeleine, this rule also applies to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules, as if the result of the referendum poll had been negative."

99. Section 83 of the Act is amended by adding the following sentence at the end of the first paragraph: "In the case of Municipalité des Îles-de-la-Madeleine, this rule also applies to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules, as if the result of the referendum poll had been negative."

100. The Act is amended by inserting the following section after section 84:

"84.0.1. From among the sums the Government allocated to the transition committee established in respect of Municipalité des Îles-de-la-Madeleine and those it allocated for the carrying out of the committee's mandate, the municipality must reimburse the amount used for acts performed with regard to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules.

The reimbursement is financed by revenues deriving exclusively from that sector."

101. Section 84.1 of the Act, enacted by section 151 of chapter 28 of the statutes of 2005, is amended

(1) by inserting "or 84.0.1" after "83" in the second line of the second paragraph;

(2) by inserting "or 84.0.1" after "82" in the fourth line of the second paragraph.

102. Section 85 of the Act, amended by section 158 of chapter 29 of the statutes of 2004, is again amended by replacing "either of sections 81, 83 or 84" in the second line of the first paragraph by "section 81 or any of sections 83 to 84.0.1".

103. Section 87 of the Act is amended by adding the following paragraph after the third paragraph:

"Sections 88 and 89 do not apply with regard to the sector concerned corresponding to the territory of the former municipality of Village de Capaux-Meules."

MUNICIPAL POWERS ACT

104. The Municipal Powers Act (2005, chapter 6) is amended by inserting the following section after section 7:

"7.1. A local municipality may entrust a person with the operation of its parks or its facilities or public places intended for cultural, recreational or community activities.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply."

105. Section 9 of the Act is amended by replacing the second paragraph by the following paragraphs:

"It may entrust a person with the operation of a facility referred to in the first paragraph.

A contract under the second paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply."

106. The Act is amended by inserting the following section after section 13:

"13.1. A local municipality may acquire a financial interest in a development fund created in its territory within the framework of the FIER-Regions or the Support Funds component of the government program known as the Regional Economic Intervention Fund (FIER).

The interest mentioned in the first paragraph may, in particular, be in the form of a loan or an investment made by subscribing to shares of the capital stock or the common stock of a limited partnership formed to administer the fund."

107. The Act is amended by inserting the following sections after section 17:

"17.1. A local municipality may form a limited partnership with a private-sector enterprise for the purpose of producing electric power by harnessing wind energy.

The private-sector enterprise must at all times provide at least half of the contribution to the common stock of the partnership and must be the partnership's general partner.

"17.2. With the authorization of the Minister, a local municipality that formed a limited partnership under section 17.1 may stand surety for it.

Before giving the authorization, the Minister may order the municipality to submit the decision authorizing suretyship to the approval of the qualified voters, according to the procedure prescribed for the approval of loan by-laws. **"17.3.** The total amount of the contribution and the surety bond provided by the municipality under sections 17.1 and 17.2 may not exceed the amount required to set up a wind farm with a generating capacity of 25 megawatts.

Furthermore, the total amount of the contributions and the surety bonds provided by all the local municipalities and regional county municipalities for a partnership referred to in section 17.1 may not exceed half of the contribution made to the common stock of the partnership."

108. Section 22 of the Act is amended by replacing the first paragraph by the following paragraphs:

"22. A local municipality may entrust a person with the operation of its waterworks or sewer system or other water supply or water purification works for a maximum term of 25 years.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply."

109. Subdivision 3 of Division II of Chapter V of Title II of the Act, comprising sections 29 to 33, is repealed.

110. Division III of Chapter V of Title II of the Act is replaced by the following division:

"DIVISION III

"RESIDUAL MATERIALS

"34. A local municipality may entrust a person with the operation of its residual materials disposal and reclamation system.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In such a case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply."

111. Section 84 of the Act is amended by adding the following paragraph at the end:

"A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply."

112. Section 90 of the Act is amended by adding the following subparagraph after subparagraph 6 of the third paragraph:

"(7) under section 13.1."

113. Section 94 of the Act is replaced by the following section:

"94. A local municipality may entrust a non-profit partnership or legal person with the organization and management, on behalf of the local municipality, of activities or bodies referred to in subparagraph 1 or 3 of the first paragraph of section 93.

A local municipality may entrust a person with the organization and management, on behalf of the local municipality, of activities or bodies referred to in subparagraph 2 of the first paragraph of section 93."

114. Section 100 of the Act is amended by replacing "126" in the second line by "126.1".

115. Section 101 of the Act is amended

(1) by replacing "in subparagraph 3 of the first paragraph of section 9," in the first and second lines of the first paragraph by "in section 9 and";

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

"A regional county municipality may adopt non-regulatory measures with regard to railway sidings or port or airport facilities. However, it may only delegate a power in those matters to the extent provided for by law."

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

"III. A regional county municipality may form a limited partnership with a private-sector enterprise for the purpose of producing electric power by harnessing wind energy or a hydro-electric power.

The private-sector enterprise must at all times provide at least half of the contribution to the common stock of the partnership, and must be the partnership's general partner.

"**111.1.** If the regional county municipality wishes to form a partnership referred to in section 111, it must pass a resolution announcing its intention to do so. A copy of the resolution must be served on each local municipality whose territory is included in that of the regional county municipality.

At least 45 days after the service of the resolution required under the first paragraph, the regional county municipality may form the partnership.

"**111.2.** With the authorization of the Minister, a regional county municipality that formed a partnership referred to in section 111 may stand surety for it.

Section 111.1 applies, with the necessary modifications, to the suretyship provided for in the first paragraph.

Before giving the authorization, the Minister may order the regional county municipality to submit the decision authorizing the suretyship to the approval of the qualified voters in the local municipalities that must contribute to the payment of the expenditures relating to the partnership.

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, to the approval provided for in the third paragraph.

"111.3. The total amount of the contribution and the surety bond provided by the regional county municipality under sections 111 and 111.2 may not exceed the amount required to set up a wind farm with a generating capacity of 50 megawatts or a hydro-electric power station with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State, depending on the case.

Furthermore, the total amount of the contributions and the surety bonds provided by all the regional county municipalities and local municipalities for a partnership described in section 111 may not exceed half of the contribution made to the common stock of the partnership.

"111.4. If a municipality referred to in any of sections 4 to 6, 8 or 9 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) could, under section 98, exercise a power provided for in section 111 or 111.2, that power is to be exercised by the central municipality within the meaning of section 15 of that Act and is considered an agglomeration power."

117. Sections 116 and 117 of the Act are replaced by the following sections:

"116. The regional county municipality may establish or operate a sleeping-accommodation, catering or commercial establishment or a parking lot in a regional park.

The regional county municipality may entrust a person with the operation of an establishment or parking lot referred to in the first paragraph.

A contract under the second paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.

"117. The regional county municipality may entrust a person with the operation of its regional park.

It may also entrust that person with the exercise of the power under section 113.

A contract under the first paragraph may also stipulate that the person must finance the work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply."

118. Section 118 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: "If the person referred to in section 117 is a non-profit body, the regional county municipality may stand surety for it.";

(2) by replacing "the body referred to in section 117" in the first and second lines of the fourth paragraph by "the person referred to in the first paragraph".

119. Section 119 of the Act is amended

(1) by replacing "the non-profit body referred to" in the second and third lines of the first paragraph by "the person referred to";

(2) by replacing "The body is deemed" in the first line of the second paragraph by "The person is deemed".

120. Section 121 of the Act is amended by replacing "stands surety for the body referred to in section 117" in the second line of the first paragraph by "exercises the power provided for in the first paragraph of section 118".

121. The Act is amended by inserting the following section after section 126:

"126.1. A regional county municipality may acquire a financial interest in a development fund created in its territory as part of the FIER-Regions or the Support Funds component of the government program known as the Regional Economic Intervention Fund (FIER).

The interest mentioned in the first paragraph may, in particular, be in the form of a loan or an investment made by subscribing to shares of the capital stock or the common stock of a limited partnership formed to administer the fund."

122. Section 210 of the French text of the Act is replaced by the following section:

"210. L'article 711.2 de ce code est modifié par le remplacement, dans le premier alinéa, de « ainsi que pour toute personne qu'elles peuvent subventionner en vertu du paragraphe 4° du premier alinéa de l'article 8 du présent code ou en vertu de l'article 9.1 de celui-ci » par « ainsi que pour toute personne qu'elles peuvent subventionner en vertu du premier alinéa de l'article 92 de la Loi sur les compétences municipales (2005, chapitre 6) et toute société ou personne morale vouée à la poursuite des fins mentionnées au

deuxième alinéa de l'article 8, au paragraphe 2° du premier alinéa de l'article 91 ou au premier alinéa de l'article 93 de cette loi, qu'elles peuvent subventionner »."

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

"248. Subject to the third paragraph, the by-laws, resolutions, minutes, agreements and other acts that were adopted in accordance with a provision replaced or repealed by this Act remain in force or continue to have effect until they are amended, replaced or repealed or until their purposes are achieved.

Any act referred to in the first paragraph may be amended, replaced or repealed by resolution if the purpose of the act is not a regulatory measure.

The by-laws, minutes and deeds of agreement concerning roads, bridges and watercourses may not be amended or replaced. They may be repealed by resolution."

124. The Act is amended by inserting the following section after section 249:

"249.1. Until the coming into force of section 237 of this Act, a local municipality whose territory is not served by a public transit authority or another public body providing public transport that offers paratransit services must, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract to make paratransit available within its territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution."

125. Section 251 of the Act is amended by inserting ", except for section 194 as regards the repeal of sections 467 to 467.8 and 467.10.1 to 467.14 of the Cities and Towns Act (R.S.Q., chapter C-19), section 214 as regards the repeal of articles 525 to 533 and 535.1 to 539 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and sections 217 to 220, 236 and 237, which come into force on the date or dates to be set by the Government" after "2006".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

126. Section 212 of the Act to amend various legislative provisions concerning municipal affairs (2005, chapter 28) is amended

(1) by replacing "of a municipality with a population of 500,000 inhabitants or more" in the first and second lines of paragraph 2 by "of Ville de Québec";

(2) by replacing "to 499,999" in the first line of paragraph 3 by "or more".

OTHER AMENDING PROVISIONS

127. Order in Council 1294-2000 dated 8 November 2000, concerning Ville de Mont-Tremblant, is amended by inserting the following section after section 27:

"27.1. For the purposes of section 146 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), two planning advisory committees may be established, one for the sector corresponding to the territory of the former Municipalité de Mont-Tremblant and the other for the sector corresponding to the remainder of the territory of the new city.

The members of the committee established for a sector referred to in the first paragraph must be residents of that sector.

For the purposes of Divisions VI to VIII, X and XI of Chapter IV of Title I of the Act respecting land use planning and development, the committee established for a sector has jurisdiction if a project under any of those divisions involves all or part of the sector."

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

128. In the case of Ville de Saint-Lambert, reconstituted pursuant to the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), by-laws 6, 300, 646 and 753, in force on the day before the reconstitution in the territory becoming the territory of the city, continue to apply as of the reconstitution and are deemed to be by-laws of the city.

Ville de Saint-Lambert must have any by-law listed in the first paragraph that exists only in English translated without any changes. The translated text must be published by 31 March 2006 in the manner prescribed for city by-laws. Once the translated text of the by-law has been published, each of its provisions has effect on the same date as that specified for the corresponding provision of the original by-law. Despite any inconsistent provision, no other publication, no approval or consultation and no sign or notice are required with respect to a text that reproduces a by-law replaced under this paragraph.

The city council may, by a by-law approved by the qualified voters of the city, repeal or amend any of the by-laws listed in the first paragraph, including any by-law translated under the second paragraph. A by-law resulting from such an amendment must specify which permits the Régie des alcools, des courses et des jeux may issue in the territory of the city.

Despite the first three paragraphs, the club permit provided for in section 30 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) issued to a golf, tennis, squash, yacht or curling club, as well as the reunion permit provided for in section 33 of that Act, are authorized in the territory of the city.

129. A contract entered into before 1 January 2006 relating to the management of the cultural and recreational activities of a municipality may not be declared invalid on the grounds that it was between the municipality and a person other than a non-profit partnership or legal person.

130. Any agreement entered into on 30 August 2005 under section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) by a local municipality whose territory is included in that of a regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is deemed to specify that it applies, with the necessary modifications, to a poll held to elect a warden in the territory of the local municipality.

Any such agreement entered into by a regional county municipality is without effect with regard to the election of a warden.

131. A provision of an agglomeration order on a matter referred to in any of sections 145 to 147 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) may have retroactive effect to 1 January 2006.

132. As of 1 January 2006, Ville de Saint-Pie ceases to adhere to the pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

As of that date, a person referred to in section 66 of that Act ceases to participate in that plan.

133. Sections 7, 17 to 20, 29 to 32, 70 and 71 apply for the purposes of every fiscal year from the fiscal year 2006.

However, for the purposes of the fiscal years 2006 to 2008, if the agglomeration council of Ville de Montréal creates a financial reserve under section 569.7 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 18, the reserve is to be used solely to finance expenditures made to improve techniques and procedures and to develop and repair infrastructures related either to the supply of water or to roads.

134. For the purposes of the fiscal year 2006, section 114.11 of the Cities and Towns Act (R.S.Q., chapter C-19) applies without reference to the amendments under paragraph 3 of section 10.

For the purposes of that fiscal year, the second sentence of the first paragraph of section 114.11 of the Cities and Towns Act, enacted by paragraph 2 of section 10, applies even if the borough mayor did not exercise the power provided for in section 114.4 of that Act, amended by section 9, before the budget for that fiscal year was adopted or even if the borough mayor exercised

the power in anticipation of that amendment. To that end, the second paragraph of section 114.11 is deemed to read as follows:

"However, the appropriation may not exceed the amount determined by the Minister or the amount that corresponds to the percentage, determined by the Minister, of the total of the other appropriations provided for in the borough budget. If the Minister determines both an amount and a percentage with regard to that budget, the higher amount constitutes the applicable maximum."

The fourth paragraph of that section 114.11, enacted by paragraph 4 of section 10, has effect from 1 September 2005.

135. Sections 61 to 63, 95, 96 and 103 have effect from 17 June 2005.

If a call for tenders was published or sent after 16 June 2005 for the purpose of awarding a supply or services contract, without the prior approval of the Minister of Municipal Affairs and Regions required under section 76.2 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14), amended by section 95, the call for tenders and any document referred to in it must be approved by the Minister, even if the call for tenders has been published or sent and a contract awarded as a result. If the Minister refuses the approval, the awarding process or the contract awarded ends immediately.

136. The second paragraph of section 114 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01), enacted by section 85, also applies to obligations and commitments contracted by a transit authority before 1 January 2006.

137. In a notice published under section 24.4 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) before the beginning of the fiscal year 2006, "mayor of a municipality with a population of 500,000 or more" is replaced by "mayor of Ville de Québec", and "mayor of a municipality with a population of 300,000 to 499,999" is replaced by "mayor of a municipality with a population of 300,000 or more".

138. Sections 94 and 97 have effect from 14 October 2005.

139. An interest acquired by a local municipality or a regional county municipality between 31 July 2005 and 1 January 2006 in a development fund referred to in section 13.1 or 126.1 of the Municipal Powers Act (2005, chapter 6), enacted by sections 106 and 121 respectively, may not be declared invalid on the ground that it contravenes the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) or on the ground that the municipality did not have the necessary jurisdiction.

140. This Act comes into force on 16 December 2005, except sections 1, 13 to 15, 24 to 27, 34, 36 to 38, 40 to 47, 73 to 77, 79 to 87, 90, 91, 104 to 125, 127 and 136, which come into force on 1 January 2006.



Bill 136 (2005, chapter 51)

An Act to amend the Act respecting insurance and the Act respecting trust companies and savings companies

Introduced 6 December 2005 Passage in principle 9 December 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

This bill amends the Act respecting insurance and the Act respecting trust companies and savings companies in order to clarify the rules that apply as of 1 March 2006 to annuity contracts available from insurance companies and trust companies. It confirms, in particular, the conditions under which the capital accumulated for the payment of an annuity is unseizable.

In addition, this bill is aimed at attributing the legal effects of annuity contracts to other contracts offered as such and entered into before 1 March 2006 by insurance companies and trust companies. However, these provisions are not applicable in the case of proceedings instituted before the date of introduction of the bill to seize or revendicate the capital accumulated under such contracts. The bill also provides that such a company must, as compensation, restore the accumulated capital at the company's expense if the capital was transferred to a third party following a judgment rendered or a seizure or revendication proceeding served before the date of introduction of the bill; the other contracting party will be reimbursed in the same manner for judicial and extrajudicial costs relating to the proceeding.

Finally, this bill contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting insurance (R.S.Q., chapter A-32);

 Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);

– Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01).

Bill 136

AN ACT TO AMEND THE ACT RESPECTING INSURANCE AND THE ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INSURANCE

1. The Act respecting insurance (R.S.Q., chapter A-32) is amended by inserting the following heading before section 33.1:

"DIVISION I

"GENERAL PROVISIONS".

2. The Act is amended by adding the following division after section 33.3:

"DIVISION II

"SPECIAL PROVISIONS RESPECTING ANNUITIES

"33.4. In an annuity contract, the fact that an insurance company offers a choice of investments does not preclude the company from having control of the capital accumulated for the payment of the annuity.

The right to withdraw all or part of the capital accumulated for the payment of an annuity may be stipulated, but the exercise of that right reduces the insurance company's obligations correlatively.

In addition, the amount of the annuity to be paid periodically must, at the time the contract is entered into, be determinate, or at least determinable according to variables and a computation method specified in the contract.

"33.5. For the capital accumulated for the payment of an annuity to be exempt from seizure, a person must be designated, in accordance with article 2457 or 2458 of the Civil Code, as qualified to receive the capital or the related annuity following the death of the annuitant or the person who furnishes the capital."

3. Section 65 of the Act is amended by replacing "ten" in the fourth line of the first paragraph by "two".

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

4. Section 170 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing "à terme fixe" in subparagraph 4 of the first paragraph in the French text by "non viagères".

5. Section 178 of the Act is replaced by the following sections:

"178. The capital accumulated for the payment of a fixed-term annuity is unseizable in the hands of the trust company as if it were a fixed-term annuity transacted by an insurer.

For the capital to be exempt from seizure, a person must be designated, in accordance with article 2457 or 2458 of the Civil Code, as qualified to receive the capital or the related annuity following the death of the annuitant or the person who furnishes the capital.

"178.1. In an annuity contract, the fact that a trust company offers a choice of investments does not preclude the company from having control of the capital accumulated for the payment of the annuity.

The right to withdraw all or part of the capital accumulated for the payment of an annuity may be stipulated, but the exercise of that right reduces the trust company's obligations correlatively.

In addition, the amount of the annuity to be paid periodically must, at the time the contract is entered into, be determinate, or at least determinable according to variables and a computation method specified in the contract."

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

6. Section 3 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by striking out ", including endowment contracts," in the second and third lines of the first paragraph.

7. Any contract entered into with an insurance company or a trust company before 1 March 2006 that was offered to the other contracting party as an annuity contract and is not in compliance with article 2367 of the Civil Code carries with it, as of the time it was entered into, the unseizability of the accumulated capital as though it had been accumulated under an annuity contract.

For the capital to be exempt from seizure, a person must be designated in the contract, in accordance with article 2457 or 2458 of the Civil Code, as qualified to receive the capital or the related annuity following the death of the annuitant or the person who furnishes the capital. The capital remains exempt from seizure until the end of the contract. This section applies only to contracts of the type offered to the public by an insurance company or a trust company before 6 December 2005.

8. In addition to the unseizability of the capital accumulated under its stipulations, a contract referred to in section 7 has, as of the time it is entered into, all the effects of an annuity contract, particularly as regards the application of the Securities Act (R.S.Q., chapter V-1.1) to the contract, the capacity of the insurance company or the trust company to enter into the contract and the validity of designations of persons qualified to receive the accumulated capital following the death of the other contracting party or the person who furnishes the capital. Subject to a judgment confirming or revoking them, such designations do not prevail over designations validly made in a subsequent juridical act, such as a will.

9. An insurance company or a trust company that is a party to a contract that was offered to the other contracting party as an annuity contract and is not in compliance with article 2367 of the Civil Code must, as compensation, restore the capital accumulated under the contract at the company's expense if the capital was transferred to a third party in whole or in part following a judgment rendered before 6 December 2005 or a seizure or revendication proceeding served before that date. The amount of the compensation is equal to the sums transferred. The capital thus restored is exempt from seizure subject to the conditions set out in section 7.

If all of the capital was transferred to a third party following a judgment or a seizure or revendication proceeding, the restoration of the accumulated capital by the insurance company or the trust company carries with it the reinstatement of the contract between the original contracting parties.

The fact that an insurance company or a trust company has restored the accumulated capital in accordance with the first paragraph does not give it the right to claim the restitution of the sums transferred to a third party following a judgment or a seizure or revendication proceeding.

10. An insurance company or a trust company that is a party to a contract that was offered to the other contracting party as an annuity contract, although not in compliance with article 2367 of the Civil Code and that, because of this lack of compliance, is the subject of proceedings pending on or completed before 6 December 2005 is required to compensate the other contracting party for any judicial or extrajudicial costs that party may have assumed in connection with the seizure or revendication of the capital accumulated under the contract.

11. Sections 7 and 8 are declaratory, but do not apply to proceedings pending on 6 December 2005 whose purpose is to seize or revendicate the capital accumulated under a contract referred to in section 7, or to a contract entered into on or after 1 March 2006.

12. Sections 9 and 10 apply only in respect of a contract that would have conferred rights exempt from seizure under articles 2457 and 2458 of the Civil Code if it had been in compliance with article 2367 of that Code.

13. This Act comes into force on 16 December 2005, except sections 1, 2 and 5, which come into force on 1 March 2006.



Bill 142 (2005, chapter 43)

An Act respecting conditions of employment in the public sector

Introduced 15 December 2005 Passage in principle 15 December 2005 Passage 15 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

EXPLANATORY NOTES

The purpose of this bill is to ensure the continuity of public services and provide for the conditions of employment of employees of public sector bodies within the limits imposed by the state of public finances.

To that end, the bill provides for the general renewal of the latest collective agreements and specifies that they are binding on the parties until 31 March 2010. However, under the bill the conditions of employment stipulated in those collective agreements are modified, in particular to increase wage rates and scales and to ensure the implementation of agreements reached with associations of employees.

The bill also provides for the allocation of financial resources in order to improve the services provided to at-risk students, handicapped students and students with social maladjustments or learning disabilities and to offer training for beneficiary attendants employed by institutions.

Lastly, the bill contains administrative, civil and penal provisions relating to the continuity of public services.

LEGISLATION AMENDED BY THIS BILL:

– Education Act (R.S.Q., chapter I-13.3).

Bill 142

AN ACT RESPECTING CONDITIONS OF EMPLOYMENT IN THE PUBLIC SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE AND SCOPE

1. The purpose of this Act is to ensure the continuity of public services and provide for the conditions of employment of employees of public sector bodies within the limits imposed by the state of public finances.

2. For the purposes of this Act, public sector bodies include

(1) the Government, government departments and bodies whose personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(2) school boards within the meaning of section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) and colleges within the meaning of the General and Vocational Colleges Act (R.S.Q., chapter C-29); and

(3) institutions within the meaning of section 4.

However, this Act does not apply to employees represented by the Syndicat professionnel des médecins du gouvernement du Québec (SPMGQ).

3. The National Assembly and persons appointed or designated by the National Assembly to an office under its authority, whose personnel is appointed in accordance with the Public Service Act, are considered to be public sector bodies referred to in paragraph 1 of section 2 for the purposes of this Act.

The same applies to the Lieutenant-Governor and to persons designated by the Government under an Act to an office determined in the Act and whose personnel is appointed in accordance with the Public Service Act.

However, this Act does not apply to employees included in a bargaining unit composed exclusively of employees of the National Assembly.

"collective agreement" means a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or anything in lieu of such an agreement;

"employee" means an employee within the meaning of the Labour Code who, on 15 December 2005, is in the employ of a public sector body and is included in a bargaining unit for which an association of employees is or becomes certified; and

"institution" means an institution within the meaning of the fourth and fifth paragraphs of section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

DIVISION II

CONDITIONS OF EMPLOYMENT

§1. — General provisions

5. The latest collective agreement between a public sector body and an association of employees representing employees in its employ which, on 16 December 2005, has expired, is renewed and, with the necessary modifications, is binding on the parties until 31 March 2010.

A collective agreement between a public sector body and an association of employees representing employees in its employ that expires on 31 December 2005 is renewed as of 1 January 2006 and, with the necessary modifications, is binding on the parties until 31 March 2010.

6. The agreement on the conditions of employment of Attorney General's prosecutors entered into under section 12 of the Act respecting Attorney General's prosecutors (R.S.Q., chapter S-35) is amended to give effect to the provisions of paragraphs 11 to 14 of Schedule 1 until 31 March 2007.

The agreement is renewed as of 1 April 2007 and, with the necessary modifications, is binding on the parties until 31 March 2010.

7. The latest agreement between the Minister of Health and Social Services and

(1) the association of employees representing residents in medicine, entered into under section 19.1 of the Health Insurance Act (R.S.Q., chapter A-29),

(2) the body representing pharmacists working in institutions and the body representing clinical biochemists, entered into under section 432 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), and

(3) the body representing midwives entered into under section 432.1 of the Act respecting health services and social services,

is renewed and, with the necessary modifications, is binding on the parties until 31 March 2010.

8. For the purposes of section 9, Division IV and section 46, the agreements referred to in sections 6 and 7 are considered to be collective agreements and the persons covered by them are considered to be employees. For the purposes of the second paragraph of section 10, the same applies to the agreement referred to in section 6.

9. The conditions of employment stipulated in collective agreements renewed by sections 5 to 7 are modified to give effect to the provisions of Schedule 1.

The same applies to the conditions of employment of medical physicists stipulated in the Regulation respecting the terms of employment of medical physicists working for institutions operating a hospital centre, made by Ministerial Order 2003-002 dated 10 February 2003 (2003, G.O. 2, 964).

§2. — Public service sector

10. The conditions of employment stipulated in a collective agreement renewed by section 5 and affected by any of the following agreements are also modified to give effect until 31 March 2010 to such an agreement:

(1) the agreements reached between the Syndicat de la fonction publique du Québec and the Government, and signed on 13 December 2005, regarding the public servants' collective bargaining agreements and the workmen's collective bargaining agreement; however, the provisions in those agreements that relate to the payment of contributions to pension plans within the framework of departmental time management plans have effect until 30 March 2010; and

(2) the agreement reached between the Syndicat des professeurs de l'État du Québec and the Government on 15 December 2005.

The conditions of employment stipulated in any other collective agreement renewed by section 5 between a body referred to in subparagraph 1 of the first paragraph of section 2 and an association of employees representing employees in its employ are also modified to give effect to the provisions of Schedule 2. The same applies as of 1 April 2007 to the agreement referred to in section 6.

§3. — Education sector

11. The conditions of employment stipulated in a collective agreement renewed by section 5 and affected by either of the following agreements are also modified to give effect to that agreement until 31 March 2010:

(1) the agreement reached on 18 November 2005 between the Syndicat des professionnelles et professionnels du gouvernement du Québec (SPGQ) and the Comité patronal de négociation des collèges;

(2) the agreement in principle reached on 8 December 2005 between the Union indépendante des employés de soutien of the Lester B. Pearson School Board, the Independent Association of Western Quebec and the Eastern Shores Independent Association for Support Personnel on the one hand, and the Management Negotiating Committee for English-language School Boards on the other hand;

(3) the agreement reached on 14 December 2005 between the Fédération des employées et employés des services publics inc. (CSN) on behalf of college support staff unions (FEESP) and the Comité patronal de négociation des collèges;

(4) the agreement reached on 14 December 2005 between the Fédération du personnel professionnel des collèges (FPPC-CSQ) and the Comité patronal de négociation des collèges;

(5) the agreement reached on 15 December 2005 between the Quebec Provincial Association of Teachers (QPAT) and the Management Negotiating Committee for English-language School Boards;

(6) the agreement reached on 15 December 2005 between the Fédération des syndicats de l'enseignement (FSE-CSQ) and the Comité patronal de négociation pour les commissions scolaires francophones;

(7) the agreement reached on 15 December 2005 between the Fédération du personnel de soutien de l'enseignement supérieur on behalf of college support staff unions (FPSES-CSQ) and the Comité patronal de négociation des collèges;

(8) the agreement reached on 15 December 2005 between the Fédération autonome du collégial and the Fédération des enseignantes et enseignants (Cartel FAC-FEC), and the Comité patronal de négociation des collèges;

(9) the agreement reached on 15 December 2005 between the Fédération des employées et employés des services publics on behalf of support staff unions for French language school boards (FEESP-CSN) and the Comité patronal de négociation pour les commissions scolaires francophones;

(10) the agreement reached on 15 December 2005 between the Fédération des employées et employés des services publics on behalf of support staff unions for English language school boards (FEESP-CSN) and the Management Negotiating Committee for English-language School Boards;

(11) the agreement reached on 15 December 2005 between the Fédération indépendante des syndicats autonomes (FISA) and the Comité patronal de négociation pour les commissions scolaires francophones;

(12) the agreement reached on 15 December 2005 between the Centrale des syndicats du Québec (CSQ) represented by its bargaining agent, the Fédération du personnel de soutien scolaire (FPSS), and the Comité patronal de négociation pour les commissions scolaires francophones;

(13) the agreement reached on 15 December 2005 between the Centrale des syndicats du Québec (CSQ) represented by its bargaining agent, the Fédération du personnel de soutien scolaire (FPSS), and the Management Negotiating Committee for English-language School Boards;

(14) the agreement reached on 15 December 2005 between the Canadian Union of Public Employees (CUPE-FTQ) on behalf of college support staff unions and the Comité patronal de négociation des collèges;

(15) the agreement reached on 15 December 2005 between the Fédération nationale des enseignantes et enseignants du Québec (FNEEQ-CSN) and the Comité patronal de négociation des collèges;

(16) the agreement reached on 15 December 2005 between the Syndicat des employées et employés professionnels-les et de bureau (SEPB), local 57, affiliated with the Fédération des travailleurs et travailleuses du Québec (FTQ) on behalf of unions representing support staff, and the Comité de négociation pour les commissions scolaires francophones;

(17) the agreement reached on 15 December 2005 between the Syndicat des employées et employés professionnels-les et de bureau (SEPB), local 57, affiliated with the Fédération des travailleurs et travailleuses du Québec (FTQ), and the Management Negotiating Committee for English-language School Boards; and

(18) the agreement reached on 15 December 2005 between the Service Employees Union, local 800, affiliated with the Fédération des travailleurs et travailleuses du Québec (FTQ), and the Management Negotiating Committee for English-language School Boards.

The conditions of employment stipulated in any other collective agreement renewed by section 5 between a school board or college and an association of employees representing employees in its employ are also modified to give effect to the provisions of Schedule 3.

§4. — Health and social services sector

12. In the health and social services sector, the collective agreements renewed by section 5 include all collective agreements applicable under section 89 of the Act respecting bargaining units in the social affairs sector (R.S.Q., chapter U-0.1).

13. The conditions of employment stipulated in a collective agreement renewed by section 5 and affected by either of the following agreements are also modified to give effect to that agreement until 31 March 2010:

(1) the sector-based agreement reached on 8 November 2005 by the Fédération des infirmières et infirmiers du Québec (FIIQ) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(2) the sector-based agreement reached on 13 December 2005 by the Fédération des travailleurs et travailleuses du Québec (FTQ) for the Canadian Union of Public Employees (CUPE) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(3) the sector-based agreement reached on 13 December 2005 by the Fédération des travailleurs et travailleuses du Québec (FTQ) for the Syndicat québécois des employées et employés de service, local 298 and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(4) the sector-based agreement reached on 13 December 2005 by the Fédération des travailleurs et travailleuses du Québec (FTQ) for the Syndicat des employées et employés professionnels-les et de bureau, local 57 and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(5) the sector-based agreement reached on 13 December 2005 by the Syndicat des professionnelles et professionnels du gouvernement du Québec (SPGQ) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(6) the sector-based agreement reached on 13 December 2005 by the Fédération des travailleurs et travailleuses du Québec (FTQ) for the Syndicat des employé(e)s d'hôpitaux d'Arthabaska Inc. and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(7) the sector-based agreement reached on 13 December 2005 by the Fédération des travailleurs et travailleuses du Québec (FTQ) for the Syndicat des professionnel(le)s de la régie régionale de Montréal-Centre and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(8) the sector-based agreement reached on 14 December 2005 by the Alliance du personnel professionnel et technique de la santé et des services sociaux (APTS) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(9) the sector-based agreement reached on 14 December 2005 by the Centrale des syndicats démocratiques (CSD) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

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(10) the sector-based agreement reached on 14 December 2005 by the Fédération des professionnèles (FP-CSN) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(11) the sector-based agreement reached on 15 December 2005 by the Centrale des syndicats du Québec (CSQ) for the Fédération du personnel de la santé et des services sociaux (FPSSS) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS);

(12) the sector-based agreement reached on 15 December 2005 by the Centrale des syndicats du Québec (CSQ) for the Fédération des syndicats de professionnelles/s de la santé et des services sociaux (FSPPSSS) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS); and

(13) the sector-based agreement reached on 15 December 2005 by the Centrale des syndicats du Québec (CSQ) for the Union québécoise des infirmières et infirmiers (UQII) and the management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS).

The provisions of the agreement referred to in subparagraph 1 of the first paragraph under which new job titles are created take effect on the date determined under section 15.

14. The conditions of employment stipulated in a collective agreement renewed by section 5 between an institution and an association of employees are also modified to give effect to the provisions of Schedule 4.

The provisions of Schedule 4 do not apply to a collective agreement amended by an agreement mentioned in section 13 unless they expressly so provide.

15. The job titles and corresponding job descriptions as well as the working hours, and the wage rates or scales attached to the job titles stipulated in a collective agreement renewed by section 5 between an institution and an association of employees representing employees in its employ are replaced by the provisions of the document entitled "List of job titles, descriptions, and salary rates and scales in the health and social services network" tabled in the National Assembly on 15 December 2005 by the Minister of Health and Social Services as Sessional Paper No. 2575-20051215.

The list has effect as of 16 December 2005. However, as regards the job titles it specifies, the list takes effect on 21 November 2006.

16. The management negotiating committee known as the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS) and

the bargaining agents must continue discussions with a view to reaching an agreement on new clauses that establish a new sector-based mechanism for amending the list of job titles, descriptions and wage rates and scales in the health and social services network to replace the negotiating committees with regard to jobs not included in the list.

If, after 31 March 2006, disagreement persists between the management negotiating committee and a bargaining agent on the clauses relating to the mechanism for amending the list, the Minister of Health and Social Services may, with the authorization of the Conseil du trésor and after giving a 10-day notice to the management negotiating committee and the bargaining agent, file the clauses of the collective agreement relating to that mechanism at an office of the Commission des relations du travail.

17. The management negotiating committee must submit to each bargaining agent of an association of employees certified to represent employees of institutions who are included in a bargaining unit, a consolidated text containing the clauses of the collective agreement applicable to those employees as renewed and modified in accordance with this Act.

The proposed text must also take into account the effect of section 58 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors and Schedule A.1 to that Act with regard to the matters henceforth defined as being the subject of clauses negotiated and agreed at the local or regional level, as well as any agreement reached between the Minister of Health and Social Services and the bargaining agent on a formulation excluding conditions of employment related to the matters so defined. If no such agreement has been reached with a bargaining agent, the proposed text must be prepared on the basis of the interpretation of the provisions of Schedule A.1 to that Act that led to agreements with other bargaining agents on the formulation of conditions of employment.

Moreover, the proposed text must aim to integrate and harmonize the conditions of employment that are the subject of clauses negotiated and agreed at the national level for all employees represented by associations of employees forming part of the same employee-associations group. It must also take into account all the missions within the scope of which the employees may be called upon to carry on their activities for the institutions concerned.

18. The management negotiating committee and the bargaining agents must continue discussions on the proposed text referred to in section 17 with a view to reaching an agreement on the formulation of the clauses setting out the conditions of employment applicable to the employees.

If, after 31 March 2006, disagreement persists between the management negotiating committee and a bargaining agent on the text of the clauses applicable to the employees that the bargaining agent represents, the Minister of Health and Social Services may, with the authorization of the Conseil du trésor and after giving a 10-day notice to the management negotiating committee

and the bargaining agent, file the text containing the clauses of the collective agreement applicable to those employees in the matters not defined as being the subject of clauses negotiated and agreed at the local or regional level at an office of the Commission des relations du travail. The text must take into account any agreement on the formulation of the clauses between the management negotiating committee and a bargaining agent.

19. The provisions of the documents tabled by the Minister under sections 16 and 18 replace, as of the dates they specify, the clauses of the collective agreements renewed and modified in accordance with this Act as regards matters other than those defined as being the subject of clauses negotiated and agreed at the local or regional level.

Those provisions have the same effect as the new clauses negotiated and agreed at the national level for the purposes of the fourth paragraph of section 89 of the Act respecting bargaining units in the social affairs sector.

An association of employees newly certified following the carrying out of the Act respecting bargaining units in the social affairs sector must, at the employer's request, inform the employer of the employee-associations group to which it belongs, if applicable. If the association of employees fails or refuses to so inform the employer or if it indicates that it is an association of employees or forms part of an employee-associations group for which no text determining conditions of employment is applicable under section 18, it is bound by the clauses, if any, that replace those of the association of employees or the employee-associations group it was formerly part of that are identified by the employees by a secret ballot held by the Commission des relations du travail at the employer's request, according to rules and on the date set by the Commission.

DIVISION III

ALLOCATION OF FINANCIAL RESOURCES

20. In order to improve the services provided to at-risk students, handicapped students and students with social maladjustments or learning disabilities, the annual amount of the grants allocated to school boards for those students by the Minister of Education, Recreation and Sports under section 472 of the Education Act (R.S.Q., chapter I-13.3) is increased

- (1) by an amount of \$30,000,000 for the year 2006-2007;
- (2) by an additional amount of \$30,000,000 for the year 2007-2008; and
- (3) by an additional amount of 30,000,000 for the year 2008-2009.

In addition, an amount of \$10,000,000 is allocated for all of the years 2006-2007 to 2008-2009 for the purpose of offering professional development to teachers, particularly in special education.

DIVISION IV

OBLIGATIONS REGARDING THE CONTINUITY OF PUBLIC SERVICES

§1. — Delivery of normal services

22. Employees must, as of 00:01 a.m. on 16 December 2005, report for work according to their regular work schedule and other applicable conditions of employment.

The first paragraph does not apply to employees not reporting for work because they have tendered their resignation, unless they have done so as part of concerted action, or because they have been fired or suspended or have exercised their right to retire.

23. Employees must, as of 00:01 a.m. on 16 December 2005, perform all the duties attached to their respective functions, according to the applicable conditions of employment, without any stoppage, slowdown, reduction or degradation of their normal activities.

24. A public sector body, its executives and its representatives must, as of 00:01 a.m. on 16 December 2005, take the appropriate measures to ensure that normal services are provided.

25. No association of employees may call or continue a strike or participate in concerted action if the strike or concerted action involves a contravention of section 22 or 23 by employees.

Similarly, no public sector body may declare a lock-out if the lock-out involves such a contravention.

26. An association of employees must take the appropriate measures to induce the employees it represents to comply with sections 22 and 23 and not to contravene sections 28 and 29.

27. An employee-associations group must take the appropriate measures to induce an association of employees that is a member of, belongs to, is affiliated with or is bound by contract to the group to comply with sections 25 and 26.

28. No person may, by omission or otherwise, in any manner prevent or impede the resumption or maintenance of the normal services of a public

sector body or the performance of work related to such services by employees, or directly or indirectly contribute to slowing down, degrading or delaying the performance of such work.

29. No person may hinder a person's access to a place to which that person has a right of access to exercise functions for or obtain services from a public sector body.

§2. — Administrative measures if obligations not fulfilled

30. On noting that its employees are not complying with section 22 or 23 in sufficient number to ensure that normal services are provided, a public sector body must suspend withholding any union assessment or dues or amount in lieu thereof from the wages paid to the employees represented by an association of employees.

The suspension is effective for a period equal to 12 weeks per day or part of a day during which it is noted by the public sector body that the employees are not complying with section 22 or 23 in sufficient number to ensure that normal services are provided.

31. Despite any clause of a collective agreement or of an agreement, employees represented by an association referred to in section 30 are not required to pay an assessment or dues, a contribution or an amount in lieu thereof to the association or to a third party for the benefit of the association for the duration of the suspension under section 30.

32. No employee who contravenes section 22 or 23 may receive remuneration for the contravention period.

In addition, if the contravention consists in absence from work or participation in a work stoppage, the salary to be paid to the employee under the applicable collective agreement for work performed after the absence or work stoppage is reduced by an amount equal to the salary the employee would have received for each period of absence or work stoppage.

A public sector body must make the deductions resulting from the second paragraph up to 20% of the salary per pay period, and pay the sums deducted to a registered charity within the meaning of the Taxation Act (R.S.Q., chapter I-3) designated by order of the Government.

The employee is entitled to the reimbursement of the amount deducted only on showing that he or she complied with section 22 or 23, as applicable, or that he or she was unable to comply despite having taken every reasonable means to do so and that the failure to comply was not part of concerted action.

Any person to whom a decision by a public sector body under this section is referred for arbitration may only confirm or quash the decision, and may do so only on the basis of the fourth paragraph. **33.** No employee released to carry on union activities for an association on a day or part of a day during which the association contravenes section 25 may receive remuneration from the public sector body for that day or part of day.

In addition, the salary to be paid to the employee after the association's contravention, according to the applicable conditions of employment, is reduced by an amount equal to the amount that would have been paid to the employee had the contravention not occurred.

On noting that an offence referred to in the first paragraph has been committed, a public sector body must make the deductions resulting from the second paragraph up to 20% of the salary per pay period, and pay the sums deducted to a registered charity within the meaning of the Taxation Act designated by order of the Government.

An employee who did not participate in the activities of the association that are related to the contravention is entitled to a reimbursement of the deductions made under the second paragraph.

Any person to whom a decision by a public sector body under this section is referred for arbitration may only confirm or quash the decision, and may do so only on the basis of the fourth paragraph.

34. On noting that an association has called or continued a strike or participated in concerted action in contravention of section 25, a public sector body must, after giving notice to the association, suspend paying, for the period determined under the third paragraph, to any employee released during that period to carry on union activities for the association any wages for the time during which the employee is released.

The first paragraph also applies if it is noted by the public sector body that the employees are not complying with section 22 or 23 in sufficient number to ensure that normal services are provided.

The suspension prescribed by this section is effective for a period equal to 12 weeks per day or part of a day during which the circumstances described in the first or second paragraph are noted by the public sector body.

35. The highest authority within a public sector body must take the necessary measures to ensure that the sanctions under sections 30, 32, 33 and 34 are applied not later than the third pay period after the pay period during which the contraventions occurred.

The application of those measures may not be deferred, cancelled or reduced by agreement.

36. If the employees of a public sector body do not comply with section 22 or 23 in sufficient number to ensure that normal services are provided, the Government may, by order, from the date, for the period and on the conditions

it specifies and exclusively for the purpose of ensuring the provision of services by the body, replace, amend or strike out any clause of the collective agreement between that body and the association representing the employees in order to determine how the body is to fill a position, hire new employees and handle any matter related to work organization.

§3. — Civil liability

37. An association is liable for any damage caused during a contravention of section 22 or 23 by employees it represents unless it shows that the damage is not a result of the contravention or that the contravention is not part of concerted action.

The same applies to a group of which the association of employees is a member, to which it belongs, with which it is affiliated or to which it is bound by contract, if the group has not complied with section 27.

38. Any person who suffers damage by reason of an act in contravention of section 22 or 23 may apply to the competent court to obtain compensation.

Despite article 1003 of the Code of Civil Procedure (R.S.Q., chapter C-25), if a person brings a class action under Book IX of that Code by way of a motion under the second paragraph of article 1002 of that Code, the court authorizes the class action if it is of the opinion that the person to whom the court intends to ascribe the status of representative is in a position to adequately represent the members of the group described in the motion.

§4. — Penal proceedings

39. A person that contravenes any provision of section 22, 23, 24, 27, 28 or 29 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of

(1) \$100 to \$500 if the person is an employee or a natural person other than a person referred to in paragraph 2;

(2) \$7,000 to \$35,000 if the person is an executive, employee or representative of an association or group, or if the person is an executive or representative of a body; and

(3) \$25,000 to \$125,000 if the person is an association, group or body.

40. An association of employees that contravenes the first paragraph of section 25 is guilty of an offence and is liable to the fine prescribed by paragraph 3 of section 39 for each day or part of day during which the offence continues. The same applies to a public sector body that contravenes the second paragraph of section 25.

41. An association of employees that contravenes section 26 is guilty of an offence and is liable to the fine prescribed by paragraph 3 of section 39 for each day or part of day during which the offence under section 22 or 23 continues.

42. Every person who helps or, by encouragement, advice, consent, authorization or command, induces another person to commit an offence under any provision of this Division is guilty of an offence.

A person convicted under this section is liable to the same penalty as that prescribed for the offence committed by the other person.

DIVISION V

AMENDING AND FINAL PROVISIONS

43. The Education Act (R.S.Q., chapter I-13.3) is amended by inserting the following section after section 187:

"187.1. Each year, the school board shall inform the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities of the amount of the financial resources available for services intended for those students and of the allocation of those resources in light of the policies defined by the Minister.

The school board shall report each year to the committee and the Minister on requests for reconsideration made under section 9 relating to services for handicapped students and students with social maladjustments or learning disabilities."

44. The first paragraphs of sections 10, 11 and 13 have effect as of 1 February 2006.

If, before that date, an association of employees or an employee-associations group that made an agreement under one of those paragraphs gives notice to the Chair of the Conseil du trésor that the agreement has not been ratified, the conditions of employment of the employees covered by the agreement are modified to give effect to Schedule 2, 3 or 4, as applicable. The first paragraphs of sections 10, 11 and 13 have no effect as regards those employees.

45. A collective agreement resulting from this Act or a collective agreement entered into by the parties that replaces such a collective agreement until not later than 31 March 2010 applies, as regards its term, despite any provision of the Labour Code limiting the term of a collective agreement in the public and parapublic sectors.

The reference to paragraph d of section 22 of the Labour Code in section 111.3 of that Code must therefore be read as a reference to paragraph e of that section 22.

46. The provisions of this Act or of an order under this Act relating to a collective agreement are deemed to be part of the collective agreement. They prevail over any conflicting provisions of the collective agreement.

The renewal of a collective agreement by sections 5 to 7 is not to be interpreted as reviving a lapsed provision of the collective agreement.

47. The chair of the Conseil du trésor is responsible for the administration of this Act.

48. Division II does not operate to restrict the application of the Pay Equity Act (R.S.Q., chapter E-12.001).

49. Division IV ceases to have effect on 1 April 2010 or on any earlier date set by the Government.

The taking of an administrative measure or bringing of penal proceedings under a provision of sections 30 to 42 against a person or body referred to in the provision excludes the taking of a measure or bringing of proceedings under a similar provision of the Labour Code and of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1) against the person or body on the same grounds.

50. This Act comes into force on 16 December 2005.

SCHEDULE 1 (section 9)

Conditions of employment of employees covered by any collective agreement with a public sector body

<u>Salary</u>

1. Salary rates and scales applicable to the employees are increased by 2% on 1 April of each of the years 2006, 2007, 2008 and 2009, subject to paragraphs 2 to 4.

2. For school board teachers, the increase is effective on the 141st day of each of the 2005-2006, 2006-2007, 2007-2008 and 2008-2009 school years.

3. For college teachers represented by an association of employees whose bargaining agent is the Fédération nationale des enseignantes et des enseignants du Québec or the Fédération autonome du collégial, the increase is effective on 1 December of each of the years 2006, 2007, 2008 and 2009.

However, for college teaching assistants represented by an association of employees whose bargaining agent is the Fédération nationale des enseignantes et des enseignants du Québec or the Fédération autonome du collégial, and for aeronautics teachers represented by an association of employees whose bargaining agent is the Fédération nationale des enseignantes et des enseignants du Québec, the increase is effective on 1 October of each of the years 2006, 2007, 2008 and 2009.

4. For college teachers represented by an association of employees whose bargaining agent is the Fédération des enseignantes et enseignants de Cégep, the increase is effective on 15 August of each of the years 2006, 2007, 2008 and 2009.

However, for college teaching assistants represented by an association of employees whose bargaining agent is the Fédération des enseignantes et enseignants de Cégep, the increase is effective on 15 June of each of the years 2006, 2007, 2008 and 2009.

5. The salary rates and scales set out in the collective agreements renewed by sections 5 to 7 that do not include the salary adjustments determined and paid under Chapter IX of the Pay Equity Act are adjusted to take those adjustments into account.

6. The salary rates and scales of employees in the employ of an institution, except for employees referred to in section 7 or the second paragraph of section 9, are set out in the "List of job titles, descriptions, and salary rates and scales in the health and social services network" referred to in section 15. Those salary rates and scales include the increases provided for in paragraph 1 and the adjustments provided for in paragraph 5.

7. The increase in salary rates and scales is calculated on the basis of the hourly rate or, in the case of professionals, teachers and peace officers, on the basis of the annual rate of pay or, in the case of court bailiffs, on the basis of the daily rate of pay.

8. The dates on which the increases in the salary rates and scales of college teachers are taken into account, for the purposes of retirement plans, are those set out in paragraphs 3 and 4.

Bonuses and allowances

9. Bonuses and allowances are increased by 2% on 1 April of each of the years 2006, 2007, 2008 and 2009 or, for employees referred to in paragraphs 2 to 4, on the dates specified in those paragraphs, except for

(1) bonuses and allowances expressed as a percentage of salary; and

(2) bonuses and allowances that were not increased when the latest clauses were negotiated and agreed at the national level.

The salary supplements provided for in the list referred to in section 15 include the increases provided for in the first paragraph.

Civil union

10. Unless the context indicates otherwise, provisions referring to the concepts of marriage, nullity and dissolution of a marriage and divorce are to be read as referring also to the concepts of civil union and nullity and dissolution of a civil union.

Parental rights

11. When an employee is receiving benefits under the Act respecting parental insurance (R.S.Q., chapter A-29.011) or would receive such benefits if he or she applied for them, any indemnity provided for in a collective agreement and paid by an employer because of maternity or adoption leave is paid as a supplement to those benefits.

The duration of maternity leave is 21 weeks in the case of an employee who is receiving maternity or parental benefits under the Act respecting parental insurance during that period or would receive such benefits if she applied for them. For each of those weeks, the employee receives the indemnity provided for in the collective agreement.

12. The period during which an indemnity provided for in a collective agreement is paid because of maternity or adoption leave is not extended because of the payment of benefits under the Act respecting parental insurance.

The combined duration of adoption leave and of leave without pay to extend adoption leave may not exceed 114 weeks.

An employee the payment of whose benefits under the Act respecting parental insurance is suspended and who does not return to work is considered to be on leave without pay.

13. In the case of an employee who is not entitled to receive benefits under the Act respecting parental insurance but is entitled to receive similar benefits under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23), the indemnity paid under a collective agreement because of maternity or adoption leave is paid, subject to the provisions of the Employment Insurance Act, as a supplement to the benefits granted under that Act.

14. Paragraphs 11 to 13 come into force on 1 January 2006.

Letters of agreement or schedules

15. Any letter of agreement or schedule providing for further work, negotiations between the parties or the determination of salary adjustments regarding pay equity, pay relativity or the determination of the value of jobs for remuneration purposes on which no final agreement between the parties has been reached on 16 December 2005 or in respect of which adjustments have not been determined on that date, is cancelled.

16. After completion of a pay equity plan in accordance with the Pay Equity Act, the parties must begin talks to agree on solutions regarding internal pay relativities.

To establish internal pay relativities, the parties are to use the method used in establishing the pay equity plan.

If upward salary adjustments are to be applied, the parties must agree on spreading them over time. If downward salary adjustments are to be applied, the parties must agree on salary protection mechanisms to ensure the differences are eliminated progressively within a reasonable time. SCHEDULE 2 (Section 10)

Conditions of employment of employees covered by a collective agreement in the public service sector

Release for union activities

1. With regard to any employee released for union activities on a full-time or part-time basis whose salary is reimbursed by the union, the union must also reimburse the employee's employment benefits for the period of release.

For the purposes of this paragraph, the reimbursement of employment benefits is equal to 15% of the employee's gross salary.

In addition, the time an employee spends attending meetings of a joint committee or doing work judged necessary by the committee cannot be claimed as overtime.

Employee placed on reserve in another class of positions

2. During the period of employment stability, an employee placed on reserve may be assigned or transferred to a vacant position or a position occupied by an employee without job security, in the employee's class of positions or in a class of positions accessible through reclassification, if the employee meets the conditions of admission to that class and is qualified for the position.

Temporary use of the services of an employee placed on reserve

3. The services of an employee placed on reserve can be used temporarily outside the public service.

Salary insurance

4. A period of disability during which an employee refuses or neglects the treatment or care prescribed by his or her physician is not recognized as a period of disability.

Reimbursement of physician's fees

5. An employee who fails to undergo a required medical examination must reimburse to the employer the fees charged by the physician designated by the Deputy Minister or, if the physician was chosen by mutual agreement between the parties, that part of the fees that was paid by the employer.

Vacation leave during a gradual return to work

6. During a period of rehabilitation, an employee receives his or her salary only for the time worked.

However, during that period the employee may, with the authorization of the Deputy Minister, be absent from work for a maximum period of five consecutive working days. The days are deducted from the employee's vacation reserve.

The rehabilitation period, including, if applicable, vacation days used under the second paragraph, cannot operate to prolong the period of disability beyond 104 weeks.

Parking

7. Until 31 March 2006, the monthly rate payable by an employee to lease a subsidized parking space is 130% of the average cost, on 1 January 2005, of the monthly public transit pass of the Réseau de transport de la Capitale (RTC) and the Société de transport de Montréal (STM).

As of 1 April 2006 and as of 1 April of each subsequent year, the monthly rate is that of the preceding year plus the difference between the market rate for the current year and the monthly rate on 1 April of the preceding year, divided by the number of years remaining before 1 April 2010.

As of 1 April 2009, the monthly rate is the market rate and no subsidy is granted.

Direct deposit

8. As of 30 March 2010, the employer may pay employees exclusively by direct deposit into a single account at the Québec financial institution of the employee's choice.

Thus, no later than 45 days prior to that date, each employee must have completed a direct deposit form and sent it to the Deputy Minister.

Recovery of overpayments

9. In the absence of an agreement on how overpayments received by an employee are to be repaid, the Deputy Minister makes deductions from salary for a period equal to that during which the overpayment was made. However, a deduction must not exceed 30% of the employee's gross salary per pay period.

Letters of agreement

10. The provisions of the letters of agreement relating to the payment of contributions to the pension plans within the framework of a departmental time management program that comprises reductions of work time and salary for a specific period are renewed until 30 March 2010.

11. The letters of agreement concerning the employer's administration of the basic health insurance plan and supplementary insurance plans are renewed until 31 March 2010.

12. In a letter of agreement, any provision regarding the administration of reserved competitions or candidates' eligibility to participate in them, or regarding the transitional measures that are applicable until the lists of candidates declared qualified are issued or until employees who are not eligible or are not declared qualified following the issue of those lists are laid off, is struck out.

13. The following letters of agreement are cancelled:

(1) "Lettre d'entente numéro 4 concernant la révision de certaines dispositions spécifiques au régime d'assurance traitement" applicable to peace officers in correctional services;

(2) "Lettre d'entente numéro 8 concernant l'intégration des employés dans l'échelle de traitement applicable au 1^{er} janvier 2001 et l'octroi de montants forfaitaires" applicable to peace officers in correctional services; and

(3) "Lettre d'entente concernant les frais remboursables lors d'un déplacement et autres frais inhérents".

SCHEDULE 3 (Section 11)

Conditions of employment of employees covered by a collective agreement in the education sector

Section 1. Provisions applicable to all employees covered by a collective agreement

Arbitration expenses

1. The fees and expenses of a grievance arbitrator are paid by the party that filed the grievance if it is rejected, by the party against whom or which the grievance was filed if it is upheld or by the party that withdraws the grievance.

If the grievance is partially upheld, the arbitrator determines the proportion of the arbitrator's fees and expenses to be paid by each party.

If the grievance is resolved, the arbitrator's fees and expenses are shared equally, unless the parties agree otherwise.

In all cases, the party that requests a postponement of a hearing pays the resulting fees and expenses; in the case of a joint request, the parties share the resulting fees and expenses equally.

However, in the case of a grievance the hearing of which began before 16 December 2005, the arbitrator's fees and expenses are paid according to the rules applicable before that date.

Section 2. Provisions applicable to employees covered by a collective agreement with a French-language or English-language school board

§1. — Teachers

Reassignment and retraining of staff on availability

2. A teacher who is on availability must participate in any training or retraining program that is recommended by the school board and that is in keeping with the needs to be filled and the training and experience of the person concerned.

Failure by a teacher who is on availability to fulfil that obligation entails the same consequences for him or her as the failure to fulfil any other obligation concerning job security under the collective agreement.

Student activities

3. "Student activities" means

(1) educational, cultural, tourist, sports, social and extracurricular activities (e.g. excellence award days, Christmas parties, proms, national sports days, shows, thematic conferences, plays, concerts, industrial visits, museum visits, organized tours, winter sports activities, rural discovery activities); and

(2) committees or meetings related to the student activities.

4. Student activities are an integral part of a teacher's workload.

5. As student activities are fundamental in a student's personal and social development, the participation of teachers in the organization and delivery of these activities is essential.

6. The very nature of student activities and their detailed organization and delivery may require certain changes or increases in the workload (e.g. daily span, regular workweek, work schedule, workday, meal period).

7. After consulting with the teacher concerned, the administration determines the student activities that can be assigned to a teacher, taking into account in particular and wherever possible, the teacher's preferences and other duties and responsibilities.

8. The teacher's consent is required for any student activity held over two or more consecutive days for which the workload parameters must be modified or adjusted.

9. The administration sees to it that the extra hours are compensated during other weeks in the year.

10. The Centrale des syndicats du Québec (CSQ), the Fédération des syndicats de l'enseignement (FSE), the Quebec Provincial Association of Teachers (QPAT) and the union as well as their representatives and leaders cannot order, encourage or support any work slowdown, including one that affects student activities.

11. A teacher cannot participate in any concerted action that results or is likely to result in the teacher evading his or her obligations.

Students with handicaps, social maladjustments or learning disabilities

12. A student with a handicap, social maladjustment or learning disability means a student whom the school board identifies as such. At-risk students are not included in that definition.

13. It is the responsibility of the board to identify or not to identify a student as a student with a handicap, social maladjustment or learning disability.

14. The appendix to the collective agreement entitled "Students with handicaps, social maladjustments or learning disabilities" is not an integral part of the collective agreement. It is intended to serve as a guide or reference to help those involved in intervention efforts and may be modified by the Ministère.

15. Those involved in intervention efforts must work with students in the area of prevention and early intervention so as to create an environment conducive to learning and success for all students. In this context,

(1) particular attention must be devoted to meeting the needs of at-risk students and to detecting students who have handicaps, social maladjustments or learning disabilities in the early stages of their schooling;

(2) being in the first line of response in working with students, a teacher must be attentive to a student's situation and, for this reason, must record and share information or observations with fellow staff members concerning students, especially those pertaining to the interventions carried out by the teacher;

(3) as soon as a teacher detects in a student signs of potential difficulties or recognizes the first manifestations of problems, he or she must carry out the appropriate interventions, especially as regards the adaptation of his or her teaching practices;

(4) an individualized education plan must be developed for every handicapped student or student with a social maladjustment or a learning disability and may be developed for an at-risk student depending on his or her needs; the teacher must be involved in the development of an individualized education plan.

16. The school administration must, in keeping with the individualized education plan, periodically review the situation of a student with a handicap, social maladjustment or learning disability. The identification of a student as a student with a handicap, social maladjustment or learning disability may be reviewed by the school board.

17. Students with handicaps, social maladjustments or learning disabilities who, on 16 December 2005, are totally or partially integrated so remain until such time as their situation is reviewed in accordance with paragraph 16.

18. The integration support services provided for in the school board's policy on the organization of educational services for students with handicaps, social maladjustments or learning disabilities are designed to support both the student and the teacher and, for this reason, are interrelated.

19. When students with handicaps, social maladjustments or learning disabilities are integrated into regular groups, the school board is responsible for determining the support services required.

20. Only in the case where students integrated into regular groups are identified by the school board as students with behavioural difficulties or students with severe behavioural difficulties linked to psychosocial disturbances, the students are weighted according to the provisions of the appendix to the collective agreement pertaining to the "Establishment of the maximum number of students in a group into which handicapped students or students with social maladjustments or learning disabilities are integrated".

21. Unless the school board and the union agree otherwise, when a teacher detects, in his or her class, a student who, in his or her opinion, demonstrates a social maladjustment or a learning disability or manifests signs of a mild motor impairment, an organic impairment or a language disorder, or signs of a moderate to profound intellectual handicap, or demonstrates a severe developmental disorder or a severe physical handicap, the following process applies:

(1) the teacher carries out the appropriate interventions, including adaptation of teaching methods;

(2) if the teacher finds that the student's situation shows no sign of improvement, despite the interventions carried out, he or she prepares and submits a written report to the school administration, using the form designed by the school board;

(3) solely in the case where the teacher's report concerns a student who, in the teacher's opinion, should be identified as being a student with a handicap or as having behavioural difficulties or severe behavioural difficulties linked to psychosocial disturbances, the teacher may request that the ad hoc committee prescribed in the collective agreement be set up;

(4) if, in the teacher's opinion, the student referred to in subparagraph 3 should be identified as having behavioural difficulties, the request to set up an ad hoc committee can only be made after having observed the student's behaviour for a period of at least two months;

(5) the school administration normally sets up an ad hoc committee within 15 days of receiving the request;

(6) after receiving the teacher's report, the school administration meets with the teacher, if necessary;

(7) when, as part of its mandate, the ad hoc committee requests pertinent evaluations from the competent personnel, the committee studies the evaluations as soon as possible after having received them;

(8) the competent authority makes the appropriate decisions, with dispatch, given the circumstances, based on the teacher's report or the ad hoc committee's findings. The measures come into effect, whenever possible, within 15 days of the decision.

Amendments at the school level

22. The administration and the teachers of a school, a vocational training centre or an adult education centre may modify certain provisions of the collective agreement in accordance with the following:

(1) the amendment must be designed to modify or replace the following provisions of the collective agreement:

(a) the provisions concerning the organization of the workload;

(*b*) the provisions concerning the rules respecting the formation of pupil groups; or

(c) the provisions concerning oversize class compensation;

(2) the proposed amendment must be forwarded to the participating body of teachers of the school or centre;

(3) the proposed amendment must receive the consent of 80% of the teachers, unless the school board and the union agree on a different percentage;

(4) the provisions of Chapter 8-0.00 of the collective agreement have precedence over any other amendment agreed to under this paragraph and are deemed to remain in force for the purposes of article 5-3.00 of the agreement with respect to the security of employment system, especially as regards the determination of staffing needs and surpluses. The same applies to the corresponding provisions of Chapters 11-0.00 and 13-0.00 of the collective agreement;

(5) an amendment agreed to under this paragraph is null and void, in whole or in part, insofar as it determines conditions of employment that would generate costs in excess of those resulting from the application of the provisions of Chapter 8-0.00 or the application of the corresponding provisions of Chapters 11-0.00 and 13-0.00 of the collective agreement;

(6) such an amendment is also null and void, in whole or in part, insofar as it would result in increasing or reducing the staffing level in a school or centre of the school board.

23. The school or centre administration must submit the amendment to the school board and to the union for validation. If it is consistent with the elements contained in paragraph 22, the amendment is approved. If it is not, the reasons underlying the decision must be provided in writing. The school board and the union must make a decision no later than 15 days after receiving the proposed amendment, failing which it is deemed approved.

24. An amendment approved under paragraphs 22 and 23 applies for a maximum one-year period and cannot establish a precedent.

Staffing levels

25. In the adult education sector, for the duration of the agreement, as defined in the collective agreement, the school board is to maintain the number of regular positions existing on 30 June 1998, except where this would result in placing a teacher on availability.

However, the number of regular positions existing on 30 June 2003 is to be reduced by the number of permanent departures in specialties where there has been a decrease in clientele which the school board considers significant for three consecutive years.

26. In the vocational training sector, for the duration of the agreement, as defined in the collective agreement, the school board is to maintain the number of regular positions existing on 30 June 1998, except where this would result in placing a teacher on availability.

However, the number of regular positions existing on 30 June 2003 is to be reduced by the number of permanent departures in specialties where there has been a decrease in clientele which the school board considers significant for four consecutive years.

27. It is up to the school board to determine in what specialties or subspecialties regular positions referred to in paragraphs 25 and 26 are to be maintained and, following a permanent departure, the union may make the representations it considers appropriate to the school board.

§2. — Support staff

28. As regards the appendices entitled "Classification of certain employees" and "Special leaves plan of the Commission scolaire de Montréal (CSDM)", the dates of 30 June 2002, 30 June 1998, 1 July 1998, 1 July 2000 and the expression "1995-1998 agreement" are replaced by 31 March 2010, 30 June 2003, 1 July 2003, 1 July 2006 and "2000-2002 agreement", respectively.

Special education

29. In the special education sector, any position that is newly created or that becomes vacant after the first day of class may be filled temporarily until the end of the school year as regards a collective agreement that does not provide such an option.

30. A position in the special education sector described in paragraph 29 must, where applicable, be temporarily filled by an employee on availability or, failing that, by a person registered on a priority hiring list; the same applies to special education technicians and attendants for handicapped students as regards a collective agreement that does not contain specific provisions concerning a special education sector.

31. A temporarily vacant position or an increase in work of an anticipated duration of at least one month in the special education sector must, where applicable, be filled or staffed according to the same process.

32. The school board may, during the year, add hours to an employee's regular work schedule. The addition of hours is temporary and does not change the employee's status and position. This modification applies to a collective agreement that does not provide such an option.

Day care services

33. In day care service sector, the school board may reduce the number of hours or carry out a temporary layoff between May 15 and September 15 as regards a collective agreement that does not provide such an option.

Section 3. Provisions applicable to employees covered by a collective agreement binding a college

§1. — *Teachers*

Coordination resources

34. Notwithstanding the provisions of the collective agreement concerning the allocation of resources to component 2 of the workload, the resources distributed or reserved for department coordination are assigned to department and program coordination.

Job security

- Terms and conditions

35. A teacher on availability in a core discipline in a closed program is required to accept an available position in his or her discipline in a college in the same zone, in another college in the same sector or in a college in another zone, as soon as he or she is placed on availability.

36. A teacher who has been on availability for at least three years must participate in any employability measure recommended by the college and the Placement Bureau.

However, a teacher on availability must participate in such a measure in a single location or in a core discipline in a closed program as soon as he or she is placed on availability.

Despite retraining provisions intended for a reserved position, the parity committee must, as a priority, grant the retraining requests mentioned in the first and second subparagraphs. Failure by a teacher placed on availability to fulfill the obligations imposed under this paragraph has the same consequences for the teacher as a refusal to accept an annual full-time replacement workload or position that meets the conditions prescribed in the collective agreement concerning job security.

— Order of employment priority for available positions

37. A teacher placed on availability has absolute priority for an available position in his or her discipline.

Subject to the employment priorities for a position of any teacher placed on availability in the college, the following priorities apply to a teacher placed on availability from another college for a position in his or her discipline:

(1) a teacher placed on availability in a core discipline in a closed program;

(2) a teacher placed on availability from another college in the same zone if he or she has indicated such a choice;

(3) a teacher placed on availability from a college in another zone if he or she has indicated such a choice;

(4) a teacher placed on availability from another college in the same zone; and

(5) a teacher placed on availability from another college in the same sector who has been on availability for the greatest number of years from among those who have been on availability for at least three years after having received their notice of placement on availability.

Provisional program authorizations

38. The allocation of resources to the core disciplines in a program subject to a provisional authorization issued by the Minister of Education, Recreation and Sports are not to be taken into account in determining the number of positions. Any position that could have resulted from the allocations is, for this reason, deemed to be a full-time teaching load.

However, if the program authorization becomes permanent, the teacher who had such a full-time teaching load is deemed to have held a position.

§2. — Professionals

Abolishment of position

39. A college may abolish a position that has become vacant following an incumbent's transfer as regards a collective agreement that does not provide such an option.

SCHEDULE 4 (Section 14)

Conditions of employment of employees covered by a collective agreement in the health and social services sector

Arbitration expenses

1. The fees and expenses of a grievance arbitrator are paid by the party that filed the grievance if it is rejected, by the party against whom or which the grievance was filed if it is upheld or by the party that withdraws the grievance.

If the grievance is partially upheld, the arbitrator determines the proportion of the arbitrator's fees and expenses to be paid by each party.

If the grievance is resolved, the arbitrator's fees and expenses are shared equally.

In the case of a dispute, other than a grievance, submitted to a third party for a decision, the fees and expenses of the decision maker are shared equally by the employer and the union.

In all cases, the party that requests a postponement of a hearing pays the resulting fees and expenses; in the case of a joint request, the parties share the resulting fees and expenses equally.

However, in the case of a grievance the hearing of which began before 16 December 2005, the arbitrator's fees and expenses are paid according to the rules applicable before that date.

Part-time employees

2. An employee with part-time status in the nursing and cardio-respiratory care personnel category holds a position comprising a minimum of 8 shifts per 28-day period. The following conditions apply to this measure:

(1) The employer determines the number of part-time employees needed.

(2) All job titles are covered, except the titles of nursing and respiratory therapy extern and candidate to the nursing profession.

(3) The modification is effective as of the date agreed upon by the parties, following negotiation of provisions negotiated and agreed to at the local level, but no later than six months following the effective date of provisions negotiated and agreed to at the local or regional level.

(4) An employee who refuses to bid on a position is deemed to have resigned.

(5) An employee who has bid on a position and was not granted that position at the end of the local bidding period is laid off, has his or her name entered on the list of the Regional Manpower Service (RMS) and benefits from the provisions pertaining to priority of employment. The Regional Parity Committee on job security is informed about each of these entries at the end of every fiscal period.

(6) An employee covered by a special measure under the collective agreement who refuses to choose a position or refuses a transfer is deemed to have resigned.

(7) An employee without job security who was not granted a position following the application of a special measure is laid off, has his or her name entered on the list of the Regional Manpower Service (RMS) and benefits from the provisions pertaining to priority of employment.

(8) An employee with job security who refuses a job offer or refuses retraining is deemed to have resigned.

(9) The notion of available position, for the purposes of the job security system, is modified to take into account that part-time employees hold a position comprising a minimum of 8 shifts per 28-day period.

Remuneration for statutory holidays

3. Work performed on Christmas Day and New Year's Day is paid at a rate of time and a half of the regular salary rate, and the rules concerning compensatory time-off are unchanged.

Union leave

4. The provisions referring to paid union leave granted to employees for internal union activities are subject to the following maximum number of days:

Number of existing employees in the unit on January 1st of each year	Number of paid union leave days per year
50-99	26
100-299	52
300-749	104
750-1549	156
1550 or more	208

If there are less than 50 members in the bargaining unit, a local union representative may be granted paid leave, upon authorization from the employer or the employer's representative.

5. The provisions referring to paid union leave granted to employees for union activities other than those referred to in paragraph 4 are subject to the following maximum number of days:

Number of existing employees in the unit on January 1st of each year	Number of paid union leave days per year
1-50	20
51-100	25
101-200	30
201-300	40
301-400	50
401-500	60
501-600	70
601-700	75
701-800	80
801-900	85
901-1000	90
1001-1200	95
1201-1500	100
1501 or more	110

6. Paid union leave requested for the purposes of meetings with an external union representative or meetings with an employee to discuss a grievance or inquire into working conditions is subject to five days' notice.

7. The provisions relating to paid union leave required to participate in a joint committee made up of management representatives and union representatives are maintained and the number of union leave days used for that purpose are not to be subtracted from the union leave credits provided for in paragraphs 4 and 5.

The provisions relating to union leave for an employee for the purposes of a meeting between an employer representative and a union representative, whether the meeting was initiated by one party or the other, are maintained, and the number of union leave days used for that purpose and for the purpose of paragraph 9 are not to be subtracted from the union leave credits provided for in paragraph 4.

8. The provisions relating to union leave for a local union representative, an interested employee or a witness in an arbitration case are maintained and the number of used union leave days are not to be subtracted from the union leave credits provided for in paragraph 4.

9. The provisions relating to paid union leave for the purposes of local or regional negotiations, or local arrangements, are modified in order for the employer to grant paid union leave to employees as designated by the union to attend sessions of local arrangements and local or regional negotiations.

1001 or more

The number of employees granted union leave will be as follows:

Number of existing employees in the unit on January 1st of each year	Number of employees on union leave
1 to 250	2
251 to 1000	3

The parties may, by local arrangement, agree on union leave for employees for the purpose of preparing the local arrangement and local or regional negotiation sessions provided for in this paragraph.

4

10. Any paid or unpaid union leave for an employee is granted provided the employer can ensure continuity of services in the department and provided also no additional costs are involved for the employer.

Salary insurance

11. A disability period means any continuous disability period or a series of successive disability periods interrupted by a period of full-time actual work or availability for work, unless the employee establishes to the satisfaction of the employer or the employer's representative that a subsequent period is attributable to an illness or accident completely unrelated to the cause of the previous disability.

The period of full-time actual work or availability for work is

- (1) less than 22 days for disability lasting less than 26 weeks; and
- (2) less than 60 days for disability lasting 26 weeks or more.

12. For part-time employees, the amount of salary insurance benefits is pro-rated based on time worked during the 52 calendar weeks preceding disability, compared with the amount of benefits payable based on full time, taking into account the periods of time excluded from calculation under the collective agreement. However, the calculation must include a minimum of 12 weeks. If not, the employer must consider the weeks preceding the 52-week period, until calculation can be made over 12 weeks.

If the calculation cannot include a minimum of 12 weeks because the period between the last hiring date of the employee and the disability date does not allow it, the calculation is made based on this last period.

13. A rehabilitation period is available to any employee, whether or not he or she is holding a position, as provided for in the collective agreement.

14. The employer may, upon recommendation from the employer's designated physician, initiate, extend or terminate a rehabilitation period. In the event of a disagreement with the employee's attending physician, the dispute shall be dealt with according to the disability dispute settlement procedure provided for in paragraph 15.

15. An employee may contest the employer's decision to not recognize or no longer recognize the existence of a disability, or the employer's decision to impose or extend a rehabilitation period, according to the procedure provided for in paragraphs 16 to 20.

16. The employer must give a written notice to the employee and to the union about his decision to not recognize or no longer recognize the disability or to impose or extend the rehabilitation period. Notice to the employee shall include copies of report(s) and expertise directly related to the disability that the employer will forward to the physician-arbitrator, and which will be used in the arbitration procedure provided for in paragraph 18 or paragraph 19.

17. If the employee fails to return to work on the date indicated in the notice provided in paragraph 16, he or she is deemed to have contested the employer's decision through the grievance procedure on that date. In the case of a part-time employee whose name is on the availability or recall list but has not been assigned, the grievance is deemed to have been filed on the day the union received a notice from the employer indicating that the employee did not report to work on an assignment that was offered to him or her, or, at the latest, seven days following the receipt of the notice provided for in paragraph 16.

18. If the disability is within the area of competence of a physiatrist, a psychiatrist or an orthopedist, the following medical arbitration procedure applies:

(1) The parties have 10 days following the date the grievance is filed to agree on the choice of a physician-arbitrator. Failing an agreement within the first five days on which medical specialty is relevant, it shall be determined within the following two days by the general physician designated by the Minister of Health and Social Services or the Minister's representative, based on the reports and expertise provided by the attending physician and the first physician designated by the employer. In this case, the parties have the days remaining from the initial 10-day period to agree on the designation of the physician-arbitrator. Failing an agreement on the choice of a physician-arbitrator, the person appointed for that purpose by the Minister designates one from the list agreed by the parties or, failing that, determined by the Minister, in rotation and according to the three relevant specialties and the two geographic sectors identified in subparagraph 8.

(2) To be designated, the physician-arbitrator must be able to render a decision within the prescribed time.

(3) Within 15 days following determination of the relevant specialty, the employee or the union representative and the employer send the physicianarbitrator the files and expertise directly related to the disability, as produced by their respective physicians.

(4) The physician-arbitrator meets with and, if necessary, examines the employee. The meeting must take place within 30 days following determination of the relevant specialty.

(5) Reasonable travelling expenses incurred by the employee are reimbursed by the employer according to the provisions of the collective agreement. If the employee's health condition does not allow him or her to travel, the employee is not required to.

(6) If he or she comes to the conclusion that the employee is or remains disabled, the physician-arbitrator may also decide on the ability of the employee to go through a rehabilitation period.

(7) The physician-arbitrator renders a decision based on the documents provided in accordance with subparagraph 3 and the meeting provided for in subparagraph 4. The decision must be rendered within 45 days from the date the grievance was filed. The decision is final and binding.

(8) The two geographic sectors are as follows:

(*a*) East Sector, which includes the following regions: Bas-Saint-Laurent, Saguenay–Lac-Saint-Jean, Québec, Chaudière-Appalaches, Côte-Nord, and Gaspésie–Îles-de-la-Madeleine;

(b) West Sector, which includes the following regions: Mauricie, Estrie, Montréal-Centre, Outaouais, Abitibi-Témiscamingue, Northern Québec, Laval, Lanaudière, Laurentides, Montérégie, Centre du Québec, Nunavik and James-Bay Cree Territory.

19. If the disability is not within the area of competence of a physiatrist, a psychiatrist or an orthopedist, the medical arbitration procedure provided for in the collective agreement applies.

20. To contest the termination of an employee's disability, the employer must advise the employee and the union in writing. The employee has 30 days following the employer's decision to file a grievance. Paragraphs 18 and 19 apply in this case.

21. The employer cannot force an employee to return to work before the date indicated on the medical certificate or as long as the physician-arbitrator has not decided otherwise.

22. An employee cannot contest his or her ability to return to work under the provisions of the collective agreement if a competent court or authority

established under an Act, such as the Automobile Insurance Act, the Act respecting industrial accidents and occupational diseases or the Crime Victims Compensation Act, has already ruled on his or her ability to return to work with regard to the same disability and the same diagnosis.

Framework for the bumping procedure to be negotiated at the local or regional level

23. The bumping and layoff procedure agreed to at the local or regional level must take the seniority of employees into account, provided they meet the job requirements. It cannot result in the layoff of an employee with job security, as long as an employee without job security could be laid off.

Acquired benefits or privileges

24. The provisions of the collective agreements that pertain to acquired benefits, privileges or rights are replaced by the provisions of paragraphs 25 to 31.

25. Subject to paragraphs 30 and 31, the benefits or privileges related to a matter defined as being the subject of clauses negotiated and agreed at the national level within the meaning of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, acquired by an employee before the effective date of the 2000-2002 or, as the case may be, the 2000-2003 collective agreement applicable to the employee that are superior to the conditions of employment determined under this Act are maintained for the sole benefit of that employee.

26. The benefits or privileges related to a matter defined as being the subject of clauses negotiated and agreed at the national level within the meaning of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, acquired by an employee between the effective date of the 2000-2002 or, as the case may be, the 2000-2003 collective agreement applicable to him or her and 16 December 2005 that are superior to the conditions of employment determined under this Act are null and void.

27. The benefits or privileges related to one of the matters provided in Schedule A.1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, acquired by an employee that are superior to the clauses of the 2000-2002 or, as the case may be, 2000-2003 collective agreement applicable to him or her are not extended and it is up to the parties to dispose of them at the local level.

28. The benefits or privileges conferred by the 2000-2002 or, as the case may be, the 2000-2003 collective agreements, and those conferred by collective agreements prior to 2000-2002 or 2000-2003, that are superior to the conditions of employment determined under this Act cannot be invoked as acquired benefits or privileges.

List of job titles, descriptions and salary scales and rates

29. Any derogation to the list of job titles, descriptions and salary scales and rates made by an institution is null and without effect.

30. Despite any provision of the collective agreement, no derogation to the list of job titles, descriptions and salary scales and rates by an institution may constitute an acquired benefit or privilege or be invoked as such by an employee.

31. In the case of such a derogation, the employer, within 60 days after 16 December 2005, must reclassify an employee whose job title is not consistent with the list as an employee with the appropriate job title in the same class of personnel within the meaning of the Act respecting bargaining units in the social affairs sector.

The reclassified employee is integrated into the salary scale of the new job title. In the case of a red-circled employee, the rules set out in paragraph 34 concerning red-circled employees apply.

The reclassified employee is deemed to meet the normal requirements of his or her position or assignment at the time of reclassification.

If the main duties of an employee do not fall under any job title in the list, the employer must make a request, using the mechanism to be established, for the creation of a new job title. The employer maintains the employee's job title and salary scale or rate until a decision is rendered through that mechanism.

32. The negotiating committees with regard to jobs not included in the list are abolished as of 16 December 2005. All the files pending before those committees are referred to arbitration according to the regular procedure provided for in the collective agreement. Subsequent applications are subject to the mechanism referred to in the fourth subparagraph of paragraph 31.

Remuneration of red-circled employees

33. The provisions of collective agreements setting out the rules applicable to the remuneration of red-circled employees are replaced by the provisions of paragraph 34 for the persons to whom paragraph 31 applies.

34. If an employee is reclassified according to paragraph 24, the employee's salary is reduced to arrive at the uniform salary rate or the maximum of the salary scale of his or her new job title, or is maintained, if his or her salary is already at the same uniform rate as that of his or her new job title or within the limits of the salary rate of his or her new job title.

In the latter case, the employee is integrated into the salary scale of the new job title at the hourly salary rate that is equal to, or the next higher than, the hourly salary rate the employee had. (1) during the first three years after the reclassification, the entire difference between the salary the employee had before being reclassified and the new salary to which the employee is entitled is paid to the employee in lump sums;

(2) during the fourth year, two thirds of the difference between the salary the employee had before being reclassified and the new salary to which the employee is entitled for the fourth year is paid to the employee in the same manner; and

(3) during the fifth year, one third of the difference between the salary the employee had before being reclassified and the new salary to which the employee is entitled for the fifth year is paid to the employee in the same manner.

Special provisions

35. Nothing in the list of job titles, the job descriptions or the salary scales or rates prevents an employee from carrying out the activities which membership in a professional order authorizes him or her to carry out.

36. Any provision of a collective agreement whose purpose is to grant a guaranteed salary or a non-reduction in salaries to an employee must be interpreted and enforced as granting a guaranteed hourly salary or a non-reduction in hourly salary, except in the case of the bumping procedure where the guaranteed salary or the non-reduction in salary is weekly; in the latter case, the status of the employee is taken into account.

37. Despite paragraphs 11 to 22, the provisions of a collective agreement renewed by section 5 which provide for the maintenance of salary insurance benefits during the application of the disability dispute settlement procedure until the employee returns to work or until a decision is rendered by the physician-arbitrator or the arbitrator are maintained.

38. As of 21 November 2006, the supplement paid to an outpost nurse or dispensary nurse is abolished and the provisions relating to salary progression for dispensary nurses are the same as those applicable to clinical nurses.

Final provisions

39. Paragraph 9 does not apply to employees represented by a certified association of employees that belongs to an employee-associations group whose bargaining agent has agreed, before 16 December 2005 with the Comité patronal de négociation du secteur de la santé et des services sociaux (CPNSSS) to a memorandum of agreement establishing a particular system of union leave for the purpose of defining the provisions negotiated and agreed at the local or regional level under sections 35 to 51 of the Act respecting bargaining

units in the social affairs sector or the definition of the first provisions negotiated and agreed at the local or regional level under sections 88 to 92 of that Act.

40. Subject to paragraph 39, paragraphs 9, 23 and 28 to 36 apply to employees represented by an association of employees bound by an agreement referred to in section 13.

41. Paragraphs 3 to 23 come into force on the date set in the text filed under section 18.

The same applies to the provisions of an agreement referred to in section 13 unless otherwise provided by the agreement.



Bill 234 (Private)

An Act respecting the continuance of the Conférence des coopératives forestières du Québec as a federation of cooperatives

Introduced 19 October 2005 Passage in principle 14 December 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

Bill 234

(Private)

AN ACT RESPECTING THE CONTINUANCE OF THE CONFÉRENCE DES COOPÉRATIVES FORESTIÈRES DU QUÉBEC AS A FEDERATION OF COOPERATIVES

AS the Conférence des coopératives forestières du Québec was constituted as a cooperative on 19 August 1985 in accordance with the Cooperatives Act (R.S.Q., chapter C-67.2);

As the Conférence wishes to be continued as a federation of cooperatives dedicated to the pursuit of its activities;

As the members of the Conférence are all cooperatives working in the forestry sector and governed by the Cooperatives Act;

As no legislative provision allows for the continuance of a cooperative as a federation of cooperatives or the conversion of a cooperative into a federation of cooperatives;

As the directors of the Conférence unanimously adopted a resolution on 18 November 2004, approving the proposed continuance of the Conférence;

As the members of the Conférence unanimously adopted a resolution on 8 April 2005 at a special general meeting called for that purpose, approving the proposed continuance of the Conférence;

As the Conférence has consulted its members and obtained a resolution from their boards of directors approving the continuance of the Conférence as a federation of cooperatives or its conversion into a federation of cooperatives;

As it is expedient that the Conférence be permitted to continue as a federation of cooperatives under the following conditions;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CONTINUANCE

1. The Conférence des coopératives forestières du Québec, a cooperative constituted under the Cooperatives Act (R.S.Q., chapter C-67.2), is continued under the name Fédération québécoise des coopératives forestières as a federation of cooperatives governed by the Cooperatives Act.

CHAPTER II

NAME, HEAD OFFICE AND OBJECT

2. The English name of the Federation is "Quebec Federation of Forestry Cooperatives".

3. The head office of the Federation is situated in the judicial district of Québec.

4. The objects of the Federation are:

(*a*) to provide marketing, research and development, information, education and training, and negotiation services to its members, as well as any other service pertaining to the consolidation and development of their enterprises;

(b) to be the main mouthpiece and serve as a forum for the forestry cooperatives, and ensure representation and leadership for the forestry cooperative movement; and

(c) to promote the creation of work cooperatives in the forestry sector.

CHAPTER III

SHARE CAPITAL AND MEMBERS

5. The common and preferred shares issued by the Conférence to its members are by operation of law converted into as many common and preferred shares of the Federation.

6. The members of the Conférence become the members of the Federation.

CHAPTER IV

ADMINISTRATION

7. The directors and officers of the Conférence in office before its continuance are the first directors and officers of the Federation. These directors and officers are to remain in office until the next annual general meeting unless they resign or their post otherwise becomes vacant before that time.

8. The board is composed of 11 directors.

9. As long as they are not amended, the by-laws adopted by the Conférence are the by-laws of the Federation.

10. The Federation is granted five years from the time this Act comes into force to comply with the requirements of section 239 of the Cooperatives Act concerning the make-up of its board of directors.

However, from the twenty-fourth month of the five-year transition period mentioned in the first paragraph, the majority of the vacant director's posts must be filled by board directors of members of the Federation.

CHAPTER V

LEGAL PUBLICITY

11. Within 60 days after the coming into force of this Act, the Federation must transmit a copy of this Act to the enterprise registrar, who deposits it in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45).

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

12. The Federation acquires all the rights and assumes all the obligations of the Conférence, and any legal proceedings in which the Conférence is involved may be continued by or against the Federation without continuance of suit.

13. This Act comes into force on 16 December 2005.



Bill 238 (Private)

An Act to again amend the charter of Les Filles de Jésus (Trois-Rivières)

Introduced 15 November 2005 Passage in principle 14 December 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

Bill 238

(Private)

AN ACT TO AGAIN AMEND THE CHARTER OF LES FILLES DE JÉSUS (TROIS-RIVIÈRES)

AS Les Filles de Jésus (Trois-Rivières) was constituted as a legal person by the Act to incorporate Les Filles de Jésus (Trois-Rivières) and to repeal the Act to incorporate La Congrégation des Filles de Jésus (1956-57, chapter 159);

As the charter of the legal person was amended by chapter 124 of the statutes of 1978 and chapter 112 of the statutes of 1999;

As it is expedient, because of the unification of the Canadian religious provinces of La Congrégation des Filles de Jésus and the reorganization of the Trois-Rivières province as a vice-province on 20 August 2005, to again modify the internal structure of the legal person as well as the rules for the exercise of its powers;

As it is in the interest of the legal person that its charter be amended accordingly;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Act to incorporate Les Filles de Jésus (Trois-Rivières) and to repeal the Act to incorporate La Congrégation des Filles de Jésus (1956-57, chapter 159), amended by section 1 of chapter 124 of the statutes of 1978, is replaced by the following section:

"3. The members of the legal person shall be the persons who, under the religious rules of La Congrégation des Filles de Jésus, are members of that congregation and are assigned to the religious vice-province of Trois-Rivières, as long as they remain so assigned and members of the congregation."

2. Section 4 of the Act is replaced by the following section:

"4. The objects of the legal person shall be to organize, administer and maintain the religious vice-province of Trois-Rivières of La Congrégation des Filles de Jésus, whose objects are religion, charity, instruction, education and welfare."

3. Section 5 of the Act, amended by section 1 of chapter 112 of the statutes of 1999, is again amended by replacing "Special Corporate Powers Act

(R.S.Q., chapter P-16)" in paragraph *j* by "Act respecting the special powers of legal persons (R.S.Q., chapter P-16);".

4. Section 7 of the Act, amended by section 2 of chapter 112 of the statutes of 1999, is replaced by the following section:

"7. The legal person may make, amend and repeal by-laws concerning

(a) its internal management;

(b) the appointment, functions, duties and powers of its officers and employees;

(c) the constitution, appointment and management of executive committees, special committees, boards or officers that may be constituted or appointed for the pursuit of its objects and charged with the exercise of all or some of its powers;

(*d*) the administration, management and control of its property, works and undertakings;

(e) the pursuit of its objects generally."

5. Section 15 of the Act is amended by adding the following paragraphs:

"In the absence of a mandate given under article 2166 of the Civil Code, the legal person shall have the mandate and responsibility to fully ensure the care and administer the property of its members for as long as they remain members of the legal person. The legal person shall appoint one of its officers to execute the mandate.

The execution of the mandate is subordinate to the occurrence of incapacity and to homologation by the court, on the application of the legal person. Any application for homologation or revocation of the mandate of the legal person shall be effected in accordance with the Code of Civil Procedure. The application for homologation must identify the officer appointed to execute the mandate. Proof that the mandator is a member of the legal person is proof of the mandate."

6. Section 16 of the Act, amended by section 3 of chapter 124 of the statutes of 1978, is replaced by the following section:

"16. The rights and powers of the legal person shall be exercised by the nun holding the office of Vice-Provincial of the vice-province of Trois-Rivières of La Congrégation des Filles de Jésus."

7. Section 18 of the Act, amended by section 6 of chapter 112 of the statutes of 1999, is again amended

(1) by replacing "provincial superior of the Trois-Rivières province" in subparagraph c of the first paragraph by "Vice-Provincial of the vice-province of Trois-Rivières";

(2) by striking out subparagraph d of the first paragraph.

8. Section 19 of the Act is amended by striking out ", is a member of its council of advisers".

9. Section 24 of the Act, amended by section 9 of chapter 112 of the statutes of 1999, is again amended by replacing "Provincial Superior of the province" in the second paragraph by "Vice-Provincial of the vice-province".

10. Sections 11, 21 and 24 of the Act, amended by sections 4, 8 and 9 of chapter 112 of the statutes of 1999, are again amended by replacing "Inspector General of Financial Institutions" or "Inspector General", wherever it occurs, by "enterprise registrar".

11. Sections 1 to 10 of this Act have effect from 20 August 2005.

12. This Act comes into force on 16 December 2005.



Bill 239 (Private)

An Act to provide for the continuance of the Conseil de la coopération du Québec as a cooperative and the amalgamation by absorption of the Fondation pour l'éducation à la coopération and the Association pour l'éducation des jeunes coopératrices et coopérateurs

Introduced 15 November 2005 Passage in principle 14 December 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

Bill 239

(Private)

AN ACT TO PROVIDE FOR THE CONTINUANCE OF THE CONSEIL DE LA COOPÉRATION DU QUÉBEC AS A COOPERATIVE AND THE AMALGAMATION BY ABSORPTION OF THE FONDATION POUR L'ÉDUCATION À LA COOPÉRATION AND THE ASSOCIATION POUR L'ÉDUCATION DES JEUNES COOPÉRATRICES ET COOPÉRATEURS

AS the mission of the Conseil de la coopération du Québec is to participate in Québec's social and economic development by encouraging a flourishing cooperative movement in Québec by bringing together and representing, among others, cooperatives, federations, confederations, financial services cooperatives and mutual associations;

As the Conseil is a non-profit association governed by Part III of the Companies Act (R.S.Q., chapter C-38);

As the members of the Conseil want it to be continued as a cooperative governed by Title I of the Cooperatives Act (R.S.Q., chapter C-67.2) so that it may adopt the legal form it promotes;

As this continuance was unanimously approved by resolutions adopted on 7 December 2004 and 14 March 2005 by the board of directors and the general meeting of members of the Conseil;

As, in addition to the powers of a cooperative, the Conseil must have certain powers of a federation within the meaning of Title III of the Cooperatives Act to achieve its object;

As the Fondation pour l'éducation à la coopération, a cooperative governed by the Cooperatives Act, and the Association pour l'éducation des jeunes coopératrices et coopérateurs, a non-profit association governed by Part III of the Companies Act, share common educational objectives in the cooperative field;

As it is desirable that the Fondation participate in an amalgamation by absorption by the Association in order to avoid duplication of structures and foster more efficient management, operations and mobilization; As this amalgamation by absorption was unanimously approved by resolutions adopted by the boards of directors of the Fondation and the Association on 12 September 2005, and by resolutions adopted by special meetings of the members of the Association and the members of the Fondation on 12 September 2005 and 28 October 2005 respectively;

As no legislative provision allows the amalgamation by absorption of a cooperative and a non-profit association;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

CONTINUANCE OF THE CONSEIL DE LA COOPÉRATION DU QUÉBEC AS A COOPERATIVE GOVERNED BY THE COOPERATIVES ACT

1. The Conseil de la coopération du Québec, a non-profit association governed by Part III of the Companies Act (R.S.Q., chapter C-38), continues its existence under the name Conseil de la coopération du Québec as a cooperative governed by Title I of the Cooperatives Act (R.S.Q., chapter C-67.2).

Despite any provision of Title I of the Cooperatives Act, the Conseil continued as a cooperative may exercise the powers provided in paragraphs 1, 2 and 3 of section 236 of the Cooperatives Act and those provided in sections 237 and 238 of that Act.

2. The articles of the Conseil continued as a cooperative are those given in the schedule to this Act.

3. The members of the Conseil on 30 December 2005 become members of the Conseil continued as a cooperative. They are deemed to have subscribed for ten common shares of the capital stock of the Conseil continued as a cooperative, with a par value of \$10 per share, payable under the terms determined by by-law.

4. The directors of the Conseil on 30 December 2005 are the first directors of the Conseil continued as a cooperative.

5. The board of directors of the Conseil continued as a cooperative may adopt its first by-laws, which are to remain in force until confirmed, replaced or amended at the first general meeting of members following the coming into force of this Act.

6. The board of directors of the Conseil continued as a cooperative may, by resolution, assign any title to the general manager, including that of president of the Conseil.

TITLE II

AMALGAMATION BY ABSORPTION OF THE FONDATION POUR L'ÉDUCATION À LA COOPÉRATION AND THE ASSOCIATION POUR L'ÉDUCATION DES JEUNES COOPÉRATRICES ET COOPÉRATEURS

7. The Fondation pour l'éducation à la coopération, a cooperative governed by the Cooperatives Act, is amalgamated by absorption by the Association pour l'éducation des jeunes coopératrices et coopérateurs, a non-profit association governed by Part III of the Companies Act, which acquires the Fondation's rights and assumes its obligations.

The absorbing Association remains constituted and governed by Part III of the Companies Act without any interruption or modification of its legal existence or its objects.

Proceedings to which the absorbed Fondation is a party are continued by or against the absorbing Association without continuance of suit.

8. The members of the absorbing Association are the Conseil de la coopération du Québec, the Centrale des syndicats du Québec and the Confédération des syndicats nationaux. The members of the absorbed Fondation do not become members of the absorbing Association.

9. The absorbing Association may admit other members in accordance with its by-laws.

10. As long as they are members of the absorbing Association,

(a) the Conseil is entitled to a minimum of three quarters of all voting rights at the general and special meetings of the absorbing Association and has the right to elect a minimum of three quarters of the absorbing Association's directors;

(b) the Confédération and the Centrale are each entitled to at least one vote at the general and special meetings of the absorbing Association and each is entitled to elect at least one director.

11. The capital stock of the absorbed Fondation is cancelled.

12. Within six months following a notice to that effect, the members of the absorbed Fondation may require the absorbing Association to reimburse the subscription price they paid for shares they held in the capital stock of the Fondation on 30 December 2005.

A member who does not claim this reimbursement within the prescribed time is deemed to have made a gift of it to the absorbing Association.

13. The name of the absorbing Association is replaced by "Fondation pour l'éducation à la coopération".

TITLE III

LEGAL PUBLICITY

14. Within 60 days following the coming into force of this Act, the Conseil continued as a cooperative and the Fondation pour l'éducation à la coopération must send a copy of this Act to the enterprise registrar to be deposited in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45).

TITLE IV

FINAL PROVISION

15. This Act comes into force on 31 December 2005.

SCHEDULE

1. Name

CONSEIL DE LA COOPÉRATION DU QUÉBEC

2. Object

The object of the Conseil de la coopération du Québec is to participate in Québec's social and economic development by encouraging a flourishing cooperative movement in Québec in accordance with the principles and values of the International Co-operative Alliance. To achieve this object, the Conseil

— fosters concerted action between cooperative sectors and between them and their partners;

- represents and defends the interests of the Québec cooperative movement as a whole; and

— facilitates cooperative development in order to increase the beneficial effects of cooperation for its members and for the general public.

3. Indicate, if applicable, whether the cooperative elects to be governed by Division I of Chapter I of Title II of the Act

N/A

4. Other provisions

The Conseil de la coopération du Québec will not attribute a rebate or pay interest on preferred shares issued to its members.



Bill 242 (Private)

An Act to authorize the adoption of Marie Danielle Viviane Flynn by Paul-Aimé Sauriol

Introduced 7 December 2005 Passage in principle 14 December 2005 Passage 14 December 2005 Assented to 16 December 2005

> Québec Official Publisher 2005

(Private)

AN ACT TO AUTHORIZE THE ADOPTION OF MARIE DANIELLE VIVIANE FLYNN BY PAUL-AIMÉ SAURIOL

AS Paul-Aimé Sauriol submits the following facts in support of his application to adopt Marie Danielle Viviane Flynn:

Marie Danielle Viviane Flynn was born on 23 October 1953 in Plattsburgh, New York, United States of America, and her parents were not able to keep her because they were not married;

Marie Danielle Viviane Flynn was adopted on 30 October 1953 by Fabienne Blais and her husband, Ernest W. Flynn;

Fabienne Blais and Ernest W. Flynn separated around 1958 and Mr. Flynn died on 24 April 2002;

Paul-Aimé Sauriol is the birth father of Marie Danielle Viviane Flynn, he contacted his daughter when she had reached the age of 15, they developed an emotional bond and he gave her financial support;

Paul-Aimé Sauriol married Marie Danielle Viviane Flynn's birth mother, since deceased, and they had other children together;

Paul-Aimé Sauriol remarried, his new wife already had children and they had one child together;

All the above-mentioned children have, in the past 20 years, developed family ties with Marie Danielle Viviane Flynn and they consent to her adoption by Paul-Aimé Sauriol;

Marie Danielle Viviane Flynn consents to her adoption by Paul-Aimé Sauriol;

Marie Danielle Viviane Flynn requests that her adoption by Paul-Aimé Sauriol not dissolve the bond of filiation between her and Fabienne Blais;

Given articles 577 and 579 of the Civil Code of Québec, the adoption of Marie Danielle Viviane Flynn by Paul-Aimé Sauriol while maintaining the bond of filiation between her and Fabienne Blais may only be granted through the passage of a private bill;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Marie Danielle Viviane Flynn, born on 23 October 1953 in Plattsburgh, New York, United States of America, is adopted by Paul-Aimé Sauriol and, as of the coming into force of this Act, is to be known as Marie Danielle Viviane Sauriol.

2. The adoption authorized by this Act has the same effects as a judgment of the Court of Québec rendered in accordance with Chapter II of Book Two of the Civil Code of Québec, except the first paragraph of article 545 and articles 577 and 579.

3. The adoption authorized by this Act does not dissolve the bond of filiation between Marie Danielle Viviane Flynn and her adoptive mother, Fabienne Blais.

4. On receiving this Act and in accordance with its provisions, the registrar of civil status is to draw up the act of birth of Marie Danielle Viviane Flynn under article 132 of the Civil Code of Québec and alter any existing acts of civil status to bring them into conformity with this Act.

5. In accordance with article 136 of the Civil Code of Québec, the registrar of civil status is to include a reference to this Act in the acts of civil status so drawn up or altered.

6. This Act comes into force on 16 December 2005.

Regulations and other acts

Gouvernement du Québec

O.C. 22-2006, 25 January 2006

An Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2)

Securities sectors — Exemptions applicable — Amendment

Regulation to amend the Regulation respecting exemptions applicable to securities sectors

WHEREAS, under section 217.1 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), the Autorité des marchés financiers may, by regulation, conditionally or unconditionally exempt a group of persons from some or all of the requirements of the Act or of the regulations applicable to a securities sector;

WHEREAS, under the first paragraph of section 217 of the Act, a regulation made pursuant to the Act shall be submitted to the Government for approval with or without amendment;

WHEREAS, by Order in Council 747-2005 dated 17 August 2005, the Government approved the Regulation respecting exemptions applicable to securities sectors;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, on 1 June 2005, the Autorité des marchés financiers made the Regulation to amend the Regulation respecting exemptions applicable to securities sectors;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 26 October 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance :

THAT the Regulation to amend the Regulation respecting exemptions applicable to securities sectors, attached to this Order in Council, be approved.

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting exemptions applicable to securities sectors^{*}

An Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2, s. 217.1)

1. The Regulation respecting exemptions applicable to securities sectors is amended by adding the following after section 1:

"1.1. A person that acts as a firm or representative in the group savings plan brokerage sector and pursues its activities in accordance with section 5.3 or 5.5 of Regulation 11-101 respecting Principal Regulator System approved by Minister's Order 2005-18 dated 10 August 2005 is, as the case may be, exempt from registering with the Authority or from holding a certificate in that sector, provided the other provisions under Part 5 of the Regulation are complied with.".

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 Regulation respecting exemptions applicable to securities sectors, approved by Order in Council 747-2005 dated 17 August 2005 (2005, *G.O.* 2, 3456), has not been amended since being approved.

Gouvernement du Québec

O.C. 23-2006, 25 January 2006

An Act respecting the Ministère des Finances (R.S.Q., c. M-24.01)

Ministère des Finances, de l'Économie et de la Recherche

- Signing of certain documents

- Amendments

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche

WHEREAS the second paragraph of section 11 of the Act respecting the Ministère des Finances (R.S.Q., c. M-24.01) provides that, subject to the provisions of the Act or any other Act, a deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only to the extent determined by the Government;

WHEREAS section 55 of the Act provides that any regulation made under section 8 of the Financial Administration Act (R.S.Q., c. A-6) as it read on 14 November 2000 shall retain its effects as if it had been adopted under section 11 of the Act respecting the Ministère des Finances;

WHEREAS, in accordance with section 8 of the Financial Administration Act (R.S.Q., c. A-6), the Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche was made by Order in Council 1243-97 dated 24 September 1997;

WHEREAS sections 13 to 15, 25 to 27, 38, 41 to 46, 86, 87, 90 and 91 of the Act to again amend various legislative provisions concerning municipal affairs (2005, c. 50) contain amendments to assign part of the duties of the Minister of Municipal Affairs and Regions to the Minister of Finance;

WHEREAS the Minister of Finance must, under those duties, sign the documents relating to the power to approve or determine the terms of the loans ordered by municipalities and other municipal bodies;

WHEREAS it is expedient to amend the Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche in order to authorize certain persons to sign, on behalf of the Minister of Finance, the documents relating to the power to approve or determine the terms of the loans ordered by municipalities and other municipal bodies;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance :

THAT the Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche, attached to this Order in Council, be made.

ANDRÉ DICAIRE, *Clerk of the Conseil exécutif*

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche^{*}

An Act respecting the Ministère des Finances (R.S.Q., c. M-24.01, s. 11)

1. The Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche is amended by replacing the title by the following :

"Terms and conditions for the signing of certain deeds, documents and writings of the Ministère des Finances".

2. The Regulation is amended by striking out ", de l'Économie et de la Recherche" wherever those words appear.

3. Section 2.1 is amended by striking out "to Finance" after "Associate Deputy Minister".

4. Section 3 is amended by replacing "the Associate Deputy Minister to Finance, the Associate Deputy Minister, Policies and Financial Transactions" by "the Associate Deputy Minister".

5. The following is inserted after section 10:

"10.1. The Associate Deputy Minister, an assistant deputy minister or a director general responsible for financing, debt management or financial operations, or a

^{*} The Regulation respecting the signing of certain documents of the Ministère des Finances, de l'Économie et de la Recherche, made by Order in Council 1243-97 dated 24 September 1997 (1997, *G.O.* 2, 5105), has been amended once, by the regulation made by Order in Council 1339-2002 dated 20 November 2002 (2002, *G.O.* 2, 6239).

director under the authority of one of those persons is authorized to sign in the place and stead of the Minister of Finance the documents relating to the power to approve or determine the terms of the loans ordered by municipalities and other municipal bodies.".

6. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 24-2006, 25 January 2006

An Act respecting the Ministère des Finances (R.S.Q., c. M-24.01)

Signature of the Minister of Finance or Deputy Minister of Finance affixed by an automatic device or by electronic means and the facsimile of such a signature

WHEREAS the first paragraph of section 12 of the Act respecting the Ministère des Finances (R.S.Q., c. M-24.01) provides that the Government may, subject to the conditions it determines, allow that a signature be affixed by an automatic device or by electronic means;

WHEREAS the second paragraph of that section provides that the Government may also allow, on the conditions it determines, that a facsimile of such a signature be engraved, lithographed or printed and, except in the cases prescribed by the Government, the facsimile signature must be authenticated by the countersignature of a person authorized by the Minister;

WHEREAS sections 13 to 15, 25 to 27, 38, 41 to 46, 86, 87, 90 and 91 of the Act to again amend various legislative provisions concerning municipal affairs (2005, c. 50) contain amendments to assign part of the duties of the Minister of Municipal Affairs and Regions to the Minister of Finance, including those under section 12 of the Act respecting municipal debts and loans (R.S.Q., c. D-7);

WHEREAS, under that Act and under section 12 of the Act respecting municipal debts and loans, every bond of a municipality must, before its delivery, bear a certificate of the Minister of Finance or of a person specially authorized by the Minister establishing that the by-law or resolution authorizing its issue has received every required approval; WHEREAS it is expedient to authorize that the signature of the Minister of Finance or Deputy Minister of Finance be affixed by an automatic device or by electronic means or that a facsimile of such a signature be engraved, lithographed or printed on the certificate of validity;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance :

THAT the signature of the Minister of Finance or Deputy Minister of Finance, in office on the date of the signature, be affixed on every certificate of validity referred to in section 12 of the Act respecting municipal debts and loans (R.S.Q., c. D-7) by an automatic device or by electronic means or that a facsimile of such a signature be engraved, lithographed or printed.

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 30-2006, 25 January 2006

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), the Government may, by regulation, 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 sages-femmes du Québec, 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 advise the Government on any diploma giving access to a permit or specialist's certificate issued by an order, after consultation, 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, Recreation and Sports;

WHEREAS, in accordance with that section, the Office has 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 25 August 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were made to the Chair of the Office following that publication;

WHEREAS, on 24 March 2003, the Ordre des sagesfemmes du Québec gave a favourable opinion on the making of the Regulation attached to this Order in Council by the Government;

WHEREAS, on 14 September 2005, the Office gave a favourable opinion on the making of the Regulation attached to this Order in Council 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. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by inserting the following after section 1.30:

"1.31. The Baccalauréat en pratique sage-femme from the Université du Québec à Trois-Rivières gives access to the permit issued by the Ordre des sages-femmes du Québec.".

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. 39-2006, 25 January 2006

Building Act (R.S.Q., c. B-1.1)

Guarantee plan for new residential buildings — Amendments

Regulation to amend the Regulation respecting the guarantee plan for new residential buildings

WHEREAS, under subparagraphs 19.4 and 19.6 of the first paragraph of section 185 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec may make regulations in respect of financial guarantees for new residential buildings;

^{*} 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 999-2005 dated 26 October 2005 (2005, *G.O.* 2, 4825). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

WHEREAS the Board made the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings at its meeting held on 13 December 2004;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings was published in Part 2 of the *Gazette officielle du Québec* of 27 April 2005 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings, attached to this Order in Council, be approved.

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the guarantee plan for new residential buildings^{*}

Building Act (R.S.Q., c. B-1.1, s. 185, 1st par., subpars. 19.4, 19.6 and 38 and s. 192)

I. The Regulation respecting the guarantee plan for new residential buildings is amended by deleting the second paragraph of section 10.

2. Section 12 is amended by striking out "within the meaning of section 10" at the end of the last paragraph.

3. Section 13 is amended

(1) by replacing "\$30 000" in paragraph 1 by "\$39,000";

(2) by replacing "\$5 000" in the portion of paragraph 2 before subparagraph *a* by "\$5,500" and by replacing "\$75" in subparagraph *b* of paragraph 2 by "\$85", "\$100" by "\$110", "\$125" by "\$140" and "\$150" by "\$170";

(3) by replacing "\$200 000" in paragraph 3 by "\$260,000".

4. Section 14 is amended

(1) by replacing "\$30 000" in paragraph 1 by "\$39,000";

(2) by replacing "\$5000" in the portion of paragraph 2 before subparagraph *a* by "\$5,500" and by replacing "\$75" in subparagraph *b* of paragraph 2 by "\$85", "\$100" by "\$110", "\$125" by "\$140" and "\$150" by "\$170";

(3) by replacing "\$100 000" in subparagraph *b* of paragraph 3 by "\$130,000" and "\$1 500 000" by "\$1,900,000".

5. The following is inserted after section 17:

"17.1. Any claim based on the guarantee referred to in section 9 is subject to the following procedure:

(1) not later than within 90 days following acceptance of the building, the beneficiary shall send to the contractor, by registered mail, a claim for reimbursement of expenses relating to relocation, moving and storage of the beneficiary's property, along with vouchers. If the claim has not been settled within 15 days after the claim has been sent, the beneficiary shall notify the manager in writing who must decide the claim within 15 days following receipt of the notice;

(2) for the implementation of the advance payment guarantee or guarantee of completion before acceptance of the building, the beneficiary shall send the claim in writing to the contractor and a copy of the claim to the manager. The procedure described in paragraphs 2 to 6 of section 18 applies to the claim with the necessary modifications.

^{*} The Regulation respecting the guarantee plan for new residential buildings, approved by Order in Council 841-98 dated 17 June 1998 (1998, *G.O.* 2, 2510), was last amended by the regulation approved by Order in Council 920-2001 dated 31 July 2001 (2001, *G.O.* 2, 4781). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

For the purposes of subparagraph 2 of the first paragraph, the beneficiary shall pay fees to the manager in the amount of \$100 which will be reimbursed to the beneficiary on the conditions prescribed for reimbursement of the fees referred to in paragraph 2 of section 18.".

6. Section 18 is amended

(1) by replacing "made under the guarantee plan" in the portion before paragraph 1 by "based on the guarantee referred to in section 10";

(2) by replacing paragraphs 5 to 7 by the following:

"(5) within 20 days following the inspection, the manager shall file a detailed written report stating whether or not the matter has been settled and send a copy by registered mail to the parties concerned. If the claim has not been settled, the manager shall decide the claim and order, as applicable, the contractor to reimburse to the beneficiary the cost of necessary and urgent conservatory repairs, or to complete or correct the work within the period the manager indicates and agreed upon with the beneficiary;

(6) where the contractor fails to reimburse the beneficiary or to complete or correct the work and there is no recourse to mediation or the manager's decision is not contested in arbitration by one of the parties, the manager shall, within 15 days after the expiry of the period agreed upon with the beneficiary under paragraph 5, make the reimbursement or take charge of completing or correcting the work, agree to a time period for doing so with the beneficiary and undertake, if applicable, the preparation of corrective specifications and a call for tenders, choose contractors and supervise the work.".

7. Section 19 is amended by replacing "15" by "30".

8. The following is inserted after section 19:

"19.1. Failure by the beneficiary to file a claim or implement the guarantee in timely fashion cannot be set up against the beneficiary if the contractor or manager fails to perform the obligations under sections 17, 17.1, 18, 66, 69.1, 132 to 137 and paragraphs 12, 13, 14 and 18 of Schedule II, unless the contractor or manager shows that such failure had no incidence on the failure to file a claim in timely fashion or that the time for filing the claim or implementing the guarantee has been expired for more than one year.".

9. Section 25 is amended by replacing the definition of "acceptance of the common portions" by the following:

"acceptance of the common portions" means the act, with a copy sent to each known beneficiary, the syndicate and the contractor, whereby a building professional chosen by the syndicate of co-owners declares the date of the end of the work on the common portions, subject to minor work indicated by the building professional as remaining to be completed. The acceptance takes place following receipt of a notice of the end of work sent by the contractor to each known beneficiary and to the syndicate of co-owners.". (réception des parties communes)

10. The following is inserted after section 25:

"25.1. For the purposes of this Subdivision, acceptance is deemed to have taken place not later than 6 months after receipt of the notice of the end of work if the following conditions are met:

(1) the work is completed;

(2) the syndicate is formed and is no longer under the control of the contractor;

(3) the notice of the end of work sent to the syndicate by the contractor informed the syndicate of the end of the work and obligations with respect to acceptance; and

(4) six months have elapsed since the receipt of the notice by the syndicate and the latter, without reason, did not accept the common portions.".

11. Section 27 is amended

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

"(1) completion of the work, notice of which is given in writing

(a) by the beneficiary, at the time of acceptance of the private portion or, so long as the beneficiary has not moved in, within 3 days following acceptance; and

(*b*) by the building professional, at the time of acceptance of the common portions;";

(2) by deleting the second paragraph.

12. Section 29 is amended

(1) by striking out "of a private portion" in subparagraph 1 of the first paragraph;

(2) by striking out "within the meaning of section 27" at the end of the last paragraph.

13. Section 30 is amended

(1) by replacing "\$30 000" in paragraph 1 by "\$39,000";

(2) by replacing "\$5000" in the portion of paragraph 2 before subparagraph *a* by "\$5,500" and by replacing "\$75" in subparagraph *b* of paragraph 2 by "\$85", "\$100" by "\$110", "\$125" by "\$140" and "\$150" by "\$170";

(3) by replacing "\$200 000" in paragraph 3 by "\$260,000" and "\$2 000 000" by "\$2,600,000";

(4) by replacing "100 000" in subparagraph *b* of paragraph 4 by "130,000" and "2 000 000" by "2,600,000".

14. The following is inserted after section 33:

"33.1. Any claim based on the guarantee referred to in section 26 is subject to the following procedure:

(1) not later than within 90 days following acceptance of the building, the beneficiary shall send to the contractor, by registered mail, a claim for reimbursement of expenses relating to relocation, moving and storage of the beneficiary's property, along with vouchers. If the claim has not been settled within 15 days after the claim has been sent, the beneficiary shall notify the manager in writing who must decide the claim within 15 days following receipt of the notice;

(2) for the implementation of the advance payment guarantee or guarantee of completion before acceptance of the building, the beneficiary shall send the claim in writing to the contractor and a copy of the claim to the manager. The procedure described in paragraphs 2 to 6 of section 34 applies to the claim with the necessary modifications.

For the purposes of subparagraph 2 of the first paragraph, the beneficiary shall pay fees to the manager in the amount of \$100 which will be reimbursed to the beneficiary on the conditions prescribed for reimbursement of the fees referred to in paragraph 2 of section 34.".

15. Section 34 is amended

(1) by replacing "made under the guarantee plan" in the portion before paragraph 1 by "based on the guarantee referred to in section 27"; (2) by replacing paragraphs 5 to 7 by the following:

"(5) within 20 days following the inspection, the manager shall file a detailed written report stating whether or not the matter has been settled and send a copy by registered mail to the parties concerned. If the claim has not been settled, the manager shall decide the claim and order, as applicable, the contractor to reimburse to the beneficiary the cost of necessary and urgent conservatory repairs, or to complete or correct the work within the period the manager indicates and agreed upon with the beneficiary;

(6) where the contractor fails to reimburse the beneficiary or to complete or correct the work and there is no recourse to mediation or the manager's decision is not contested in arbitration by one of the parties, the manager shall, within 15 days after the expiry of the period agreed upon with the beneficiary under paragraph 5, make the reimbursement or take charge of completing or correcting the work, agree to a time period for doing so with the beneficiary and undertake, if applicable, the preparation of corrective specifications and a call for tenders, choose contractors and supervise the work.".

16. Section 35 is amended by replacing "15" wherever it appears by "30".

17. The following is inserted after section 35:

"35.1. Failure by the beneficiary to file a claim or implement the guarantee in timely fashion cannot be set up against the beneficiary if the contractor or manager fails to perform the obligations under sections 33, 33.1, 34, 66, 69.1, 132 to 137 and paragraphs 12, 13, 14 and 18 of Schedule II, unless the contractor or manager shows that such failure had no incidence on the failure to file a claim in timely fashion or that the time for filing the claim or implementing the guarantee has been expired for more than one year.".

18. Section 42 is amended by replacing paragraph 8 by the following :

"(8) its organizational structure provides that its officers and key personnel participating in policy decision-making and application of the guarantee plan are recruited from among persons who, because of their activities, are capable of contributing in a particular manner to the administration of a guarantee plan, and that at least 3 of those persons have experience in the financial institutions sector, in government and in the consumer affairs sector and are recruited from among persons proposed by the most representative consumer associations. The representatives are to be chosen from a list drawn up by the Board. The term of the representatives from the financial institutions sector, the government and the consumer affairs sector is of not less than one year and may be renewed;".

19. Section 66 is replaced by the following:

"66. Any decision by the manager to refuse or cancel a contractor's membership in the approved plan or concerning a claim made by a beneficiary shall be in writing and give reasons therefor.

The decision must contain the following:

(1) in the case of a decision on a claim made by a beneficiary, mention that it is the decision of the manager, the names of the beneficiary and the contractor, the address of the building concerned, the date of each inspection, if any, the date of the final decision, the remedies and time limits prescribed by the regulation and the names and addresses of the arbitration bodies authorized by the Board as well as those of the Ministère du Travail so that the list of accredited mediators may be obtained;

(2) in the case of a decision refusing or cancelling a contractor's membership in the approved plan, the date of the decision and the remedies and time limits prescribed by the regulation and the names and addresses of the arbitration bodies authorized by the Board.".

20. Section 69 is replaced by the following:

"69. The manager shall supply each contractor with a list of items to be checked for each class of building, approved by the Board for the purposes of the inspection prior to acceptance.".

21. The following is inserted after section 69:

"69.1. Upon receipt of a building registration application from the beneficiary or as soon as the beneficiary is known, the manager shall send to the beneficiary the explanatory document prepared by the Board on the application of this Regulation.".

22. The following is inserted after section 77:

"77.1. The publicity for a guarantee plan must clearly distinguish between the compulsory guarantee plan and any other guarantee plan and mention that the compulsory plan is approved by the Régie du bâtiment du Québec and that it ensures financial protection in respect of part of the contractor's legal and contractual obligations.".

23. Section 78 is amended

(1) by replacing paragraph 6 by the following:

"(6) produce a document certifying that the shareholders holding 20% or more of the voting shares, officers and guarantors have been discharged from any personal bankruptcy and have not been involved in the bankruptcy of a construction firm for at least 3 years and state whether one of the other shareholders was involved in such a bankruptcy in less than 3 years;";

(2) by adding the following paragraph:

"(12) if that person, one of its shareholders holding 20% or more of the voting shares or one of its officers was accredited for the last 3 years by another manager, produce a statement of that manager stating whether sums are owed by the applicant undertaking, one of its shareholders holding 20% or more of the voting shares or one of its officers.".

24. Section 84 is amended

(1) by deleting the third paragraph;

(2) by striking out "also" in the fourth paragraph.

25. The following is inserted after section 88:

"88.1. The manager may also require from the contractor that the contractor supply the following information, if the manager considers it appropriate considering the complaints received or the financial situation of the undertaking:

(1) detailed cost estimates for the construction of a building;

(2) any document evidencing a change to the contract;

(3) when the work concerns multifamily buildings held in divided co-ownership having more than 5 private portions, a copy of the list of sale prices of the co-ownership units, a list of the units sold, the amount of the advance payments collected or to be collected and, where a supervisory mandate has been entrusted to a member of a professional order, a copy of such a mandate; and

(4) interim financial statements.".

26. Section 93 is amended by replacing paragraph 5 by the following:

"(5) he fails to complete work related to a building or carry out the repairs required in accordance with the manager's requirements;".

27. Section 98 is amended by replacing "15" by "30".

28. Section 107 is amended by replacing "15" by "30".

29. Schedule II is amended

(1) by striking out ", in particular the standards contained in the National Building Code of Canada, the Canadian Electrical Code and the Plumbing Code" in paragraph 3;

(2) by replacing "to the beneficiary and to the building professional" in paragraph 13 by "to the building professional, the syndicate, each known beneficiary and any new purchaser at the time of conclusion of the contract".

30. This Regulation comes into force on the one hundred and eightieth day following the date of its publication in the *Gazette officielle du Québec*.

It applies to the buildings for which the preliminary contract or the contract of enterprise is signed between a beneficiary and an accredited contractor and the construction work begins on or after that date.

Sections 1, 2, 7, 10, paragraph 2 of section 11, paragraph 2 of section 12 and sections 16, 19, 23 to 28 and paragraph 1 of section 29 apply within 15 days after that publication as regards guarantee contracts in effect on that date.

7446

M.O., 2006

Order number AM 2006-003 of the Minister of Natural Resources and Wildlife dated 27 January 2006

An Act respecting the conservation and development of wildlife (R.S.Q. c. C-61.1)

CONCERNING the Fishing and Hunting Areas Régulation*

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Government made the Fishing and Hunting Areas Regulation by Order in Council 27-90 dated 10 January 1990;

CONSIDERING section 84.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provides that the Minister may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas;

CONSIDERING section 84.3 of the Act which provides that an order made by the Minister under section 84.1 must be published in the *Gazette officielle du Québ*ec and comes into force on the date of its publication or on any later date indicated therein;

CONSIDERING that it is expedient to replace Schedule X to the Fishing and Hunting Areas Regulation to remove the reference to the eastern and western parts of Area 10;

ORDERS THE FOLLOWING:

Schedule X to the Fishing and Hunting Areas Regulation is replaced by Schedule X attached hereto;

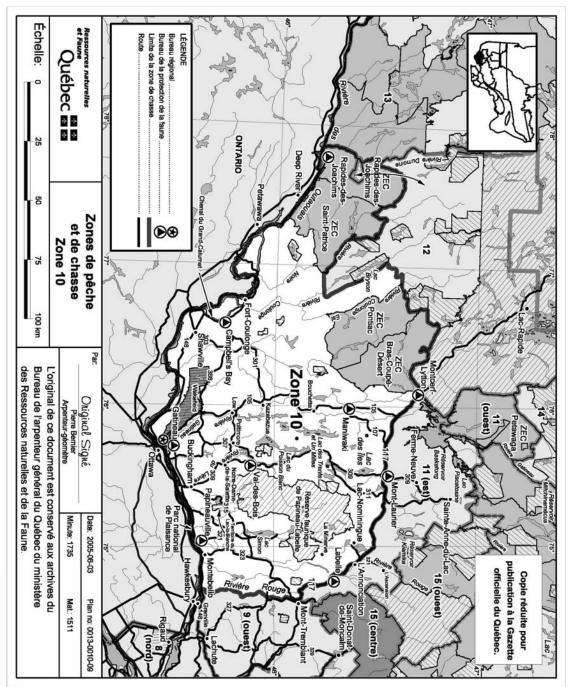
This Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 27 January 2006

PIERRE CORBEIL, Minister of Natural Resources and Wildlife

^{*} The Fishing and Hunting Areas Regulation, made by Order in Council 27-90 dated 10 January 1990 (1990, *G.O.* 2, 317), was last amended by Minister's Order 2004-037 dated 3 September 2004 (2004, *G.O.* 2, 2661). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

SCHEDULE X



M.O., 2006

Order number AM 2006-002 of the Minister of Natural Resources and Wildlife dated 27 January 2006

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1)

CONCERNING the regulation to amend the regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that, under sections 54.1 and 56 of the Act respecting the conservation and development of wild-life (R.S.Q., c. C-61.1), the Minister may make regulations on the matters set forth therein;

CONSIDERING that, under section 164 of the Act, a regulation made in particular under sections 54.1 and 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting hunting by Minister's Order 99021 dated 27 July 1999 which provides, in particular, for the conditions of the hunting of any animal or any animal of a class of animals;

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting hunting, attached hereto, is made.

Québec, 27 January 2006

PIERRE CORBEIL, Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting hunting^{*}

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1, ss. 54.1 and 56, 2nd and 3rd pars.)

1. The Regulation respecting hunting is amended in section 15

(1) by replacing "Matane Wildlife Sanctuary" in subparagraph 2 of the second paragraph by "Matane, Chic-Chocs and Rimouski wildlife sanctuaries" and by adding "; however, in the Chic-Chocs Wildlife Sanctuary, at least one of the moose caught must be without antlers." at the end;

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

"In the Chic-Chocs Wildlife Sanctuary, a conservation group is made up of 3 or 4 hunters holding a right of access pass and being part of the same hunting trip, and the bag limit is one moose without antlers per group of 2 hunters.".

2. Section 17 is amended

(1) by replacing "In the Collin and Louise-Gosford controlled zones" in the first paragraph by "In the Louise-Gosford Controlled Zone";

(2) by striking out "Collin," in the second paragraph;

(3) by replacing "Saint-Patrice and Tawachiche" in the second paragraph by "Saint-Patrice, Tawachiche, Forestville, d'Iberville and Ménokéosawin";

(4) by adding the following at the end of the second paragraph:

"In addition, in the territory of outfitting operations provided for in section 1 of Schedule V, hunting female moose is allowed on the condition that those outfitting operations apply that option for each year of a three-year moose management plan.".

^{*} The Regulation respecting hunting, made by Minister's Order 99021 dated 27 July 1999 (1999, *G.O.* 2, 2451), was last amended by the regulation made by Minister's Order 2005-022 dated 13 May 2005 (2005, *G.O.* 2, 1481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

3. Section 18 is amended

(1) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

"(3) with a type 11 implement in Area 3, except in the western part shown on the plan in Schedule X during the hunting season provided for in Schedule III.";

(2) by replacing "sections 7.1 and 7.2" in the fourth paragraph by "sections 7.1, 7.2 and 7.2.1".

4. Section 24 is amended by adding the following paragraph at the end:

"For the purposes of the bag limit provided for in this section, a white-tailed deer bearing the transportation coupon from the licence of a holder referred to in section 7.2.3 of the Regulation respecting hunting activities is deemed to have been killed by that licence holder.".

5. Schedule II is amended

(1) by replacing "the southern part of Area 27 shown on the plan in Schedule CXCIV" at the end of paragraph *i*. of section 1 by "the part of Area 27, sector white-tailed deer, shown on the plan in Schedule CLXXXVIII, except Île d'Orléans and Île au Ruau";

(2) by adding "Île d'Orléans" and the number of licences "0" at the end of paragraph *i* of section 1;

(3) by replacing "35" in paragraph *ii* of section 3, as regards the Mastigouche Wildlife Sanctuary, by "60";

(4) by striking out "Rimouski Wildlife Sanctuary" and the corresponding number of licences in paragraph *ii* of section 3.

6. Schedule III is amended

(1) in section 1, by replacing paragraph 2, as regards moose, by the following:

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
1	Moose	(2) 10	(a) 1	(a) from the Tuesday on or closest to 25 October to the Friday on or closest to 28 October
			(b) 10 except the western part shown on the plan in Schedule XVI	 (b) from the Saturday on or closest to 25 October to the Wednesday or on closest to 29 October

(2) in section 1, by replacing the hunting season in subparagraph *i* of paragraph 4, as regards moose, by the following :

"from the Saturday on or closest to 10 September to the Monday on or closest to 11 October;"

(3) in section 3, by striking out "6" in subparagraph b of paragraph 1 and by inserting the following after subparagraph b of paragraph 1 of that section in columns III and IV:

"(b.1) 6 (b.1) from the Saturday on or closest to 27 September to the Friday on or closest to 17 October.";

(4) in section 3, by replacing paragraph 2, as regards white-tailed deer, by the following:

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Part 2

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
3	White-tailed deer	(2) 11	3	from the Monday on or closest to 6 October to the Friday on or closest to 10 October

";

(5) in section 3, by replacing subparagraph f of paragraph 3, as regards white-tailed deer, by the following:

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
3	White-tailed deer	(3) 2	(f) the part of Area 13 shown on the plan in Schedule CXC	(f) from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November

(6) in section 4, by replacing subparagraph a of paragraph 1, as regards white-tailed deer with antlers of 7 cm or more, by the following:

"

"

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
4	White-tailed deer with antlers of 7 cm or more	(1) 6	(a) 1	 (a) from the Saturday on or closest to 27 September to the Sunday on or closest to 5 October

(7) in section 4, by replacing subparagraph a of paragraph 2, as regards white-tailed deer with antlers of 7 cm or more, by the following:

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
4	White-tailed deer with antlers of 7 cm or more	(2) 2	<i>(a)</i> 1	(a) from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November

";

[&]quot;

(8) in section 4, by replacing "the southern part of Area 27 shown on the plan in Schedule CXCIV" in paragraphs 4 and 5 of column III by "the part of Area 27, sector white-tailed deer, shown on the plan in Schedule CLXXXVIII";

(9) in section 5, by replacing "5" in subparagraph b of paragraph 1 of column III by ", the western part of Area 5 shown on the plan in Schedule XXXVIII";

(10) in section 5, by inserting "part of the Area" and the following corresponding "hunting season" after subparagraph *b* of paragraph 1, in columns III and IV:

Column III	Column IV	
Area	Hunting season	
(b.1) 5 except the western part shown on the plan in Schedule XXXVIII	(b.1) from the Saturday on or closest to 22 November to the Friday on or closest to 28 November	

(11) in section 5, by replacing the hunting season "from the Saturday on or closest to 22 November to the Friday on or closest to 28 November" in subparagraph a of paragraph 1 by the following:

"from the Tuesday on or closest to 25 November to the Saturday on or closest to 29 November";

(12) in section 6, by replacing the fall hunting season indicated in subparagraph e of paragraph 1, as regards black bear, by the following:

"from the Saturday on or closest to 10 September to the Monday on or closest to 11 October";

(13) in section 6, by adding the following subparagraphs in paragraph 1, as regards type 2 implement, in columns III and IV:

"

Column III	Column IV	
Area	Hunting season	
(h) 26	(h) from the Saturday on or closest to 9 October to the Sunday on or closest to 24 October	

(14) in section 6, by adding the following subparagraphs in paragraph 2, as regards type 6 implement in columns III and IV:

Column III Area	Column IV Hunting season		
(c) 4	(c) from the Saturday on or closest to 20 September to the Friday on or closest to 10 October		
(d) 6	(d) from the Saturday on or closest to 27 September to the Friday on or closest to 17 October		
(e) 9	(e) from the Saturday on or closest to 27 September to the Sunday on or closest to 26 October		
(f) 26	(f) from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October		

(15) in section 6, by adding paragraph 4 and type 11 implement and the following subparagraphs in columns II and III:

Column II Type of implement	Column III Area	Column IV Hunting season	
(4)11	(a) 27 except the eastern part shown on the plan in Schedule XI	 (a) from the Saturday on or closest to 11 September to the Sunday on or closest to 26 September 	
	(b) The eastern part of Area 27 shown on the plan in Schedule XI and 28	(b) from the Saturday on or closest to 4 September to the Sunday on or closest to 19 September	

7. Schedule IV is amended

(1) in section 1, by replacing the hunting seasons, as regards moose and type 13 implement for the following zecs by the following respective hunting seasons:

6	4	

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
1	Moose	13	Dumoine	from the Saturday on or closest to 4 October to the Sunday on or closest to 12 October
			Kipawa	from the Saturday on or closest to 4 October to the Monday on or closest to 13 October
			Maganasipi	from the Saturday on or closest to 4 October to the Sunday on or closest to 12 October
			Restigo	from the Saturday on or closest to 4 October to the Sunday on or closest to 12 October

(2) in section 1, by inserting "Jeannotte" "from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October", as regards moose and type 13 implement, in columns III and IV after Dumoine;

(3) in section 1, by replacing the hunting seasons, as regards moose and type 10 implement, for the following zecs by the following respective hunting seasons:

"

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
1	Moose	10	Dumoine	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October
			Kipawa	from the Tuesday on or closest to 14 October to the Sunday on or closest to 19 October

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			Maganasipi	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October
			Restigo	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October

";

(4) in section 1, by inserting "Owen" "from the Saturday on or closest to 27 September to the Sunday on or closest to 5 October", as regard moose and type 11 implement after Zec "Mazana";

(5) in section 2, by inserting "Owen" "from the Saturday on or closest to 27 September to the Friday on or closest to 10 October", as regards white-tailed deer and type 11 implement after zec "Dumoine";

(6) in section 2.1, by replacing the hunting seasons, as regards white-tailed deer with antlers of 7 cm or more and type 2 implement for the following zecs, by the following respective hunting seasons:

"

Section	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
2.1	White-tailed deer with antlers of 7cm or more	2	Dumoine	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November
			Maganasipi	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November
			Restigo	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November

(7) in section 2.1, by replacing the Zec Cap-Chat hunting season, as regards white-tailed deer with antlers of 7 cm or more and type 11 implement, by the following season:

"from the Saturday on or closest to 27 September to the Sunday on or closest to 5 October".

8. Schedule V is amended by replacing "CLXI" in Column II of section 1, as regards type 13 implement, by "CLXV".

9. Schedule VI is amended

(1) by replacing, the species, types of implement, bag limits and hunting seasons, as regards the following wildlife sanctuaries, by the following:

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting season
CHIC-CHOCS	Moose (male, female, calf)	13	1/group of 3 or 4 hunters or 2, of which one must be a moose without antlers /group of 6 hunters or 1/ youth group ¹ , or 2 moose without antlers/ conservation group ²	From the Tuesday on or closest to 5 September to the Monday on or closest to 23 October

¹ Youth group: a group of 3 or 4 hunters of which at least 1 is under 18 years of age.

² Conservation group : a group of 4 hunters.

DUCHÉNIER	Moose	11	1/group	From the Tuesday on or closest to 23 September to the Friday on or closest
		13	1/group	to 26 September From the Saturday on or closest to 27 September to the Thursday on or closest to 16 October
	White- tailed deer	2	See s. 24	From the Tuesday on or closest to 28 October to the Sunday on or closest to 16 November
		11	See s. 24	From the Saturday on or closest to 13 September to the Friday on or closest to 26 September
PAPINEAU- LABELLE	Moose	13	1/group	From the Monday on or closest to 11 September to the Thursday on or closest to 28 September
	White- tailed deer	2	See s. 24	From the Tuesday on or closest to 17 October to the Saturday on or closest to 11 November
	Ruffed grouse	3	See s. 27	From the Tuesday on or closest to 17 October to the Saturday on or closest to 11 November
	Spruce grouse	3	See s. 27	From the Tuesday on or closest to 17 October to the Saturday on or closest to 11 November

"

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting season
	Snowshoe hare	3	None	From the Tuesday on or closest to 17 October to the Saturday on or closest to 11 November
PORT-DANIEL	Moose	13	1/group	From the Tuesday on or closest to 5 September to the Thursday on or closest to 21 September
	White- tailed deer	2	See s. 24	From the Saturday on or closest to 23 September to the Tuesday on or closest to 3 October
	Ruffed grouse	3	See s. 27	From the Saturday on or closest to 23 September to the Tuesday on or closest to 3 October
	Spruce grouse	3	See s. 27	From the Saturday on or closest to 23 September to the Tuesday on or closest to 3 October
	Snowshoe hare	3	None	From the Saturday on or closest to 23 September to the Tuesday on or closest to 3 October
RIMOUSKI	Moose (male, female, calf)	13	1/group of 3 or 4 hunters or 2/group of 6 hunters	From the Tuesday on or closest to 5 September to the Tuesday on or closest to 10 October From the Tuesday on or closest to 28 October to the Saturday on or closest to 1 November
ROUGE- MATAWIN	White- tailed deer	2	See s. 24	From the Sunday on or closest to 19 October to the Sunday on or closest to 16 November
	Ruffed grouse	3	See s. 27	From the Sunday on or closest to 19 October to the Sunday on or closest to 16 November
	Spruce grouse	3	See s. 27	From the Sunday on or closest to 19 October to the Sunday on or closest to 16 November
	Snowshoe hare	3	None	From the Sunday on or closest to 19 October to the Sunday on or closest to 16 November

10. Schedule VII is amended by replacing the hunt-

ing seasons, as regards the following species and types of implements for the following wildlife sanctuaries by

the following respective hunting seasons:

(2) by adding the following hunting season, as regards black bear for the Laurentides Wildlife Sanctuary:

"from the Tuesday on or closest to 5 September to the Friday on or closest to 13 October".

"

Wildlife Species Type of **Bag limit** Hunting season sanctuary implement ASHUAPMUSHUAN 7 Snowshoe hare None From the Saturday on or closest to 23 September to 31 March 3 See s. 27 CHIC-CHOCS Ruffed grouse From the Tuesday on or closest to 24 October to the Sunday on or closest to 5 November Spruce grouse 3 See s. 27 From the Tuesday on or closest to 24 October to the Sunday on or closest to 5 November 3 Snowshoe hare None From the Tuesday on or closest to 24 October to the Sunday on or closest to 5 November Snowshoe hare 7 None From the Tuesday on or closest to 24 October to 31 March **DUCHÉNIER** See s. 24 White-11 From the Saturday on or tailed deer closest to 13 September to the Monday on or closest to 22 September See s. 27 Ruffed grouse 3 From the Saturday on or closest to 13 September to the Monday on or closest to 22 September From the Friday on or closest to 17 October to the Monday on or closest to 27 October 3 Spruce grouse See s. 27 From the Saturday on or closest to 13 September to the Monday on or closest to 22 September From the Friday on or closest to 17 October to the Monday on or closest to 27 October 3 Snowshoe hare None From the Saturday on or closest to 13 September to the Monday on or closest to 22 September From the Friday on or closest to 17 October to the Monday on or closest to 27 October Snowshoe hare 7 None From the Monday on or closest to 17 November to 31 March

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting season
DUNIÈRE	Snowshoe hare	7	None	From the Tuesday on or closest to 31 October to 31 March
LAURENTIDES	Snowshoe hare	7	None	From the Saturday on or closest to 21 October to 31 March
LA VÉRENDRYE	Ruffed grouse	3	See s. 27	From the Thursday on or closest to 12 October to 15 January
	Spruce grouse	3	See s. 27	From the Thursday on or closest to 12 October to 15 January
	Snowshoe hare	3	None	From the Thursday on or closest to 12 October to 15 January
	Snowshoe hare	7	None	From the Monday on or closest to 17 November to 31 March
MASTIGOUCHE	Snowshoe hare	7	None	From the Saturday on or closest to 30 September to 31 March
MATANE	Snowshoe hare	7	None	From the Tuesday on or closest to 24 October to 31 March
PAPINEAU- LABELLE	Ruffed grouse	3	See s. 27	From the Monday on or closest to 4 September to the Sunday on or closest to 10 September From the Friday on or closest to 29 September to the Monday on or closest to 16 October From the Sunday on or closest to 12 November to 15 January
	Spruce grouse	3	See s. 27	From the Monday on or closest to 4 September to the Sunday on or closest to 10 September From the Friday on or closest to 29 September to the Monday on or closest to 16 October From the Sunday on or closest to 12 November to 15 January

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting season
	Snowshoe hare Eastern cottontail rabbit Snowshoe hare	3 7	None	From the Monday on or closest to 4 September to the Sunday on or closest to 10 September From the Friday on or closest to 29 September to the Monday on or closest to 16 October From the Sunday on or closest to 12 November to 15 January From the Sunday on or closest
	Eastern cottontail rabbit			to 12 November to 31 March
PORT-CARTIER – SEPT-ÎLES	Ruffed grouse	3	See s. 27	From the Saturday on or closest to 7 October to 15 January
	Spruce grouse	3	See s. 27	From the Saturday on or closest to 7 October
	Snowshoe hare	3	None	to 15 January From the Saturday on or closest to 7 October
	Snowshoe hare	7	None	to 30 April From the Saturday on or closest to 7 October to 30 April
PORT-DANIEL	Ruffed grouse	3	See s. 27	From the Wednesday on or closest to 4 October to the Sunday on or closest to 15 October
	Spruce grouse	3	See s. 27	to 15 October From the Wednesday on or closest to 4 October to the Sunday on or closest
	Snowshoe hare	3	None	to 15 October From the Wednesday on or closest to 4 October to the Sunday on or closest to 15 October
	Snowshoe hare	7	None	From the Wednesday on or closest to 4 October to 31 March
PORTNEUF	Snowshoe hare	7	None	From the Saturday on or closest to 6 October to 31 March
RIMOUSKI	Snowshoe hare	7	None	From the Monday on or closest to 17 November to 31 March

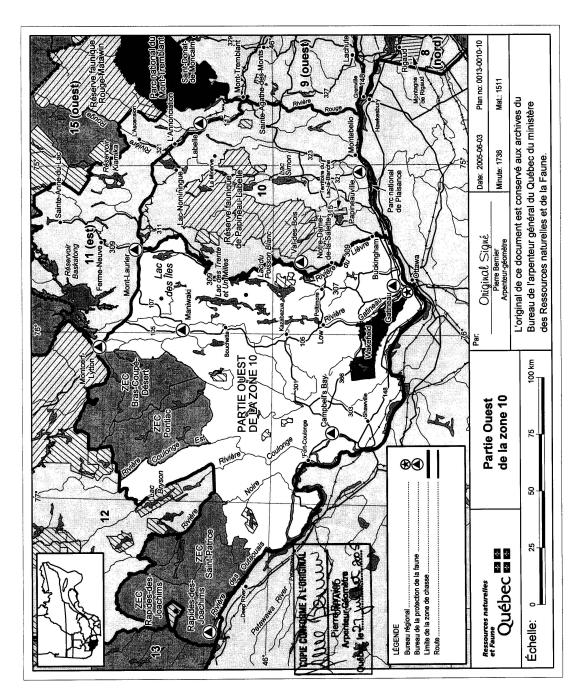
Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting season
ROUGE-MATAWIN	Snowshoe hare	7	None	From the Monday on or closest to 17 November to 31 March
SAINT-MAURICE	Snowshoe hare	7	None	From the Friday on or closest to 6 October to 31 March

11. The Regulation is amended by replacing Schedules XVI, XXXIX, LV, LVI, LX, LXV, LXIX, XC, CII, CIV, CIX, CXVI, CXVII, CXIX, CXXVI, CXXVII and CXL by Schedules XVI, XXXIX, LV, LVI, LX, LXV, LXIX, XC, CII, CIV, CIX, CXVI, CXVII, CXIX, CXXVI, CXXVII and CXL, attached to this Regulation.

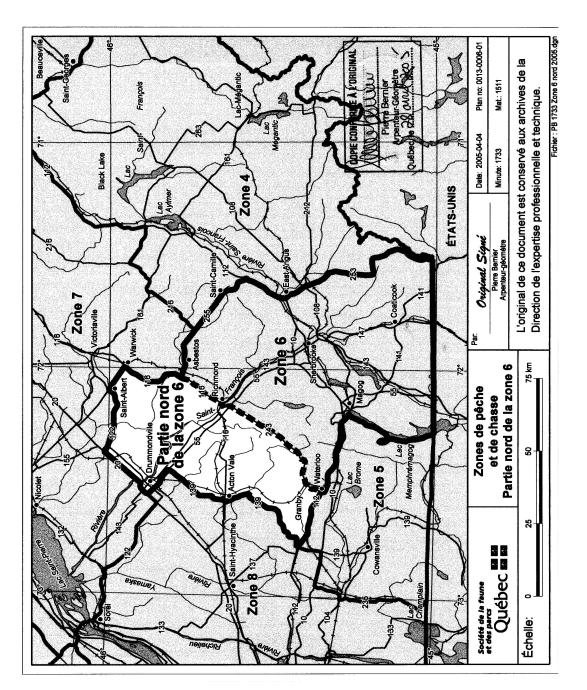
12. The Regulation is amended by adding Schedules CLXII to CLXV and CLXXXVIII attached to this Regulation.

13. 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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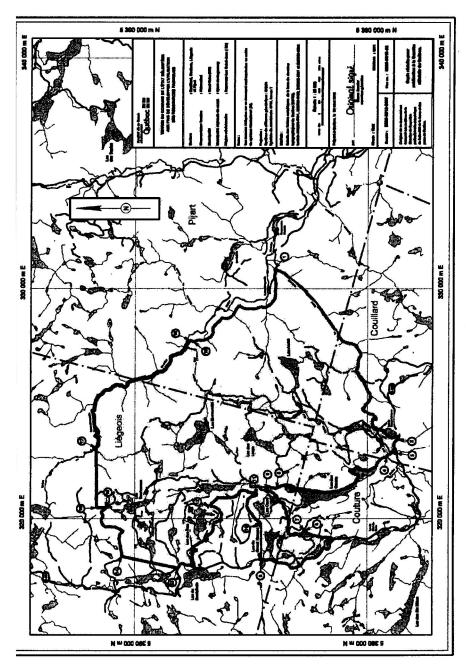


SCHEDULE XVI

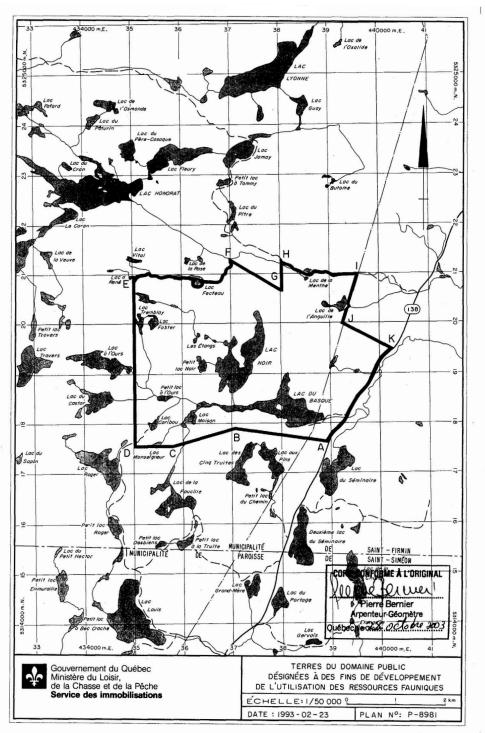


SCHEDULE XXXIX

SCHEDULE LV



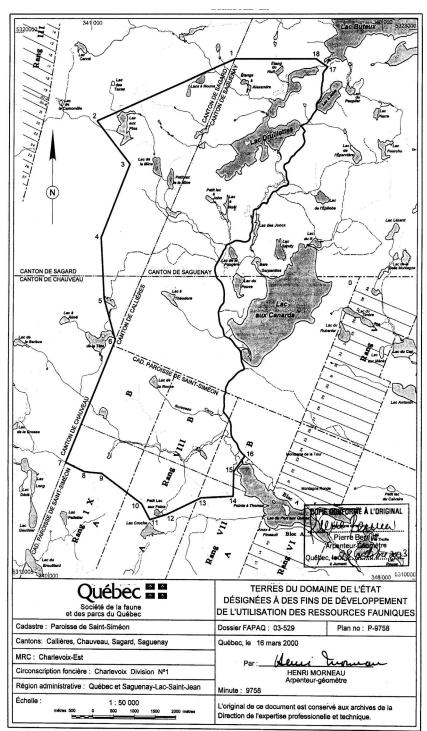
SCHEDULE LVI



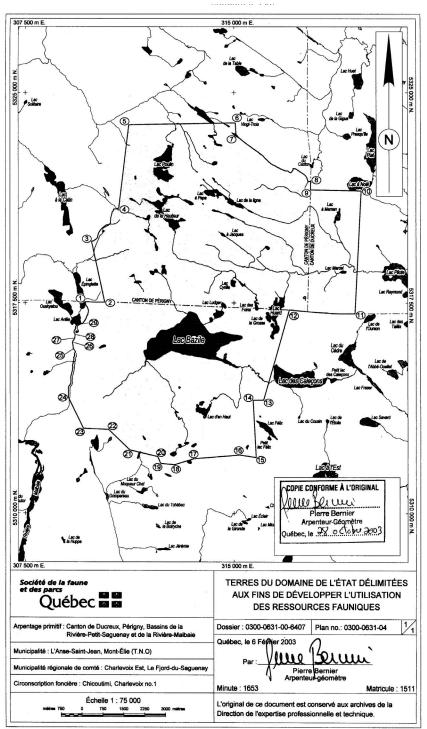
ART SYNTHESE inc.

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SCHEDULE LX

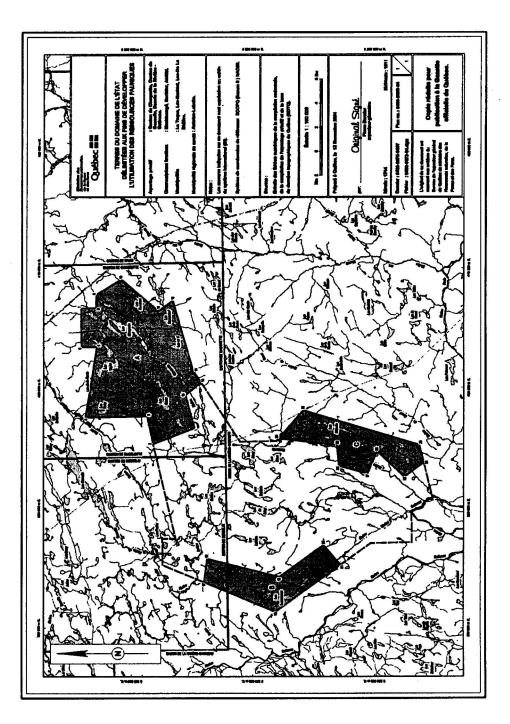


SCHEDULE LXV



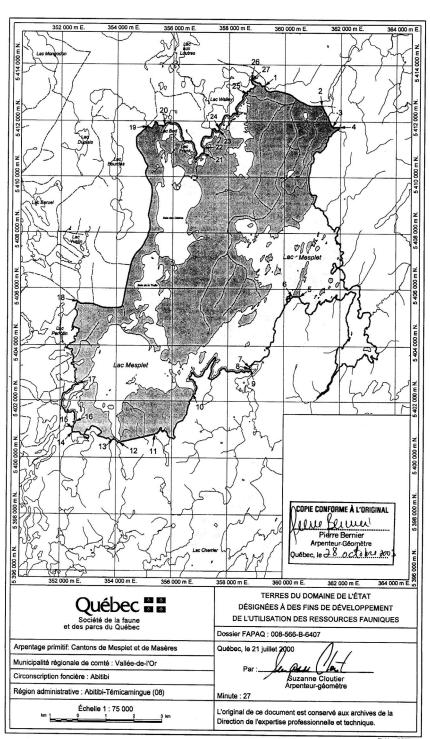
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SCHEDULE LXIX



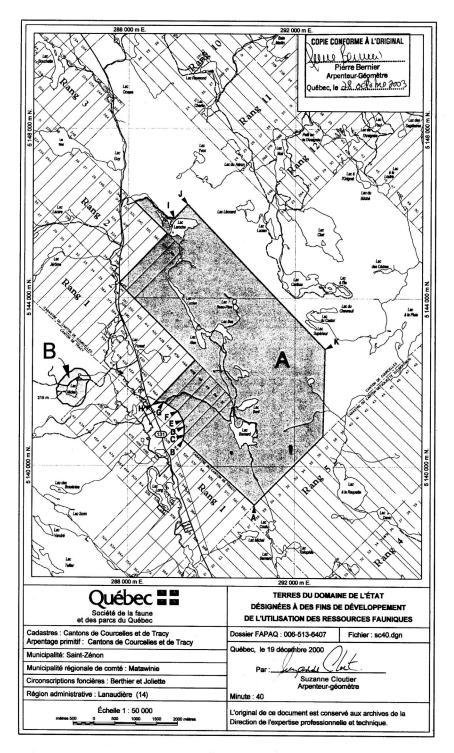
SCHEDULE XC

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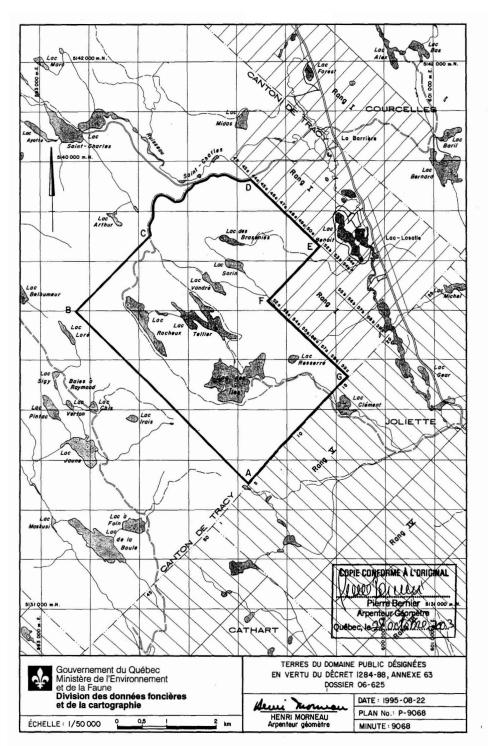


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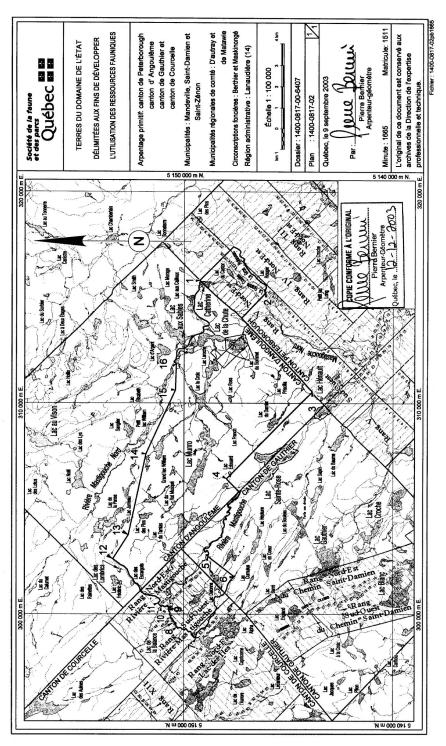
SCHEDULE CII



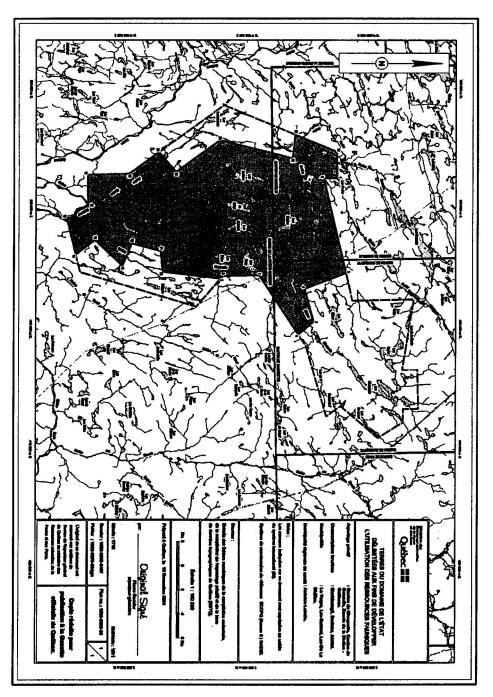
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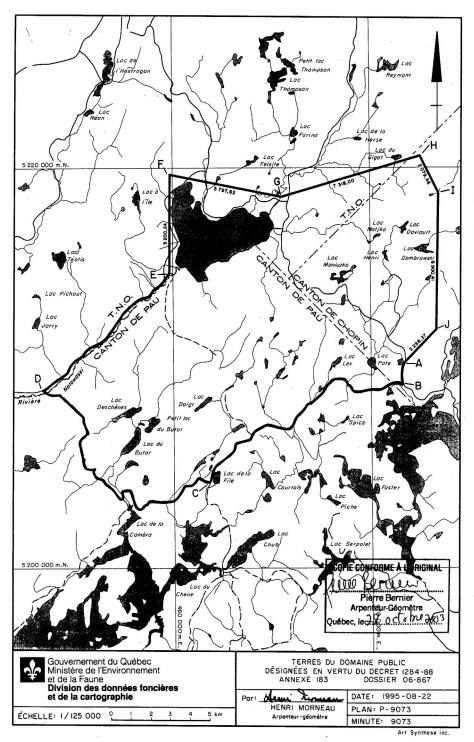
SCHEDULE CIX



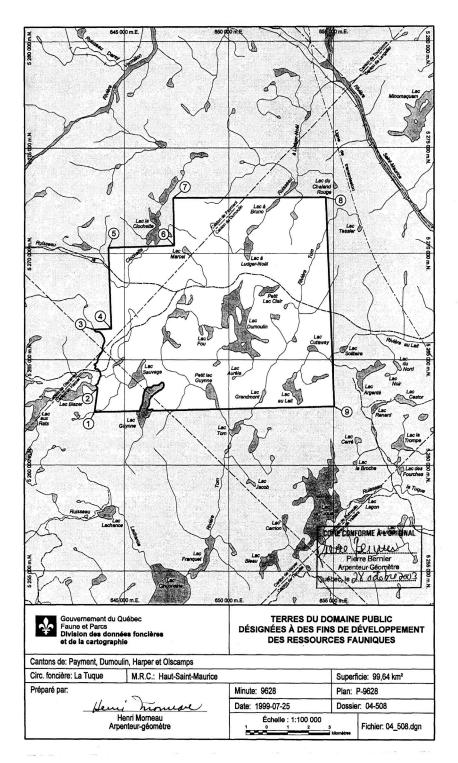
SCHEDULE CXVI



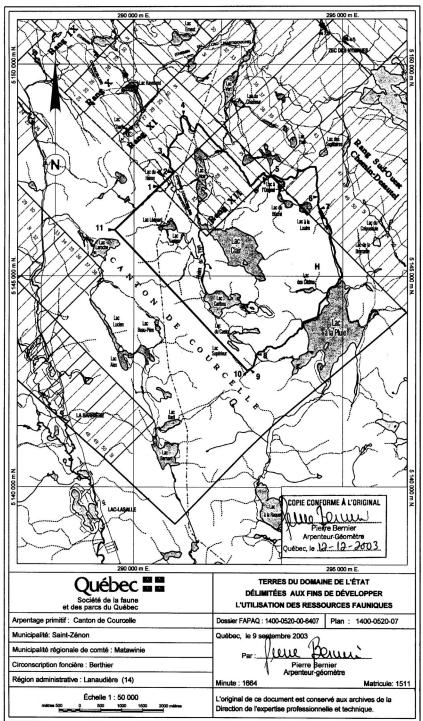
SCHEDULE CXVII



SCHEDULE CXIX

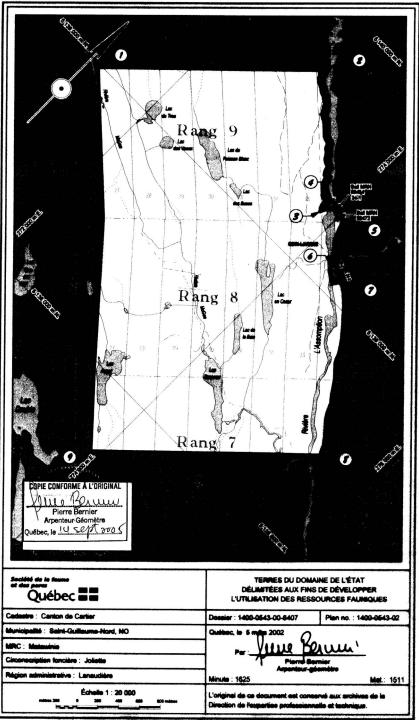


SCHEDULE CXXVI



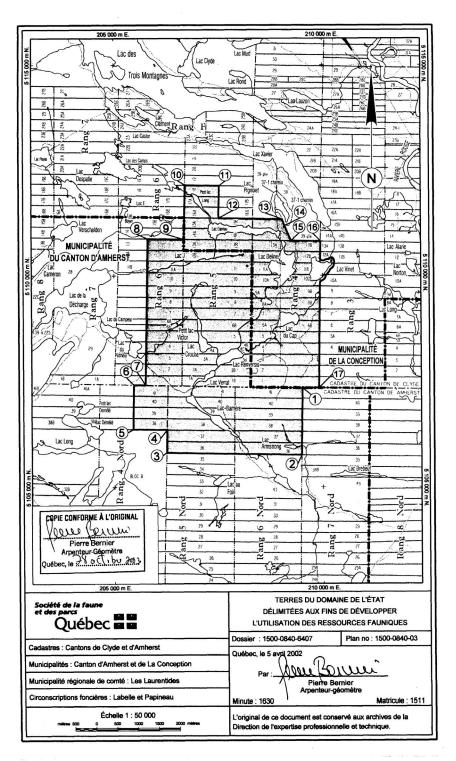
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SCHEDULE CXXVII

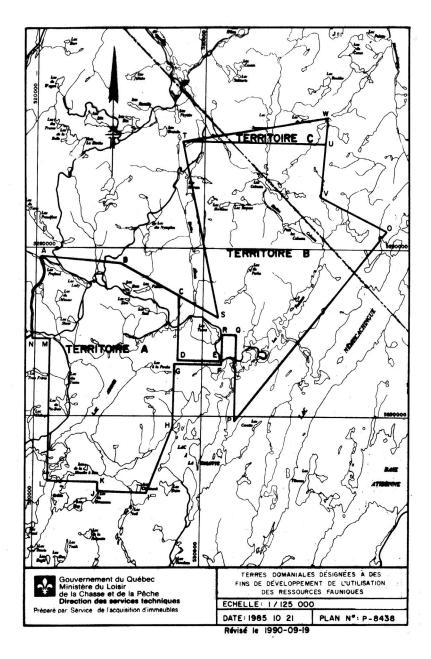


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SCHEDULE CXL

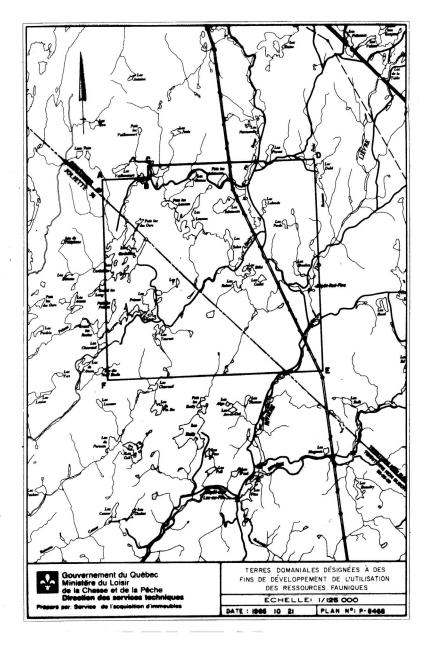


SCHEDULE CLXII



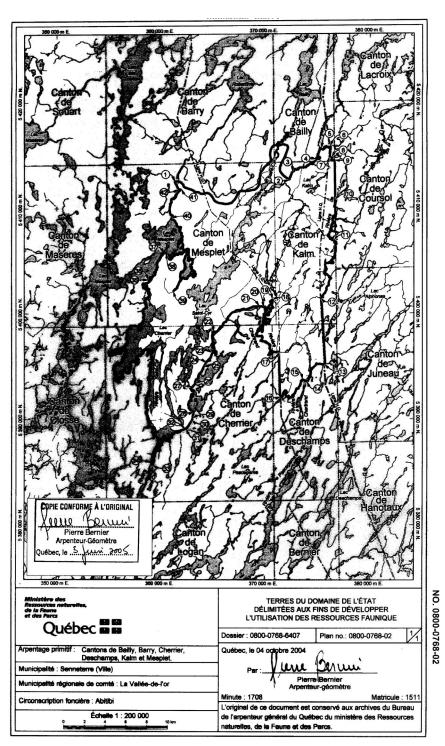


SCHEDULE CLXIII

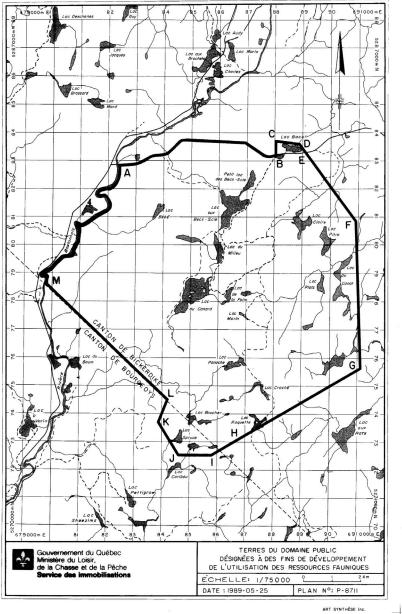




SCHEDULE CLXIV



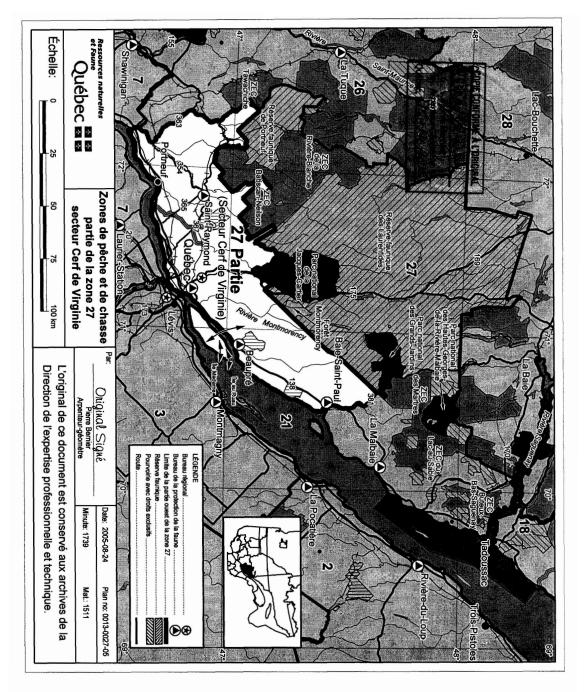
SCHEDULE CLXV



ART SYNTHESE Inc.



SCHEDULE CLXXXVIII



Part 2

M.O., 2006-002

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 18 January 2006

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 2002, c. 27)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 2002, c. 27, s. 22, par. 3);

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, 18 January 2006

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; 2002, c. 27. s. 22, par. 3)

I• 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 I entitled "Manufacturers That Have Submitted Different Guaranteed Selling Prices for Wholesalers and Pharmacists":

(1) by inserting the following after the line concerning the manufacturer "Odan":

"* Oméga Laboratoires Oméga Ltée 5%";

(2) by replacing the line concerning the manufacturer "Prempharm" by the following :

"* Prempharm Prempharm Inc. 5%".

2. The List of medications, attached to the Regulation, is amended in Appendix III entitled "Products for Which the Wholesaler's Mark-up is Limited to a Maximum Amount":

(1) by deleting the line concerning the medication "Selegiline Tab. 5 mg";

^{*} The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister's Order 1999-014 dated 15 September 1999 (1999, G.O. 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister's Orders 2003-010 dated 10 September 2003 (2003, G.O. 2, 2915A), 2003-012 dated 28 October 2003 (2003, G.O. 2, 3288), 2003-013 dated 2 December 2003 (2003, G.O. 2, 3472), 2004-002 dated 19 January 2004 (2004, G.O. 2, 828), 2004-006 dated 15 April 2004 (2004, G.O. 2, 1376), 2004-008 dated 17 June 2004 (2004, G.O. 2, 2028), 2004-013 dated 21 September 2004 (2004, G.O. 2, 2864), 2004-015 dated 15 November 2004 (2004, G.O. 2, 3157), 2004-019 dated 13 December 2004 (2004, G.O. 2, 3613), 2005-001 dated 20 January 2005 (2005, G.O. 2, 491), 2005-06 dated 13 May 2005 (2005, G.O. 2, 1381), 2005-011 dated 28 July 2005 (2005, G.O. 2, 3273), 2005-015 dated 14 September 2005 (2005, G.O. 2, 4409) and 2005-016 dated 7 October 2005 (2005, G.O. 2, 4512) of that Minister. For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 2005, updated to 1 September 2005.

(2) by inserting the following after the line concerning the medication "Avonex I.M. Inj. Pd 30 mcg (6 MUI)":

"Biogen	Avonex PS I.M. Inj. Sol. 30 mcg	4";
-	(6 MUI)	

(3) by inserting the following after the line concerning the medication "Eprex Syringe 10 000 UI/1,0 mL":

"J.O.I. Eprex Syringe 40 000 UI/mL (1 mL) 1";

(4) by inserting the following after the medication "Fuzeon S.C. Inj. Pd 108 mg":

"Genpharm	Gen-Pravastatin Tab. 10 mg	1 000
Genpharm	Gen-Pravastatin Tab. 20 mg	1 000";

(5) by inserting the following after the line concerning the medication "Kaletra Caps. 133,3 mg-33,3 mg":

"GSK Kivexa Tab. 600 mg-300 mg 30";

(6) by inserting the following after the line concerning the medication "Suprefact Depot 3 mois Implant 9,45 mg":

"Roche	Tarceva Tab. 100 mg	30
Roche	Tarceva Tab. 150 mg	30";

(7) by inserting the following after the line concerning the medication "Vesanoid Caps. 10 mg":

"AllergiLab Vespides combines Inj. Pd 3,3 mg 1".

3. The List of medications is amended in Appendix IV entitled "Exceptional Medications, With Recognized Indications for Payment Purposes":

(1) by deleting the following:

"TENOFOVIR DISOPROXIL FUMARATE:

• for treatment of HIV-infected persons who have used two NRTIs that proved either ineffective, or intolerable to the point of raising doubts regarding continuation of the treatment;";

(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying indications:

"DRESSING - INTERFACE:

• to facilitate the treatment of persons suffering from very painful severe burns;

DRESSING - SILVER:

• for treatment of persons suffering from severe burns or severe chronic wounds (affecting the subcutaneous tissue) with critical colonization by at least one pathogen, documented by a bacterial culture from the debrided wound base. The request is authorized for a maximum of 12 weeks.

Critical colonization is defined by the presence of at least one pathogen, documented by a culture, in a severe wound, showing the following clinical signs: increased exudate, friable granulation tissue, stagnation in the scarring process, accentuated odour, accentuated pain and inflammation less than two cm from the edge. Critical colonization of a chronic wound, if it persists, may lead to infection of the chronic wound with systemic signs or symptoms;

ERLOTINIB HYDROCHLORIDE:

 for treatment of locally advanced or metastatic non-small-cell lung cancer in persons;

• for whom a first-line therapy has failed and who are not eligible for other chemotherapy, or for whom a secondline therapy has failed and

- · who do not have cerebral metastases and
- whose ECOG performance status is = 3.

The maximum duration of each authorization is three months. Upon subsequent requests, the physician must provide evidence of a beneficial clinical effect (absence of disease progression);

ROSIGLITAZONE MALEATE / METFORMIN HYDROCHLORIDE:

• in type-2 diabetic persons under treatment with metformin and a thiazolidinedione and whose daily doses have been stable for at least three months. These persons must also fulfill the requirements of the recognized payment indication for thiazolidinediones;";

(3) by replacing the indication accompanying the medication "ADALIMUMAB" by the following:

"♦ for treatment of moderate or severe rheumatoid arthritis;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

• the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:

- a positive rheumatoid factor;

- radiologically measured erosions;

— a score of more than 1 on the health assessment questionnaire (HAQ);

- an elevated C-reactive protein level;

— an elevated sedimentation rate;

and

• the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be methotrexate at a dose of 20 mg or more per week.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:

• a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:

— a decrease of 20% or more in the C-reactive protein level;

- a decrease of 20% or more in the sedimentation rate;

— a decrease of 0.20 in the HAQ score;

- a return to work.

Requests for continuation of treatment are authorized for a period of 12 months.

Authorizations for adalimumab are given for a dose of 40 mg every two weeks;";

(4) by replacing the first indication accompanying the medication "CAPECITABINE" by the following :

"◆ for treatment of advanced or metastatic breast cancer that has not responded to first-line chemotherapy administered during the advanced or metastatic phase, unless such chemotherapy is contraindicated;";

(5) concerning the medication "ETANERCEPT":

(*a*) by replacing the first indication accompanying it by the following:

"◆ for treatment of moderate or severe rheumatoid arthritis and moderate or severe psoriasic arthritis of the rheumatoid type;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

• the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:

— a positive rheumatoid factor for rheumatoid arthritis only;

- radiologically measured erosions;

— a score of more than 1 on the health assessment questionnaire (HAQ);

- an elevated C-reactive protein level;

- an elevated sedimentation rate;

and

• the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be:

for rheumatoid arthritis: methotrexate at a dose of 20 mg or more per week;

for psoriasic arthritis of the rheumatoid type:

- methotrexate at a dose of 20 mg or more per week;

or

- sulfasalazine at a dose of 2 000 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information making it possible to establish the treatment's beneficial effects, specifically:

• a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:

— a decrease of 20% or more in the C-reactive protein level;

— a decrease of 20% or more in the sedimentation rate;

- a decrease of 0.20 in the HAQ score;

- a return to work.

Requests for continuation of treatment are authorized for a period of 12 months.

Authorizations for etanercept are given for a dose of 50 mg per week;";

(b) by adding the following indication after the indications accompanying it:

"♦ for treatment of persons suffering from moderate or severe ankylosing spondylitis whose BASDAI score is ≥ 4 on a scale of 0 to 10 and in whom the sequential use of two non-steroidal anti-inflammatories at the optimum dose for a period of three months each did not adequately control the disease;

• Upon the initial request, the physician must provide the following information:

- the BASDAI score;

— the degree of functional injury, according to the BASFI (scale of 0 to 10);

The initial request will be authorized for a maximum of five months.

• When requesting a continuation of treatment, the physician must provide information showing the beneficial effects of the treatment, specifically:

— a decrease of 2.2 points or 50% on the BASDAI scale, compared with the pre-treatment score;

or

— a decrease of 1.5 points or 43% on the BASFI scale;

or

a return to work.

Requests for continuation of treatment will be authorized for maximum periods of 12 months.

Authorizations for etanercept are given for a maximum of 50 mg per week;";

(6) by replacing the second indication accompanying the medication "NUTRITIONAL FORMULAS – MONOMERIC" by the following:

"♦ for total oral feeding of persons requiring monomeric nutritional formulas as their source of nutrition in presence of severe maldigestion or malabsorption disorders and for whom polymeric formulas are not recommended or not tolerated;";

(7) by adding the following after the indication accompanying the medication "GLATIRAMER ACETATE":

"For persons who previously received an interferon beta-1a for treatment of the first acute clinical episode with documented demyelinization, the interval between the two episodes may exceed two years;";

(8) by adding the following indication after the indications accompanying the medication "IMATINIB MESYLATE":

"♦ in adults suffering from refractary or recidivant acute lymphoblastic leukemia with a positive Philadelphia chromosome and for whom a stem cell transplant is foreseeable.

The maximum duration of each authorization is three months. Upon subsequent requests, the physician must provide evidence of a beneficial clinical effect (absence of disease progession);";

(9) concerning the medication "INFLIXIMAB":

(*a*) by striking out the losange preceding the third paragraph of the first indication accompanying it, in the French version of the List;

(b) by replacing the third indication accompanying it by the following:

"♦ for treatment of moderate or severe rheumatoid arthritis;

Upon initiation of treatment or if the person has been receiving the medication for less than five months :

• the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:

- a positive rheumatoid factor;

- radiologically measured erosions;

— a score of more than 1 on the health assessment questionnaire (HAQ);

- an elevated C-reactive protein level;

— an elevated sedimentation rate;

and

• the disease must still be active despite treatment with two disease-modifying anti-rheumatic medications, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be methotrexate at a dose of 20 mg or more per week.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:

• a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:

— a decrease of 20% or more in the C-reactive protein level;

- a decrease of 20% or more in the sedimentation rate;

— a decrease of 0.20 in the HAQ score;

- a return to work.

Requests for continuation of treatment are authorized for a period of 12 months.

Authorizations for infliximab are given for three doses of 3 mg/kg, with the possibility of increasing the dose to 5 mg/kg after three doses or in the 14th week;"; (c) by adding the following indication after the indications accompanying it:

"
 for treatment of persons suffering from moderate or severe ankylosing spondylitis whose BASDAI score is ≥ 4 on a scale of 0 to 10 and in whom the sequential use of two non-steroidal anti-inflammatories at the optimum dose for a period of three months each did not adequately control the disease;

• Upon the initial request, the physician must provide the following information :

- the BASDAI score;

— the degree of functional injury, according to the BASFI (scale of 0 to 10);

The initial request will be authorized for a maximum of five months.

• When requesting a continuation of treatment, the physician must provide information showing the beneficial effects of the treatment, specifically:

— a decrease of 2.2 points or 50% on the BASDAI scale, compared with the pre-treatment score;

or

— a decrease of 1.5 points or 43% on the BASFI scale;

or

a return to work.

Requests for continuation of treatment will be authorized for maximum periods of 12 months.

Authorizations for infliximab are given for a maximum of 5 mg/kg in weeks 0, 2 and 6 and then every 6 to 8 weeks;";

(10) by replacing, in both indications accompanying the medication "INTERFERON ALFA-2B (PEGYLATED)", the sentence "The authorization will be renewed if the decrease in the HCV-RNA is greater than or equal to 2 log after 12 weeks of treatment." by the sentence "The authorization will be renewed if the decrease in the HCV-RNA is greater than or equal to 1.8 log after 12 weeks of treatment.";

(11) by replacing the medication "INTERFERON BETA-1A, i.m. inj. pd." and the accompanying indications by the following medication and the accompanying indications:

"INTERFERON BETA-1A, i.m. inj. pd. and i.m. inj. sol.:

• for treatment of persons who have had a documented first acute clinical episode of demyelinization.

The physician must provide, at the beginning of treatment, the results of an MRI showing:

• the presence of four or more lesions of the white substance, including a lesion located in the cerebellum, the corpus callosum or the periventricular region;

and

• one such lesion having a diameter of 6 mm or more.

Authorizations are given for 30 mcg once per week.

The maximum duration of the initial authorization is 12 months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of new clinical episodes);

• for treatment of persons suffering from remitting multiple sclerosis who have had two or more episodes of the disease within the last two years and whose EDSS scale result is less than 7.

The physician must provide, at the beginning of treatment and with each subsequent request, the following information: number of attacks per year and EDSS scale result.

The maximum duration of the initial authorization is six months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of deterioration);

For persons who previously received an interferon beta-1a for treatment of the first acute clinical episode with documented demyelinization, the interval between the two episodes may exceed two years;

• for treatment of persons suffering from secondary progressive multiple sclerosis who have had clinical episodes of the disease and whose EDSS scale result is less than 7.

The physician must provide, at the beginning of treatment and with each subsequent request, the following information: number of attacks per year and EDSS scale result.

The maximum duration of the initial authorization is 12 months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of deterioration).

Authorizations are given for 30 mcg once per week;";

(12) by replacing the second indication accompanying the medication "INTERFERON BETA-1A, s.c. inj. sol. (syr.)" by the following:

"◆ for treatment of persons suffering from remitting multiple sclerosis who have had two or more episodes of the disease within the last two years and whose EDSS scale result is less than 7.

The physician must provide, at the beginning of treatment and with each subsequent request, the following information: number of attacks per year and EDSS scale result.

The maximum duration of the initial authorization is six months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of deterioration).

For persons who previously received an interferon beta-1a for treatment of the first acute clinical episode with documented demyelinization, the interval between the two episodes may exceed two years;";

(13) by replacing the first indication accompanying the medication "INTERFERON BETA-1B" by the following:

"♦ for treatment of persons suffering from remitting multiple sclerosis who have had two or more episodes of the disease within the last two years and whose EDSS scale result is less than 7.

The physician must provide, at the beginning of treatment and with each subsequent request, the following information: number of attacks per year and EDSS scale result.

The maximum duration of the initial authorization is six months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of deterioration). For persons who previously received an interferon beta-1a for treatment of the first acute clinical episode with documented demyelinization, the interval between the two episodes may exceed two years;";

(14) by adding the following indication after the indication accompanying the medication "MODAFINIL":

"◆ for adjunctive treatment of diurnal hypersomnolence secondary to sleep apnea or hypopnea that persists despite the use of a nasal continuous positive airway pressure device;";

(15) by replacing the indication accompanying the medication "DRESSING – IODINE CADEXOMER" by the following:

"◆ for treatment of persons suffering from severe burns or severe chronic wounds (affecting the subcutaneous tissue) with critical colonization by at least one pathogen, documented by a bacterial culture from the debrided wound base. The request is authorized for a maximum of 12 weeks.

Critical colonization is defined by the presence of at least one pathogen, documented by a culture, in a severe wound, showing the following clinical signs: increased exudate, friable granulation tissue, stagnation in the scarring process, accentuated odour, accentuated pain and inflammation less than two cm from the edge. Critical colonization of a chronic wound, if it persists, may lead to infection of the chronic wound with systemic signs or symptoms;";

(16) by replacing, in both indications accompanying the medication "PEGINTERFERON ALFA-2A", the sentence "The authorization will be renewed if the decrease in the HCV-RNA is greater than or equal to 2 log after 12 weeks of treatment." by the sentence "The authorization will be renewed if the decrease in the HCV-RNA is greater than or equal to 1.8 log after 12 weeks of treatment.";

(17) by replacing the second indication accompanying the medication "RIBAVIRIN / INTERFERON ALFA-2B (PEGYLATED)" by the following :

"◆ for treatment of persons suffering from chronic hepatitis C of a genotype other than 2 or 3

and

for treatment of chronic hepatitis C in persons infected with HIV of any genotype.

The total duration of the authorization is a maximum of 48 weeks. Authorizations will be granted under different conditions based on the type of test conducted for the purpose of evaluating response to the treatment after the first 12 weeks of treatment.

The initial request is authorized for a maximum of 20 weeks. A quantitative or qualitative HCV-RNA screening test 12 weeks from the beginning of the treatment is necessary to determine response to the treatment.

• In the case of a qualitative test, another authorization, for a maximum of 28 weeks, will be granted for treatment termination purposes, only if the test result is negative.

• In the case of a quantitative test, another authorization, for an additional maximum of 12 weeks, will be granted only if the test result shows a decrease in viremia greater than or equal to 1.8 log compared with pretreatment viremia.

Thereafter, an authorization will be granted, for a maximum of 16 weeks for treatment termination purposes, only if the qualitative HCV-RNA result is negative after 24 weeks of treatment.

However, persons who, during a previous treatment with an association of ribavirin/interferon alfa-2b (pegylated),

— did not obtain a 1.8-log decrease in viremia after 12 weeks compared to the pre-treatment value;

— did not obtain a negativation of their viremia after a minimum of 24 weeks of treatment;

— did not obtain a sustained virological response
 24 weeks after the end of the treatment;
 are not eligible for a second treatment;";

(18) by replacing the second indication accompanying the medication "RIBAVIRIN / PEGINTERFERON ALFA-2A" by the following :

"♦ for treatment of persons suffering from chronic hepatitis C of a genotype other than 2 or 3

and

for treatment of chronic hepatitis C in persons infected with HIV of any genotype.

The total duration of the authorization is a maximum of 48 weeks. Authorizations will be granted under different conditions based on the type of test conducted for the purpose of evaluating response to the treatment after the first 12 weeks of treatment. The initial request is authorized for a maximum of 20 weeks. A quantitative or qualitative HCV-RNA screening test 12 weeks from the beginning of the treatment is necessary to determine response to the treatment.

• In the case of a qualitative test, another authorization, for a maximum of 28 weeks, will be granted for treatment termination purposes, only if the test result is negative.

• In the case of a quantitative test, another authorization, for an additional maximum of 12 weeks, will be granted only if the test result shows a decrease in viremia greater than or equal to 1.8 log compared with pretreatment viremia.

Thereafter, an authorization will be granted, for a maximum of 16 weeks for treatment termination purposes, only if the qualitative HCV-RNA result is negative after 24 weeks of treatment.

However, persons who, during a previous treatment with an association of ribavirin/peginterferon alfa-2a,

— did not obtain a 1.8-log decrease in viremia after 12 weeks compared to the pre-treatment value;

— did not obtain a negativation of their viremia after a minimum of 24 weeks of treatment;

— did not obtain a sustained virological response
 24 weeks after the end of the treatment;
 are not eligible for a second treatment;".

4. The List of medications is amended:

(1) by inserting, in the order of classification of the medications, the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
8:18.08 ANTIRETROVI ABACAVIR/LAM	· _ ·				
Tab.	1	1	60	0 mg - 300 mg	
02269341	Kivexa	GSK	30	639.00	21.3000
8:22 QUINOLONES CIPROFLOXACII Tab.	N HYDROCHLORIDE 🖥		2	250 mg LPM	
02267934	Ran-Ciprofloxacin	Ranbaxy	100	155.47	▶ 1.5547
Tab.	1		5	500 mg LPM	
02267942	Ran-Ciprofloxacin	Ranbaxy	100	175.40	▶ 1.7540
Tab.			7	750 mg LPM	
02267950	Ran-Ciprofloxacin	Ranbaxy	50	165.41	➡ 3.3082
12:12 SYMPATHOMII EPINEPHRINE	Ran-Ciprofloxacin	Ranbaxy	50	165.41 0.15 mg	◆ 3.3082
12:12 SYMPATHOMI		Ranbaxy Paladin	50		• 3.3082
12:12 SYMPATHOMI EPINEPHRINE Inj. Sol. (App.)	METIC AGENTS			0.15 mg	• 3.3082
12:12 SYMPATHOMI EPINEPHRINE Inj. Sol. (App.) 02268205	METIC AGENTS			0.15 mg 79.00	➡ 3.3082
12:12 SYMPATHOMII EPINEPHRINE Inj. Sol. (App.) 02268205 Inj. Sol. (App.) 02247310 20:04.04 IRON PREPAR	METIC AGENTS Twinject 0.15 mg Auto-Injector Twinject 0.3 mg Auto-Injector	Paladin Paladin	1	0.15 mg 79.00 0.3 mg	• 3.3082
12:12 SYMPATHOMII EPINEPHRINE Inj. Sol. (App.) 02268205 Inj. Sol. (App.) 02247310 20:04.04 IRON PREPAR IRON (FERRIC G	METIC AGENTS Twinject 0.15 mg Auto-Injector Twinject 0.3 mg Auto-Injector	Paladin Paladin	1	0.15 mg 79.00 0.3 mg 79.00	 3.3082 23.4380
12:12 SYMPATHOMII EPINEPHRINE nj. Sol. (App.) 02268205 nj. Sol. (App.) 02247310 20:04.04 IRON PREPAR RON (FERRIC G .V. Inj. Sol. 02243333 24:04.04 ANTIARRHYTI	METIC AGENTS Twinject 0.15 mg Auto-Injector Twinject 0.3 mg Auto-Injector EATIONS ELUCONATE/SUCROSE C Ferrlecit HMIC AGENTS	Paladin Paladin	1 1 12.5 mg	0.15 mg 79.00 0.3 mg 79.00	
12:12 SYMPATHOMIE EPINEPHRINE Inj. Sol. (App.) 02268205 Inj. Sol. (App.) 02247310 20:04.04 IRON PREPAR IRON (FERRIC G .V. Inj. Sol. 02243333 24:04.04 ANTIARRHYTI	METIC AGENTS Twinject 0.15 mg Auto-Injector Twinject 0.3 mg Auto-Injector Auto-Injector CATIONS SELUCONATE/SUCROSE C	Paladin Paladin	1 1 12.5 mg	0.15 mg 79.00 0.3 mg 79.00	

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	U	NIT PRICE
4:06.08 IMG-COA RE OVASTATINE [DUCTASE INHIBITOR	s				
ab.	1	I	i	20 mg LPM		
02267969	Ran-Lovastatin	Ranbaxy	500	545.35	•	1.090
ab.				40 mg LPM		
02267977	Ran-Lovastatin	Ranbaxy	100	201.17	•	2.011
RAVASTATINE			-	40 mm - 1 DM		
ab.			4000	10 mg LPM		
02257092	Gen-Pravastatin	Genpharm	1000	953.00	-	0.953
02270234	Riva-Pravastatin	Riva	100	95.30	•	0.953
ab.	1		1	20 mg LPM	1	
02257106	Gen-Pravastatin	Genpharm	1000	1124.30	•	1.124
02270242	Riva-Pravastatin	Riva	100	112.43	•	1.124
			1			
ſab.	1	1	1	40 mg LPM	i	
02257114	Gen-Pravastatin	Genpharm	1000	1354.30	•	1.354
02270250	Riva-Pravastatin	Riva	100	135.43	•	1.354
IMVASTATIN	2	,				
ab.	1	Í	İ.	10 mg LPM	İ.	
02265885	Taro-Simvastatin	Taro	100	112.13	•	1.121
ab.			1	20 mg LPM		
02265893	Taro-Simvastatin	Taro	100	138.60	•	1.386
ab.				40 mg LPM		
02265907	Taro-Simvastatin	Taro	100	138.60	•	1.386
	ERGICS BLOCKING A		,			
	LIGICS BLOCKING F			25 mg LPM		
ab. 02266660	Novo-Atenol	Novopharm	100	25 mg LPM 17.58	-	0.175
02200000	NOVO-ALEITOI	Novopnann	100	17.00	-	0.175

		r				
	CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.					50 mg LPM	
	02267985	Ran-Atenolol	Ranbaxy	500	175.65	♦ 0.3513
Tab.				1	00 mg LPM	
	02267993	Ran-Atenolol	Ranbaxy	500	288.85	➡ 0.5777
BISC Tab.	PROLOL FU	JMARATE 🖪			5 mg	
	02267470	Novo-Bisoprolol	Novopharm	500	110.25	0.2205
Tab.					10 mg	
	02267489	Novo-Bisoprolol	Novopharm	100	36.54	0.3654
CAR Tab.	VEDILOL 🖥				3.125 mg	
	02268027	Ran-Carvedilol	Ranbaxy	100	80.01	0.8001
Tab.			1	1	6.25 mg	1
	02268035	Ran-Carvedilol	Ranbaxy	100	80.01	0.8001
Tab.					12.5 mg	
	02268043	Ran-Carvedilol	Ranbaxy	100	80.01	0.8001
Tab.			· ·		25 mg	
	02268051	Ran-Carvedilol	Ranbaxy	100	80.01	0.8001
21·3	2.04	1	11	1	1	1

24:32.04

ANGIOTENSIN-CONVERTING ENZYME INHIBITORS (ACEI) SODIUM FOSINOPRIL

Tab.

Tab.				10 mg	
02266008	Apo-Fosinopril	Apotex	100	49.77	0.4977
02265923	Riva-Fosinopril	Riva	100	49.77	0.4977
Tab.				20 mg	
02266016	Apo-Fosinopril	Apotex	100	59.85	0.5985
02265931	Riva-Fosinopril	Riva	100	59.85	0.5985

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
28:12.12 HYDANTOINS PHENYTOIN			105	a/5 mL LPM	
Oral Susp. 02250896	Taro-Phenytoin	Taro	125 mç 237 ml	7.37	➡ 0.0311
			201 111		
PREGABALIN 🖪 Caps.	l	I		25 mg	
02268418	Lyrica	Pfizer	60	44.86	0.7477
Caps.				50 mg	
02268426	Lyrica	Pfizer	60	70.39	1.1732
Caps.	I	1	1	75 mg	
02268434	Lyrica	Pfizer	60	91.07	1.5178
Caps.	1	1		150 mg	
02268450	Lyrica	Pfizer	60	139.31	2.3218

L						
C	Caps.				300 mg	
	02268485	Lyrica	Pfizer	60	139.31	2.3218
L						

28:16.04 ANTIDEPRESSANTS CITALOPRAM HYDROMIDE

Tab.	i			20 mg				
02268000	Ran-Citalopram	Ranbaxy	500	437.50	0.8750			
Tab.		i I		40 mg				
02268019	Ran-Citalopram	Ranbaxy	100	87.50	0.8750			
			I					
Tab. or oral disint		1	ı	15 mg	1			
02256096	Gen-Mirtazapine	Genpharm	100	37.50	0.3750			
Tab. or oral disint	Tab. or oral disint. 30 mg							
02267292	Rhoxal-Mirtazapine FC	Rhoxal	100	78.00	0.7800			

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
ab. or oral disint	t			45 mg	
02256126	Gen-Mirtazapine	Genpharm	100	112.50	1.1250
28:16.08					
RISPERIDONE L Dral Diss. tab.	3			3 mg	
02268086	Risperdal M-Tab	J.O.I.	28	80.50	2.8750
Dral Diss. tab.				4 mg	
02268094	Risperdal M-Tab	J.O.I.	28	107.33	3.8332
40:12					
	IT PREPARATIONS				
CALCIUM CARB Tab.	ONATE/VITAMIN D		500 mg -	400 UI LPM	
80000159	Calcia 400	Medexus	60	7.20	♦ 0.1200
00000133	Calcia 400	Medexus	00	1.20	- 0.1200
BRIMONIDINE TA	DUS EENT DRUGS ARTRATE 🖥			0.2.%	
MISCELLANEO					
MISCELLANEO BRIMONIDINE TA Oph. Sol.	ARTRATE 🖥	Anotex	10 ml	0.2 %	
MISCELLANEO		Apotex	10 ml	0.2 % 20.79	
MISCELLANEO BRIMONIDINE TA Oph. Sol.	ARTRATE 🖥	Apotex	10 ml	1	
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC	ARTRATE D	Apotex	10 ml	1	
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY	ARTRATE D	Apotex	10 ml	20.79	
MISCELLANE(BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANE(5-AMINOSALICY Ent. Tab.	ARTRATE C Apo-Brimonidine DUS GI DRUGS YLIC ACID C			20.79 800 mg	0.0000
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY	ARTRATE D	Apotex P&G Pharma	10 ml	20.79	0.9900
MISCELLANE(BRIMONIDINE T/ Dph. Sol. 02260077 56:40 MISCELLANE(5-AMINOSALICY Ent. Tab. 02267217	ARTRATE D Apo-Brimonidine DUS GI DRUGS 'LIC ACID D Asacol			20.79 800 mg	0.9900
MISCELLANE(BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANE(5-AMINOSALICY Ent. Tab.	ARTRATE D Apo-Brimonidine DUS GI DRUGS 'LIC ACID D Asacol			20.79 800 mg	0.990(
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY Ent. Tab. 02267217 DOMPERIDONE	ARTRATE D Apo-Brimonidine DUS GI DRUGS 'LIC ACID D Asacol			20.79 800 mg 178.20	0.9900
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY Ent. Tab. 02267217 DOMPERIDONE Fab.	ARTRATE C Apo-Brimonidine DUS GI DRUGS 'LIC ACID C Asacol MALEATE C	P&G Pharma	180	20.79 800 mg 178.20	
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY Ent. Tab. 02267217 DOMPERIDONE Fab.	ARTRATE C Apo-Brimonidine DUS GI DRUGS 'LIC ACID C Asacol MALEATE C	P&G Pharma	180	20.79 800 mg 178.20	
MISCELLANE(BRIMONIDINE T/ Dph. Sol. 02260077 56:40 MISCELLANE(5-AMINOSALICY Ent. Tab. 02267217 00MPERIDONE Tab. 02268078 58:20.92 MISCELLANE(ARTRATE C Apo-Brimonidine DUS GI DRUGS LIC ACID C Asacol MALEATE C Ran-Domperidone DUS ANTIDIABETIC A	P&G Pharma	180	20.79 800 mg 178.20	
MISCELLANE(BRIMONIDINE T/ Dph. Sol. 02260077 56:40 MISCELLANE(5-AMINOSALICY Ent. Tab. 02267217 00MPERIDONE Tab. 02268078 58:20.92 MISCELLANE(METFORMIN HY	ARTRATE C Apo-Brimonidine DUS GI DRUGS CLIC ACID C Asacol MALEATE C Ran-Domperidone	P&G Pharma	180	20.79 800 mg 178.20 10 mg LPM 74.80	
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY Ent. Tab. 02267217 00MPERIDONE Tab. 02268078 58:20.92 MISCELLANEC METFORMIN HY Tab.	ARTRATE D Apo-Brimonidine DUS GI DRUGS LIC ACID D Asacol MALEATE D Ran-Domperidone DUS ANTIDIABETIC A	P&G Pharma Ranbaxy AGENTS	180	20.79 800 mg 178.20 10 mg LPM 74.80	➡ 0.1496
MISCELLANE(BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANE(FAMINOSALICY Ent. Tab. 02267217 00MPERIDONE Tab. 02268078 58:20.92 MISCELLANE(METFORMIN HY	ARTRATE C Apo-Brimonidine DUS GI DRUGS LIC ACID C Asacol MALEATE C Ran-Domperidone DUS ANTIDIABETIC A	P&G Pharma	180	20.79 800 mg 178.20 10 mg LPM 74.80	
MISCELLANE(BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANE(5-AMINOSALICY Ent. Tab. 02267217 00MPERIDONE Tab. 02268078 58:20.92 MISCELLANE(METFORMIN HY Tab. 02269031	ARTRATE D Apo-Brimonidine DUS GI DRUGS LIC ACID D Asacol MALEATE D Ran-Domperidone DUS ANTIDIABETIC A	P&G Pharma Ranbaxy AGENTS	180 500 500	20.79 800 mg 178.20 10 mg LPM 74.80 500 mg LPM 60.80	➡ 0.1496
MISCELLANEC BRIMONIDINE TA Dph. Sol. 02260077 56:40 MISCELLANEC 5-AMINOSALICY Ent. Tab. 02267217 00MPERIDONE Tab. 02268078 58:20.92 MISCELLANEC METFORMIN HY Tab.	ARTRATE D Apo-Brimonidine DUS GI DRUGS LIC ACID D Asacol MALEATE D Ran-Domperidone DUS ANTIDIABETIC A	P&G Pharma Ranbaxy AGENTS	180 500 500	20.79 800 mg 178.20 10 mg LPM 74.80	➡ 0.1496

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
58:32 PROGESTINS MEDROXYPROG Tab.	SESTERONE ACETATE 🖥		-	100 mg LPM	
02267640	Apo-Medroxy	Apotex	100	85.43	➡ 0.8543
34:06 ANTI-INFLAMI MOMETASON FU Top. Oint.	MATORY AGENTS JROATE 🖥	-		0.1 %	
02264749	Taro-Mometasone	Taro	50 g	17.46	0.3492
	D THERAPEUTIC AGE VENOM PROTEIN	NTS	1	1.1 mg	
99100226	Frelon a tete blanche	AllergiLab	1	173.00	173.000
99100227	Frelon Jaune	AllergiLab	1	173.00	173.000
99100225	Honey Bee Venom	AllergiLab	1	173.00	173.00
99100229	Wasp Venon	AllergiLab	1	173.00	173.00
99100228	Yellow Jacket Venom	AllergiLab	1	173.00	173.000
ij. Pd	1			3.3 mg	
99100230	Vespides combines	AllergiLab	1	401.00	401.00
2:00.02 DTHER MISCE LENDRONATE ab. 02258102	ELLANEOUS MONOSODIUM D	Cobalt	30	40 mg 78.29	2.609
ab. 02248730	Ano Mondronata	Apotex	4	70 mg 22.30	5.575
	Apo-Alendronate				
02258110 02261715	Co Alendronate Novo-Alendronate	Cobalt Novopharm	4	22.30 22.30	5.575 5.575
NAGRELIDE H				0.5 mg	
. 02253054	Gen-Anagrelide	Genpharm	100	334.91	3.349
	1	1	1		

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	U	NIT PRICE		
ISOTRETINOIN	ISOTRETINOIN 🖪 Caps. 10 mg LPM							
02257955	Clarus	Prempharm	30	40.98	•	1.3660		
Caps.				40 mg LPM				
02257963	Clarus	Prempharm	30	83.63	•	2.7877		
PAMIDRONATE I I.V. inf. pd/sol.	PAMIDRONATE DISODIUM I.V. inf. pd/sol. 90 mg							
02249685	Pamidronate Disodium Omega	Oméga	1	265.05				

(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
	MEDICATIONS				
Dressing				5 cm X 6 cm	
99100241	Allevyn Compression	S. & N.	1	2.10	
Dressing				10 cm X 10 cm	
99100052	Allevyn Compression	S. & N.	1	5.22	5.2200
EPOETIN ALFA	P		1	<u>, </u>	
Syringe		1	40 000	U.I./mL (1 mL)	
02240722	Eprex	J.O.I.	1	401.85	
			1	,,	
Tab.	1	1		100 mg	
02269015	Tarceva	Roche	30	1600.00	53.3333
Tab.				150 mg	
02269023	Tarceva	Roche	30	2400.00	80.0000

	CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
SLIM	EPIRIDE 🖥					
ab.		1	1	1	1 mg	
	02269589	Rhoxal-Glimepiride	Rhoxal	30	14.70	0.4900
āb.					2 mg	
	02269597	Rhoxal-Glimepiride	Rhoxal	30	14.70	0.4900
āb.					4 mg	
	02269619	Rhoxal-Glimepiride	Rhoxal	30	14.70	0.4900
	RFERON BE nj. Sol. 02269201	Avonex PS	Biogen	3	0 mcg (6 MUI) 1292.30	323.075
1eti a. 1		ATE HYDROCHLORIDE &	>		27 mg	
		ATE HYDROCHLORIDE 《) J.O.I.	100	27 mg 228.50	2.2850
A. 1	Tab. 02250241 FIVITAMINS	Concerta	I		228.50	2.2850
A. 1 NUL1	Tab. 02250241 FIVITAMINS	Concerta	J.O.I.		228.50	2.2850
A. 1 NUL1	Tab. 02250241 FIVITAMINS Sol.	<i>Concerta</i> 5 Vit A 1 <i>Adeks</i>	J.O.I. 500 UI - Beta Carotène 1	mg - Vit D 400 60 ml	228.50) UI and others 18.00	

5- Pharmacists may purchase the product of their choice. The product thus obtained is considered insured and the price payable by the Régie is the pharmacist's cost price.

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
 IUTRITIONAL FO	ORMULAS - POLYMERIC LO	W-RESIDUE		1 L suppl.	
99100244	Novasource Renal	Novartis-N	1	14.07	

ROSIGLITAZONE MALEATE / METFORMIN HYDROCHLORIDE

Tab.				1 mg - 500 mg	
0224708	35 Avandamet	GSK	100	60.00	0.6000
Tab.				2 mg - 500 mg	
0224708	36 Avandamet	GSK	100	108.50	1.0850
Tab.			2	mg - 1000 mg	
0224844	40 Avandamet	GSK	100	118.50	1.1850
Tab.				4 mg - 500 mg	
0224708	37 Avandamet	GSK	100	148.00	1.4800
Tab.			,	mg - 1000 mg	
0224844	41 Avandamet	GSK	100	161.50	1.6150
SILVER DRES	SSING			5 cm X 5 cm	
9910023	31 Acticoat Burn	S. & N.	1	5.68	
Dressing		·		10 cm X 10 cm	
9910023	32 Acticoat Burn	S. & N.	1	12.11	
Dressing				10 cm X 20 cm	
9910023	33 Acticoat Burn	S. & N.	1	18.82	
Dressing			10) cm x 120 cm,	
9910023	84 Acticoat Burn	S. & N.	1	146.17	
Dressing			12.5	5 cm x 12.5 cm	
9910024	15 Contreet Foam Adhesiv	e Coloplast	5	73.27	14.6540
Dressing		l		18 cm x 18 cm	
9910024	Contreet Foam Adhesiv	e Coloplast	5	154.65	30.9300

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE			
Dressing				20 cm x 40 cm				
99100235	Acticoat Burn	S. & N.	1	66.28				
Dressing	Dressing 23 cm x 23 cm (sacrum)							
99100247	Contreet Foam Adhesive	Coloplast	5	163.56	32.7120			
Dressing 40 cm x 40 cm								
99100236	Acticoat Burn	S. & N.	1	130.27				
WOUND CONTA	CT LAYER							
Dressing	1	1	ı	5 cm x 7.5 cm				
99100237	Mepitel	Mölnlycke	1	3.48				
Dressing			7	.5 cm X 10 cm				
99100238	Mepitel	Mölnlycke	1	4.52				
Dressing		_		10 cm X 18 cm	1			
99100239	Mepitel	Mölnlycke	1	7.40				
Dressing			2	20 cm X 30 cm				
99100240	Mepitel	Mölnlycke	1	21.36				

(3) by inserting, in alphabetical order of the vehicles, solvents or adjuvants, the following product and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE	
•	DEVENTS OR ADJUVANT DROXIDE/ ALUMINIUM HYD	ROXIDE/ SIMETHICO		ı - 40 mg/5 mL		
99100243			350 ml			

6- Where no price is indicated, pharmacists may purchase the product of their choice. The product thus obtained is considered insured and the price payable by the Régie is the pharmacist's cost price.

5. The List of medications is amended by replacing the information concerning the following medications by the following information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	U	NIT PRICE
8:12.04 ANTIFUNGAL FLUCONAZOLE Caps.				150 mg LPM		
02241895	Apo-Fluconazole-150	Apotex	1	➡ 9.19		
02245697	Gen-Fluconazole	Genpharm	1	➡ 9.19		
02243645	Novo-Fluconazole-150	Novopharm	1	➡ 9.19		
02246620	pms-Fluconazole-150	Phmscience	1	➡ 9.19		
02255510	Riva-Fluconazole	Riva	1	➡ 9.19		
02141442	Diflucan-150	Pfizer	1	13.41		
I.V. Perf. Sol.	I	1	2	mg/mL LPM		
02247922	Fluconazole Injectable	Novopharm	100 ml	36.59	•	0.3659
02248443	Fluconazole Injection	Sabex	100 ml	➡ 36.59		
02247749	Fluconazole Omega	Oméga	100 ml	36.59	•	0.3659
00891835	Diflucan	Pfizer	100 ml	48.78		
Tab.	I	1		50 mg LPM		
02237370	Apo-Fluconazole	Apotex	50	156.33	•	3.1266
02245292	Gen-Fluconazole	Genpharm	50	156.33	•	3.1266
02236978	Novo-Fluconazole	Novopharm	100	312.66	•	3.1266
02245643	pms-Fluconazole	Phmscience	50	156.33	•	3.1266
02249294	Taro-Fluconazole	Taro	50	156.33	•	3.1266
00891800	Diflucan	Pfizer	50	223.38		4.4676
Tab.	I	1		100 mg LPM		
02237371	Apo-Fluconazole	Apotex	50	277.33	•	5.5466
02245293	Gen-Fluconazole	Genpharm	50	277.33	•	5.5466
02236979	Novo-Fluconazole	Novopharm	50	277.33	•	5.5466
02245644	pms-Fluconazole	Phmscience	50	277.33	•	5.5466
02249308	Taro-Fluconazole	Taro	50	277.33	•	5.5466
00891819	Diflucan	Pfizer	100	792.53		7.9253
8:16	1		1	1		

ANTITUBERCULOSIS AGENTS

ISONIAZID 🖪

Tab.					100 mg	
	00577790	pms-Isoniazid	Phmscience	100	26.80	0.2680

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	U	NIT PRICE
24:06.06 FIBRIC ACID DERIVATIVES FENOFIBRATE 🖟						
Caps.		1	1	00 mg LPM		
02225980	Apo-Fenofibrate	Apotex	500	216.25	•	0.4325
02223600	Nu-Fenofibrate	Nu-Pharm	100	43.25	•	0.4325
Caps.			1	67 mg LPM		
02243180	Apo-Feno-Micro	Apotex	100	43.25	•	0.4325
02243551	Novo-Fenofibrate Micronise	Novopharm	100	43.25	•	0.4325
02230283	Lipidil Micro	Fournier	60	34.60		0.5767
Caps.			2	200 mg LPM	I	
02239864	Apo-Feno-Micro	Apotex	100	108.90	•	1.0890
02240360	Feno-Micro-200	Pro Doc	100	108.90	•	1.0890
02240210	Gen-Fenofibrate Micro	Genpharm	100	108.90	•	1.0890
02146959	Lipidil Micro	Fournier	30	32.67	•	1.0890
02243552	Novo-Fenofibrate Micronise	Novopharm	100	108.90	•	1.0890
02247489	Phl-Fenofibrate Micro	Pharmel	250	272.25	•	1.0890
02231780	pms-Fenofibrate Micro	Phmscience	250	272.25	•	1.0890
02250039	Ratio-Fenofibrate MC	Ratiopharm	100	108.90	•	1.0890
02247306	Riva-Fenofibrate Micro	Riva	100	108.90	•	1.0890

24:06.08 HMG-COA REDUCTASE INHIBITORS PRAVASTATINE SODIUM 🗄

Т

Tab.				10 mg LPM		
02243506	Apo-Pravastatin	Apotex	100	95.30	•	0.9530
02248182	Co Pravastatin	Cobalt	100	95.30	•	0.9530
02237373	Lin-Pravastatin	Linson	30	28.59	•	0.9530
02247008	Novo-Pravastatin	Novopharm	100	95.30	•	0.9530
02249766	PhI-Pravastatin	Pharmel	100	95.30	•	0.9530
02247655	pms-Pravastatin	Phmscience	100	95.30	•	0.9530
00893749	Pravachol	Squibb	30	28.59	•	0.9530
02243824	Pravastatin-10	Pro Doc	100	95.30	•	0.9530
02246930	Ratio-Pravastatin	Ratiopharm	100	95.30	•	0.9530
02247856	Rhoxal-Pravastatin	Rhoxal	100	95.30	•	0.9530
02256851	Riva-Pravastatin	Riva	100	95.30	•	0.9530

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	IJ	NIT PRICE
Tab.				20 mg LPM		
02237374	Lin-Pravastatin	Linson	30	33.72	•	1.1240
00893757	Pravachol	Squibb	30	33.72	•	1.1240
02243507	Apo-Pravastatin	Apotex	500	562.15	•	1.1243
02248183	Co Pravastatin	Cobalt	500	562.15	•	1.1243
02247009	Novo-Pravastatin	Novopharm	100	112.43	•	1.1243
02249774	PhI-Pravastatin	Pharmel	500	562.15	•	1.1243
02247656	pms-Pravastatin	Phmscience	500	562.15	•	1.1243
02243825	Pravastatin-20	Pro Doc	100	112.43	•	1.1243
02246931	Ratio-Pravastatin	Ratiopharm	500	562.15	•	1.1243
02247857	Rhoxal-Pravastatin	Rhoxal	100	112.43	•	1.1243
02256878	Riva-Pravastatin	Riva	100	112.43	•	1.1243
Tab.				40 mg LPM		
02237375	Lin-Pravastatin	Linson	30	40.62	•	1.3540
02222051	Pravachol	Squibb	30	40.62	•	1.3540
02243508	Apo-Pravastatin	Apotex	100	135.43	•	1.3543
02248184	Co Pravastatin	Cobalt	100	135.43	•	1.3543
02247010	Novo-Pravastatin	Novopharm	100	135.43	•	1.3543
02249782	Phl-Pravastatin	Pharmel	100	135.43	•	1.3543
02247657	pms-Pravastatin	Phmscience	100	135.43	•	1.3543
02243826	Pravastatin-40	Pro Doc	100	135.43	•	1.3543
02246932	Ratio-Pravastatin	Ratiopharm	100	135.43	•	1.3543
02247858	Rhoxal-Pravastatin	Rhoxal	100	135.43	•	1.3543
02256886	Riva-Pravastatin	Riva	100	135.43	•	1.3543

SIMVASTATIN	R
Tab.	

Tab.				5 mg LPM		
02247011	Apo-Simvastatin	Apotex	100	56.70	•	0.5670
02248103	Co Simvastatin	Cobalt	100	56.70	•	0.5670
02246582	Gen-Simvastatin	Genpharm	100	56.70	•	0.5670
02250144	Novo-Simvastatin	Novopharm	100	56.70	•	0.5670
02253690	PhI-Simvastatin	Pharmel	100	56.70	•	0.5670
02252619	pms-Simvastatin	Phmscience	100	56.70	•	0.5670
02247067	Ratio-Simvastatin	Ratiopharm	100	56.70	•	0.5670
02247827	Rhoxal-Simvastatin	Rhoxal	100	56.70	•	0.5670
02247297	Riva-Simvastatin	Riva	100	56.70	•	0.5670
00884324	Zocor	Merck	30	27.00		0.9000

	CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	IJ	NIT PRICE
Tab.			·		10 mg LPM		
	02247298	Riva-Simvastatin	Riva	100	112.13	•	1.1213
	02247012	Apo-Simvastatin	Apotex	500	560.70	•	1.1214
	02248104	Co Simvastatin	Cobalt	500	560.70	•	1.1214
	02246583	Gen-Simvastatin	Genpharm	100	112.14	•	1.1214
	02250152	Novo-Simvastatin	Novopharm	500	560.70	•	1.1214
	02253704	Phl-Simvastatin	Pharmel	500	560.70	•	1.1214
	02252635	pms-Simvastatin	Phmscience	100	112.14	•	1.1214
	02247068	Ratio-Simvastatin	Ratiopharm	500	560.70	•	1.1214
	02247828	Rhoxal-Simvastatin	Rhoxal	500	560.70	•	1.1214
	02247221	Simvastatin-10	Pro Doc	500	560.70	•	1.1214
	00884332	Zocor	Merck	500	890.00		1.7800
Tab.			1		20 mg LPM		
	02247013	Apo-Simvastatin	Apotex	500	693.00	•	1.3860
	02248105	Co Simvastatin	Cobalt	500	693.00	•	1.3860
	02246737	Gen-Simvastatin	Genpharm	100	138.60	•	1.3860
	02250160	Novo-Simvastatin	Novopharm	100	138.60	•	1.3860
	02253712	Phl-Simvastatin	Pharmel	100	138.60	•	1.3860
	02252643	pms-Simvastatin	Phmscience	100	138.60	•	1.3860
	02247069	Ratio-Simvastatin	Ratiopharm	500	693.00	•	1.3860
	02247830	Rhoxal-Simvastatin	Rhoxal	500	693.00	•	1.3860
	02247299	Riva-Simvastatin	Riva	100	138.60	•	1.3860
	02247222	Simvastatin-20	Pro Doc	100	138.60	•	1.3860
	00884340	Zocor	Merck	100	220.00		2.2000
Tab.			I		40 mg LPM		
	02247014	Apo-Simvastatin	Apotex	100	138.60	•	1.3860
	02248106	Co Simvastatin	Cobalt	500	693.00	•	1.3860
	02246584	Gen-Simvastatin	Genpharm	100	138.60	•	1.3860
	02250179	Novo-Simvastatin	Novopharm	100	138.60	•	1.3860
	02253720	PhI-Simvastatin	Pharmel	100	138.60	•	1.3860
	02252651	pms-Simvastatin	Phmscience	100	138.60	•	1.3860
	02247070	Ratio-Simvastatin	Ratiopharm	500	693.00	•	1.3860
	02247831	Rhoxal-Simvastatin	Rhoxal	100	138.60	•	1.3860
	02247300	Riva-Simvastatin	Riva	100	138.60	•	1.3860
	02247223	Simvastatin-40	Pro Doc	100	138.60	•	1.3860
	00884359	Zocor	Merck	30	66.00		2.2000
<u> </u>		1	1	1	1		

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	U	NIT PRIC
				80 mg LPM		
02247015	Apo-Simvastatin	Apotex	100	138.60	•	1.386
02248107	Co Simvastatin	Cobalt	100	138.60	•	1.386
02246585	Gen-Simvastatin	Genpharm	100	138.60	•	1.386
02250187	Novo-Simvastatin	Novopharm	100	138.60	•	1.386
02253739	Phl-Simvastatin	Pharmel	100	138.60	•	1.386
02252678	pms-Simvastatin	Phmscience	100	138.60	•	1.386
02247071	Ratio-Simvastatin	Ratiopharm	100	138.60	•	1.386
02247833	Rhoxal-Simvastatin	Rhoxal	100	138.60	•	1.386
02247301	Riva-Simvastatin	Riva	100	138.60	•	1.386
02240332	Zocor	Merck	30	66.00		2.200

E

Ent. Tab.				80 mg LPM			
02238545	Asaphen E.C.	Phmscience	1000	67.80	•	0.0678	
02247355	Phl-Asa	Pharmel	500	33.90	•	0.0678	
							İ.

28:12.12

HYDANTOINS

PHENYTOIN	P
Oral Sugar	

Oral Susp.			125 mg	g/5 mL LPM		
	00023450	Dilantin-125	Pfizer	250 ml	11.10	0.0444

28:12.92

MISCELLANEOUS ANTICONVULSANTS

VALPROATE SODIUM 🖥

Syr.		1	250 m	g/5 mL LPM	
00443832	Depakene	Abbott	480 ml	41.24	0.0859
28:16.04 ANTIDEPRESS MIRTAZAPINE				15 mg	
02250594	Rhoxal-Mirtazapine	Rhoxal	50	18.75	0.3750
-		·			

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRIC
	IT PREPARATIONS ONATE/VITAMIN D				
ab.			500 mg	-400 UI LPM	
02244161	Calcium 500 + D 400	Trianon	100	12.00	• 0.120
02246065	Cal-D 400	Pro Doc	100	12.00	♦ 0.120
0:00 GOLD COMPC ODIUM AUROT M. Inj. Sol.	DUNDS THIOMALATE	,	10	mg/mL LPM	
02245456	Aurothiomalate de sodium	Sabex	1 ml	♦ 6.31	
M. Inj. Sol.			25	mg/mL LPM	<u> </u>
02245457	Aurothiomalate de sodium	Sabex	1 ml	▶ 7.66	
M. Inj. Sol.			50	mg/mL LPM	
02245458	Aurothiomalate de sodium	Sabex	1 ml	➡ 11.89	
02245456	Automonialate de Sodiam				
8:32 ROGESTINS					
8:32 PROGESTINS		Pfizer			1.22(
8:32 PROGESTINS IEDROXYPROG ab. 00030945 4:36 MISCELLANE(LUOROURACII	Provera	1	<u> </u>	 100 mg LPM	1.220
8:32 PROGESTINS IEDROXYPROG ab. 00030945 4:36 MISCELLANE(LUOROURACII	Provera	1	<u> </u>	100 mg LPM 122.04	1.220
8:32 ROGESTINS IEDROXYPROG ab. 00030945 4:36 MISCELLANE(LUOROURACIL op. Cr. 00330582 2:00.02 DTHER MISCE UTASTERIDE [DUS Efudex	Pfizer	100	100 mg LPM 122.04 5 % 32.00	
8:32 ROGESTINS IEDROXYPROG ab. 00030945 4:36 IISCELLANE(LUOROURACIL op. Cr. 00330582 2:00.02 DTHER MISCE UTASTERIDE [DUS Efudex	Pfizer	100	100 mg LPM 122.04	
8:32 PROGESTINS IEDROXYPROG ab. 00030945 4:36 MISCELLANE(LUOROURACIL op. Cr. 00330582 2:00.02 DTHER MISCE UTASTERIDE [aps. 02247813 LUNARIZINE H	Efudex	Pfizer	100 40 g	100 mg LPM 122.04 5 % 32.00 0.5 mg 46.45	0.80
8:32 ROGESTINS IEDROXYPROG ab. 00030945 4:36 IISCELLANE(LUOROURACIL op. Cr. 00330582 2:00.02 DTHER MISCE UTASTERIDE [aps. 02247813 LUNARIZINE H aps.	EFudex	Pfizer ICN GSK	100 40 g 30	100 mg LPM 122.04 5 % 32.00 0.5 mg 46.45 5 mg LPM	0.800
8:32 PROGESTINS IEDROXYPROG ab. 00030945 4:36 MISCELLANE(LUOROURACIL op. Cr. 00330582 2:00.02 DTHER MISCE UTASTERIDE [aps. 02247813 LUNARIZINE H	Efudex Avodart	Pfizer	100 40 g	100 mg LPM 122.04 5 % 32.00 0.5 mg 46.45	0.80

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	ι	JNIT PRICE
OTRETINOIN	R		-			
aps.	1	I		10 mg LPM		
00582344	Accutane 10	Roche	30	40.98	•	1.3660
Caps.				40 mg LPM		
00582352	Accutane 40	Roche	30	83.63	•	2.7877
		!			1	
Syr.	1	1	1	ng/5 mL LPM	Ι.	
02221330	Apo-Ketotifen	Apotex	250 ml	33.25	•	0.1330
02176084	Novo-Ketotifen	Novopharm	250 ml	33.25	•	0.1330
02218305	Nu-Ketotifen	Nu-Pharm	250 ml	33.25	•	0.1330
02231679	pms-Ketotifen	Phmscience	250 ml	33.25	•	0.1330
00600784	Zaditen	PanGeo	250 ml	33.25	•	0.1330
ab.				1 mg LPM	1	
02230730	Novo-Ketotifen	Novopharm	100	63.35	•	0.6335
02231680	pms-Ketotifen	Phmscience	100	63.35	•	0.6335
00577308	Zaditen	PanGeo	56	35.48	•	0.6335
ILGRASTIM	LMEDICATIONS					
nj. Sol.	l	١.	1	ncg/mL (1.0 mL)	I	404 574
01968017	Neupogen	Amgen	10	1645.71		164.571
nj. Sol.			300 r	ncg/mL (1.6mL)		
99001454	Neupogen	Amgen	10	2633.18		263.318
EVOFLOXACIN		1		1	1	
.V. Perf. Sol.	1	1	1	5 mg/mL	1	
02236839	Levaquin	J.O.I.	150 ml	44.24		0.2949
	2					
.M. Inj. Pd	1	1	1	25 mg	I	
02255707	Risperdal Consta	J.O.I.	1	184.48		
M. Inj. Pd				37.5 mg		
02255723	Risperdal Consta	101	1	260.91		

 02255723
 Risperdal Consta
 J.O.I.
 1
 260.91

 I.M. Inj. Pd
 50 mg

 02255758
 Risperdal Consta
 J.O.I.
 1
 330.46

6. The List of medications is amended by inserting, in subsection 8:18:08, ANTIRETROVIRAL AGENTS, after the medication "STAVUDINE" and the accompanying information, the following medication and the accompanying information and by deleting them from the exceptional medications section:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE		
8:18.08 ANTIRETROVIRAL AGENTS TENOFOVIR DISOPROXIL FUMARATE							
Tab.	1	1		300 mg			
02247128	Viread	Gilead	30	487.50	16.2500		

7. This Regulation comes into force on 8 February 2006.

7426

Decisions

Decision

An Act respecting school elections (R.S.Q., c. E-2.3)

Chief electoral officer — Holding of a by-election in the Hauts-Cantons School Board

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning the holding of a by-election in the Hauts-Cantons School Board

WHEREAS a by-election is to be held on February 19, 2006, in electoral division number 12 of the Haut-Cantons School Board in accordance with sections 191 and 200 of the Act respecting school elections (R.S.Q., c. E-2.3);

WHEREAS the second paragraph of section 200 of the Act respecting school elections provides that the provisions of Chapters IV to XII of the said Act shall apply to by-elections;

WHEREAS some of the said provisions have been adapted by means of special decisions of the chief electoral officer made on October 3, 2003, pursuant to section 30.8 of the Act respecting school elections, concerning the power to swear in election staff, acceptance of nominations by an assistant to the returning officer, the ballot, the poll book and the statement of votes;

WHEREAS it is necessary for these special decisions to apply to the by-election in the Hauts-Cantons School Board;

WHEREAS section 30.8 of the Act respecting school elections allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an error or an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has first informed the Minister of Education, Recreation and Sports of the decision he intends to make; The chief electoral officer, pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, has decided to adapt the provisions of the Act respecting school elections as follows:

— The following decisions made by the chief electoral officer during the election period ending on November 16, 2003, shall apply, adapted as required, to the by-election in the Hauts-Cantons School Board:

- Decision of October 3, 2003 concerning the power of election officers to administer oaths;

– Decision of October 3, 2003 concerning the ballot paper, the poll book and the statement of votes.

This decision has been in force from the time the returning officer of the Hauts-Cantons School Board first took action in respect of the by-election to which it applies.

Québec, 24 January 2006

MARCEL BLANCHET, Chief Electoral Officer and Chairman of the Commission de la représentation électorale

Municipal Affairs

Gouvernement du Québec

O.C. 37-2006, 25 January 2006

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

Amendment to the letters patent constituting Municipalité régionale de comté de La Matapédia

WHEREAS Municipalité régionale de comté de La Matapédia was constituted on 1 January 1982 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS the letters patent of Municipalité régionale de comté de La Matapédia were replaced pursuant to Order in Council 90-94 dated 10 January 1994 and were amended pursuant to Order in Council 911-2005 dated 4 October 2005;

WHEREAS, under section 210.39.1 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), made applicable to that regional county municipality by section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, c. 65), the Government may amend letters patent with regard to the composition of an administrative committee;

WHEREAS the council of Municipalité régionale de comté de La Matapédia passed Resolution C.M.151-05 dated 12 October 2005 requesting the Government to amend its letters patent with regard to the composition of its administrative committee to abolish the positions reserved on the administrative committee for the mayors of the towns of Amqui and Causapscal and Municipalité de Sayabec;

WHEREAS it is expedient to amend the letters patent of Municipalité régionale de comté de La Matapédia;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the letters patent constituting Municipalité régionale de comté de La Matapédia be amended by replacing the fifth paragraph of the operative part by the following:

"An administrative committee is hereby constituted; it shall be composed of seven members, including the warden and the deputy warden, the other members being appointed by resolution of the council of the regional county municipality from among the mayors on the council. The rules governing the operation of the committee are the rules that apply to an executive committee constituted under the Municipal Code of Québec.".

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

Transport

Gouvernement du Québec

O.C. 36-2006, 25 January 2006

An Act respecting roads (R.S.Q., c. V-9)

Roads under the management of the Minister of Transport

WHEREAS, under the first paragraph of section 2 of the Act respecting roads (R.S.Q., c. V-9), the Government shall determine, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport;

WHEREAS, under the first paragraph of section 3 of the Act, amended by section 241 of chapter 6 of the Statutes of 2005, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister shall, from the date indicated in the order, be managed by a municipality in accordance with Chapter I and Division I of Chapter IX of Title II of the Municipal Powers Act (2005, c. 6);

WHEREAS, under the second paragraph of section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of a municipality shall, from the date indicated in the order, pass under the management of the Minister;

WHEREAS Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000, 114-2001 dated 14 February 2001, 978-2001 dated 23 August 2001, 529-2002 dated 1 May 2002, 950-2002 dated 21 August 2002, 1520-2002 dated 18 December 2002, 533-2003 dated 11 April 2003, 788-2003 dated 16 July 2003, 1168-2003 dated 5 November 2003, 39-2004 dated 14 January 2004, 216-2004 dated 17 March 2004, 395-2004 dated 21 April 2004, 743-2004 dated 4 August 2004, 977-2004 dated 20 October 2004 and 815-2005 dated 31 August 2005 determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS, it is expedient, under this Order in Council, to amend the Schedules to those Orders in Council in order to add roads to those currently under the management of the Minister, to correct the description of certain roads and to list the roads that have been geometrically redefined or whose right-of-way has undergone a change in width;

WHEREAS, it is expedient, under this Order in Council, to amend the Schedules to those Orders in Council in order to determine that certain roads under the management of the Minister are to come under the management of municipalities in which they are situated and that other roads under the management of municipalities are to come under the management of the Minister;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Minister responsible for the Capitale-Nationale region and of the Minister for Transport:

THAT the Schedules to Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000, 114-2001 dated 14 February 2001, 978-2001 dated 23 August 2001, 529-2002 dated 1 May 2002, 950-2002 dated 21 August 2002, 1520-2002 dated 18 December 2002, 533-2003 dated 11 April 2003, 788-2003 dated 16 July 2003, 1168-2003 dated 5 November 2003, 39-2004 dated 14 January 2004, 216-2004 dated 17 March 2004, 395-2004 dated 21 April 2004, 743-2004 dated 4 August 2004, 977-2004 dated 20 October 2004 and 815-2005 dated 31 August 2005 concerning roads under the management of the Minister of Transport be amended, with respect to the municipalities indicated, by correcting descriptions, by adding and deleting certain roads and by listing the roads that have been geometrically redefined or whose right-of-way has undergone a change in width, the roads affected being listed in the Schedule to this Order in Council;

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

SCHEDULE

ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT

EXPLANATORY NOTE

A. CORRECTIONS TO DESCRIPTIONS, ADDITIONS, DELETIONS

The roads identified in the "Corrections to descriptions", "Additions" and "Deletions" divisions appearing in the Schedule to this Order in Council are described under the following five headings for each municipality in which they are situated:

- (1) Route class
- (2) Section identification
- (3) Name
- (4) Beginning of maintenance
- (5) Length in km

(1) Route class

The designation of the route classes is taken from the functional classification established by the Ministère des Transports.

(2) Section identification

Roads are identified by a sequence of figures composed of seven different groups:

Road:	Group 2:	road number road segment number road section number
Sub-road:	Group 4:	the only figure other than zero that may appear in this group is 3 and it is used to identify one or more ramps
	Group 5:	this group of figures indicates the sequential number of an intersection within a road segment
	Group 6:	a letter identifying a ramp, if any

Group 7: a letter identifying the type of roadway (C: contiguous S: separate)

(3) Name

For roads whose number is lower than 1,000, the road number is indicated instead of the road name. For roads whose number is 10,000 or higher, the road name is indicated instead of the road number.

Where there are one or more ramps along a road section, the total number of ramps for that section is also indicated; the combined length of all the ramps is indicated under "Length in kilometres".

(4) Beginning of maintenance

The description of a physical landmark used to situate the beginning of a road section or the identification of a municipal boundary in the case of a road section located within more than one municipality.

(5) Length in kilometres

The length in kilometres is indicated for each road or part of a road. That length, which is determined by the Minister of Transport, corresponds to the actual distance that a vehicle would travel between two points without taking into account the configuration of the road (number of lanes, extra width, etc.). The length is therefore the same whether the road is an autoroute or a feeder road.

B. CHANGES IN WIDTH OF RIGHT-OF-WAY

The roads identified in the "Changes in width of right-of-way" division appearing in the Schedule to this Order in Council are described for each municipality in which they are situated under the following six headings:

(1) Section identification

The roads in the division are identified by a sequence of figures composed of three different groups:

Route:	Group 1:	road number
	Group 2:	road segment number
	Group 3:	road section number

(2) Name

- (3) Name of land surveyor
- (4) Minute number
- (5) Plan number
- (6) Length in km

C. GEOMETRIC REDEFINITIONS

The roads identified in the "Geometric redefinitions" division appearing in the Schedule to this Order in Council are described using the five headings in Division "A" above, the plan number, the name of the land surveyor and the land surveyor's minute number.

NOTE: Due to technical constraints, the place names appearing in the Schedule do not necessarily comply with the standards of the Commission de toponymie.

CORRECTIONS TO DESCRIPTIONS :

		AMQUI, V (0	1/04/00)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	95620-01-030-000-C	Route de la Grande Ligne	Limit Sainte-Irène, p	7.04
	according to p	lan 622-99-A0-017 pı minute numb	repared by Michel Brisson, l.s., er 1432	
		is replace	d by	
Feeder	95620-01-030-000-С	Route de la Grande Ligne	Limit Sainte-Irène, p	7.04
Local	95616-01-012-000-C	Rue des Forges	Intersection route 195	0.20
	according to p	minute numbers 14		
	~	BAIE-TRINITÉ,		
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00138-93-370-0-00-5	Route 138	1977 metres west of intersection rue Poulin	7.35
		is replace	d by	
National	00138-93-371-000-C	Route 138	1977 metres west of intersection rue Poulin	7.26
		CHÂTEAU-RICHE	R, V (2103500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00138-07-035-000-S	Route 138	Limit l'Ange-Gardien, p	11.40
	and by Jean-François Delisle, l.s prepared by Roch Lefra minute numbers 646 and 648, a	s., minute numbers 4, inçois, 1.s., minute nur according to plan AA2	enis Vaillancourt, l.s., minute number 8037 13 and 14, according to plan AA20-3972-9129-4 nber 8384 and by Christian Lagacé, l.s., 20-3972-9129-5 prepared by Michel Picard, l.s., 98-C0-001 prepared by Michel Picard, l.s., 536 and 2743	

AMQUI, V (0704700)

		is replace	d by	
National	00138-07-035-000-S	Route 138 43 ramps	Limit l'Ange-Gardien, p	11.40 4.35
	and by Jean-François Delisle, 1.s prepared by Roch Lefra minute numbers 646 and 648,	s., minute numbers 4, 1 ançois, 1.s., minute nun according to plan AA2	enis Vaillancourt, l.s., minute number 8037 3 and 14, according to plan AA20-3972-9129-4 nber 8384 and by Christian Lagacé, l.s., 0-3972-9129-5 prepared by Michel Picard, l.s., 98-C0-001 prepared by Michel Picard, l.s., 536 and 2743	
		GATINEAU, V	(8101700)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00315-01-005-000-С	Route 315	Intersection route 148	1.93
		is replace	d by	
National	00315-01-005-000-С	Route 315	Intersection route 148	1.93
		LAC-SUPÉRIEUR	, M (7809500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	32770-03-010-000-C	Chemin du Lac- Supérieur	Limit Saint-Faustin-Lac-Carré, m	16.03
	according to	plan 622-86-JO006 pre minute num	epared by Sylvie Laroche, l.s., iber 2	
		is replace	d by	
Feeder	32770-03-010-000-C	Chemin du Lac- Supérieur	Limit Saint-Faustin-Lac-Carré, m	16.03
	according to	plan 622-86-J0-009 pre minute num	epared by Sylvie Laroche, l.s., iber 2	
		RIMOUSKI-EST,	VL (1004000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00132-13-140-0-00-5	Route 132	Limit Rimouski VL	2.65
		is replace	d by	
		RIMOUSKI, V	(1004300)	
National National National	00132-13-141-000-C 00132-13-143-000-S 00132-13-145-000-C	Route 132 Route 132 Route 132	Former limit Rimouski, v Intersection montée Industrielle-et-Commerciale End of separate lanes	0.20 1.76 0.68

		SAINT-FÉLICIE	N, V (9104000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National National	00167-01-011-0-00-2 00169-02-160-0-00-5	Route 167 Route 169	Intersection route 169 Intersection route 167	0.47 5.17
		is replac	eed by	
		SAINT-FÉLICIE	N, V (9104200)	
National Local	00169-02-150-000-C 45169-01-000-000-C	Route 169 Boulevard du Sacré-Cœur	Intersection route 167 Intersection route 169	0.47 5.06
	SAI	NT-JOSEPH-DE-B	EAUCE, V (2704500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00276-01-052-0-00-1	Route 276	Bridge over rivière Chaudière	2.28
		is replac	eed by	
	SAI	NT-JOSEPH-DE-B	EAUCE, V (2704300)	
National	00276-01-051-000-С	Route 276	Bridge over rivière Chaudière	3.03
		SAINTE-LUCE	, M (0909200)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00298-01-095-000-C	Route 298	Limit Saint-Donat, p	5.57
	according to plan A	A20-3371-7201-E2- minute numbers	2 prepared by G. Magella Proulx, l.s., 2044 and 2076	
		is replac	eed by	
Feeder	00298-01-095-000-С	Route 298	Limit Saint-Donat, p	5.57
			2-2, minute numbers 2044 and 2076 e number 2137 prepared by GMagella Proulx, l.s.	
		SAINTE-MONIQU	JE, M (5005700)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00226-01-091-000-С	Route 226	Intersection route 159 Sud	5.19
		is replac	eed by	
Feeder	00226-01-091-000-С	Route 226	Intersection route 259 Sud	5.19

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00366-01-163-000-C	Route 366	Intersection route 307	12.29
Local 3	28235-01-010-000-С	Former route 366	Intersection route 366	0.44
Local 2	28236-01-010-000-С	Former route 366	Intersection route 366	0.79
Local 2	28237-01-010-000-С	Former route 366	Intersection route 366	0.21
	according to plan 622-87-	KO-081 prepared by A is replaced	ndré Defayette, l.s., minute number 2249	
Feeder	00366-01-163-000-C	Route 366	Intersection route 307	12.29
Local	28235-01-010-000-C	Former route 366	Intersection route 366	0.44
		E . 266	Intersection route 366	0.70
Local	28236-01-010-000-С	Former route 366	Intersection foute 500	0.79

VAL-DES-MONTS, M (8201500)

CHANGES IN WIDTH OF RIGHT-OF-WAY

VAL-DES-MONTS, M (8201500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00366-01-163-000-C	Route 366	Intersection route 307	12.29
	according to plan 622-87	-K0-081 prepared b	y André Defayette, l.s., minute number 3034	

CHANGES IN WIDTH OF RIGHT-OF-WAY AND CORRECTIONS TO DESCRIPTIONS :

NEW-RICHMOND, V (0507000)				
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00132-18-161-0-00-8	Route 132	Limit Caplan M	13.87
		is replac	ed by	
National	00132-18-161-000-C	Route 132	Limit Caplan, m	13.89
	according to plan TR80-3	174-0539 prepared b	y Pascal Mercier, l.s., minute number 2656	
		TROIS-RIVIÈRE	CS, V (3706500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-05-040-0-00-5	Autoroute 55 13 ramps	Limit Trois-Rivières-Ouest V	10.57 9.45

		ROIS-RIVIÈRES-OUE	,	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00040-05-090-0-00-6	Autoroute 40 2 ramps	Limit Pointe-du-Lac M	3.46 1.58
		is replaced	by	
		TROIS-RIVIÈRES,	V (3706700)	
Autoroute	00040-05-090-000-S	Autoroute 40 4 ramps	Former limit Pointe-du-Lac, m	3.45 3.27
Autoroute	00055-05-040-000-S	Autoroute 55 13 ramps	Bridge over autoroute 40	5.27
	according to plan XX80-3 and accordin	3873-0501 prepared by P g to plan 9A-5-T prepare	ierre Brodeur, l.s., minute number 6507 ed by Marcel Denicourt, l.s.	
ADDITIONS :				
		SAINT-FÉLICIEN, V	/ (9104200)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00169-02-155-000-C	Route 169	Intersection rue 167	1.05
National	00169-02-161-000-C	Route 169	Intersection boulevard Saint-Félicien	6.88 1.12
Feeder	45505-01-000-000-S	3 ramps Access to boulevard Sacré-Cœur	Intersection route 169	0.20
ADDITIONS A	ND GEOMETRIC REDE	FINITIONS :		
		ROBERVAL, V (9	102500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	45400-01-000-0-00-7	Chemin Saint- Stanislas	Intersection rue Pointe Scott	2.24
		is replaced	by	
Feeder	45400-01-021-000-С	Boulevard Horace-JBeemer	Intersection boulevard Saint-Joseph	2.11
Feeder	45405-01-010-000-С	Boulevard	Intersection route 169	1.35
Local	45400-01-011-000-С	Horace-JBeemer Boulevard Saint- Joseph	Avenue de la Pointe-Scott	0.24
	according to plan 832	184 prepared by Jeannot	Thériault, l.s., minute number 3399	

DELETIONS:

Route class	Section identification	Name	Beginning of maintenance	Length
			5 5	in km
Local	95616-01-012-000-C	Rue des Forges	Intersection route 195	0.20
		BOISCHATEL, M	(2104500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Local	43150-01-010-000-С	Agricultural service road	Intersection rue Dugal	0.03
		GATINEAU, V (8	101700)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional Regional	00315-01-008-000-C 28528-01-010-000-C	Route 315 Avenue de Buckingham	Intersection ramp exit autoroute 50 Intersection route 315	3.30 1.28
		L'ANGE-GARDIEN, I	M (8200500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	28528-01-020-000-C	Avenue de l'Ange- Gardien	Limit Gatineau, v	2.80
		L'ANGE-GARDIEN,	P (2104000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Local	43150-01-020-000-С	Agricultural service road	Limit Boischatel, m	1.51
Local	43150-01-040-000-С		35 metres east of rue Piché	2.53
		NATASHQUAN, CT	(9802500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	50130-01-020-0-00-8	Ch. du lac d'Avion/ Natashquan.	Intersection Natashquan airport road	2.82
		ROBERVAL, V (9	102500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Local	45400-01-011-000-С	Boulevard Saint- Joseph	Avenue de la Pointe-Scott	0.24

		SAINT-FÉLICIEN,	V (9104200)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Local	45169-01-000-000-C	Boulevard du Sacré- Cœur	Intersection route 169	5.06
GEOMETRIC	REDEFINITIONS:			
		AGUANISH, M (9	9803000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National National	00138-13-020-000-C 00138-13-030-000-C	Route 138 Route 138	Rivière Nabissipi bridge Rivière Aguanish bridge	8.18 7.59
		is replaced	by	
National National	00138-13-021-000-C 00138-13-031-000-C	Route 138 Route 138	Bridge over rivière Nabissipi Bridge over rivière Aguanish	8.23 7.64
	according to plan 622-9	99-M0-034 prepared by I	Luc Lapointe, l.s., minute number 434	
		BONNE-ESPÉRANCE	. M (9801000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00138-15-060-0-00-3	Route 138	North limit of Old Fort wharf	12.20
		is replaced	by	
Feeder	00138-15-061-000-C	Route 138	Beginning of parking area of Old Fort wharf	12.21
	according to plan AA20-357	1-8827 prepared by Luc	Lapointe, l.s., minute numbers 454 and 490	
		CAP-AUX-MEULES,	VL (0102000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	99766-01-000-0-00-6	Chemin du quai	Intersection route 199	0.15
		is replaced	by	
	LES	ÎLES-DE-LA-MADELI	EINE, M (0102300)	
Regional	99766-01-000-000-C	Chemin du quai	Intersection route 199	0.15
	according to plan EE20-	3171-9908 prepared by J	ean Boucher, l.s., minute number 4215	
		COMPTON, VL (4406500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00208-01-110-0-00-4	Route 208	Intersection route 147 Sud	1.62

		COMPTON, C	Т (4407000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00208-01-120-0-00-2	Route 208	Limit Compton VL	6.97
		is replace	ed by	
		COMPTON, M	I (4407100)	
Feeder	00208-01-115-000-C	Route 208	Intersection route 147	8.58
	according to plan TR20-6	5173-9166 prepared b	y Luc Bouthillier, l.s., minute number 917	
		L'AVENIR, M	(4902500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-03-050-0-00-7	Autoroute 55 4 ramps	Limit Ulverton, m	9.87 1.17
		is replac	ed by	
Autoroute	00055-03-051-000-С	Autoroute 55 4 ramps	Limit Ulverton, m	6.91 3.32
Autoroute	00055-03-053-000-S	Autoroute 55	End of contiguous lane	2.98
according to	plan 291-A-3D prepared by Gae	étan Lebrun, l.s., and	according to plan 291-B-3D prepared by Camil Rob	itaille, l.s.
		LA POCATIÈRE	C, V (1408500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00230-01-011-0-00-8	Route 230	Intersection route 132	5.33
Feeder	91762-03-020-0-00-5	Rue Poiré	Intersection avenue de la Gare	0.93
		is replace	ed by	
Regional Feeder	00230-01-011-000-С 91762-03-020-000-С	Route 230 Rue Poiré	Intersection route 132 Intersection avenue de la Gare	5.33 0.93
				0.93
	according to plan 622-97- and 1376 at	nd by Claude Arsena	Michel Brisson, l.s., minute numbers 1310 ult, l.s., minute number 2867	
		MELBOURNE,	СТ (4207500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-02-150-0-00-8	Autoroute 55	Limit Saint-François-Xavier-de-Brompton P	8.14
Autoroute	00055-02-160-0-00-6	Autoroute 55 6 ramps	Bridge over route 243	4.20 3.02
Autoroute	00055-02-170-0-00-4	Autoroute 55 3 ramps	Bridge over route 116	3.02 1.39

		is replac	ed by	
Autoroute	00055-02-155-000-S	Autoroute 55	Limit Saint-François-Xavier-de-Brompton, p	13.50
Autoroute	00055-02-165-000-C	9 ramps Autoroute 55	End of separate lanes	6.38 1.86
	according to plans 23	30-2R-X-2 and 230-2	R-X-3 prepared by Denis St-Pierre, l.s.	
		MONT-LEBEL,	M (1002000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00232-02-110-0-00-2	Route 232	Limit St-Narcisse de Rimouski P	3.25
		is replac	ed by	
		RIMOUSKI, V	7 (1004300)	
Regional	00232-02-110-000-С	Route 232	Limit Saint-Narcisse-de-Rimouski, p	3.26
			epared by GMagella Proulx, l.s., 1, 1855, 1953, 1959, 1972 and 2070	
		POHÉNÉGAMOO	DK, V (1309500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00289-01-090-0-00-8	Route 289	Intersection Deuxième Rang	4.91
		is replac	ed by	
Regional	00289-01-090-000-С	Route 289	Intersection 2 ^e Rang	4.91
	according to plan 622-98-A0-00	08 prepared by GMa	gella Proulx, l.s., minute numbers 1880 and 1886	
		POINTE-AU-PÈR	E, V (1003500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00132-13-150-0-00-2	Route 132	Limit Rimouski-Est VL	7.57
		is replac	ed by	
		RIMOUSKI, V	7 (1004300)	
National National	00132-13-151-000-С 00132-13-153-000-С	Route 132 Route 132	Former limit Rimouski-Est, vl Intersection avenue du Père-Nouvel	3.89 3.69
according to pla		028, EE20-3371-720 nute numbers 1921, 1	6-B and TR20-3371-7206-C prepared by GMagella 1927, 2077 and 2139	Proulx, l.s.,
		ROCK FOREST	r, V (4303000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00216-01-020-0-00-6	Route 216	Limit Sainte-Catherine-de-Hatley M	10.11

Part 2

		ASCOT, M ((4301500)	
Feeder	00216-01-030-0-00-4	Route 216	Limit Rock Forest V	0.58
		is replac	ed by	
		SHERBROOKE	, V (4302700)	
Feeder	00216-01-025-000-С	Route 216	Limit Sainte-Catherine-de-Hatley, m	10.67
	according to plan 622-95-F0-02	20 prepared by Luc B	outhillier, l.s., minute numbers 500, 515 and 608	
		SACRÉ-CŒUR,	M (9501000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00138-91-030-0-00-1	Route 138	Limit Tadoussac, VL	6.38
		is replac	ed by	
National	00138-91-032-000-С	Route 138	Limit Tadoussac, vl	6.34
	according to plan 622-99-M0-041	l prepared by Luc La	pointe, l.s., minute numbers 411, 482, 491 and 511	
	SAINT-FRA	NCOIS-XAVIER-D	E-BROMPTON, P (4202000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-02-140-0-00-1	Autoroute 55	Limit Saint-Grégoire-de-Greenlay VL	3.59
		is replac	ed by	
Autoroute	00055-02-145-000-S	Autoroute 55	Former limit Saint-Grégoire-de-Greenlay, vl	3.58
	according t	o plan 205-F-2R prej	pared by Denis St-Pierre, l.s.	
	SAINT-FRA	NÇOIS-XAVIER-D	E-BROMPTON, P (4202000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-02-110-0-00-7	Autoroute 55	Limit Brompton CT	4.42
		and	l	
	SAINT-0	GRÉGOIRE-DE-GI	REENLAY, VL (4208500)	
Autoroute	00055-02-120-0-00-5	Autoroute 55	Lim. Saint-François-Xavier-de-Brompton P	0.43
Autoroute	00055-02-130-0-00-3	1 ramp Autoroute 55 4 ramps	Bridge over route 249	0.60 1.78 1.57
		is replac	ed by	
	SAINT-FRA	NÇOIS-XAVIER-D	E-BROMPTON, P (4202000)	
Autoroute	00055-02-113-000-S	Autoroute 55 1 ramp	Former limit Brompton, ct	4.43 1.04

		WINDSOR, V	7 (4208800)	
Autoroute	00055-02-125-0000-S	Autoroute 55 4 ramps	Limit Saint-François-Xavier-de-Brompton, p	2.24 2.62
	according to	plan 205-D-2R prepa	ared by Jean-Marc Nadeau, l.s.	
	SA	AINT-LÉON-LE-GF	RAND, P (0703000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00195-01-020-0-00-2	Route 195	Limit Saint-Zénon-du-Lac-Humqui P	12.87
		is replac	ed by	
Feeder	00195-01-025-000-C	Route 195	Limit Saint-Zénon-du-Lac-Humqui, p	12.84
			y Gilbert Bérubé, l.s., minute number 6906 y Éric Bernard, l.s., minute numbers 148 and 488	
	SAIN	T-MICHEL-DU-S	QUATEC, P (1306500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00295-01-080-0-00-7	Route 295	Intersection route 296	6.26
		is replac	ed by	
Feeder	00295-01-085-000-C	Route 295	Intersection route 296	6.22
	according to plan AA20-3372-923	6 prepared by Gilles	Gagné, l.s., minute numbers 372, 376, 409 and 434	
	SAINT	-NARCISSE-DE-R	IMOUSKI, P (1001500)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00232-02-100-0-00-4	Route 232	Intersection route 234	3.94
		is replac	ed by	
Regional	00232-02-100-000-С	Route 232	Intersection route 234	3.93
	according to plan 622-86-A0-06	6 prepared by GMa	agella Proulx, l.s., minute numbers 1377 and 1511	
	SAIN	T-PAUL-DE-MON	TMINY, M (1803000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00283-01-090-0-00-1	Route 283	Intersection rang Rolette	6.81
		is replac	ed by	
Regional	00282-01-091-000-C	Route 283	Intersection rang de Rolette	6.81
	according to plan 622-97	-D0-013 prepared by	y Lucien Marquis, l.s., minute number 603	

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00232-02-120-0-00-0	Route 232	Limit Mont-Lebel M	7.87
		is replac	ced by	
		RIMOUSKI,	V (1004300)	
Regional	00232-02-120-000-С	Route 232	Former limit Mont-Lebel, m	7.86
			epared by GMagella Proulx, l.s., 1779, 1802, 1855, 1856, 1877 and 2007	
	TI	ROIS-RIVIÈRES-O	DUEST, V (3707000)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-05-031-0-00-6	Autoroute 55 8 ramps	Fixed joint north limit Pont Laviolette	1.67 7.56
		is replac	ced by	
		TROIS-RIVIÈRI	ES, V (3706700)	
Autoroute	00055-05-031-000-S	Autoroute 55 4 ramps	Fixed joint north limit Pont Laviolette	1.67 3.14
	according	g to plan 240-8S pre	by Claude Boudreau, l.s., minute number 853, pared by Gilbert Perras, l.s. ed by Pierre Roy, l.s., minute number 1438	
	VICTO	ORIAVILLE-ARTH	IABASKA, V (3906200)	
Route class	Section identification	Name	Beginning of maintenance	Length in km
National National	00116-03-051-0-00-6 00116-03-073-0-00-0	Route 116 Route 116	Limit Saint-Christophe d'Arthabaska P Limit of Arthabaska, V	3.06 2.66
		is replac	ced by	
		VICTORIAVILL	E, V (3906200)	
National	00116-03-053-000-S	Route 116	Limit Saint-Christophe-d'Arthabaska, p	5.73
	according to plan 623-0-90-00 and by according to plan 622-88-1 according to plan 622-84-	456-5-E0-107 prepar Claude Grondines, E0-317 prepared by 1 E0-076 prepared by	by Daniel Collin, l.s., minute number 2269, red by Claude Boudreau, l.s., minute number 764 l.s., minute number 398, Denis Saint-Pierre, l.s., minute number 5419, Michel Benjamin, l.s., minute number 4872 prepared by Gaétan Lefebvre, l.s.	

Erratum

Gouvernement du Québec

O.C. 1249-2005, 14 December 2005

Various regulations of a fiscal nature — Amendments Parental insurance plan premiums

Gazette officielle du Québec, Part 2, December 28, 2005, Vol. 137, No. 52, page 5533.

On page 5533, fourth Whereas, last line, the word "situation" should read "situations".

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Abbreviations: A: Abrogated, N: New, M: Modified

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