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Summary

Legal deposit – 1st Quarter 1968
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Table of Contents

Page

Acts 2006

PROVINCE OF QUÉBEC

2nd SESSION

37th LEGISLATURE

QUÉBEC, 15 JUNE 2006

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 15 June 2006

This day, at twenty minutes past six o'clock in the evening, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

1 An Act to reduce the debt and establish the Generations Fund

8 An Act to amend the Act respecting the Ministère de la Famille et de l'Enfance and other legislative provisions

11 An Act to amend the Act respecting the Conservatoire de musique et d'art dramatique du Québec

12 An Act to amend the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec

16 An Act to amend the Act respecting Cree, Inuit and Naskapi Native persons and other legislative provisions

17 An Act respecting contracting by public bodies

20 An Act to amend the Act respecting the Ministère de la Culture et des Communications

21 An Act to amend various legislative provisions concerning municipal affairs

24 An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting the Ministère du Revenu

80 An Act to amend the Police Act

125 An Act to amend the Youth Protection Act and other legislative provisions

201 An Act respecting Municipalité de Pointe-à-la-Croix

202 An Act respecting Ville de Saint-Jean-sur-Richelieu

205 An Act respecting Municipalité de Cacouna

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 1
(2006, chapter 24)

An Act to reduce the debt and establish the Generations Fund

Introduced 9 May 2006
Passage in principle 23 May 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill follows up on a measure announced in the Budget Speech of 23 March 2006 and intended to reduce the Government's debt burden. In particular, its object is to reduce the debt of the Government to less than 38% of Québec's gross domestic product not later than 31 March 2013, less than 32% of Québec's gross domestic product not later than 31 March 2020 and less than 25% of Québec's gross domestic product not later than 31 March 2026.

The bill also follows up on another measure announced in the Budget Speech, the creation of a Generations Fund. It provides that the Fund will be made up, in particular, of sums obtained from charges on hydraulic power, profits made by Hydro-Québec on the sale of electricity outside Québec, revenue from fees or charges for water withdrawal, sums deriving from the sale of assets and revenue from the Fund's investments.

In addition, the bill allows the Government to order that a part, which it establishes, of all the sums it collects or receives and over which Parliament has the power of appropriation, is to be paid directly into the Generations Fund. The bill also provides that the sums in the Fund are managed by the Caisse de dépôt et placement du Québec. The bill specifies that the Minister may take any sums in the Fund to repay the Government's debt.

The bill amends the Hydro-Québec Act and the Watercourses Act in order that Hydro-Québec and other holders of hydraulic power pay charges on that power into the Generations Fund. The bill also provides that the lessee of hydraulic power required for the operation of a hydro-electric power plant generating not more than 50 megawatts must pay the sums payable under the lease into the Fund.

Lastly, the bill introduces consequential and transitional amendments.

LEGISLATION AMENDED BY THIS BILL:

– Financial Administration Act (R.S.Q., chapter A-6.001);

– Public Curator Act (R.S.Q., chapter C-81);

– Balanced Budget Act (R.S.Q., chapter E-12.00001);

– Hydro-Québec Act (R.S.Q., chapter H-5);

– Watercourses Act (R.S.Q., chapter R-13).

Bill 1

AN ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The object of this Act is to reduce the debt of the Government to less than 38% of Québec's gross domestic product not later than 31 March 2013, less than 32% of Québec's gross domestic product not later than 31 March 2020 and less than 25% of Québec's gross domestic product not later than 31 March 2026.

2. A Generations Fund is established at the Ministère des Finances.

The Fund is dedicated exclusively to repaying the Government's debt.

In this Act, "the Government's debt" means the total debt set out in the public accounts.

3. The Generations Fund is made up of

(1) the sums derived from the lease of hydraulic power under section 3 of the Watercourses Act (R.S.Q., chapter R-13) and the sums derived from the development of hydraulic power under sections 68 to 70 of that Act and the development of water power under section 32 of the Hydro-Québec Act (R.S.Q., chapter H-5);

(2) sums representing a part of Hydro-Québec's earnings on the sale of electricity outside Québec as a result of increased generating capacity, subject to section 15.2 of the Hydro-Québec Act;

(3) sums derived from fees or charges for water withdrawal, except sums paid into the Green Fund under paragraph 5 of section 15.4 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1), enacted by section 26 of chapter 3 of the statutes of 2006;

(4) sums derived from the sale of government assets, rights or securities;

(5) the sums deposited under section 41.1 of the Public Curator Act (R.S.Q., chapter C-81);

(6) the gifts, legacies and other contributions received by the Minister that the Minister pays into the Fund to reduce the Government's debt; and

(7) the income generated by the investment of the sums making up the Fund.

Water-power royalties from Hydro-Québec are payable out of production revenue.

The Government establishes, under the conditions it determines and on the recommendation of the Minister, the part of the sums or revenue under subparagraphs 2 to 4 of the first paragraph that must be paid into the Fund.

An order establishing the sums referred to in subparagraph 2 of the first paragraph must be made on the recommendation of the Minister, in consultation with Hydro-Québec.

4. Despite section 5 of the Financial Administration Act (R.S.Q., chapter A-6.001), the Government may, under the conditions it determines and on the recommendation of the Minister, order that a part, which it establishes, of any sums it collects or receives and over which Parliament has the power of appropriation, is to be paid directly into the Fund.

5. The Minister is responsible for the administration of the Fund. The sums making up the Fund are credited to the Minister, who must deposit them with the Caisse de dépôt et placement du Québec.

The expenditures relating to the Fund are charged to the Fund.

The Minister keeps the Fund's books and records the financial commitments chargeable to it.

6. The Caisse de dépôt et placement du Québec manages the sums derived from the Fund in accordance with the investment policy the Minister determines in collaboration with the Caisse. The policy is designed to achieve optimal return on the sums making up the Fund while contributing to Québec's economic development.

7. The Minister may take any sum making up the Fund to repay the Government's debt.

8. Sections 26, 27 and 89 of the Financial Administration Act apply to the Fund, with the necessary modifications.

9. Despite any provision to the contrary, the Minister must, in the event of a deficiency in the consolidated revenue fund, pay out of the Generations Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

10. The fiscal year of the Fund ends on 31 March.

11. The Minister must report to the National Assembly, in the Budget Speech, on the sums making up the Fund and on any sums used to repay the Government's debt.

AMENDING PROVISIONS

12. Section 86 of the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting the following paragraphs after paragraph 1:

"(1.1) a statement of changes in the balance and a statement of the financial position of the Generations Fund established in the Act to reduce the debt and establish the Generations Fund (2006, chapter 24);

"(1.2) a statement of earnings resulting from the activities of the Generations Fund;".

13. Section 41.1 of the Public Curator Act (R.S.Q., chapter C-81), amended by section 37 of chapter 44 of the statutes of 2005, is again amended

(1) by striking out "and shall be deposited into the consolidated revenue fund" in the first paragraph;

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

"The Minister of Finance is authorized to take the sums required to make the payments under the second paragraph out of the sums transferred to the Minister under the first paragraph and, if these are insufficient, out of the consolidated revenue fund.

On the conditions and to the extent the Government determines on the joint recommendation of the Minister of Revenue and the Minister of Finance, the Minister of Finance pays into the Generations Fund referred to in the Act to reduce the debt and establish the Generations Fund (2006, chapter 24) the sums transferred under the first paragraph, minus those required to make payments to the persons with rights under the second paragraph."

14. Section 2 of the Balanced Budget Act (R.S.Q., chapter E-12.00001) is amended

(1) by replacing the definition of "expenditure" by the following definition:

""**expenditure**" means expenditure recorded in the consolidated financial statements of the Government in accordance with the accounting policies of the Government, except expenditure relating to the Generations Fund referred to in the Act to reduce the debt and establish the Generations Fund (2006, chapter 24);";

(2) by replacing the definition of "revenue" by the following definition:

""**revenue**" means revenue recorded in the consolidated financial statements of the Government in accordance with the accounting policies of the Government, except revenue relating to the Generations Fund;".

15. Section 16 of the Hydro-Québec Act (R.S.Q., chapter H-5), amended by section 29 of chapter 23 of the statutes of 2005, is again amended by replacing the second "or" in the first line of the first paragraph by ", except the charges under the second paragraph of section 32 and under section 68 of the Watercourses Act (chapter R-13), or".

16. Section 32 of the Act, amended by section 35 of chapter 3 of the statutes of 2006, is again amended by adding the following paragraphs at the end:

"As of 1 January 2007 the Company shall pay a charge into the Generations Fund, in the manner described in section 69.3 of the Watercourses Act (chapter R-13), for the water power it develops.

The rate of the charge is $0.625 per 1,000 kilowatt-hours computed on 1 January 2006 and shall be adjusted on 1 January each year according to the percentage of increase, in relation to the preceding year, in the Consumer Price Index for Canada, as published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19). For that purpose, the Consumer Price Index for a year is the average monthly index for the 12 months ending on 30 September of the preceding year.

If an annual average or the percentage computed under the third paragraph, or the rate of the charge so adjusted, has more than two decimals, it is rounded off to the second decimal place. If the third decimal digit is equal to or greater than 5, the second decimal digit is rounded up.

The Minister of Natural Resources and Wildlife shall publish, in the *Gazette officielle du Québec*, the rate of the charges so adjusted."

17. Section 3 of the Watercourses Act (R.S.Q., chapter R-13) is amended by adding the following paragraph at the end:

"The lessee shall pay into the Generations Fund any rent and other fees or charges payable under subparagraph 2 of the second paragraph."

18. Section 68 of the Act, amended by section 35 of chapter 3 of the statutes of 2006, is again amended

(1) by replacing "pay to the Minister of Natural Resources and Wildlife" in the first and second lines of the first paragraph by "pay into the Generations Fund referred to in the Act to reduce the debt and establish the Generations Fund (2006, chapter 24)";

(2) by inserting "of Natural Resources and Wildlife" after "Minister" in the first line of the fourth paragraph.

19. Section 69.2 of the Act is amended by inserting "to Hydro-Québec or" after "apply" in the first line of the second paragraph.

20. Section 69.3 of the Act, amended by section 35 of chapter 3 of the statutes of 2006, is again amended by replacing "pay to the Minister of Natural Resources and Wildlife" in the first and second lines of the first paragraph by "pay into the Generations Fund".

21. Section 70 of the Act, amended by section 35 of chapter 3 of the statutes of 2006, is again amended

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

"**70.** Every person required to pay an instalment under section 69.3, or the person's mandatary, must send to the Minister of Natural Resources and Wildlife and to the Minister of Finance a report, supported by a sworn statement from the declarant, establishing the total kilowatt-hours of electricity generated during the year in his plants situated in Québec.";

(2) by inserting "is responsible for the collection of the charges. The Minister" after "Wildlife" in the first line of the second paragraph.

TRANSITIONAL PROVISIONS

22. For the calendar year 2007, half the charges payable by the holders of hydraulic power, except Hydro-Québec, under section 68 of the Watercourses Act as amended by section 18 of this Act, or under any order or contract under section 3 of the Watercourses Act, is paid into the Generations Fund. The other half of the charges is paid into the consolidated revenue fund.

The charges on hydraulic power payable by Hydro-Québec for that year are halved and are paid into the Generations Fund.

FINAL PROVISIONS

23. The Minister of Finance is responsible for the administration of this Act.

24. This Act comes into force on 1 January 2007, except subparagraph 3 of the first paragraph of section 3, which comes into force on the date to be set by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 8
(2006, chapter 25)

An Act to amend the Act respecting the Ministère de la Famille et de l'Enfance and other legislative provisions

Introduced 26 April 2006
Passage in principle 7 June 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill establishes the Ministère de la Famille, des Aînés et de la Condition féminine. To that effect, the bill amends the Act respecting the Ministère de la Famille et de l'Enfance to change its name and include the mission and functions of the Minister as regards seniors and the status of women.

The bill also contains consequential and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1);

– Taxation Act (R.S.Q., chapter I-3);

– Act respecting the Ministère de la Famille et de l'Enfance (R.S.Q., chapter M-17.2).

Bill 8

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE LA FAMILLE ET DE L'ENFANCE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting the Ministère de la Famille et de l'Enfance (R.S.Q., chapter M-17.2) is replaced by the following title:

"Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine".

2. Section 1 of the Act is replaced by the following section:

"**1.** The Ministère de la Famille, des Aînés et de la Condition féminine is under the direction of the Minister of Families, Seniors and the Status of Women, appointed under the Executive Power Act (chapter E-18)."

3. Section 2 of the Act is amended by replacing the first two paragraphs by the following paragraph:

"**2.** The mission of the Minister is to provide families and children with the means to achieve their potential, and to foster the social, civic, economic and professional contribution of seniors and women to the development of Québec. The Minister is also responsible for promoting women's rights and actual gender equality."

4. Section 3 of the Act is amended by replacing "family welfare" in the first line by "families".

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

"**3.1.** The responsibilities of the Minister with regard to seniors shall include

(1) promoting the positive aspects of aging and encouraging the public to act against the prejudices and stereotypes associated with age;

(2) promoting the establishment of intergenerational relationships;

(3) informing national, regional and local authorities with respect to the aging-related needs of individuals and the population as a whole, and supporting their action in that respect; and

(4) encouraging the establishment of services addressing the needs and interests of seniors.

"**3.2.** The responsibilities of the Minister with regard to the status of women shall include

(1) reinforcing government intervention to ensure gender equality and the safeguarding of women's rights;

(2) encouraging the actual achievement of gender equality, in particular by eliminating systemic discrimination against women;

(3) informing, encouraging and supporting national, regional and local authorities so that they will act with full regard for gender equality and women's rights;

(4) seeing to the actual progression of gender equality; and

(5) encouraging the public to take positive action toward the achievement of gender equality and equal rights for women."

6. Section 4 of the Act is amended

(1) by replacing "child welfare" in the first line by "children";

(2) by striking out "childcare centres providing" in paragraph 3.

7. Section 5 of the Act is amended

(1) by replacing "in the field of family welfare" in the first and second lines of the first paragraph by "in the fields concerned";

(2) by inserting "to foster the contribution of seniors and women to the development of Québec, and to promote actual gender equality and equal rights for women" after "potential," in the second line of the second paragraph.

8. Section 6 of the Act is amended

(1) by replacing "guidelines" in the first line of the first paragraph by "directions";

(2) by replacing "designed to help families and children achieve their potential" in the first and second lines of the first paragraph by "in the areas under the Minister's authority".

9. Section 7 of the Act is amended by replacing the first paragraph by the following paragraph:

"**7.** The Minister shall advise the Government and government departments and bodies on any matter under the Minister's authority. The Minister shall ensure that the actions of the Government are coherent and, for that purpose, shall

(1) participate in developing measures and making ministerial decisions in matters under the Minister's authority, and shall give an opinion whenever appropriate;

(2) coordinate government interventions specifically relating to areas under the Minister's authority."

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

"**11.** The Minister shall lay the department's annual management report before the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption."

11. Section 12 of the Act is amended by replacing "Child and Family Welfare" in the first and second lines by "Families, Seniors and the Status of Women".

12. Section 6.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1), amended by section 24 of chapter 11 of the statutes of 2005 and by section 36 of chapter 24 of the statutes of 2005, is again amended by replacing "of Employment, Social Solidarity and Family Welfare" by "of Employment and Social Solidarity, the Deputy Minister of Families, Seniors and the Status of Women".

13. Section 1029.8.61.29 of the Taxation Act (R.S.Q., chapter I-3), enacted by section 257 of chapter 1 of the statutes of 2005, is amended by replacing "of Employment, Social Solidarity and Family Welfare" by "of Employment and Social Solidarity".

14. Sections 1029.8.61.50 and 1029.8.61.58 of the Act, enacted by section 257 of chapter 1 of the statutes of 2005, are amended by replacing "of Employment, Social Solidarity and Family Welfare" by "of Families, Seniors and the Status of Women", and section 1029.8.61.59 of the Act, enacted by section 257 of chapter 1 of the statutes of 2005, is amended by replacing "de l'Emploi, de la Solidarité sociale et de la Famille" in the first paragraph by "de la Famille, des Aînés et de la Condition féminine" and by replacing "of Employment, Social Solidarity and Family Welfare" in the second and third paragraphs by "of Families, Seniors and the Status of Women".

15. In any other Act, a reference to the Minister or Deputy Minister of Child and Family Welfare is replaced by a reference to the Minister or Deputy Minister of Families, Seniors and the Status of Women, and a reference to the Ministère de la Famille et de l'Enfance is replaced by a reference to the Ministère de la Famille, des Aînés et de la Condition féminine.

In any other document, unless the context indicates otherwise,

(1) a reference to the Minister or Deputy Minister of Child and Family Welfare is a reference to the Minister or Deputy Minister of Families, Seniors and the Status of Women, and a reference to the Ministère de la Famille et de l'Enfance is a reference to the Ministère de la Famille, des Aînés et de la Condition féminine;

(2) a reference to the Minister or Deputy Minister of Employment, Social Solidarity and Family Welfare is a reference to the Minister or Deputy Minister of Employment and Social Solidarity or to the Minister or Deputy Minister of Families, Seniors and the Status of Women, depending on the subject-matter, and a reference to the Ministère de l'Emploi, de la Solidarité sociale et de la Famille is a reference to the Ministère de l'Emploi et de la Solidarité sociale or to the Ministère de la Famille, des Aînés et de la Condition féminine, depending on the subject-matter.

16. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 11
(2006, chapter 26)

An Act to amend the Act respecting the Conservatoire de musique et d'art dramatique du Québec

Introduced 9 May 2006
Passage in principle 26 May 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill amends the Act respecting the Conservatoire de musique et d'art dramatique du Québec to modify the provisions concerning the administration of the Conservatoire, in particular the composition of its board of directors. It also updates the financial provisions of the Act.

The bill contains transitional provisions concerning the transfer of personnel as well as consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

– Financial Administration Act (R.S.Q., chapter A-6.001);

– Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);

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

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

Bill 11

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1), amended by section 195 of chapter 28 of the statutes of 2005, is again amended

(1) by replacing "seven" in the first line of subparagraph 1 of the first paragraph by "eight";

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

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

"(5) two principals of institutions of the Conservatoire which provide instruction in music, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;";

(4) by striking out ", including one from the Montréal institution," in the second line of subparagraph 7 of the first paragraph;

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

"The director general of the Conservatoire is a member of the board."

2. Section 12 of the Act is amended

(1) by inserting ", except the director general," after "board" in the first line of the first paragraph;

(2) by replacing "director general" in the fourth line of the first paragraph by "chairman";

(3) by inserting "the director general and" after "except" in the second line of the third paragraph;

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

"Despite the second paragraph, the director general may vote on any matter concerning the employment status, remuneration, fringe benefits or other conditions of employment of the academic director."

3. Section 13 of the Act is amended by replacing the second paragraph by the following paragraph:

"It may, in particular, provide for the establishment of an executive committee and determine its duties and powers; the committee must be composed of the director general, of members of the board of directors chosen in the majority from among the members appointed under subparagraph 1 of the first paragraph of section 4, of one member chosen from among the members elected under subparagraphs 5 and 6 of that paragraph and of at least one member chosen from among the members appointed or elected under subparagraphs 7 to 9 of that paragraph."

4. Section 15 of the Act is amended by replacing the third paragraph by the following paragraph:

"The academic director shall take part in the meetings of the board of directors and the executive committee of the Conservatoire, but is not entitled to vote."

5. Section 32 of the Act is amended

(1) by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraphs:

"(2) the principal of an institution of the Conservatoire which provides instruction in music, appointed by the Conservatoire;

"(3) one teacher from each of the institutions of the Conservatoire which provide instruction in music, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;";

(2) by striking out "; the same applies to the representatives of the teachers, except those representing the Montréal institution" in the first, second and third lines of the last paragraph.

6. Section 41 of the Act is amended by striking out subparagraph 6 of the first paragraph.

7. Section 53 of the Act is replaced by the following section:

"**53.** Each year, the Conservatoire submits its budgetary estimates for the following fiscal year to the Minister, for approval, in accordance with the form and content and the schedule determined by the Minister."

8. Section 54 of the Act is replaced by the following section:

"**54.** The fees and charges prescribed by the Conservatoire, as well as any other amount it receives, are part of its revenues and must be allocated to the payment of its obligations. The Conservatoire retains any surpluses, unless the Government decides otherwise."

9. Section 55 of the Act is repealed.

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

"**63.** The Government may, subject to the conditions it determines,

(1) guarantee payment of the principal and interest on any loan or other obligation of the Conservatoire; and

(2) authorize the Minister of Finance to advance to the Conservatoire any amount considered necessary to meet its obligations.

The sums required for the purposes of this section are taken out of the consolidated revenue fund."

11. Section 75 of the Act is replaced by the following section:

"**75.** Section 204 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing paragraph 13 by the following paragraph:

"(13) an immovable included in a unit of assessment entered on the roll in the name of a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d'art dramatique du Québec;"."

12. Section 76 of the Act is repealed.

13. Section 77 of the Act is replaced by the following section:

"**77.** Section 255 of the Act respecting municipal taxation is amended

(1) by inserting "the Conservatoire de musique et d'art dramatique du Québec," after "(chapter I-17)," in the second line of subparagraph 1 of the third paragraph;

(2) by inserting "or the Conservatoire de musique et d'art dramatique du Québec" after "paragraph 1" in the second line of subparagraph 2 of the third paragraph."

14. Section 81 of the Act is amended

(1) by inserting "after 15 June 2006" after "appointed" in the second line of the first paragraph;

(2) by replacing "adopt and transmit to the Minister, according to the conditions prescribed in sections 53 and 54, the budget" in the first and second lines of subparagraph 4 of the second paragraph by "submit to the Minister for approval, in accordance with section 53, the budgetary estimates".

15. The Act is amended by inserting the following section after section 82:

"**82.1.** For the first year of operation of the new Conservatoire, the admission, registration and tuition fees, and the terms and conditions of payment and refund, are the same as those determined for the former Conservatoire.

The Minister shall, on behalf of the new Conservatoire, collect the fees payable before the coming into force of Chapter II.

For the subsequent years, the fees and terms and conditions remain applicable unless they are replaced or modified by the new Conservatoire."

16. Section 84 of the Act is amended by replacing "at Chicoutimi, Hull" in the third line by "at Saguenay, Gatineau".

17. Section 89 of the Act is amended by replacing the first paragraph by the following paragraph:

"**89.** The employees of the Direction générale du Conservatoire de musique et d'art dramatique of the Ministère de la Culture et des Communications, and the employees of the branches of the former Conservatoire, in office on 14 June 2006 become employees of the new Conservatoire, subject to the conditions of employment applicable to them and provided that a decision providing for their transfer is made by the Conseil du trésor before 15 June 2007. The same applies to any employee of the Ministère de la Culture et des Communications whose principal or secondary tasks are related to the activities of the new Conservatoire."

18. Section 93 of the Act is replaced by the following section:

"**93.** A person who, in accordance with the applicable conditions of employment, refuses to be transferred to the new Conservatoire is assigned to the new Conservatoire until the chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person placed on reserve under section 92, which person remains in the employ of the new Conservatoire."

19. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting "Conservatoire de musique et d'art dramatique du Québec" in alphabetical order.

20. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by inserting "The Conservatoire de musique et d'art dramatique du Québec", in alphabetical order.

21. This Act comes into force on 15 June 2006, except

(1) sections 19 and 20, which come into force on the date to be set by the Government; and

(2) sections 3 to 8, 10, 11, 13 and 16, which come into force on the date to be set by the Government for the coming into force of the provisions they amend.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 12
(2006, chapter 27)

An Act to amend the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec

Introduced 9 May 2006
Passage in principle 8 June 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill amends the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec to revise the rules governing the administrative structure and functioning of the certification board and the composition of its board of directors.

The bill also contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Financial Administration Act (R.S.Q., chapter A-6.001);

– Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., chapter B-7.1).

Bill 12

AN ACT TO AMEND THE ACT RESPECTING THE BUREAU D'ACCRÉDITATION DES PÊCHEURS ET DES AIDES-PÊCHEURS DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., chapter B-7.1) is replaced by the following sections:

"**4.** The certification board shall be administered by a board of directors composed of seven members as follows:

(1) one member appointed by the Minister among the employees of the Government or its bodies or among persons appointed to a government department or body by a minister or the Government;

(2) five members appointed as follows by the associations most representative, throughout Québec, of the following groups:

(*a*) for midshore fishermen, two members;

(*b*) for inshore fishermen, two members; and

(*c*) for fisherman's helpers, one member who is not, however, entitled to vote on any matter relating to the professional certification of fishermen; and

(3) one member appointed by all the regional fishermen's associations that are not part of the associations referred to in subparagraph 2.

The Minister shall verify the representativeness of the associations referred to in subparagraph 2 of the first paragraph.

If the associations referred to in subparagraph 3 of the first paragraph fail to appoint a member within 60 days of a vacancy, the Minister shall appoint a member on their behalf.

"**4.1.** A person convicted of an offence under the Fisheries Act (Revised Statutes of Canada, 1985, chapter F-14) or the regulations or of an offence or an indictable offence committed in the course of fishing activities or involving

fraud or dishonesty may not sit on the board of directors, unless the person has obtained a pardon. The disqualification subsists for two years after the conviction or until the end of the sentence if it is longer than two years."

2. Section 6 of the Act is amended by replacing "section 4" in the first paragraph by "sections 4 and 4.1".

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

"**7.** On the conditions and to the extent determined by regulation of the certification board, the members of the board of directors may receive remuneration and are entitled to be reimbursed, on presentation of vouchers, for reasonable expenses incurred in exercising their functions."

4. Section 8 of the Act is amended

(1) by replacing "The chair of the board of directors shall call and preside at the meetings of the board and see to the proper operation of the board. The chair shall" in the first paragraph by "The members of the board of directors shall choose a chair from among their number. The chair shall call and preside at the meetings of the board, see to the proper conduct of the board's proceedings and";

(2) by inserting "also" after "shall" in the second paragraph.

5. Section 9 of the Act is amended by striking out "entitled to vote" in the first paragraph.

6. Section 10 of the Act is amended by adding the following paragraph:

"In addition, it must establish a code of ethics and professional conduct applicable to the members of its board of directors."

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

"**11.** The certification board may hire the personnel it needs for the conduct of its business."

8. Section 14 of the Act is amended

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

"**14.** The certification board shall make regulations

(1) determining the criteria for the issue of a fisherman's or fisherman's helper's certificate and the fees payable;

(2) determining the professional training required to qualify for a certificate, including apprenticeship at sea, and equivalent qualifications, including experience;

(3) determining the criteria for the issue of an apprentice fisherman's certificate and the fees payable; and

(4) concerning the issue, content and updating of the fisherman's booklet, the fisherman's helper's booklet and the apprentice fisherman's booklet.";

(2) by replacing subparagraph 1 of the third paragraph by the following subparagraphs:

"(1) the obligations of certificate holders and the information and documents they must send to the certification board or keep;

"(1.1) the obligations of certificate holders as regards continuing education;".

9. Section 15 of the Act is replaced by the following sections:

"**15.** Regulations of the certification board under subparagraph 2 of the first paragraph and subparagraphs 1.1 and 3 of the second paragraph of section 14 are subject to the approval of and may be amended by the Government.

If the certification board fails to make or amend a regulation under the first paragraph of section 14 within the time specified by the Minister, the Minister or the Government may do so, and the regulation becomes a regulation of the certification board.

"**15.1.** Regulations of the certification board under subparagraph 2 of the first paragraph and subparagraphs 1.1 and 3 of the second paragraph of section 14 and the second paragraph of section 15 are published in the *Gazette officielle du Québec* and come into force on the fifteenth day after the date of their publication or on any later date specified.

Regulations of the certification board under subparagraphs 1, 3 and 4 of the first paragraph and subparagraphs 1 and 2 of the second paragraph of section 14, and section 22 are published in the *Gazette officielle du Québec* and come into force on the date of their publication or on any later date specified."

10. The Act is amended by inserting the following section after section 16:

"**16.1.** A person whose application for a certificate is denied or whose certificate is suspended or revoked by the certification board may, within 30 days after receiving the decision, file an application for review with the person designated for that purpose by the Minister.

On sending a copy of its decision to the person concerned, the certification board shall inform the person of his or her right to file an application for review and of the time limit for doing so."

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

"**17.** A review decision must be rendered within 30 days after receipt of an application for review and be sent in writing to the person concerned. If the application for review is dismissed, the person concerned may, within 30 days after being notified of the decision, contest it before the Administrative Tribunal of Québec.

On sending a copy of a decision dismissing an application for review to the person concerned, the person designated by the Minister shall inform that person of his or her right to contest the decision and of the time limit for doing so."

12. Section 18 of the Act is amended by striking out "approved by the Government".

13. Section 19 of the Act is repealed.

14. Section 20 of the Act is replaced by the following section:

"**20.** The certification board is subject to the Act respecting the protection of personal information in the private sector (chapter P-39.1)."

15. Section 21 of the Act is repealed.

16. Section 22 of the Act is amended by striking out "approved by the Government, which may amend it".

17. Section 23 of the Act is repealed.

18. Section 24 of the Act is amended by striking out the following sentence: "Any surplus shall be retained by the certification board, unless the Government decides otherwise."

19. Section 25 of the Act is amended by replacing "31 March" by "31 December".

20. Section 26 of the Act is repealed.

21. Section 27 of the Act is replaced by the following sections:

"**27.** The certification board shall have its books and accounts audited each year by an auditor. The auditor's report must be submitted with the financial statements and report of activities.

If the certification board fails to have its books and accounts audited, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration will be charged to the certification board.

"**27.1.** The auditor shall have access to all the certification board's books, registers, accounts, other accounting records and vouchers. Any persons having custody of those documents shall facilitate their examination by the auditor.

The auditor may require the information and documents needed to conduct the audit from the certification board's directors, mandataries or personnel.

"**27.2.** The auditor may require a meeting of the board of directors on any matter related to the audit."

22. Section 28 of the Act is amended

(1) by replacing "30 June" in the first paragraph by "31 May";

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

"The certification board shall also send a copy of the report of activities to the associations of the groups referred to in section 4."

23. Section 29 of the Act is repealed.

24. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out "Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec".

25. The members of the board of directors in office on 14 June 2006 remain in office until all members have been appointed in accordance with section 1 of this Act.

26. Regulations under sections 14 and 15 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec as they read before 15 June 2006 remain in force until replaced by a regulation in accordance with sections 8 and 9 of this Act.

27. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 16
(2006, chapter 28)

An Act to amend the Act respecting Cree, Inuit and Naskapi Native persons and other legislative provisions

Introduced 27 April 2006
Passage in principle 7 June 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill amends the Act respecting Cree, Inuit and Naskapi Native persons in order to introduce new rules pursuant to Complementary Agreement No. 18 to the James Bay and Northern Québec Agreement. The new rules relate to the entitlement and enrollment of Inuit beneficiaries, the register of Inuit beneficiaries and the review of decisions made by an authority responsible for enrollment.

The bill provides that the criteria of entitlement for enrollment as an Inuit beneficiary will include, in particular, being an Inuk as determined by Inuit customs and traditions, and having family, residential, historical, cultural or social ties with an Inuit community.

Under the bill, the status of a beneficiary may be reviewed in the case, for example, of a divorce or the death of an Inuit spouse. Furthermore, an Inuit beneficiary will not lose his rights in that capacity if he maintains his principal residence outside the territory for 10 or more consecutive years for health reasons, to pursue education or to hold employment with an organization promoting Inuit well-being.

The bill also proposes new provisions regarding the enrollment of Inuit beneficiaries. For example, a community enrollment committee is to be created in each Inuit community to examine the applications of persons wishing to be enrolled on a list of Inuit beneficiaries or applications to have the name of an enrolled beneficiary removed.

The register of Inuit beneficiaries is placed under the responsibility of the Nunavik Enrollment Office created within the Makivik Corporation. That register is to consist of two lists, and Inuit beneficiaries will be able to consult certain information on the lists.

The bill also provides for the creation of the Nunavik Enrollment Review Committee whose function it will be to decide applications for review made by persons who are dissatisfied with a decision of a community enrollment committee.

Lastly, the bill includes consequential amendments and certain amendments specific to the Act respecting health services and social services.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1);

– Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);

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

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

Bill 16

AN ACT TO AMEND THE ACT RESPECTING CREE, INUIT AND NASKAPI NATIVE PERSONS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1) is amended

(1) by replacing "Inuk" in paragraph *a* by "Inuit";

(2) by adding "or Division V.1" at the end of paragraph *a*;

(3) by replacing paragraph *e* by the following paragraph:

"(*e*) "Inuit community" means one of the existing Inuit communities of Kangiqsualujjuaq, Kuujjuaq, Tasiujaq, Aupaluk, Kangirsuk, Quaqtaq, Kangiqsujuaq, Salluit, Ivujivik, Akulivik, Puvirnituq, Inukjuak, Umiujaq, Kuujjuaraapik, Chisasibi and Killiniq (Port Burwell), and any Inuit community formed after 1 May 2006 and recognized by the Government;".

2. The heading of Division III of the Act is amended by inserting "CREE AND NASKAPI" before "BENEFICIARIES".

3. Section 5 of the Act is amended by striking out ", Inuit beneficiaries" in the second line and in the fifth line.

4. Sections 9 to 11 of the Act are repealed.

5. Section 12 of the Act is amended by striking out ", Inuk" in the first line and the last line of the first paragraph and in the last line of the second paragraph.

6. Section 13 of the Act is amended by striking out the second paragraph.

7. Section 14 of the Act is amended by replacing "the Cree, Inuit or Naskapi customs, as the case may be" in the last line by "Cree or Naskapi customs".

8. The heading of Division IV of the Act is amended by inserting "CREE AND NASKAPI" before "BENEFICIARIES".

9. Section 15 of the Act is amended by inserting "Cree and Naskapi" before "beneficiaries" in the second line.

10. Section 16 of the Act is amended

(1) by striking out ", an Inuit register" in the first line of the first paragraph;

(2) by striking out ", as Inuit beneficiaries" in the third line of the first paragraph;

(3) by striking out ", Inuit" in the first line of the second paragraph.

11. Section 19 of the Act is repealed.

12. Section 20 of the Act is amended

(1) by replacing "either a Cree beneficiaries list or an Inuit beneficiaries list as well as on the Naskapi beneficiaries list" in the first and second lines of the second paragraph by "more than one list of beneficiaries established under this Act";

(2) by replacing "sections 18 and 19" in the second line of the third paragraph by "this Act";

(3) by replacing "and an Inuit list" in the first and second lines of the fourth paragraph by "list and an Inuit list provided for in Division V.1";

(4) by striking out "des bénéficiaires cris ou des bénéficiaires inuit" in the third line of the fourth paragraph of the French text.

13. The heading of Division V of the Act is amended by adding "FOR CREE AND NASKAPI BENEFICIARIES" at the end.

14. Section 21 of the Act is amended by striking out ", in Inuttituut under the name of: "QUEBECMINUNALITUQAIT QINUGIAQANIVININGANUT KATIMAYINGIT"" in the second and third lines of the second paragraph.

15. Section 22 of the Act is amended by striking out ", Inuit" in the second line.

16. Section 24 of the Act is amended

(1) by striking out ", Inuit" in the first and second lines of subparagraph *b* of the first paragraph;

(2) by striking out "or an Inuit community council," in the first and second lines of subparagraph *d* of the first paragraph;

(3) by striking out ", the successor of an Inuit community council is, from its creation, the council of an Inuit landholding corporation established by the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1)," in the second paragraph.

17. The Act is amended by inserting the following division after section 25:

"**DIVISION V.1**

"ENTITLEMENT AND ENROLLMENT OF INUIT BENEFICIARIES

"§1. — *Entitlement*

"**25.1.** A person is entitled to be enrolled as an Inuit beneficiary and to invoke the rights and receive the benefits granted to Inuit beneficiaries if that person

(*a*) is living;

(*b*) is a Canadian citizen;

(*c*) is an Inuk according to Inuit customs and traditions;

(*d*) identifies himself as an Inuk; and

(*e*) has family, residential, historical, cultural or social ties with an Inuit community.

For the purposes of subparagraph *d* of the first paragraph, a relative or tutor may identify as an Inuk a person unable to do so himself.

"**25.2.** Despite section 25.1, a person entitled to be enrolled as an Inuit beneficiary may not be so enrolled if the person is already enrolled under another land claims agreement in Canada, unless it is an agreement affecting the Inuit of Nunavik, including an agreement relating to the Nunavik Marine Region bordering on Québec, to Labrador or to the Labrador offshore area, or the person demonstrates that he has abandoned the prior enrollment.

"**25.3.** If the Secretary General makes a decision under section 20 on behalf of a person entitled to be enrolled, the Secretary General shall send it to that person and to the Enrollment Office established under section 25.13.

"**25.4.** The status of beneficiary of a person who, before 1 May 2006, was enrolled or entitled to be enrolled because of the person's status as the lawful spouse of an Inuit beneficiary may be reviewed by the appropriate community enrollment committee provided for in section 25.7, if there are reasonable grounds to believe that the person no longer has sufficient ties with the Inuit community following a divorce, a legal separation, a *de facto* separation

or the death of the person's spouse having occurred on 1 May 2006 or after that date.

De facto separation is proven by a declaration under oath signed by the spouse or another interested beneficiary attesting that the spouses have been separated for at least one year.

"**25.5.** An Inuit beneficiary who has maintained his principal residence outside the territory for 10 or more consecutive years is not entitled to exercise rights or receive benefits as an Inuit beneficiary, and his name is transferred to the list of Inuit beneficiaries who have resided outside the territory for 10 or more consecutive years provided for in section 25.14. If a beneficiary re-establishes his principal residence in the territory, his entitlement to exercise rights and receive benefits as an Inuit beneficiary revives and his name is then transferred to the list of Inuit beneficiaries provided for in section 25.14.

However, the first paragraph does not apply to an Inuit beneficiary who has maintained his principal residence outside the territory for 10 or more consecutive years for health reasons, to pursue studies or to hold employment in an organization promoting Inuit well-being.

"§2. — *Affiliated beneficiary*

"**25.6.** For the purposes of this division, a beneficiary is affiliated with the Inuit community in which he is accepted for enrollment.

"§3. — *Community enrollment committees*

"**25.7.** A community enrollment committee is created for each Inuit community.

The committee consists of not less than 3 and not more than 13 beneficiaries, and committee decisions are made by a majority vote.

"**25.8.** In the case of Inuit communities for which a landholding corporation has been established in accordance with the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), the community enrollment committee consists of the members of the board of directors of the landholding corporation formed under section 11 of that Act and of a beneficiary affiliated with that community who is considered to be an elder according to Inuit customs and traditions, and who is designated by the landholding corporation for a renewable two-year term.

"**25.9.** In the case of Inuit communities for which there is no landholding corporation, the members of the community enrollment committee are elected for a renewable two-year term by the Inuit beneficiaries affiliated with the community concerned.

The Enrollment Office created under section 25.13 is responsible for holding the election.

"**25.10.** The community enrollment committee of an Inuit community has the following functions in respect of the community for which it was created:

(*a*) to receive and examine the application of a person who wishes to be enrolled as an Inuit beneficiary with that community in order to determine whether the person meets the enrollment criteria listed in section 25.1, and, if he is not prevented from enrolling by section 25.2, to affiliate the person with that community;

(*b*) to delete, even on its own initiative, the name of a beneficiary affiliated with that community who no longer meets the enrollment criteria set out in paragraphs *a* and *b* of section 25.1;

(*c*) to examine, even on its own initiative, the case of a person affiliated with that community in order to determine whether section 25.4 applies to that person and, if necessary, whether the person meets the other enrollment criteria listed in section 25.1;

(*d*) to decide, at the request of a beneficiary affiliated with another Inuit community, whether that beneficiary may become affiliated with that community;

(*e*) to decide, even on its own initiative, for the purposes of section 25.5, whether a beneficiary has maintained his principal residence outside the territory for 10 or more consecutive years for reasons other than those mentioned in the second paragraph of that section;

(*f*) to decide, on the application of a beneficiary affiliated with that community, whether that beneficiary has re-established his principal residence in the territory; and

(*g*) to inform the Enrollment Office of its decisions without delay so that the lists provided for in section 25.14 may be kept up to date.

"**25.11.** A beneficiary may not be affiliated simultaneously with more than one Inuit community.

However, a beneficiary may apply to the community enrollment committee of an Inuit community other than that with which he is affiliated and obtain its consent to become affiliated with that other community.

"**25.12.** A person may not submit an application contemplated in paragraph *a* or *d* of section 25.10 to more than one community enrollment committee simultaneously.

If a committee refuses an application, a new application may be submitted to the community enrollment committee of another community if

(*a*) twelve months have elapsed since the first community enrollment committee's decision to refuse the application;

(*b*) the person waives the right to apply to the Nunavik Enrollment Review Committee for a review under section 25.23 of the first community enrollment committee's decision; or

(*c*) the Nunavik Enrollment Review Committee has rendered a decision upholding the refusal of the first community enrollment committee under section 25.23.

"§4. — *Nunavik Enrollment Office*

"**25.13.** The Nunavik Enrollment Office is created within the Makivik Corporation constituted by the Act respecting the Makivik Corporation (chapter S-18.1).

"**25.14.** The Enrollment Office maintains the register of Inuit beneficiaries.

This register contains the names of the Inuit beneficiaries entitled to be enrolled under this Act in accordance with the decisions of the community enrollment committee of each Inuit community under section 25.10 or the decisions of the Nunavik Enrollment Review Committee under section 25.23. It consists of two lists, the list of Inuit beneficiaries and the list of Inuit beneficiaries who have resided outside the territory for 10 or more consecutive years.

The lists give the name, sex, date of birth, civil status and place of residence of each beneficiary and the name of the Inuit community with which the beneficiary is affiliated under section 25.10.

"**25.15.** Every year and whenever so required, the Enrollment Office must send the lists of beneficiaries prepared under section 25.14, free of charge, to the departments and bodies of the governments of Québec and Canada, to the extent that the information on the lists is necessary for carrying out the responsibilities of those departments and bodies.

The Enrollment Office must send the lists on request and free of charge to any other person or body for which the information is necessary to exercise functions or implement a program under its management.

The Enrollment Office must also allow Inuit beneficiaries to consult free of charge the names of beneficiaries included in each list and the name of the community with which those beneficiaries are affiliated.

"**25.16.** On a written request by an Inuit beneficiary for cancellation of enrollment, the Enrollment Office must delete the name of that beneficiary from the register of Inuit beneficiaries maintained under section 25.14.

"**25.17.** The Enrollment Office receives applications for review made under section 25.23 and notifies the persons appointed under section 25.18 that they are to establish the Nunavik Enrollment Review Committee in accordance with section 25.22.

On receiving notice that the Review Committee has been duly established, the Enrollment Office sends it the file of any person who has made an application for review.

"§5. — *Nunavik Enrollment Review Committee*

"**25.18.** The Nunavik Enrollment Review Committee is created.

The committee is established in accordance with section 25.22 from a permanent list of six members appointed by the Makivik Corporation from among the Inuit beneficiaries enrolled on the list of Inuit beneficiaries. They must come, in equal numbers, from the Ungava region, the Hudson Strait region and the Hudson region.

"**25.19.** A person designated or elected as a member of a community enrollment committee under section 25.8 or 25.9 may not be appointed under section 25.18.

"**25.20.** The members are appointed under section 25.18 for a three-year term which may be renewed.

"**25.21.** The mandate of a member appointed under section 25.18 may not be revoked by the Makivik Corporation without good reason.

"**25.22.** Following notice given by the Nunavik Enrollment Office under section 25.17, the members appointed under section 25.18 designate three members from among themselves to form the Review Committee. Each of the three regions mentioned in section 25.18 must be represented on the Review Committee.

"**25.23.** The Review Committee's function is to decide applications for review made by persons who are dissatisfied with a decision of a community enrollment committee under section 25.10.

The Review Committee must notify the Enrollment Office without delay of a decision under the first paragraph.

"**25.24.** An application for review under section 25.23 must be sent to the Enrollment Office within 12 months after the date of the community enrollment committee's decision.

"**25.25.** The Review Committee may agree to consider documents and information other than those contained in the file sent to it under the second paragraph of section 25.17.

"**25.26.** The quorum of the Review Committee is three members and its decisions are made by a majority vote.

The decisions of the Review Committee are final and binding.

"§6. — *Provisions applicable to community enrollment committees and to the Nunavik Enrollment Review Committee*

"**25.27.** Community enrollment committees and the Nunavik Enrollment Review Committee set the rules for the conduct of their proceedings.

Before making a decision, however, community enrollment committees and the Review Committee must give an applicant and, if applicable, a person whose enrollment is being examined the opportunity to submit observations.

They must conduct their proceedings in Inuttitut and, on request by a committee member or a person mentioned in the second paragraph, in French or English.

"**25.28.** Community enrollment committees and the Review Committee must send a substantiated decision in writing and within a reasonable time to an applicant and, if applicable, to a person whose enrollment has been examined.

"**25.29.** No proceedings may be brought against a member of a community enrollment committee or the Review Committee for an act performed in good faith in the exercise of the functions of office.

"**DIVISION V.2**

"TRANSITIONAL PROVISIONS FOR 1978 AND 1979".

18. The Act is amended by inserting the following division after section 31:

"**DIVISION V.3**

"TRANSITIONAL PROVISIONS FOR 2006

"**31.1.** The register of Inuit beneficiaries kept by the Secretary General in accordance with section 16 is transferred on 1 May 2006 to the Nunavik Enrollment Office created under section 25.13.

That register then becomes the register of Inuit beneficiaries provided for in section 25.14, and the names and other information relating to the persons

enrolled on the register of Inuit beneficiaries or on the list of Inuit beneficiaries not entitled to exercise the rights or receive the benefits granted to them as Inuit are transferred to one or the other of the lists mentioned in section 25.14.

The Minister of Health and Social Services may, subject to the conditions and in the manner determined in an agreement with the Makivik Corporation, provide storage services for the information contained in the register of Inuit beneficiaries."

AMENDING AND FINAL PROVISIONS

19. Section 116 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended by inserting ", their non-Inuit spouses and the members of their families to the first degree" after "beneficiaries" in the first line of the third paragraph.

20. Section 19 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 1 of chapter 32 of the statutes of 2005, is again amended by inserting "19.0.3," after "19.0.2," in the first line of paragraph 7.

21. The Act is amended by inserting the following section after section 19.0.2:

"**19.0.3.** An institution that transfers a user to another institution must send the other institution a summary of the information necessary to take the user in charge within 72 hours after the transfer."

22. Section 1 of the Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1) is amended by replacing paragraph *a* by the following paragraph:

"(*a*) "Inuit community" means one of the existing Inuit communities of Kangiqsualujjuaq, Kuujjuaq, Tasiujaq, Aupaluk, Kangirsuk, Quaqtaq, Kangiqsujuaq, Salluit, Ivujivik, Akulivik, Puvirnituq, Inukjuak, Umiujaq, Kuujjuaraapik, Chisasibi and Killiniq (Port Burwell), and any Inuit community formed after 1 May 2006 and recognized by the Government;".

23. Section 13 of the Act is amended by replacing everything after "Inuit communities" in the second line of the first paragraph by "with which they are affiliated according to the register of Inuit beneficiaries maintained in accordance with the Act respecting Cree, Inuit and Naskapi Native persons."

24. Section 16 of the Act is amended by replacing "reconnu comme membre de" in the third line of the French text by "affilié à".

25. Sections 1 to 19 and 22 to 24 have effect from 1 May 2006.

26. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 17
(2006, chapter 29)

An Act respecting contracting by public bodies

Introduced 11 May 2006
Passage in principle 7 June 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

The purpose of this bill is to determine the conditions that are to govern contracts between public bodies and private contractors when such contracts involve public expenditure. The bill deals more particularly with public procurement contracts, that is, supply, construction and service contracts, but also with public-private partnership contracts. It applies to departments and bodies within the public administration, and to public bodies in the education and in the health and social services sectors.

The bill establishes such basic principles as transparency in contracting processes, the honest and fair treatment of tenderers and accountability reporting by the chief executive officers of public bodies to verify the proper use of public funds.

The bill also establishes public tender thresholds consistent with the public procurement liberalization agreements signed by Québec, and sets conditions for the selection of contractors and the award and management of contracts. It specifies the cases in which public bodies may conclude contracts by mutual agreement despite the public tender thresholds, and formulates the principles they must follow when awarding contracts involving an expenditure below those thresholds. It also sets the rules applicable to a joint call for tenders by two or more public bodies.

In addition, the bill determines conditions for public-private partnership contracts. It stipulates that a public call for tenders for such a contract may involve different stages according to the complexity of the project and the number of potentially interested tenderers. It requires that the stages be defined in the tender documents. It further requires that the criteria and conditions to be used by the public body to evaluate the tenderers and their proposals be set out as well in the tender documents.

The bill gives the Government the power to make regulations determining other conditions for specified contracts. The bill gives the ministers designated as responsible for each of the sectors the power to frame policies on the management of supply, service and construction contracts for the public bodies under their authority. It also gives the ministers the power to prescribe model contract forms or other standard documents.

Lastly, the bill contains technical and consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Public Administration Act (R.S.Q., chapter A-6.01);

– Act respecting parental insurance (R.S.Q., chapter A-29.011);

– Building Act (R.S.Q., chapter B-1.1);

– Charter of Ville de Québec (R.S.Q., chapter C-11.5);

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

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

– General and Vocational Colleges Act (R.S.Q., chapter C-29);

– 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 the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1);

– Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);

– Election Act (R.S.Q., chapter E-3.3);

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

– Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);

– Act respecting the Ministère des Transports (R.S.Q., chapter M-28);

– Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);

– Public Protector Act (R.S.Q., chapter P-32);

– Act respecting occupational health and safety (R.S.Q., chapter S-2.1);

– 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);

– Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011);

– Act respecting the Société des Traversiers du Québec (R.S.Q., chapter S-14);

– Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);

– Auditor General Act (R.S.Q., chapter V-5.01);

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

– Act respecting the Agence des partenariats public-privé du Québec (2004, chapter 32).

Bill 17

AN ACT RESPECTING CONTRACTING BY PUBLIC BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND SCOPE

1. The purpose of this Act is to determine the conditions that are to govern the contracts that a public body may enter into with a for-profit legal person established for a private interest, a general, limited or undeclared partnership, a sole proprietorship or an enterprise most of whose employees are handicapped persons.

2. In compliance with all applicable intergovernmental agreements, the conditions determined by this Act aim to promote

(1) transparency in contracting processes;

(2) the honest and fair treatment of tenderers;

(3) the opportunity for qualified tenderers to compete in calls for tenders made by public bodies;

(4) the use of effective and efficient contracting procedures, including careful, thorough evaluation of procurement requirements that reflects the Government's sustainable development and environmental policies;

(5) the implementation of quality assurance systems for the goods, services or construction work required by public bodies; and

(6) accountability reporting by the chief executive officers of public bodies to verify the proper use of public funds.

For the purposes of this Act, "intergovernmental agreement" means a public procurement liberalization agreement between Québec and another jurisdiction.

3. The following public procurement contracts are subject to this Act when they involve public expenditure:

(1) supply contracts, including contracts for the purchase, lease or rental of movable property, which may include the cost of installing, operating and maintaining the property;

(2) construction contracts to which the Building Act (R.S.Q., chapter B-1.1) applies and for which the contractor must hold the licence required under Chapter IV of that Act; and

(3) service contracts other than contracts to integrate the arts with the architecture and environment of government buildings and sites.

The following contracts are also subject to this Act whether or not they involve public expenditure:

(1) public-private partnership contracts within the meaning of the Act respecting the Agence des partenariats public-privé du Québec (2004, chapter 32); and

(2) any other contract determined by government regulation.

Contracts of affreightment, contracts of carriage other than those subject to the Education Act (R.S.Q., chapter I-13.3), damage insurance contracts and contracts of enterprise other than construction contracts are considered to be service contracts.

4. For the purposes of this Act, public bodies include

(1) government departments;

(2) bodies all or part of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) bodies whose personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(4) bodies a majority of whose members or directors are appointed by the Government or by a minister and at least half of whose expenditures are borne directly or indirectly by the consolidated revenue fund;

(5) school boards, the Comité de gestion de la taxe scolaire de l'île de Montréal, general and vocational colleges, and university institutions referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1); and

(6) health and social services agencies and public institutions referred to in the Act respecting health services and social services (R.S.Q., chapter S-4.2), legal persons and joint procurement groups referred to in section 383 of that Act, the James Bay Cree health and social services council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), health communication centres within the meaning of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2) and the Corporation d'hébergement du Québec.

A person appointed or designated by the Government or a minister, together with the personnel directed by the person, in the exercise of the functions assigned to the person by law, the Government or a minister, is considered to be a body.

5. The National Assembly, any person appointed or designated by the National Assembly to exercise functions under its authority, the personnel directed by that person, and the Commission de la représentation are subject to this Act only to the extent determined by an Act.

6. The Conseil de la magistrature and the committee on the remuneration of the judges of the court of Québec and municipal courts are not subject to this Act.

7. Bodies other than those referred to in sections 4 to 6 and at least half of whose members or directors are appointed or elected by the Government or by a minister must adopt a contracting policy and make it public not later than 30 days after its adoption.

The policy referred to in the first paragraph must be consistent with any applicable intergovernmental agreement and reflect the principles set out in sections 2 and 14.

8. The deputy minister of a government department or, in the case of a public body referred to in subparagraphs 2 to 4 and 6 of the first paragraph of section 4, the person responsible for its administrative management, is to exercise the functions this Act confers on the chief executive officer of a public body.

The chief executive officer, in the case of a body referred to in subparagraph 5 of the first paragraph of section 4, is the board of directors and, in the case of a school board, the council of commissioners. The board of directors or the council of commissioners may, by regulation, delegate all or part of the functions conferred on the chief executive officer to the executive committee, the director general or, in the case of a university institution, a member of the senior administrative personnel within the meaning of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1).

9. With regard to public procurement contracts and public-private partnership contracts, this Act prevails over any contrary prior or subsequent general or special Act unless the general or special Act expressly states that it applies despite this Act.

CHAPTER II
CONTRACT AWARD

DIVISION I
PUBLIC CALLS FOR TENDERS

10. A public body must make a public call for tenders

(1) for any supply, service or construction contract involving an expenditure equal to or above the lowest threshold specified in an intergovernmental agreement applicable to the contract and the public body;

(2) for any public-private partnership contract; and

(3) for any other contract determined by government regulation.

For the purposes of subparagraph 1 of the first paragraph, the threshold applicable to a contract not subject to an intergovernmental agreement is the threshold for supply, service or construction contracts, as appropriate.

A public body must consider making a regionalized public call for tenders for any contract not subject to an intergovernmental agreement.

11. A public call for tenders is made by publishing a notice on the electronic tendering system approved by the Government.

12. No public body may split or segment its procurement requirements or amend a contract for the purpose of avoiding the obligation to make a public call for tenders or any other obligation under this Act.

DIVISION II
CONTRACTS BY MUTUAL AGREEMENT

13. A contract involving an expenditure above the public tender threshold specified in section 10 may be entered into by mutual agreement

(1) if there is an emergency that threatens human safety or property;

(2) if there is only one possible contractor because of the existence of a guarantee, an ownership right or an exclusive right such as a copyright or a right based on an exclusive licence or patent, or because of the artistic, heritage or museological value of the required property or service;

(3) if the contract involves confidential or protected information whose disclosure in a public call for tenders could compromise its confidential nature or otherwise hinder the public interest;

(4) if the public body considers that it will be able to prove, in accordance with the principles set out in section 2, that a public call for tenders would not serve the public interest given the object of the contract concerned; or

(5) in any other case determined by government regulation.

In the cases described in subparagraphs 3 and 4 of the first paragraph, the contract must be authorized by the chief executive officer of the public body, who must inform the minister responsible on an annual basis.

DIVISION III

CONTRACTS INVOLVING AN EXPENDITURE BELOW THE PUBLIC TENDER THRESHOLD

14. Public bodies must award contracts involving an expenditure below the public tender threshold in accordance with the principles set out in this Act. To ensure the sound management of such contracts, public bodies must, among other means, consider whether they should

(1) make a public call for tenders or issue an invitation to tender;

(2) introduce measures to favour the procurement of goods, services or construction work from tenderers or contractors in the region concerned, subject to any applicable intergovernmental agreement;

(3) use a rotation system among the tenderers or contractors they deal with, or seek new tenderers or contractors;

(4) include provisions to control the amount of such contracts and of any related additional expenditure, especially in the case of contracts by mutual agreement; or

(5) set up a monitoring mechanism to ensure that the contracting process is effective and efficient.

CHAPTER III

JOINT CALLS FOR TENDERS BY PUBLIC BODIES

15. Two or more public bodies may make a joint call for tenders.

A public body may also be party to a joint call for tenders with a legal person established in the public interest whose contracting conditions are different from those determined by this Act. In such a case, the conditions for the joint call for tenders are those to which the public body or the legal person established in the public interest is subject.

16. No public body may make a joint call for tenders under section 15 without taking into account its impact on the regional economy.

CHAPTER IV

CONTRACT AMENDMENTS

17. A contract may be amended if the amendment is accessory and does not change the nature of the contract.

However, if the contract involves an expenditure above the public tender threshold, an amendment that entails an additional expenditure must moreover be authorized by the chief executive officer of the public body. The chief executive officer may delegate, in writing and to the extent specified, the power to authorize such an amendment. Additional expenditures authorized under a given delegation may not total more than 10% of the initial amount of the contract.

Despite the second paragraph, an amendment does not require authorization if it is due to a variation in the amount to which a predetermined percentage is to be applied or, subject to section 12, to a variation in a quantity for which a unit price has been agreed.

CHAPTER V

PUBLIC-PRIVATE PARTNERSHIP CONTRACTS

18. Public-private partnership contracts are to be entered into in accordance with this chapter, the principles set out in section 2 of this Act and those set out in the second paragraph of section 4 of the Act respecting the Agence des partenariats public-privé du Québec (2004, chapter 32).

19. A public call for tenders for a public-private partnership contract may involve different stages according to the complexity of the project and the number of potentially interested tenderers. The stages of the call for tenders must be defined in the tender documents. However, a stage may be adapted with the consent of the majority of the tenderers having a stake in the subsequent stages.

20. The tender documents must include

(1) the criteria and conditions against which the public body will evaluate the tenderers and their proposals;

(2) provisions allowing the public body to ensure compliance at all times with the rules applicable to it, particularly as regards access to documents held by public bodies and the protection of personal information, and to meet accountability reporting requirements; and

(3) conflict of interest rules.

21. Subject to the conditions specified in the call for tenders and in accordance with its express provisions concerning how it may be amended, the public body may,

(1) after the first stage of the selection process and at any subsequent stage, undertake discussions with each of the selected tenderers to further define the technical, financial or contractual aspects of the project and give each of them the opportunity to submit a proposal based on the outcome of those discussions; and

(2) at the end of the selection process, negotiate, with the selected contractor, the provisions needed to finalize the contract while preserving the basic elements of the tender documents and the proposal.

CHAPTER VI

INFORMATION TO BE PUBLISHED

22. A public body must, in the cases, on the conditions and in the manner determined by government regulation, publish information on the contracts it has entered into which involve an expenditure over $25,000.

CHAPTER VII

REGULATORY POWERS

23. The Government may, by regulation, after consulting the Minister of Education, Recreation and Sports and the Minister of Health and Social Services and on the recommendation of the Conseil du trésor,

(1) determine conditions other than those determined in this Act for contracts referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section, including contract management rules or procedures;

(2) determine contracts to which this Act applies other than those referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section and determine conditions for those other contracts which may, subject to existing legislative provisions, be different from those otherwise applicable under this Act;

(3) determine bid solicitation procedures and the contract award rules applicable to them;

(4) determine cases in which a public call for tenders must be made other than those set out in subparagraphs 1 and 2 of the first paragraph of section 10;

(5) determine cases in which a contract involving an expenditure above the public tender threshold may be entered into by mutual agreement other than those set out in subparagraphs 1 to 4 of the first paragraph of section 13;

(6) determine the cases, conditions and manner in or on which a public body must publish information on the contracts it has entered into which involve an expenditure over $25,000; and

(7) determine cases in which contracts are subject to authorization by the Government, the Conseil du trésor, the minister responsible, the chief executive officer of a public body, a health and social services agency or a person designated by regulation other than those set out in this Act.

For the purposes of this Act, "minister responsible" means

(1) the Conseil du trésor in the case of contracts by public bodies referred to in subparagraphs 1 to 4 of the first paragraph of section 4;

(2) the Minister of Education, Recreation and Sports in the case of contracts by public bodies referred to in subparagraph 5 of the first paragraph of section 4; and

(3) the Minister of Health and Social Services in the case of contracts by public bodies referred to in subparagraph 6 of the first paragraph of section 4.

24. The conditions for contracts and the cases in which contracts are subject to authorization under the first paragraph of section 23 may vary in respect of all contracts, certain categories of contracts or certain contracts entered into by a public body designated by regulation.

CHAPTER VIII

POWERS OF THE GOVERNMENT AND THE MINISTERS RESPONSIBLE

25. The Government may, on the recommendation of the Conseil du trésor, authorize a public body to enter into a contract on conditions different from those applicable to it under this Act, and determine the conditions for such a contract.

The minister responsible for a public body may authorize the public body to enter into a contract on conditions different from those applicable to it under a regulation under the first paragraph of section 23, and determine the conditions for such a contract.

26. A minister responsible may establish policies for the management of the supply, service and construction contracts of the public bodies under the minister's authority. The minister responsible sees to the implementation of the policies and to their application by those public bodies.

The policies established under the first paragraph may also apply to contracts entered into with a non-profit legal person established for a private interest, a natural person other than the operator of a sole proprietorship or any other entity not referred to in section 1.

27. A minister responsible, after consulting the public bodies concerned, may prescribe model contract forms or other standard documents to be used by them.

In such a case, the minister responsible must ensure that such model contract forms and other standard documents are consistent with those, if any, prescribed by the other ministers responsible.

CHAPTER IX

AMENDING PROVISIONS

28. Chapter V of the Public Administration Act (R.S.Q., chapter A-6.01), comprising sections 58 to 63, is repealed.

29. Section 77 of that Act, amended by section 21 of chapter 11 of the statutes of 2005, is again amended by striking out paragraph 9.

30. Section 115.14 of the Act respecting parental insurance (R.S.Q., chapter A-29.011), enacted by section 63 of chapter 13 of the statutes of 2005, is amended by replacing "Chapters V and" by "Chapter".

31. Section 65.4 of the Building Act (R.S.Q., chapter B-1.1), amended by section 308 of chapter 32 of the statutes of 2005, is again amended by replacing paragraph 1 by the following paragraph:

"(1) a public body referred to in any of subparagraphs 1 to 4 of the first paragraph of section 4 of the Act respecting contracting by public bodies (2006, chapter 29);".

32. Section 18.0.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended

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

(2) by striking out "work or" in subparagraph *b* of the second paragraph.

33. Section 29 of the Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) is repealed.

34. Section 3 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by adding the following paragraph after the second paragraph:

"The Act respecting contracting by public bodies (2006, chapter 29) does not apply to an acquisition of books made in conformity with this Act."

35. Section 488.2 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing "58" in the sixth line of the first paragraph by "64".

36. Section 266 of the Education Act (R.S.Q., chapter I-13.3) is amended by striking out ", in conformity with an intergovernmental agreement on trade liberalization," in the first and second lines of the first paragraph.

37. Section 452 of the Act is amended

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

(2) by striking out "that portion of the work or" in subparagraph 2 of the second paragraph.

38. Section 11.1 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by replacing "to V" in the second to last line of the first paragraph by "and IV".

39. Section 35.1 of the Public Protector Act (R.S.Q., chapter P-32) is amended by replacing "58" in the fourth line of the first paragraph by "64".

40. Sections 167.1 and 167.2 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) are replaced by the following sections:

"**167.1.** The Commission must adopt a policy on the security and management of its information resources.

"**167.2.** The Commission must adopt a contracting policy and make it public not later than 30 days after its adoption.

The policy adopted under the first paragraph must be consistent with applicable intergovernmental public procurement liberalization agreements and reflect the principles set out in sections 2 and 14 of the Act respecting contracting by public bodies (2006, chapter 29)."

41. The Act is amended by inserting the following section after section 176.0.2:

"**176.0.3.** The Act respecting contracting by public bodies (2006, chapter 29) does not apply to the Commission."

42. Section 264 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 227 of chapter 32 of the statutes of 2005, is again amended by adding "or, as applicable, in accordance with the Act respecting contracting by public bodies (2006, chapter 29)" at the end of the second paragraph.

43. Section 385.9 of the Act, amended by section 227 of chapter 32 of the statutes of 2005, is again amended by striking out "and 58 to 63".

44. Section 485 of the Act, amended by section 182 of chapter 32 of the statutes of 2005, is again amended

(1) by striking out "procurement of goods and services, joint procurements and mandates given for that purpose," in the third and fourth lines;

(2) by striking out "construction of immovables," in the fifth line;

(3) by adding the following paragraph:

"The Minister may, in like manner, make regulations respecting the procedure to be observed for the construction of immovables and for the procurement of goods and services, joint procurements and mandates given for such purposes."

45. Section 487 of the Act is amended by inserting "the second paragraph of" after "under" in the last line of the first paragraph.

46. Section 173.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended

(1) by replacing "supplies, joint purchases and mandates granted for such purposes, the construction of buildings," in the third and fourth lines of the first paragraph by "the franchising of services,";

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

"The Minister may, in like manner, make regulations respecting the procedure to be observed for the construction of buildings and for the procurement of goods and services, joint procurements and mandates given for such purposes."

47. Section 23.0.14 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by adding the following paragraph at the end:

"The Act respecting contracting by public bodies (2006, chapter 29) does not apply to the Société in the exercise of its functions as trustee."

48. Section 23.0.15 of the Act is replaced by the following section:

"**23.0.15.** The Société, in the exercise of its functions as trustee, must adopt a policy on the security and management of its information resources.

The Société, in the exercise of those functions, must also adopt a contracting policy and make it public not later than 30 days after its adoption. The contracting policy must be consistent with applicable intergovernmental public procurement liberalization agreements and reflect the principles set out in sections 2 and 14 of the Act respecting contracting by public bodies (2006, chapter 29)."

49. Section 34 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1), amended by section 92 of chapter 7 of the statutes of 2005, is again amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) determine to what extent and on what conditions the Société is subject to the Act respecting the Centre de services partagés du Québec (2005, chapter 7)."

50. Section 67 of the Auditor General Act (R.S.Q., chapter V-5.01) is amended by replacing "58" in the fifth line of the first paragraph by "64".

51. Sections 16 and 68 of the Act respecting the Agence des partenariats public-privé du Québec (2004, chapter 32) are repealed.

52. References to the Public Administration Act are replaced by references to the Act respecting contracting by public bodies (2006, chapter 29) wherever they occur in the following provisions:

(1) section 43 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 56 of chapter 7 of the statutes of 2005;

(2) sections 29.9.2 and 573.3.2 of the Cities and Towns Act (R.S.Q., chapter C-19), respectively amended by sections 57 and 59 of chapter 7 of the statutes of 2005;

(3) articles 14.7.2 and 938.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), respectively amended by sections 60 and 62 of chapter 7 of the statutes of 2005;

(4) section 114 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), amended by section 63 of chapter 7 of the statutes of 2005;

(5) section 107 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), amended by section 64 of chapter 7 of the statutes of 2005;

(6) section 11.5 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28);

(7) section 2 of the Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);

(8) section 16 of the Act respecting the Société des Traversiers du Québec (R.S.Q., chapter S-14);

(9) sections 207.1 and 358.5 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), respectively amended by sections 96 and 97 of chapter 7 of the statutes of 2005.

53. Unless the context indicates otherwise, a reference in a regulation, order or other document to Chapter V of the Public Administration Act or to a regulation under that Act regarding the management of contracts is, where applicable, a reference to the corresponding provision of this Act.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

54. The following regulations and by-laws are deemed to have been made under section 23:

(1) a regulation made or deemed made under the Public Administration Act (R.S.Q., chapter A-6.01) regarding contract management;

(2) the By-law respecting special rules governing supply contracts, construction contracts, and services contracts of the Société immobilière du Québec, approved by Order in Council 76-96 (1996, G.O. 2, 1035);

(3) the By-law concerning special rules respecting certain contracts entered into by the Société québécoise d'assainissement des eaux, approved by Order in Council 1229-94 (1994, G.O. 2, 3815);

(4) a regulation under the General and Vocational Colleges Act (R.S.Q., chapter C-29), the Education Act (R.S.Q., chapter I-13.3), the Act respecting health services and social services (R.S.Q., chapter S-4.2) and the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) regarding procurement contracts, construction contracts or service contracts; and

(5) the Regulation respecting contracts of the Corporation d'hébergement du Québec, approved by Order in Council 972-2001 (2001, G.O. 2, 4866).

Those regulations and by-laws continue to apply, with the necessary modifications, until replaced or repealed by a regulation under this Act.

55. The Règles sur les frais de déplacement des personnes engagées à honoraires, enacted by decision of the Conseil du trésor C.T. 170100 dated 14 March 1989 and amended by decisions of the Conseil du trésor C.T. 170875 dated 23 May 1989, C.T. 171025 dated 6 June 1989, C.T. 177747 dated 3 July 1991, C.T. 178690 dated 12 November 1991, C.T. 182100 dated 13 January 1993, C.T. 198916 dated 15 October 2002, C.T. 199969 dated 25 June 2003, C.T. 200484 dated 9 December 2003, C.T. 201797 dated 7 December 2004 and C.T. 202701 dated 2 August 2005, remain in force until replaced by provisions to the same effect made under this Act.

56. The electronic tendering system commonly called SEAO, operated by the service provider selected by the Secrétariat du Conseil du trésor and referred to in Order in Council 493-2004 (2004, G.O. 2, 2701, in French only) is deemed to have been approved by the Government for the purposes of this Act.

57. Contract award procedures begun before (*insert the date of coming into force of this Act*) are continued in accordance with the provisions in force on the date of the beginning of the procedures.

58. Any contract in progress on (*insert the date of coming into force of this Act*) is continued in accordance with this Act. If a provision of this Act is incompatible with a provision of the contract, the latter provision prevails.

59. The minister who is the Chair of the Conseil du trésor is responsible for the administration of this Act.

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 20
(2006, chapter 30)

An Act to amend the Act respecting the Ministère de la Culture et des Communications

Introduced 10 May 2006
Passage in principle 26 May 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill establishes the Québec Cultural Heritage Fund, dedicated to providing financial support for measures promoting the conservation and enhancement of significant elements of the Québec's cultural heritage. The bill also includes measures governing the makeup and management of the Fund.

Bill 20

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère de la Culture et des Communications (R.S.Q., chapter M-17.1) is amended by inserting the following chapter after Chapter III:

"**CHAPTER III.1**

"QUÉBEC CULTURAL HERITAGE FUND

"**22.1.** A Québec Cultural Heritage Fund is established at the department.

The Fund is dedicated to providing financial support for measures promoting the conservation and enhancement of significant elements of Québec's cultural heritage, including their restoration, repurposing, bringing up to standards and distribution.

"**22.2.** The Government sets the date on which the Fund is to begin to operate and determines its assets and liabilities. It also determines the nature of the activities to be financed by the Fund and the nature of the costs that may be charged to it.

"**22.3.** The Fund is made up of

(1) the sums paid into the Fund by the Minister of Revenue under section 22.5;

(2) the sums paid into the Fund by the Minister of Culture and Communications out of the appropriations granted for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the Fund to further the achievement of the objects of the Fund;

(4) the sums paid into the Fund by the Minister of Finance under sections 22.6 and 22.7; and

(5) the income generated by the investment of the sums making up the Fund.

"**22.4.** The management of the sums making up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of that Minister and deposited with the financial institutions designated by that Minister.

The Minister of Culture and Communications keeps the books of account of the Fund and records the financial commitments chargeable to it. The Minister also ensures that such commitments and the payments arising from them do not exceed and are consistent with the available balances.

The particulars of the management of the Fund are determined by the Conseil du trésor.

"**22.5.** On the dates and in the manner determined by the Government, the Minister of Revenue pays into the Fund part of the proceeds of the tobacco tax collected under the Tobacco Tax Act (chapter I-2) for a total amount of $10,000,000 per year.

"**22.6.** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the Fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions determined by that Minister, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the Fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

"**22.7.** The Minister of Culture and Communications, as manager of the Fund, may borrow sums from the Minister of Finance out of the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

"**22.8.** The sums required for the remuneration and the expenses pertaining to employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to Fund-related activities are paid out of the Fund.

"**22.9.** Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the Fund, with the necessary modifications.

"**22.10.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the Québec Cultural Heritage Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

"**22.11.** The fiscal year of the Fund ends on 31 March.

"**22.12.** The provisions of this chapter cease to have effect on the date or dates to be set by the Government, which must not precede 1 April 2020.

Any sum remaining in the Fund on the date section 22.1 ceases to have effect is paid into the consolidated revenue fund and is appropriated to the financing of such complementary measures consistent with the objects of the Fund as are determined by the Government, in the manner determined by the Government."

2. For the fiscal year 2006-2007, the amount of $10,000,000 in section 22.5 of the Act respecting the Ministère de la Culture et des Communications is replaced by that of $5,000,000.

3. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 21
(2006, chapter 31)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 9 May 2006
Passage in principle 30 May 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill contains various legislative amendments concerning municipal affairs.

It amends municipal powers with respect to energy, enabling municipalities to operate, alone or with another person, an enterprise that produces electricity at a wind farm or a hydro-electric power plant.

The bill grants municipalities new powers to support economic development, particularly by authorizing them to adopt a tax credit program to compensate persons operating a private-sector enterprise for the increase in certain municipal taxes. It also allows municipalities to grant assistance totalling $25,000 per fiscal year, regardless of the type of enterprise benefitting from that assistance.

The bill amends the Act respecting land use planning and development to allow a local municipality to limit the number of similar or identical uses per group of contiguous zones rather than per zone.

The bill provides that a person that, directly or indirectly, personally or through an associate, has a contract with a local municipality may nevertheless be appointed as a volunteer fireman or first responder in that local municipality.

The bill authorizes the municipalities and intermunicipal boards to order a loan to establish or increase the amount of a working fund. It also allows a local municipality, on certain conditions, to adopt a loan by-law that sets out the object of the by-law only in general terms and specifies only the amount and the maximum term of the loan. It obliges every municipality, intermunicipal board, metropolitan community and public transit authority to adopt a budget control and monitoring by-law.

The bill also modifies certain rules governing the posting of public notices in a local municipality governed by the Municipal Code of Québec.

Under the bill, the museums established under the National Museums Act, the Société du Grand Théâtre de Québec and the Bibliothèque et Archives nationales du Québec may no longer be granted recognition by the Commission municipale du Québec in order to obtain a property tax or business tax exemption. Furthermore,

any such recognition already granted by the Commission to one of those legal persons ceases to be in force on 1 January 2007.

The bill introduces the possibility, within the framework of the various general property tax rates scheme, for a local municipality to set a rate specific to the category of agricultural immovables, beginning in 2007. This category is composed of immovables included in agricultural operations registered under regulations made under the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation. Furthermore, under the bill, the particulars concerning such an agricultural operation must be more clearly identified on the property assessment roll and the tax account.

Under the bill, thermal power plants operated by private-sector enterprises may be entered on the property assessment roll.

The bill raises the amount allocated to the equalization scheme established under the Act respecting municipal taxation from $36,000,000 to $36,828,000 for 2006 and to $46,828,000 for 2007. It also modernizes the rules governing the establishment of the aggregate taxation rate of a local municipality as of 2007. It introduces measures so that municipalities are not unduly penalized by the reduction in their aggregate taxation rate resulting from changes in the real estate market with respect to the compensations in lieu of taxes they receive from the Government or the maximum rates they can set for taxes applicable specifically with respect to non-residential immovables.

The bill allows a central municipality to adopt the part of its budget within its exclusive jurisdiction even if the part of its budget within the jurisdiction of the urban agglomeration council has not yet been adopted. It makes certain changes to the rules governing the exercise by related municipalities of a right of objection to certain by-laws adopted by the urban agglomeration council.

In addition, the bill amends the Act respecting municipal industrial immovables by removing certain restrictions imposed on persons having acquired land under that Act.

Lastly, the bill contains various provisions concerning certain particular situations with respect to municipalities.

LEGISLATION AMENDED BY THIS BILL:

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

– Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

– Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

– Charter of Ville de Québec (R.S.Q., chapter C-11.5);

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

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

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

– Act respecting the Régie du logement (R.S.Q., chapter R-8.1);

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

– Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

– 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 (2003, chapter 3);

– Act to again amend various legislative provisions concerning municipal affairs (2003, chapter 19);

– Municipal Powers Act (2005, chapter 6).

Bill 21

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 132 of chapter 6 of the statutes of 2005, is again amended by inserting "or group of contiguous zones" after "zone" in the second line of subparagraph 4.1 of the second paragraph.

2. Section 130 of the Act is amended by inserting "application relating to a provision that applies to a group of contiguous zones referred to in subparagraph 4.1 of the second paragraph of section 113 may originate from any zone comprised within the group, and shall require that the by-law be submitted for the approval of the qualified voters in any zone comprised within the group. An" after "An" in the first line of the third paragraph.

3. Section 136.1 of the Act is amended by replacing "A by-law" in the first line of the third paragraph by "Depending on the case, a by-law" and by inserting "in any zone comprised within the group referred to in that paragraph or" after "voters" in the second line of the third paragraph.

CHARTER OF VILLE DE LONGUEUIL

4. Section 46 of Schedule C to the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is repealed.

CHARTER OF VILLE DE MONTRÉAL

5. The Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by inserting the following section after section 17:

"**17.1.** Despite section 70 of the Cities and Towns Act (chapter C-19), the city council may appoint a borough councillor to a committee of the city."

6. Section 130.3 of the Charter is amended by replacing "and the clerk of the city" in the third line of the paragraph enacted by subparagraph 1 of the first paragraph by ", the clerk of the city and every municipality whose territory is contiguous to the borough".

7. Section 151.6 of the Charter is amended

(1) by inserting ", or it is reduced in respect of that sector to an extent significant enough, according to the rules set out in the program, to warrant the granting of a subsidy or a credit in respect of the eligible units of assessment" after "city" in the second line of subparagraph 1 of the second paragraph;

(2) by inserting "or reduction in" after "loss of" in the eighth line of subparagraph 3 of the second paragraph;

(3) by replacing "they cease simultaneously to be imposed in respect of the sector referred to in subparagraph 1 of that paragraph" in the third, fourth and fifth lines of the third paragraph by "the condition set out in subparagraph 1 of that paragraph is met simultaneously for the two taxes in respect of the sector referred to in that subparagraph".

8. Section 122 of Schedule C to the Charter, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing "Municipal Affairs and Regions" in the first line of the second paragraph by "Finance".

CHARTER OF VILLE DE QUÉBEC

9. Section 32 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by adding the following paragraph after the first paragraph:

"An act that the council has the power or the duty to perform within the scope of a power delegated to it under any of sections 46 to 48 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) may also be set out in the internal management by-laws provided for in the first paragraph."

10. Section 114 of the Charter, amended by section 43 of chapter 28 of the statutes of 2005, is again amended by inserting "or related to a power the exercise of which was subdelegated to it following the application of the second paragraph of section 49 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)" after "competence" in the third line of the third paragraph.

11. The Charter is amended by inserting the following section after section 117:

"**117.1.** The borough council exercises the power of the city granted under section 134 of the Educational Childcare Act (2005, chapter 47)."

12. Section 159 of Schedule C to the Charter is amended

(1) by striking out "that have been the object of an availability certificate issued by the treasurer and filed before the council" in the fifth and sixth lines;

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

"The allocation of an excess amount has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477 of the Cities and Towns Act (chapter C-19), funds are available."

CITIES AND TOWNS ACT

13. Section 73.2 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by inserting "and, consequently, the power to authorize an expenditure for that purpose" at the end of the first paragraph;

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

"The hiring has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477, funds are available for that purpose."

14. Section 105 of the Act is amended by replacing the second sentence of the second paragraph by the following sentence: "It shall include the financial statements, a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1) and any other information required by the Minister."

15. Section 105.4 of the Act is replaced by the following section:

"**105.4.** During each six-month period, the treasurer shall file two comparative statements at a sitting of the council.

The first statement compares the revenues and expenditures of the current fiscal year, received or incurred on or before the last day of the month ending at least 15 days before the month in which the statement is filed, and those of the preceding fiscal year received or incurred during the corresponding period of that fiscal year.

The second statement compares the projected revenues and expenditures for the current fiscal year, as at the time the statement is prepared and based on the information at the treasurer's disposal, and those provided for in the budget for that fiscal year.

The comparative statements for the first six-month period must be filed at a regular sitting held in May at the latest. The comparative statements for the second six-month period must be filed at the last regular sitting held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted."

16. Section 107.14 of the Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) the effective aggregate taxation rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

17. Section 108.2 of the Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) the effective aggregate taxation rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

18. Section 116 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by inserting the following paragraph after the second paragraph:

"Disqualification from municipal office or employment under subparagraph 4 of the first paragraph does not apply to a volunteer fireman or a first responder within the meaning of section 63 of the Act respecting elections and referendums in municipalities (chapter E-2.2)."

19. Section 328 of the Act is amended

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

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

"Subject to the fourth paragraph and to section 20.1 of the Charter of Ville de Montréal (chapter C-11.4), when there is a tie-vote, the decision is deemed to be in the negative.

If a tie-vote occurs during a sitting of a borough council composed of an even number of councillors, the mayor of the city must break the tie. The officer who acts as clerk for the borough shall send the mayor a copy of the proposal that was put to a vote. Within 15 days after receiving the copy, the mayor must inform the borough council of his decision in writing. If the mayor does not act within that period, the decision of the borough council in respect of the proposal is deemed to be in the negative.

The fourth paragraph does not apply in the case of a borough council of Ville de Montréal."

20. Section 458.13 of the Act is amended by replacing "six" in the fourth line by "12".

21. Section 468.51 of the Act, amended by section 193 of chapter 6 of the statutes of 2005 and section 196 of chapter 28 of the statutes of 2005, is again amended

(1) by replacing "477.1," in the first paragraph by "477 to";

(2) by replacing "sections 29 to 33" in the first paragraph by "section 22";

(3) by striking out the second paragraph;

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

"If the management board contracts a loan under section 569 to constitute or increase the amount of a working-fund, the loan by-law, instead of providing for the imposition of a tax, must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the mode of apportionment of the operating cost contained in the agreement."

22. Section 477 of the Act is replaced by the following section:

"**477.** The council may adopt by-laws relating to the administration of municipal finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed."

23. Section 477.1 of the Act is amended

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

"**477.1.** A by-law or a resolution of the council authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477, funds are available for the purposes for which the expenditure is proposed.";

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

24. Section 477.2 of the Act, amended by sections 53 and 196 of chapter 28 of the statutes of 2005, is again amended by replacing the fourth paragraph by the following paragraph:

"An authorization of expenditures granted under a delegation has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477, funds are available for that purpose."

25. Section 487.1 of the Act is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) the provisions of the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation (chapter F-2.1) that pertain to the general property tax imposed at different rates;".

26. Section 487.3 of the Act is amended by replacing subparagraph 2 of the fourth paragraph by the following subparagraph:

"(2) the provisions of the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation that pertain to the business tax;".

27. Section 544 of the Act is amended by replacing the second paragraph by the following paragraphs:

"However, a by-law ordering a loan for the purpose of capital expenditures may mention the object of the by-law only in general terms and indicate only the amount and maximum term of the loan if

(1) the by-law is adopted by the council of a municipality with a population of 100,000 or more and is exempted under a legislative provision from approval by the qualified voters; or

(2) the by-law imposes, for repayment of the loan, a tax based on the municipal valuation on all taxable immovables in the territory of the municipality, and the total amount of the loans ordered by the municipality during the fiscal year, under a by-law referred to in this subparagraph, does not exceed the higher of $100,000 and the amount equivalent to 0.25% of the standardized property value of the municipality as determined under Division I of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), according to the most recent summary of the assessment roll produced before the fiscal year.

For the purposes of subparagraph 2 of the second paragraph, the total amount of the loans ordered by the municipality is deemed to exceed the maximum amount provided for in that subparagraph on the adoption of a loan by-law that would cause the total amount to exceed that maximum amount if it came into force."

28. Section 569 of the Act, amended by section 16 of chapter 50 of the statutes of 2005, is again modified

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

"(*a*.1) to order a loan,";

(2) by replacing "both" in subparagraph *c* of the first paragraph of subsection 1 by "two or all of the above";

(3) by replacing "paragraph *b*" in the first line of the second paragraph of subsection 1 by "subparagraph *b* of the first paragraph" and by replacing "paragraph *c*" in the third line of that paragraph by "subparagraph *c* of the first paragraph, if the operation provided for in subparagraph *b* of the first paragraph is accomplished";

(4) by adding the following paragraph after the second paragraph of subsection 1:

"The by-law ordering a loan to constitute or increase the amount of the working-fund must, for the repayment of the loan, prescribe the imposition of a tax based on the municipal valuation on all the taxable immovables in the territory of the municipality, and indicate the term of the loan, which must not exceed 10 years.";

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

"(4.1) If the working-fund is abolished, the moneys available in it must be used to repay any loan contracted to constitute or increase the amount of the fund before they may be paid into the general fund.";

(6) by striking out the second "or" in the fourth line of subparagraph *a* of the first paragraph of subsection 5;

(7) by adding the following subparagraph after subparagraph *b* of the first paragraph of subsection 5:

"(*c*) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in subsection 4.1."

29. Section 571 of the Act is amended by adding the following paragraph after paragraph 4:

"(5) Property required to operate an enterprise referred to in section 17.1 or 111 of the Municipal Powers Act (2005, chapter 6)."

MUNICIPAL CODE OF QUÉBEC

30. Article 165.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by inserting "and, consequently, the power to authorize an expenditure for that purpose" at the end of the first paragraph;

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

"The hiring has no effect unless, in accordance with a by-law adopted under the second paragraph of article 960.1, funds are available for that purpose."

31. Article 176 of the Code is amended by replacing the second sentence of the second paragraph by the following sentence: "It shall include the financial statements, a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other information required by the Minister."

32. Article 176.4 of the Code is replaced by the following article:

"**176.4.** During each six-month-period, the secretary-treasurer shall file two comparative statements at a sitting of the council.

The first statement compares the revenues and expenditures of the current fiscal year, received or incurred on or before the last day of the month ending at least 15 days before the month in which the statement is filed, and those of the preceding fiscal year received or incurred during the corresponding period of that fiscal year.

The second statement compares the projected revenues and expenditures for the current fiscal year, as at the time the statement is prepared and based on the information at the secretary-treasurer's disposal, and those provided for in the budget for that fiscal year.

The comparative statements for the first six-month period must be filed at a regular sitting held in May at the latest. The comparative statements for the second six-month period must be filed at the last regular sitting held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted."

33. Article 269 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by inserting the following paragraph after the second paragraph:

"Disqualification from municipal office or employment under subparagraph 4 of the first paragraph does not apply to a volunteer fireman or a first responder within the meaning of section 63 of the Act respecting elections and referendums in municipalities (chapter E-2.2)."

34. Article 431 of the Code is amended by replacing the third and fourth paragraphs by the following paragraph:

"If the council does not fix specific places, the public notice must be posted in the office of the municipality and in another public place in the territory of the municipality."

35. Article 620 of the Code, amended by section 207 of chapter 6 of the statutes of 2005 and section 196 of chapter 28 of the statutes of 2005, is again amended

(1) by replacing "477.1," in the first paragraph by "477 to";

(2) by replacing "sections 29 to 33" in the first paragraph by "section 22";

(3) by striking out the second paragraph;

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

"If the management board contracts a loan under section 569 of the Cities and Towns Act to constitute or increase the amount of a working-fund, the loan by-law, instead of providing for the imposition of a tax, must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the mode of apportionment of the operating cost contained in the agreement."

36. Article 646 of the Code is amended by replacing "six" in the fourth line by "12".

37. Article 960.1 of the Code is replaced by the following article:

"**960.1.** The council may adopt by-laws relating to the administration of municipal finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed."

38. Article 961 of the Code is replaced by the following article:

"**961.** A by-law or a resolution of the council authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of article 960.1, funds are available for the purposes for which the expenditure is proposed."

39. Article 961.1 of the Code, amended by sections 60 and 196 of chapter 28 of the statutes of 2005, is again amended by replacing the fourth paragraph by the following paragraph:

"An authorization of expenditures granted under a delegation has no effect unless, in accordance with a by-law adopted under the second paragraph of article 960.1, funds are available for that purpose."

40. Article 966.2 of the Code is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) the effective aggregate taxation rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

41. Article 979.1 of the Code is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) the provisions of the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation (chapter F-2.1) that pertain to the general property tax imposed at different rates;".

42. Article 979.3 of the Code is amended by replacing subparagraph 2 of the fourth paragraph by the following subparagraph:

"(2) the provisions of the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation that pertain to the business tax;".

43. Article 1061 of the Code, amended by section 196 of chapter 28 of the statutes of 2005 and section 24 of chapter 50 of the statutes of 2005, is again amended

(1) by replacing "a contribution to the common stock of a limited partnership formed under" in the second and third lines of the fifth paragraph by "its financial participation in the operation of an enterprise referred to in";

(2) by replacing "the partnership" in the sixth line of the fifth paragraph by "the operation of the enterprise".

44. Article 1063 of the Code is amended by adding the following paragraphs at the end:

"However, a by-law ordering a loan for the purpose of capital expenditures may mention the object of the by-law only in general terms and indicate only the amount and maximum term of the loan if the following conditions are met:

(1) the by-law imposes, for repayment of the loan, a tax based on the municipal valuation on all taxable immovables in the territory of the municipality; and

(2) the total amount of the loans ordered by the municipality during the fiscal year, under a by-law made under this paragraph, does not exceed the higher of $100,000 and the amount equivalent to 0.25% of the standardized property value of the municipality as determined under Division I of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), according to the most recent summary of the assessment roll produced before the fiscal year.

For the purposes of subparagraph 2 of the second paragraph, the total amount of the loans ordered by the municipality is deemed to exceed the maximum amount provided for in that paragraph on the adoption of a loan by-law that would cause the total amount to exceed that maximum amount if it came into force."

45. Article 1094 of the Code, amended by section 28 of chapter 50 of the statutes of 2005, is again amended

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

"(*a*.1) to order a loan,";

(2) by replacing "both" in subparagraph *c* of the first paragraph of subarticle 1 by "two or all of the above";

(3) by replacing "paragraph *b*" in the first line of the second paragraph of subarticle 1 by "subparagraph *b* of the first paragraph" and by replacing "paragraph *c*" in the third line of that paragraph by "subparagraph *c* of the first paragraph, if the operation provided for in subparagraph *b* of the first paragraph is accomplished";

(4) by adding the following paragraph after the second paragraph of subarticle 1:

"The by-law ordering a loan to constitute or increase the amount of the working-fund must, for the repayment of the loan, prescribe the imposition of a tax based on the municipal valuation on all the taxable immovables in the territory of the municipality, and indicate the term of the loan, which must not exceed 10 years. However, if such a by-law is adopted by the council of a regional county municipality, the by-law, instead of prescribing the imposition of a tax, must stipulate that the repayment of the loan is to be charged to all the municipalities in the territory of the regional county municipality, according to their respective standardized property values within the meaning of section 261.1 of the Act respecting municipal taxation (chapter F-2.1).";

(5) by replacing "this subarticle" in the first line of the third paragraph of subarticle 1 by "subparagraph *b* of the first paragraph";

(6) by inserting the following subarticle after subarticle 4:

"(4.1) If the working-fund is abolished, the moneys available in it must be used to repay any loan contracted to constitute or increase the amount of the fund before they may be paid into the general fund.";

(7) by striking out "or" at the end of the fourth line of subparagraph *a* of the first paragraph of subarticle 5;

(8) by adding the following subparagraph after subparagraph *b* of the first paragraph of subarticle 5:

"(*c*) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in subarticle 4.1."

46. Article 1104 of the Code is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

"(5) property required to operate an enterprise referred to in section 17.1 or 111 of the Municipal Powers Act (2005, chapter 6)."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

47. The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 171:

"**171.1.** The Community may adopt by-laws relating to the administration of community finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of appropriations before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed."

48. Section 172 of the Act is replaced by the following section:

"**172.** A by-law or a resolution authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 171.1, appropriations are available for the purposes for which the expenditure is proposed."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

49. The Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by inserting the following section after section 161:

"**161.1.** The Community may adopt by-laws relating to the administration of community finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of appropriations before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed."

50. Section 162 of the Act is replaced by the following section:

"**162.** A by-law or a resolution authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 161.1, appropriations are available for the purposes for which the expenditure is proposed."

51. Section 163 of the Act is amended by replacing the third paragraph by the following paragraph:

"An authorization of expenditures granted under a delegation has no effect unless, in accordance with a by-law adopted under the second paragraph of section 161.1, appropriations are available for that purpose."

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

52. Section 15 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 and section 42 of chapter 50 of the statutes of 2005, is again amended

(1) by striking out "and the Minister of Municipal Affairs and Regions" in the fourth and fifth lines of the first paragraph;

(2) by striking out "other than the authorizations provided for in that paragraph," in the third and fourth lines of the fourth paragraph.

53. Section 15.1 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by striking out "and to the Minister of Municipal Affairs and Regions," in the second and third lines of the first paragraph.

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

54. 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 and amended by section 47 of chapter 50 of the statutes of 2005, is repealed.

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

55. Section 35 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended

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

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

"However, the revenue derived from the alienation or leasing of an immovable that belonged to the city to whose territory the urban agglomeration corresponds immediately before the reorganization of that city is not included in the revenue referred to in the second paragraph. Subject to compliance with any requirement under law to use the revenue to discharge commitments made with respect to the park, the revenue is governed by the provisions of the urban agglomeration order, enacted under section 145 or 146, prescribing rules for revenue derived from the alienation or leasing by the central municipality of immovables not transferred to a reconstituted municipality at the time of the reorganization."

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

"**81.1.** The assessment rolls of all the related municipalities have the same median proportion and the same comparative factor, established under section 264 of the Act.

For that purpose, the regulation made under paragraph 5 of section 263 of the Act is applied as if the related municipalities formed a single local municipality whose territory is the urban agglomeration and as if their property assessment rolls constituted a single property assessment roll."

57. Section 82 of the Act is amended

(1) by striking out ", subject to the adjustment provided for in the second paragraph," in the first and second lines of the first paragraph;

(2) by striking out the second and third paragraphs;

(3) by replacing "the first three paragraphs apply" in the first and second lines of the fourth paragraph by "the first paragraph applies".

58. Section 83 of the Act is amended

(1) by replacing "provided for in the third and fourth paragraphs" in the third and fourth lines of the second paragraph by "provided for in the third paragraph";

(2) by striking out the third paragraph;

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

"The assessor is exempted from sending the Minister the form that, under the regulation referred to in the second paragraph, must be filled out on the basis of the information included in the summary."

59. Section 84 of the Act is amended by replacing "the property assessment roll of the central municipality" in the fourth line by "the property assessment rolls of the related municipalities".

60. Section 88 of the Act is amended by replacing "are considered, under section 82, to be" in the third line of the first paragraph by "are".

61. Section 97 of the Act is amended

(1) by inserting "or for the purpose of establishing the minimum specific rate applicable as regards the rate specific to the category of agricultural immovables," after "more dwellings," in the third line;

(2) by replacing "or 244.48.1" in the fourth line by ", 244.48.1 and 244.49.0.4".

62. Section 102 of the Act is amended

(1) by replacing "are considered, under section 80, to be" in the second and third lines of the first paragraph by "are";

(2) by replacing "of the adjusted values and any adjusted taxable property assessment" in the tenth line of the second paragraph by "of any adjusted values".

63. Section 103 of the Act is amended by replacing "section 244.42" in the second line of the first paragraph by "Division IV of Chapter XVIII.1".

64. The Act is amended by inserting the following section after section 104:

"**104.1.** For the purpose of determining the fiscal potential of a related municipality whose territory is included in that of a metropolitan community, the values attributable to the immovables forming an industrial park in the territory of the municipality are excluded from the values whose total is used in the multiplication under subparagraph 2 of the first paragraph of section 261.5 of the Act, taking into account the second paragraph of that section, if applicable.

However, the exclusion does not apply in the case of an industrial park that, on the date on which the data used to determine the fiscal potential are taken into consideration, is outside the exclusive jurisdiction of the central municipality as the result of a by-law adopted under section 36.

Unless the exclusion under the first paragraph does not apply to any of the related municipalities whose territory is included in the urban agglomeration concerned, a special fiscal potential is determined for the central municipality by multiplying by 0.48 the total of the values excluded under the first paragraph in respect of one or more or all of the related municipalities, as the case may be.

If the fiscal potential constitutes the criterion of apportionment for certain expenditures of the metropolitan community, if the central municipality must assume an aliquot share of the apportioned expenditures and if the municipality has a special fiscal potential under the third paragraph, the community must make a distinction between

(1) the regular aliquot share calculated on the basis of the regular fiscal potential of the central municipality, determined according to section 261.5 of the Act, taking into account the exclusion under the first paragraph, if applicable; and

(2) the special aliquot share calculated on the basis of the special fiscal potential of the central municipality.

The expenditures related to the payment of the special aliquot share constitute urban agglomeration expenditures that must be financed by urban agglomeration revenues."

65. Section 106 of the Act is amended by striking out paragraph 2.

66. Section 107 of the Act is amended by striking out subparagraph 2 of the first paragraph.

67. Section 108 of the Act is amended by striking out subparagraph 2 of the first paragraph.

68. Section 115 of the Act, amended by section 57 of chapter 50 of the statutes of 2005, is again amended

(1) by replacing "Once" in the first line of the third paragraph by "Subject to section 115.1, once";

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

"A refusal to grant approval must include reasons and be communicated by means of a written notice. The notice may state how the by-law should have been drafted in order to be approved.";

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

"If, within 60 days after receiving the notice, the urban agglomeration council adopts a by-law amending the by-law for which approval was refused in order to render it compliant, the amending by-law need not be preceded by a notice of motion, and paragraphs 1 and 2 of section 61, section 62 and the right of objection under this section do not apply to it."

69. The Act is amended by inserting the following section after section 115:

"**115.1.** A by-law made to collect the revenue provided for in the part of the budget of the central municipality that is within the jurisdiction of the urban agglomeration council or a by-law under section 69 may be published to meet the publishing requirement for its coming into force before the period prescribed in the second paragraph of section 115 expires or before the approval required under the third paragraph of that section is granted.

If approval is refused after the by-law comes into force, the notice under the fourth paragraph of section 115 may provide for the management of the resolutory effects of the refusal; that management may vary according to whether or not the urban agglomeration council exercises the power granted under the fifth paragraph of that section.

The possibility for a central municipality to refund any overpayment of taxes by granting a tax credit applicable during the following fiscal year is one way of managing the resolutory effects."

70. Section 116.1 of the Act, enacted by section 59 of chapter 50 of the statutes of 2005, is amended by replacing "in" in the second line of the third paragraph by "in the second paragraph of".

71. The Act is amended by inserting the following section after section 118:

"**118.1.** As soon as the part of the budget of the central municipality that falls within the jurisdiction of the regular council is adopted, the regular council may adopt a by-law for the collection of the revenues provided for in that part even if the budget of the municipality has not been adopted because the urban agglomeration council has not adopted the part that falls within its own jurisdiction.

The regular council does not take the measures referred to in subparagraph 4 of the second paragraph of section 109 when or after the by-law under the first paragraph is adopted. However, it must take those measures as soon as possible after the urban agglomeration council adopts the part of the budget that falls within its jurisdiction and, if necessary for the purposes of those measures or after those measures are taken, it must amend the by-law made under the first paragraph.

When the taxes and other revenues deriving from the part of the budget of the central municipality adopted by the urban agglomeration council are collected, the central municipality must inform each ratepayer of the final amounts owed following the adjustment under the second paragraph and make the required compensations out of the amounts collected."

ACT RESPECTING MUNICIPAL TAXATION

72. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding the following paragraph after the third paragraph:

"For the purposes of this Act, the production of electric power at a thermal power plant, as part of the operation of a private-sector enterprise, is considered to be industrial production."

73. Section 68 of the Act is amended by adding the following paragraph after the eighth paragraph:

"A thermal power plant where electric power is produced as part of the operation of a private-sector enterprise is not part of a system referred to in this section."

74. Section 223 of the Act is amended by replacing the third paragraph by the following paragraph:

"For the purposes of this section, "taxation revenues" means the revenues taken into consideration under Division III of Chapter XVIII.1 for the purpose of establishing the projected aggregate taxation rate of the municipality concerned."

75. Section 232.2 of the Act, amended by section 70 of chapter 50 of the statutes of 2005, is again amended

(1) by replacing "5.5" in the third line of the first paragraph and in the second paragraph by "5.7";

(2) by replacing "aggregate taxation rate of the municipality" in the second line of the first paragraph by "projected aggregate taxation rate of the municipality established under Division III of Chapter XVIII.1";

(3) by replacing "9.0" in subparagraph 1 of the second paragraph by "10.0";

(4) by replacing "7.5" in subparagraph 2 of the second paragraph by "9.4";

(5) by replacing "10.0" in subparagraph 3 of the second paragraph by "9.4";

(6) by replacing "6.9" in subparagraph 4 of the second paragraph by "9.4";

(7) by replacing "6.7" in subparagraph 5 of the second paragraph by "9.4";

(8) by replacing "5.6" in subparagraph 7 of the second paragraph by "7.1";

(9) by replacing "6.2" in subparagraph 8 of the second paragraph by "7.1";

(10) by replacing "5.8" in subparagraph 9 of the second paragraph by "7.1".

76. Sections 234 and 235 of the Act are repealed.

77. The Act is amended by inserting the following section after section 243.6:

"**243.6.1.** The legal persons established under the following names may not be granted recognition:

(1) Musée national des beaux-arts du Québec;

(2) Musée d'Art contemporain de Montréal;

(3) Musée de la Civilisation;

(4) Société du Grand Théâtre de Québec; and

(5) Bibliothèque et Archives nationales du Québec."

78. The Act is amended by inserting the following section after section 244.7:

"**244.7.1.** If the mode of tariffing is a property tax or a compensation, the by-law must clearly indicate whether or not the property tax or compensation is required from a person because that person is the owner or occupant of an immovable included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14).

If the tax or compensation is required from a person because that person is the owner or occupant of a unit of assessment that includes, among other immovables, one or more of the type of immovable referred to in the first paragraph, the by-law must clearly indicate the part of the amount of the tax or compensation payable in respect of the unit that is attributable to the type of immovable referred to in the first paragraph. That part must be indicated separately on the request for payment of the tax or compensation."

79. Section 244.30 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

"(4.1) the category of agricultural immovables; and".

80. Section 244.32 of the Act is amended by adding the following paragraph after the second paragraph:

"For the purposes of the first paragraph, if the unit of assessment includes immovables included in a registered agricultural operation to which subparagraph 1 of the second paragraph applies, the portion of the taxable value of the unit that remains after subtracting the taxable value of those immovables must be taken into consideration rather than the total taxable value of the unit."

81. The Act is amended by inserting the following section after section 244.36:

"**244.36.1.** Every unit of assessment composed exclusively of immovables included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) belongs to the category of agricultural immovables.

If such immovables form only a part of a unit of assessment, that part belongs to the category of agricultural immovables. For the purposes of any provision of an Act or statutory instrument that applies to a unit belonging specifically to the category of agricultural immovables or generally to any category provided for in this subdivision, that part is considered to be a whole unit, unless the context indicates otherwise."

82. Section 244.37 of the Act is amended by inserting the following paragraph after the first paragraph:

"In addition, on the assumption that no rate specific to the category of agricultural immovables exists, any part of a unit referred to in the second paragraph of section 244.36.1 belongs to the residual category, even if the unit belongs to one of the categories provided for in sections 244.33 to 244.35 and even if, according to the assumption retained, a rate specific to that category exists. For the purposes of any provision of an Act or statutory instrument that applies to a unit belonging specifically to the residual category or generally to any category provided for in this subdivision, that part is considered to be a whole unit, unless the context indicates otherwise."

83. Section 244.39 of the Act is amended

(1) by inserting "projected" after "municipality's" in the third line of the second paragraph;

(2) by inserting "projected" after "municipality's" in the second line of subparagraph 1 of the third paragraph;

(3) by replacing "aggregate taxation rate of the municipality under the regulation made under paragraph 3 of section 263 of this Act" at the end of

subparagraph 3 of the third paragraph by "municipality's projected aggregate taxation rate";

(4) by replacing "The aggregate taxation rate, the taxable non-residential property assessment and the" in the first and second lines of the fourth paragraph by "The";

(5) by adding the following sentence at the end of the fourth paragraph: "The projected aggregate taxation rate and the taxable non-residential property assessment are those established for that fiscal year under Divisions III and IV, respectively, of Chapter XVIII.1."

84. Section 244.40 of the Act, amended by section 71 of chapter 50 of the statutes of 2005, is again amended

(1) by replacing "1.96" in the first paragraph by "2.00";

(2) by replacing "2.50" in subparagraph 1 of the second paragraph by "2.75";

(3) by replacing "2.18" in subparagraph 2 of the second paragraph by "2.65";

(4) by replacing "2.42" in subparagraph 3 of the second paragraph by "2.65";

(5) by replacing "2.05" in subparagraph 4 of the second paragraph by "2.65";

(6) by replacing "2.13" in subparagraph 5 of the second paragraph by "2.65";

(7) by replacing "2.22" in subparagraph 6 of the second paragraph by "2.25";

(8) by replacing "1.97" in subparagraph 7 of the second paragraph by "2.25";

(9) by replacing "2.05" in subparagraph 8 of the second paragraph by "2.25";

(10) by replacing "1.99" in subparagraph 9 of the second paragraph by "2.25".

85. Sections 244.41 and 244.42 of the Act are repealed.

86. The Act is amended by inserting the following after section 244.49:

"E.1 — Rate specific to the category of agricultural immovables

"**244.49.0.1.** The rate specific to the category of agricultural immovables must be equal to or lower than the basic rate.

It may not be lower than the minimum rate specific to that category.

"**244.49.0.2.** The minimum rate specific to the category of agricultural immovables is the product obtained by multiplying the basic rate by the applicable coefficient for the fiscal year concerned.

If the municipality fixes a rate specific to that category for a fiscal year, the applicable coefficient for that fiscal year is the product obtained by multiplying the quotient resulting from the division under the first paragraph of section 244.49.0.3 by the applicable coefficient for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll applying for the fiscal year for which the rate is fixed applied.

The applicable coefficient for that preceding fiscal year is deemed to be equal to 1 if, for that preceding fiscal year, the municipality did not fix a rate specific to the category of agricultural immovables or fixed a rate equal to the basic rate.

The first three paragraphs apply subject to section 244.49.0.4.

"**244.49.0.3.** For the purposes of section 244.49.0.2, the quotient that is valid for each of the fiscal years for which a property assessment roll applies is the quotient obtained by dividing the dividend referred to in the second paragraph by the divisor referred to in the third paragraph.

The dividend is the ratio obtained by dividing the first of the following totals, which result from the addition of values of units of assessment or parts of units, by the second:

(1) the total that constitutes the tax base for the basic rate, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit; and

(2) the total that constitutes the tax base for the basic rate, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day before the deposit referred to in subparagraph 1.

The divisor is the ratio obtained by dividing the first of the following totals, which result from the addition of values of units of assessment or parts of units, by the second:

(1) the total that constitutes the tax base for the rate specific to the category of agricultural immovables, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit; and

(2) the total that constitutes the tax base for the rate specific to the category of agricultural immovables, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day before the deposit referred to in subparagraph 1.

For the purposes of the second and third paragraphs, the tax bases for rates are the totals of values which, if the summary of the roll concerned reflecting the state of that roll on the day of its deposit were accompanied by a summary of the preceding roll reflecting the state of that roll on the preceding day, would appear on the form prescribed in the regulation made under paragraph 1 of section 263 pertaining to such a summary under the following headings in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE":

(1) in the case of the tax base for applying the basic rate, the total of the values entered in the box in the last line under the heading "TAUX DE BASE"; and

(2) in the case of the tax base for applying the rate specific to the category of agricultural immovables, the total of the values entered in the box in the last line under the heading "TAUX AGRICOLE".

The assessor who deposited the roll referred to in the first paragraph must, on request, provide the municipality with the ratios established in accordance with the second and third paragraphs.

"**244.49.0.4.** If the municipality avails itself of the power under section 253.27 in respect of its property assessment roll, the operations described in the second and third paragraphs are performed to calculate an adjusted coefficient, by which the basic rate is multiplied, to establish the minimum rate specific to the category of agricultural immovables for either of the first two fiscal years for which the roll applies.

The first operation in relation to the calculation of the adjusted coefficient consists in subtracting the second of the following coefficients from the first:

(1) the coefficient calculated pursuant to section 244.49.0.2 for the fiscal year for which the minimum specific rate is established; and

(2) the coefficient applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll referred to in the first paragraph applied.

The second operation consists in algebraically adding the coefficient described in subparagraph 2 of the second paragraph and the number that is

one third or two thirds of the difference resulting from the subtraction under the second paragraph, according to whether the fiscal year for which the maximum specific rate is established is the first or the second fiscal year for which the roll referred to in the first paragraph applies.

If the property assessment roll in respect of which the municipality avails itself of the power under section 253.27 applies for two fiscal years only, the adjusted coefficient is calculated only for the first of those fiscal years. To that end, for the purposes of the third paragraph, one half, rather than one third or two thirds, of the difference resulting from the subtraction under the second paragraph is taken into account."

87. Section 244.49.1 of the Act is amended by replacing "E" in the eighth line of the first paragraph by "E.1".

88. Section 244.50 of the Act is amended by adding the following paragraph at the end:

"If a unit of assessment to which all or part of a rate specific to a category provided for in any of sections 244.33 to 244.35 must apply includes a part referred to in the second paragraph of section 244.36.1 or 244.37, that rate or part of a rate applies only to the remainder of the unit."

89. Section 244.52 of the Act is amended by replacing "sections 244.42 and 244.56 and the second paragraph of section 261.5" in the fourth and fifth lines of the second paragraph by "section 244.56, the second paragraph of section 261.5 and the first paragraph of section 261.5.17".

90. Section 244.58 of the Act is amended

(1) by striking out "formed by a rate and part of another rate or by parts of several rates" in the third and fourth lines of the first paragraph;

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

"The combination referred to in the first paragraph consists of

(1) two rates;

(2) one rate and part of another rate; or

(3) parts of several rates."

91. Section 244.60 of the Act is amended by replacing "formed by a rate and part of another rate or by parts of several rates" in the first and second lines of subparagraph 1 of the second paragraph by "referred to in the second paragraph of section 244.58".

92. Section 253.49 of the Act is amended by replacing "provisional aggregate taxation rate being replaced by the aggregate taxation rate based on the data contained in the financial report" in the second and third lines of subparagraph *c* of subparagraph 5 of the second paragraph by "projected aggregate taxation rate being replaced by the effective aggregate taxation rate, those expressions having the meanings given them in Division III of Chapter XVIII.1,".

93. Section 253.54.1 of the Act is amended by inserting "and no rate specific to the category of agricultural immovables provided for in section 244.36.1" after "244.35" in the sixth line of the second paragraph.

94. Section 253.59 of the Act is amended by replacing "sections 244.40 to 244.42" in the first line of the sixth paragraph by "section 244.40".

95. Section 256 of the Act is amended by replacing the third paragraph by the following paragraph:

"For the purpose of calculating the amount payable under section 254 for a fiscal year in respect of an immovable referred to in any of those paragraphs, the greater of the aggregate taxation rate established for that fiscal year under Division III of Chapter XVIII.1 and the weighted aggregate taxation rate established for that fiscal year in accordance with the rules prescribed under subparagraph *b*.1 of paragraph 2 of section 262 is used."

96. The heading of Chapter XVIII.1 of the Act is replaced by the following heading:

"**CHAPTER XVIII.1**

"AGGREGATE TAXATION DATA".

97. Section 261.1 of the Act is amended by inserting "projected" after "standardized" in the second line of paragraph 8.

98. Section 261.4 of the Act is replaced by the following section:

"**261.4.** For the purposes of paragraph 8 of section 261.1, the standardized projected aggregate taxation rate is the rate established by the municipality under Division III for the fiscal year preceding the fiscal year for which the standardized property value is calculated."

99. Section 261.5 of the Act, amended by section 116 of chapter 28 of the statutes of 2005, is again amended by replacing the second paragraph by the following paragraphs:

"However, for the purposes of subparagraph 2 of the first paragraph, in the case of a unit of assessment referred to in section 244.51, a unit of assessment referred to in section 244.52 or a unit of assessment forming part of any of classes 1A to 8 provided for in section 244.32, instead of taking into consideration the value set out in the applicable paragraph of section 261.1, the following values must be taken into consideration:

(1) in the first case, 40% of that value;

(2) in the second case, 20% of that value; and

(3) in the third case, the part of that value corresponding to the percentage of the rate specific to the category of non-residential immovables that is applicable to the unit under section 244.53 or that would be applicable if such a rate were fixed and if no rate specific to the category of industrial immovables were fixed.

In addition, for the purposes of subparagraph 2 of the first paragraph, if the unit of assessment belonging to the group provided for in section 244.31 includes immovables included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14), the portion of the taxable value of the unit that remains after subtracting the taxable value of those immovables must be taken into consideration rather than the total taxable value of the unit. The percentage determined under subparagraph 3 of the second paragraph is applied to that balance if the unit forms part of any of classes 1A to 8 provided for in section 244.32."

100. The Act is amended by inserting the following after section 261.5:

"**DIVISION III**

"AGGREGATE TAXATION RATE

"§1. — *Concepts*

"**261.5.1.** The aggregate taxation rate of a local municipality for a fiscal year is the quotient obtained by dividing the total amount of the revenues for the fiscal year, taken into consideration in accordance with subdivision 2, by the total amount of the values used to calculate the local municipality's property taxes for the fiscal year, taken into consideration in accordance with subdivision 3.

The quotient resulting from the division under the first paragraph is expressed as a six decimal number, rounded up if the seventh decimal is greater than 4.

For the purposes of this division, "current fiscal year" means the fiscal year for which the aggregate taxation rate is established.

"**261.5.2.** The aggregate taxation rate is the projected rate or the effective rate, as provided for in subdivisions 4 and 5, depending on the source of the data used for the purposes of the division under section 261.5.1.

The projected aggregate taxation rate or the effective aggregate taxation rate may be standardized, as provided for in subdivision 6.

"§2. — *Revenues taken into consideration*

"**261.5.3.** For the purpose of establishing the aggregate taxation rate, the revenues of the municipality taken into consideration are those for the current fiscal year deriving from

(1) municipal property taxes; and

(2) taxes other than property taxes, compensations and modes of tariffing that the municipality imposes on the owner, lessee or occupant of an immovable.

The first paragraph applies subject to sections 261.5.4 to 261.5.8.

"**261.5.4.** The part of the revenues referred to in section 261.5.3 that is granted as a credit is not taken into consideration, except if the credit is

(1) a discount granted for an early payment;

(2) a credit granted under section 92.1 of the Municipal Powers Act (2005, chapter 6); or

(3) a credit granted in anticipation of payment to a municipality by a minister of an amount payable on behalf of a debtor of a tax, compensation or mode of tariffing.

"**261.5.5.** Revenues deriving from the following sources are not taken into consideration:

(1) the business tax or the tax provided for in section 487.3 of the Cities and Towns Act (chapter C-19) or article 979.3 of the Municipal Code of Québec (chapter C-27.1);

(2) any property tax payable under the first paragraph of section 208;

(3) any tax other than a property tax, any compensation and any mode of tariffing payable under the first paragraph of section 257;

(4) any tax other than a property tax, any compensation and any mode of tariffing payable for the supply of a municipal service in respect of an immovable belonging to the Crown in right of Canada or one of its mandataries; and

(5) a compensation payable under section 205.

"**261.5.6.** If a significant alteration, within the meaning of the second paragraph, is made to the property assessment roll retroactively to a date included in a fiscal year preceding the current fiscal year, if that alteration results in a supplement to be paid or an overpayment to be refunded in respect of an amount of a tax, compensation or mode of tariffing referred to in section 261.5.3 and imposed for that preceding fiscal year, and if that supplement or overpayment has an effect on the revenues of the municipality for the current fiscal year, that effect is not taken into consideration for the purpose of establishing the aggregate taxation rate for the current fiscal year.

An alteration which raises or lowers the taxable value of a unit of assessment is considered significant if it has the effect of raising or lowering the total of the taxable values entered on the property assessment roll by more than 1%. For the purposes of this paragraph, that total is the one entered in the summary of the roll produced during the last half of the fiscal year preceding the current fiscal year in accordance with the regulation made under paragraph 1 of section 263.

"**261.5.7.** If, with respect to the category of non-residential immovables provided for in section 244.33, the municipality has fixed a specific general property taxation rate under section 244.29 that is greater than the basic rate provided for in section 244.38, a part of the revenues from that tax and from any special tax provided for in section 487.1 or 487.2 of the Cities and Towns Act (chapter C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (chapter C-27.1) is not taken into consideration, as provided for in the second paragraph.

The part not taken into consideration is the difference obtained by subtracting the amount under subparagraph 2 from the amount under subparagraph 1:

(1) the amount of the revenues deriving from the imposition of the tax on the units of assessment belonging to the category of non-residential immovables or the category of industrial immovables provided for in section 244.34;

(2) the amount of the revenues that would derive from the imposition of the tax on the units of assessment referred to in subparagraph 1 if the basic rate were applied.

"**261.5.8.** If part of the revenues deriving from the general property tax or any special tax referred to in section 261.5.7 for the current fiscal year derives from the imposition of that tax for a preceding fiscal year, the rates used for the purposes of that section in respect of that part of the revenues are the rates fixed for the current fiscal year rather than the preceding fiscal year.

However, if, for the current fiscal year, the municipality has not fixed a rate specific to the category of non-residential immovables that is greater than the basic rate even though it did so for the preceding fiscal year, section 261.5.7

applies only in respect of the part of the revenues deriving from the imposition of the tax for the preceding fiscal year and, for that purpose, the rates fixed for that year are used.

"§3. — *Values taken into consideration*

"**261.5.9.** For the purpose of establishing the aggregate taxation rate, the taxable values entered on the property assessment roll of the municipality for the current fiscal year are taken into consideration.

The first paragraph applies subject to section 261.5.10.

"**261.5.10.** If the municipality, in respect of its property assessment roll, applies the measure for averaging the variation in taxable values provided for in Division IV.3 of Chapter XVIII, the adjusted values are taken into consideration rather than the taxable values entered on the roll in the case of the eligible taxable units of assessment.

The first paragraph applies for the purpose of establishing the aggregate taxation rate

(1) for either of the first two fiscal years for which the roll applies, subject to subparagraph 2; or

(2) for the first fiscal year for which the roll applies, if that fiscal year is referred to in the second paragraph of section 72.

"§4. — *Projected aggregate taxation rate*

"**261.5.11.** The projected aggregate taxation rate for the current fiscal year is the rate established using

(1) the revenues provided for in the budget adopted for the fiscal year, in the case of the revenues referred to in subdivision 2; and

(2) the total of the values used to calculate the revenues, provided for in the budget adopted for the fiscal year, that must derive from the general property tax, taking into account, if applicable, the provisions of Division IV.3 of Chapter XVIII, in the case of the values referred to in subdivision 3.

"§5. — *Effective aggregate taxation rate*

"**261.5.12.** The effective aggregate taxation rate for the current fiscal year is the rate established using

(1) the revenues recorded in the financial report for that fiscal year, in the case of the revenues referred to in subdivision 2; and

(2) the average of the totals of the values entered on the property assessment roll at the beginning and at the end of the fiscal year, in the case of the values referred to in subdivision 3, subject to sections 261.5.13 and 261.5.14.

The decimal part of the quotient obtained as a result of the division carried out to establish the average is dropped and the integer is increased by 1.

"**261.5.13.** In the case of a unit of assessment, if the taxable value entered on the property assessment roll is replaced by an adjusted value, the adjusted value of the unit as it existed at the beginning and at the end of the fiscal year is used to calculate the average under subparagraph 2 of the first paragraph of section 261.5.12.

"**261.5.14.** For the purpose of determining the totals of the entered or adjusted values to be averaged, the property assessment roll is used, taking into account not only any alteration made to that roll before 1 January or 31 December of the current fiscal year but also any alteration retroactive to the relevant date or any earlier date that is made, even after the end of the fiscal year, in time for the supplement that must be paid or the overpayment that must be refunded as a result of the alteration to have an effect on the revenues recorded in the financial report produced for the fiscal year.

"§6. — *Standardized aggregate taxation rate*

"**261.5.15.** The standardized aggregate taxation rate for the current fiscal year is the rate established using as a divisor, for the purposes of the division under section 261.5.1, the product obtained by multiplying the following amounts by the comparative factor established for the fiscal year under section 264 in respect of the property assessment roll:

(1) the total of the values referred to in paragraph 2 of section 261.5.11, in the case of the standardized projected aggregate taxation rate; and

(2) the average of the totals of the values referred to in subparagraph 2 of the first paragraph of section 261.5.12, taking into account sections 261.5.13 and 261.5.14, in the case of the standardized effective aggregate taxation rate.

If the product obtained as a result of the multiplication under the first paragraph is a decimal number, the decimal part is dropped and the integer is increased by 1 if the first decimal digit is greater than 4.

"**DIVISION IV**

"TAXABLE NON-RESIDENTIAL PROPERTY ASSESSMENT

"**261.5.16.** The taxable non-residential property assessment of a local municipality is the total of the taxable values, entered on its property assessment roll, of the units of assessment belonging to the group provided for in section 244.31.

The first paragraph applies subject to sections 261.5.17 and 261.5.18.

"**261.5.17.** In the case of a unit of assessment referred to in section 244.51, a unit of assessment referred to in section 244.52 or a unit of assessment forming part of any of classes 1A to 8 provided for in section 244.32, instead of taking into consideration its taxable value, the following values are taken into consideration:

(1) in the first case, 40% of that value;

(2) in the second case, 20% of that value; and

(3) in the third case, the part of that value corresponding to the percentage of the rate specific to the category of non-residential immovables that is applicable to the unit under section 244.53 or that would be applicable if such a rate were fixed and if no rate specific to the category of industrial immovables were fixed.

If the unit of assessment belonging to the group provided for in section 244.31 includes immovables included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14), the portion of the taxable value of the unit that remains after subtracting the taxable value of those immovables is taken into consideration rather than the total taxable value of the unit. The percentage determined under subparagraph 3 of the first paragraph is applied to that balance if the unit forms part of any of classes 1A to 8 provided for in section 244.32.

"**261.5.18.** If the municipality, in respect of its property assessment roll, applies the measure for averaging the variation in taxable values provided for in Division IV.3 of Chapter XVIII, the adjusted values are taken into consideration rather than the taxable values entered on the roll in the case of the eligible taxable units of assessment.

The first paragraph applies for the purpose of establishing the taxable non-residential property assessment

(1) for either of the first two fiscal years for which the roll applies, subject to subparagraph 2; or

(2) for the first fiscal year for which the roll applies, if that fiscal year is referred to in the second paragraph of section 72.

"**261.5.19.** The taxable non-residential property assessment is a projection.

For the purpose of establishing the taxable non-residential property assessment for a fiscal year, the values or parts of values taken into consideration are the values used to calculate the revenues, provided for in the budget

adopted for the fiscal year, that must derive from the general property tax, taking into account, if applicable, the provisions of Division IV.3 of Chapter XVIII."

101. Section 262 of the Act, amended by section 35 of chapter 22 of the statutes of 2002, is again amended

(1) by inserting the following subparagraph after subparagraph *b* of paragraph 2:

"(*b*.1) prescribe the rules for establishing, in respect of every local municipality and for each fiscal year, a weighted aggregate taxation rate that, when greater than the aggregate taxation rate of the municipality established for the same fiscal year under Division III of Chapter XVIII.1, is used under the third paragraph of section 256 for the purpose of calculating the amount payable to the municipality under section 254 for the fiscal year in respect of the immovables referred to in the second, third and fourth paragraphs of section 255;";

(2) by striking out subparagraph *c* of paragraph 2.

102. Section 263 of the Act is amended by striking out paragraph 3.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

103. Sections 6.0.1 and 6.0.2 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) are repealed.

ACT RESPECTING ADMINISTRATIVE JUSTICE

104. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 222 of chapter 6 of the statutes of 2005 and section 28 of chapter 17 of the statutes of 2005, is again amended by inserting the following paragraph after paragraph 3.5:

"(3.6) proceedings under section 107 of the Municipal Powers Act to fix the indemnity for damage caused by a regional county municipality in the exercise of its jurisdiction with respect to watercourses;".

ACT RESPECTING THE RÉGIE DU LOGEMENT

105. Section 32 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing "412.2 of the Cities and Towns Act (chapter C-19), article 496 of the Municipal Code (chapter C-27.1) or paragraph 18 of article 524 of the Charter of the City of Montréal" by "148.0.2 of the Act respecting land use planning and development (chapter A-19.1)".

106. Section 51 of the Act is amended by replacing the third paragraph by the following paragraph:

"Conversion is prohibited in the urban 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), unless an exception is granted under section 54.12 by a resolution of the council of the municipality in whose territory the immovable is situated. Outside the urban agglomeration, it may be restricted or made subject to certain conditions, by a by-law adopted under section 54.13. This paragraph does not apply to an immovable in which all the dwellings are occupied by undivided co-owners."

107. Section 54.12 of the Act is amended by adding the following paragraph at the end:

"The council of a municipality other than Ville de Montréal whose territory is included in the urban agglomeration of Montréal and that has an advisory planning committee established under the Act respecting land use planning and development may exercise the power granted under the first paragraph."

108. Section 54.13 of the Act is amended by replacing "of Ville de" in the second line of the first paragraph by "of a municipality whose territory is included in the urban agglomeration of".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

109. The Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by inserting the following section after section 124:

"**124.1.** A transit authority may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of appropriations before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed."

110. Section 125 of the Act is replaced by the following section:

"**125.** A by-law or a resolution of a transit authority authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 124.1, appropriations are available for the purposes for which the expenditure is proposed."

ACT RESPECTING THE QUÉBEC SALES TAX

111. The Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by inserting the following section after section 388.3:

"**388.4.** A prescribed municipality is entitled to compensation, paid by the Minister at the prescribed time, in an amount equal to the amount prescribed for the years 2007 to 2013.

Such compensations are deemed to be repayments for the purposes of the Act respecting the Ministère du Revenu (chapter M-31)."

112. Section 677 of the Act, amended by section 395 of chapter 38 of the statutes of 2005, is again amended by inserting the following subparagraph after subparagraph 40.1.1 of the first paragraph:

"(40.1.2) determine, for the purposes of section 388.4, the prescribed municipalities, time and amount;".

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

113. Section 227 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 90 of chapter 50 of the statutes of 2005, is again amended

(1) by replacing "on the conditions and for the term" in the second and third lines of the first paragraph by "for the term determined by the Minister and on the conditions";

(2) by replacing "the Minister" in the first line of the second paragraph by "the Ministers".

114. Section 398 of the Act, amended by section 91 of chapter 50 of the statutes of 2005, is again amended

(1) by replacing "on the conditions and for the term" in the third line of the first paragraph by "for the term determined by the Minister and on the conditions";

(2) by replacing "the Minister" in the first line of the second paragraph by "the Ministers".

ACT RESPECTING VILLE DE CHAPAIS

115. The Act respecting Ville de Chapais (1999, chapter 98) is repealed.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

116. The Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3) is amended by inserting the following section after section 12:

"**12.1.** In the case of a division concerning the assets and liabilities of a pension plan referred to in section 12, the following are partitioned among the parts of the plan created by the division:

(1) the balance obtained by subtracting the value of the contributions paid or redemptions realized under the first or second paragraph of section 12 from the value of the amounts paid in respect of any deficiency and any amount referred to in the third paragraph of section 12, all such values being calculated as set out in the fourth paragraph of that section;

(2) the value of the amortization amounts remaining to be paid in respect of any technical actuarial deficiency and any amount established under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), determined by an actuarial valuation of the whole plan dated not earlier than 31 December 2001 or later than 1 January 2003; and

(3) the value of the amortization amounts remaining to be paid in respect of any technical actuarial deficiency and any amount established under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, determined by an actuarial valuation of the whole plan dated not earlier than 2 January 2003 or later than 1 January 2005.

The partition under the first paragraph is carried out proportionately to the value, on the date of the division, of the assets allocated to each part of the plan created by the division in relation to the value of the assets of the whole plan before it was divided.

If the amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act was divided under section 16 of the Act respecting the funding of certain pension plans (2005, chapter 25), the first paragraph is applied taking into account the rule set out in the second paragraph of that section 16.

Section 12 applies to any plan resulting from the division of a plan referred to in that section.

In the case of a merger of all or part of the assets and liabilities of a pension plan referred to in section 13, which is the absorbing plan, and of a plan referred to in section 12, section 12 applies to the absorbing plan to the extent determined by an agreement between the municipality or body that is a party to the plan and the association with which an agreement under section 13 has been entered into."

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

117. Section 254 of the Act to again amend various legislative provisions concerning municipal affairs (2003, chapter 19) is amended

(1) by replacing "five" in the second line of the third paragraph by "six";

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

"(1.1) the values the total of which is the tax base for applying the rate specific to the category of agricultural immovables are the values the sum of which is entered in the box in the last line under the heading "TAUX AGRICOLE";";

(3) by replacing "five" in the second line of the fourth paragraph by "six".

MUNICIPAL POWERS ACT

118. Sections 17.1 to 17.3 of the Municipal Powers Act (2005, chapter 6), enacted by section 107 of chapter 50 of the statutes of 2005, are replaced by the following sections:

"**17.1.** A local municipality may operate, alone or with another person, an enterprise that produces electricity at a wind farm or a hydro-electric power plant.

In the case of a hydro-electric power plant, the enterprise must be controlled by the local municipality. However, if the local municipality operates the enterprise with a regional county municipality or a band council within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18), the enterprise may be controlled by one or more of those operators.

For the purposes of the first and second paragraphs, a local municipality whose territory is included in that of a regional county municipality may not operate an enterprise producing electricity at a hydro-electric power plant unless the regional county municipality has agreed to it.

"**17.2.** A local municipality wishing to operate an enterprise referred to in section 17.1 with a person operating a private-sector enterprise must issue a call for tenders if the project involves the operation of an enterprise controlled by one or more local municipalities or regional county municipalities.

The call for tenders must invite persons operating a private-sector enterprise to submit their expertise and main achievements in the provision of goods and services relating to power production and specified in the call for tenders.

The call for tenders must be published on an electronic tendering system accessible to contractors having an establishment in Québec or in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the local municipality, and in a newspaper in the territory of the local municipality.

"**17.3.** Sections 573 to 573.3.4 of the Cities and Towns Act (R.S.Q., chapter C-19) or articles 935 to 938.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) apply, with the necessary modifications, to the operator of an enterprise referred to in section 17.1 if the enterprise is controlled by one or more local municipalities or regional county municipalities.

"**17.4.** With the authorization of the Minister, a local municipality that participates in the operation of an enterprise referred to in section 17.1 may stand surety for a person operating that enterprise.

Before giving the authorization, the Minister may order the local municipality to submit the decision authorizing the suretyship to the approval of the qualified voters, according to the procedure prescribed for the approval of loan by-laws.

"**17.5.** The total of the financial participation and surety bonds provided by the local municipality in respect of a given enterprise referred to in section 17.1 may not exceed the amount required to set up a wind farm with a generating capacity of 50 megawatts or a hydro-electric power plant with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State."

119. Section 90 of the Act, amended by section 112 of chapter 50 of the statutes of 2005, is again amended

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

"A local municipality may also grant assistance to relocate a commercial or industrial enterprise elsewhere within its territory. The amount of the assistance may not exceed the real cost of the relocation.";

(2) by inserting "or third" after "second" in subparagraph 6 of the third paragraph.

120. The Act is amended by inserting the following sections after section 92:

"**92.1.** A local municipality may, by by-law, adopt a program to grant assistance in the form of a tax credit to the persons and in respect of the immovables referred to in section 92.2.

It may also grant assistance to any person that operates a private-sector enterprise and that is the owner or occupant of an immovable other than a residence. The value of the assistance that may be granted to the beneficiaries as a whole in this way may not exceed $25,000 per fiscal year.

Assistance may not be granted, however, if one of the following situations applies to the immovable referred to in the first or second paragraph:

(1) activities previously exercised in the territory of another local municipality have been transferred to it; or

(2) its owner or occupant receives government assistance intended to lower property taxes.

Subparagraph 2 of the third paragraph does not apply if the government assistance is granted to implement a recovery plan.

A person may be declared eligible to receive assistance not later than 15 June 2008. The period during which assistance may be granted to a person declared eligible may not exceed 10 years.

The by-law provided for in the first paragraph determines the total value of the assistance that may be granted under the program. That by-law, and any resolution adopted under the second paragraph, must be approved by the eligible voters of the municipality if the annual average of the total value of the assistance that may be granted exceeds $25,000 or 1% of the total appropriations provided for in the municipality's budget for its operating expenses for the fiscal year during which the by-law or the resolution is adopted, whichever is higher. If the average exceeds 5% of the total appropriations, the by-law or the resolution must also be approved by the Minister. To determine the average, the total value of the assistance that may be granted under the by-law or the resolution adopted is taken into account, along with that of the assistance that may be granted under any other by-law adopted under the first paragraph if it is or will soon be in force and any resolution adopted under the second paragraph since the beginning of the fiscal year during which the by-law or resolution is adopted.

"**92.2.** Only a person that operates a private-sector enterprise for profit or a cooperative that is the owner or occupant of an immovable included in a unit of assessment listed under one of the following headings provided for in the manual referred to in the regulation made under paragraph 1 of section 263 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is eligible for the tax credit under the first paragraph of section 92.1:

(1) "2-3 --- INDUSTRIES MANUFACTURIÈRES";

(2) "41 -- Chemin de fer et métro";

(3) "42 -- Transport par véhicule automobile (infrastructure)", sauf "4291 Transport par taxi" et "4292 Service d'ambulance";

(4) "43 -- Transport par avion (infrastructure)";

(5) "44 -- Transport maritime (infrastructure)";

(6) "47 -- Communication, centre et réseau";

(7) "6348 Service de nettoyage de l'environnement";

(8) "6391 Service de recherche, de développement et d'essais";

(9) "6392 Service de consultation en administration et en affaires";

(10) "6592 Service de génie";

(11) "6593 Service éducationnel et de recherche scientifique";

(12) "6831 École de métiers (non intégrée à une polyvalente)";

(13) "6838 Formation en informatique";

(14) "71 -- Exposition d'objets culturels";

(15) "751 - Centre touristique".

A person that is the occupant rather than the owner of an immovable referred to in the first paragraph and that meets the conditions set out in that paragraph is eligible for the tax credit provided for in the first paragraph of section 92.1 if the immovable that person occupies is referred to in section 7 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1).

"**92.3.** The effect of the tax credit is to compensate all or part of the increase in the amount payable in respect of the immovable for property taxes, modes of tariffing and transfer duties if the increase results from

(1) construction work on or alterations to the immovable;

(2) occupation of the immovable; or

(3) relocation to the immovable of an enterprise already present in the territory of the municipality.

The tax credit may not exceed the amount corresponding to the difference between the amount of the property taxes, modes of tariffing and transfer duties payable and the amount that would have been payable if the construction, alterations, occupation or relocation had not occurred.

Despite the first and second paragraphs, the credit may not exceed half the amount of the property taxes and modes of tariffing payable in respect of an immovable if the owner or occupant receives government assistance to implement a recovery plan. However, the credit may not be granted for a period of more than five years and must be coordinated with the government assistance.

"**92.4.** Section 29.3 of the Cities and Towns Act (R.S.Q., chapter C-19), article 14.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and the

Municipal Aid Prohibition Act (R.S.Q., chapter I-15) do not apply to assistance granted under section 92.1.

"**92.5.** A local municipality may make a claim for reimbursement of the assistance it granted under section 92.1 if one of the eligibility conditions is no longer met.

"**92.6.** The program must be part of the municipality's economic development plan.

If the municipality does not have such a plan, the program must take into account the local plan of action to stimulate the economy and create employment adopted by the local development centre operating in its territory.

"**92.7.** Not later than 15 June 2008, the Minister must report to the Government on the advisability of making permanent a municipality's power under the fifth paragraph of section 92.1 to declare a person eligible for assistance.

The Minister must table the report in the National Assembly within 30 days or, if the Assembly is not sitting, within 15 days of resumption. The report is examined by the competent committee of the National Assembly."

121. Section 103 of the Act is amended by inserting "or private" after "public" in subparagraph 2 of the first paragraph.

122. Section 107 of the Act is amended by adding the following sentence at the end of the third paragraph: "Failing agreement, the amount of the indemnity for damage caused is fixed by the Administrative Tribunal of Québec at the request of the person claiming it or the municipality, and sections 58 to 68 of the Expropriation Act (R.S.Q., chapter E-24) apply, with the necessary modifications."

123. Sections 111 to 111.3 of the Act, enacted by section 116 of chapter 50 of the statutes of 2005, are replaced by the following sections:

"**111.** A regional county municipality may operate, alone or with another person, an enterprise that produces electricity at a wind farm or at a hydro-electric power plant.

In the case of a hydro-electric power plant, the enterprise must be controlled by the regional county municipality. However, if the regional county municipality operates the enterprise with a local municipality or a band council within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18), the enterprise may be controlled by one or more of those operators.

"**111.0.1.** A regional county municipality wishing to operate an enterprise referred to in section 111 with a person operating a private-sector enterprise must issue a call for tenders if the project involves the operation of an enterprise controlled by one or more regional county municipalities or local municipalities.

The call for tenders must invite persons operating a private-sector enterprise to submit their expertise and main achievements in the provision of goods and services relating to power production and specified in the call for tenders.

The call for tenders must be published on an electronic tendering system accessible to contractors having an establishment in Québec or in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the regional county municipality, and in a newspaper in the territory of that municipality.

"**111.0.2.** Sections 573 to 573.3.4 of the Cities and Towns Act (R.S.Q., chapter C-19) or articles 935 to 938.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) apply, with the necessary modifications, to the operator of an enterprise referred to in section 111 if it is controlled by one or more regional county municipalities or local municipalities.

"**111.1.** If the regional county municipality wishes to operate an enterprise 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 service of the resolution required under the first paragraph, the regional county municipality may begin operating the enterprise.

"**111.2.** With the authorization of the Minister, a regional county municipality that participates in the operation of an enterprise referred to in section 111 may stand surety for a person operating that enterprise.

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 enterprise's operating expenditures.

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 of the financial participation and surety bonds provided by the regional county municipality in respect of a given enterprise referred to in section 111 may not exceed the amount required to set up a wind farm with a generating capacity of 50 megawatts or a hydro-electric power plant with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State."

124. Section 249.1 of the Act, enacted by section 124 of chapter 50 of the statutes of 2005, is repealed.

OTHER AMENDING PROVISIONS

125. Section 27.1 of Order in Council 1294-2000 dated 8 November 2000, concerning Ville de Mont-Tremblant, enacted by section 127 of chapter 50 of the statutes of 2005, is amended by inserting "who are not council members" after "paragraph" in the second line of the second paragraph.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Interpretation

126. For the purposes of sections 128 to 156, "Act" means the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

For the purposes of sections 140, 141, 145, 147 and 148, "agricultural operation" means an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14).

Aggregate taxation rate

127. The legislative provisions enacted or amended by sections 14, 16, 17, 25, 26, 31 and 40 to 42, paragraph 2 of section 62, sections 63 and 74, paragraph 2 of section 75 and sections 83, 89, 92 and 94 to 100, as enacted or amended, apply for the purpose of establishing the aggregate taxation rate of a local municipality for every fiscal year from the fiscal year 2007 and for the purposes of any act performed as a result of the establishment of that rate according to those provisions, in particular the establishment of the taxable non-residential property assessment, the standardized property value and the fiscal potential of a local municipality.

The laws amended by those sections and by sections 76 and 85, as they existed before those amendments, and the regulations made under provisions struck out by paragraph 2 of section 101 and by section 102 continue to apply for the purpose of establishing the aggregate taxation rate of a local municipality for any fiscal year before the fiscal year 2007 and for the purposes of any act performed as a result of the establishment of that rate according to those laws and regulations.

128. In the case of the amount payable under section 254 of the Act for every fiscal year from the fiscal year 2007 in respect of an immovable referred to in any of the last three paragraphs of section 255 of the Act, the regulation made under paragraph 2 of section 262 of the Act applies with the following modifications:

(1) the projected aggregate taxation rate established for the fiscal year in accordance with section 261.5.11 of the Act, enacted by section 100, is used to calculate the first payment to be made; and

(2) the effective aggregate taxation rate established for the fiscal year in accordance with sections 261.5.12 to 261.5.14 of the Act, enacted by section 100, is used to calculate the actual amount payable and, as the case may be, the second payment to be made or the overpayment.

The first paragraph applies until the coming into force of the first amendment to the regulation referred to in that paragraph made after 15 June 2006.

129. In the case of the amount payable under section 261 of the Act for every fiscal year from the fiscal year 2009 to a local municipality that had revenues deriving from the application of section 222 of the Act for the second preceding fiscal year, the regulation made under paragraph 7 of section 262 of the Act applies with the following modifications:

(1) the standardized effective aggregate taxation rate established for that second preceding fiscal year in accordance with subparagraph 2 of the first paragraph of section 261.5.15 of the Act, enacted by section 100, is used for the capitalization of those revenues under paragraph 8 of section 261.1 of the Act, amended by section 97; and

(2) no other alteration made to the property assessment roll applicable for that second preceding fiscal year, other than those referred to in section 261.5.14 of the Act, enacted by section 100, is taken into consideration.

The first paragraph applies until the coming into force of the first amendment to the regulation referred to in that paragraph made after 15 June 2006.

Weighting of the aggregate taxation rate for the purposes of compensations in lieu of taxes

130. For the purpose of calculating the amount payable under section 254 of the Act for the fiscal year 2006 to a local municipality whose property assessment roll came into force on 1 January 2006, in respect of an immovable referred to in any of the last three paragraphs of section 255 of the Act, the greater of the following is used: the aggregate taxation rate established for that fiscal year under the regulation made under paragraph 2 of section 262 of the Act and the weighted aggregate taxation rate established for that fiscal year in accordance with the rules prescribed in sections 132 to 135 or fixed by the Minister of Municipal Affairs and Regions under section 136.

Not later than 30 September 2006, the Minister must, in applying the first paragraph, recalculate the first payment of the amount payable for the fiscal year 2006. For that purpose, to make the comparison with the provisional aggregate taxation rate established for that fiscal year under the regulation referred to in the first paragraph, the weighted aggregate taxation rate established for that fiscal year based on the data contained in the financial report for the fiscal year 2005 is used, subject to sections 136 and 137.

If the recalculated amount is greater than the amount of the first payment made, the Minister must pay the difference to the municipality in 2006. In that case, for the purpose of determining the last payment to be made or the overpayment to be refunded, after the Minister receives the financial report for the fiscal year 2006, the recalculated amount of the first payment is taken into account.

131. Until the coming into force of the first amendment made after 15 June 2006 to the regulation referred to in section 130, the rules prescribed in sections 132 to 135 stand in lieu of those that the Government may prescribe under subparagraph *b*.1 of paragraph 2 of section 262 of the Act, enacted by paragraph 1 of section 101, for the purpose of establishing a weighted aggregate taxation rate for each of the fiscal years for which a property assessment roll whose coming into force coincides with the beginning of any of the fiscal years 2006, 2007 and 2008 applies.

For the purposes of sections 132 to 138, that roll is called the "current roll".

132. The weighted aggregate taxation rate of a local municipality for each of the fiscal years for which the current roll applies is the quotient obtained by dividing the aggregate taxation rate of the municipality established for the last fiscal year for which the preceding roll applied by the applicable divisor for those fiscal years.

Subject to sections 134 to 137, the applicable divisor for the fiscal years for which the current roll applies is the quotient resulting from the division under the first paragraph of section 133.

For the purpose of calculating the first payment of the amount payable for the first fiscal year for which the current roll applies, the dividend used in the division under the first paragraph is the projected aggregate taxation rate established in accordance with section 261.5.11 of the Act, enacted by section 100, for the last fiscal year for which the preceding roll applied. However, if that last fiscal year is the fiscal year 2006, the dividend is the provisional aggregate taxation rate established for that fiscal year in accordance with the regulation made under paragraph 2 of section 262 of the Act.

133. For the purposes of section 132, the valid quotient for each of the fiscal years for which the current roll applies is the quotient obtained by dividing the first of the following totals by the second:

(1) the total established based on the current roll, as it stands on the day of its deposit, by adding the products obtained by multiplying the non-taxable values of the immovables referred to in any of the last three paragraphs of section 255 of the Act by the percentage provided in that paragraph; and

(2) the total established according to the property assessment roll immediately preceding the current roll, as that preceding roll stands on the day before the deposit of the current roll, by performing the addition under paragraph 1.

For the purposes of the first paragraph, the values used are those which, if the summary of the current roll reflecting the state of that roll on the day of its deposit were accompanied by a summary of the preceding roll reflecting the state of that roll on the preceding day, would appear in lines 605 to 615 under the heading "VALEURS" in the section entitled "INVENTAIRE PAR DISPOSITION FISCALE" on the form prescribed in the regulation made under paragraph 1 of section 263 of the Act and pertaining to such a summary.

However, if the current roll came into force on 1 January 2006, a reference to the deposit of the current roll in the first and second paragraphs is a reference to its coming into force.

The assessor who deposited the current roll must, on request, provide the municipality with the quotient established under this section.

134. If the municipality avails itself of the power under section 253.27 of the Act in respect of its current roll, the operations under the second and third paragraphs are performed to calculate an adjusted divisor by which the aggregate taxation rate of the municipality established for the last fiscal year for which the preceding roll applied is divided to establish the weighted aggregate taxation rate for either of the first two fiscal years for which the current roll applies. The operations vary depending on whether or not the quotient calculated under section 133 is greater than 1.

The first operation consists, in the first case, in subtracting 1 from the quotient and, in the second case, in subtracting the quotient from 1.

The second operation consists, in the first case, in adding to 1 and, in the second case, in subtracting from 1 the number corresponding to one third or two thirds of the difference resulting from the subtraction under the second paragraph, depending on whether the fiscal year for which the weighted aggregate taxation rate is established is the first or the second fiscal year for which the current roll applies.

If the current roll in respect of which the municipality avails itself of the power under section 253.27 of the Act only applies for two fiscal years, an adjusted divisor is only calculated for the first fiscal year. To that end, for the purposes of the third paragraph, one half, rather than one third or two thirds, of the difference resulting from the subtraction under the second paragraph is taken into account.

135. The weighted aggregate taxation rate is used for the comparison under the third paragraph of section 256 of the Act, enacted by section 95, not only with the aggregate taxation rate used to calculate the actual amount payable under section 254 of the Act in respect of the immovables referred to in the last three paragraphs of section 255 of the Act, but also with the projected aggregate taxation rate established in accordance with section 261.5.11 of the Act, enacted by section 100, used to calculate the first payment of that amount.

In the case of a central municipality within the meaning of section 15 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), the compared rates take into account the distinction made in sections 100 to 102 of that Act between the regular and urban agglomeration aggregate taxation rates.

136. In the case of municipalities whose territory is included in the urban agglomerations of Longueuil, La Tuque or Sainte-Marguerite–Estérel, provided for respectively in sections 6, 8 and 14 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), the weighted aggregate taxation rates applicable for the fiscal years for which the current roll that came into force on 1 January 2006 applies are set by the Minister of Municipal Affairs and Regions.

137. The weighted aggregate taxation rate is established in accordance with the rules prescribed in sections 131 to 135 or is set under section 136 on the basis of the data at the Minister's disposal at the time the Minister is required to make a payment or demand the refund of an overpayment under the regulation made under paragraph 2 of section 262 of the Act.

If the Minister does not, at that time, have all the data needed to establish the weighted aggregate taxation rate, the rate is deemed to be equal to the aggregate taxation rate with which it is compared under either section 130 or the third paragraph of section 256 of the Act, enacted by section 95.

138. For the purpose of establishing the aggregate taxation rate of a local municipality for any fiscal year after the fiscal year 2006 and before the fiscal year during which its current roll comes into force, the provisions enacted by section 100 are applied as if sections 261.5.7 and 261.5.10 of the Act, rather than reading as enacted, read as follows:

"**261.5.7.** If, in respect of the category of non-residential immovables provided for in section 244.33, the municipality has fixed a specific general property tax rate under section 244.29 that is greater than the basic rate provided for in section 244.38, a part of the revenues from that tax and from any special tax provided for in section 487.1 or 487.2 of the Cities and Towns Act (chapter C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (chapter C-27.1) is not taken into consideration, as provided for in the second paragraph.

The part not taken into consideration is the difference obtained by subtracting the amount under subparagraph 2 from the amount under subparagraph 1:

(1) the amount of the revenues deriving from the imposition of the tax on the units of assessment belonging to the category of non-residential immovables or the category of industrial immovables provided for in section 244.34;

(2) the amount of the revenues that would derive from the imposition of the tax on the units of assessment referred to in subparagraph 1 if the following were applied:

(*a*) the basic rate, except in the case referred to in subparagraph *b*; and

(*b*) the average rate established in accordance with the third paragraph, if the municipality has fixed a specific rate greater than the basic rate in respect of the category of immovables consisting of six or more dwellings provided for in section 244.35.

That average rate is obtained by dividing the dividend referred to in subparagraph 1 by the divisor referred to in subparagraph 2:

(1) the dividend is the amount of the revenues

(*a*) deriving from the imposition of the tax on the units of assessment in respect of which all or part of the basic rate or the rate specific to the category of immovables consisting of six or more dwellings is used to establish the amount of the tax; and

(*b*) resulting from the application of all or part of a rate referred to in subparagraph *a*; and

(2) the divisor is the amount of the taxable values of the units of assessment referred to in subparagraph *a* of subparagraph 1, as determined taking into account, in the case of a unit in respect of which only a percentage of a rate referred to in that subparagraph is applied, only the percentage corresponding to its taxable value.

The quotient resulting from the division under the third paragraph is expressed as a six decimal number, rounded up if the seventh decimal is greater than 4.

"**261.5.10.** If the municipality, in respect of its property assessment roll, applies the measure for averaging the variation in taxable values provided for in Division IV.3 of Chapter XVIII, the adjusted values are taken into consideration rather than the taxable values entered on the roll in the case of the eligible taxable units of assessment.

The first paragraph applies for the purpose of establishing the aggregate taxation rate

(1) for either of the first two fiscal years for which the roll applies, subject to subparagraph 2; or

(2) for the first fiscal year for which the roll applies, if that fiscal year is referred to in the second paragraph of section 72.

If the taxable value entered on the roll for a unit of assessment is replaced by an adjusted value, the replacement is valid for the purposes not only of the division under the first paragraph of section 261.5.1 but also of the division under the third paragraph of section 261.5.7."

Rate specific to the category of agricultural immovables

139. The legislative provisions enacted or amended by sections 61, 79 to 82, 86 to 88, 90, 91, 93 and 117, as enacted or amended, apply for the purposes of every fiscal year from the fiscal year 2007.

The laws amended by those sections continue to apply as they existed before those amendments for the purposes of every fiscal year before the fiscal year 2007.

140. In order to take into account any alteration pertaining to the mixed class to which a unit of assessment comprising immovables included in an agricultural operation belongs for the purposes of the fiscal year 2007, the alterations that must be made to a property assessment roll in force on 15 June 2006 and that are to apply for the fiscal year 2007 must be made not later than 15 September 2006, taking into account the amendment made to section 244.32 of the Act by section 80.

141. If making only the alterations provided for in section 140, instead of proceeding in accordance with the provisions of the Act pertaining to the updating of the property assessment roll, the competent assessor may produce a global certificate for all the alterations.

The attribution of a value, in respect of the immovables included in an agricultural operation, that does not reproduce the exact value entered in respect of those immovables before the alteration is deemed to be an alteration not provided for in section 140.

If the assessor makes use of the power granted under the first paragraph,

(1) no notice or copy of a notice of alteration is sent out under section 180 of the Act;

(2) the clerk or the secretary-treasurer of the local municipality whose roll is altered by means of the global certificate must, in accordance with section 75 of the Act, give a public notice explaining in a general manner that the roll has been altered to subtract the value of the immovables included in agricultural operations from the tax bases for applying the rates specific to the categories of non-residential and industrial immovables; and

(3) no application for review may be filed or action to set aside or quash brought in respect of the alterations made.

142. Form 14 prescribed by Schedule I to the regulation made under paragraph 1 of section 263 of the Act, as it exists after adding a column with the heading "TAUX AGRICOLE" in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE", applies in anticipation of the notice that the Minister of Municipal Affairs and Regions must give under that paragraph pertaining to the updating of the manual referred to in the regulation for the purpose of modifying the form.

143. For every fiscal year for which the property assessment roll referred to in section 140 applies, the minimum rate specific to the category of agricultural immovables provided for in section 244.49.0.2 of the Act, enacted by section 86, is calculated as if section 244.49.0.3 of the Act read as follows:

"**244.49.0.3.** For the purposes of section 244.49.0.2, the quotient that is valid for each of the fiscal years for which a property assessment roll applies is the quotient obtained by dividing the dividend referred to in the second paragraph by the divisor referred to in the third paragraph.

The dividend is the ratio obtained by dividing the first of the following totals, which result from the addition of values of units of assessment or parts of units, by the second:

(1) the total that constitutes the tax base for the basic rate, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit; and

(2) the total that constitutes the tax base for the basic rate, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day it is reflected in the summary that is provided for in the regulation made under paragraph 1 of section 263 and that is produced for the last fiscal year for which that preceding roll applies.

The divisor is the ratio obtained by dividing the first of the following totals, which result from the addition of values of units of assessment or parts of units, by the second:

(1) the total that constitutes the tax base for the rate specific to the category of agricultural immovables, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit; and

(2) the total that constitutes the tax base for the rate specific to the category of agricultural immovables, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day its state is reflected in the summary that is provided for in the regulation made under paragraph 1 of section 263 and that is produced for the last fiscal year for which that preceding roll applies.

For the purposes of the second and third paragraphs, the tax bases for rates are the totals of values established using the form prescribed by the regulation made under paragraph 1 of section 263 that pertains to the summary provided for in that regulation and produced, as the case may be, when the roll referred to in the first paragraph is deposited or for the last fiscal year for which the preceding roll applies, in the following manner:

(1) in the case of the tax base for applying the basic rate, the remaining portion of the total of the values entered in the box in the last line under the heading "TAUX DE BASE" in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE", after subtracting the total established in accordance with subparagraph 2; and

(2) in the case of the tax base for applying the rate specific to the category of agricultural immovables, the total obtained by adding the values entered in the section entitled "RÉGIMES FISCAUX PARTICULIERS" on lines 403, 404 and 405 under the heading "IMPOSABLES" is used.

The assessor who deposited the roll referred to in the first paragraph must, on request, provide the municipality with the ratios established in accordance with the second and third paragraphs."

144. If a municipality avails itself of the power granted under section 254 of chapter 19 of the statutes of 2003, amended by section 117, for the fiscal year 2007, in order to establish the tax burden for the assessment units subject to the rate specific to the category of agricultural immovables provided for in section 244.49.0.1 of the Act, enacted by section 86, or for the assessment units subject to all or part of the basic rate provided for in section 244.38 of the Act, the tax burden for those units, as it existed for the fiscal year 2006, is established using,

(1) in the case of units subject to the rate specific to the category of agricultural immovables, the total obtained by adding the values entered on the form referred to in section 142, in the section entitled "RÉGIMES FISCAUX PARTICULIERS", on lines 403, 404 and 405 under the heading "IMPOSABLES"; and

(2) in the case of units subject to all or part of the basic rate, the remaining portion of the total entered on the form referred to in section 142 in the box in the last line under the heading "TAUX DE BASE" in the section entitled "ASSIETTES D'APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE", after subtracting the total established in accordance with paragraph 1.

145. The notice of assessment produced for every fiscal year from the fiscal year 2007 in respect of a unit of assessment comprising immovables included in an agricultural operation must mention that the unit or the part of the unit that includes those immovables belongs to the category of agricultural immovables provided for in section 244.36.1 of the Act, enacted by section 81.

The first paragraph applies until the coming into force of the first amendment to the regulation referred to in paragraph 2 of section 263 of the Act made after 15 June 2006.

Entries on the property assessment roll, taxes and compensations in respect of certain agricultural operations

146. The provisions enacted by section 78, as enacted, apply for the purposes of every fiscal year from the fiscal year 2007.

The Act, as it existed before being amended by that section, continues to apply for the purposes of every fiscal year before the fiscal year 2007.

147. Form 13 prescribed by Schedule I to the regulation made under paragraph 1 of section 263 of the Act, as it exists after the amendment described in the second paragraph, is applicable in anticipation of the notice that the Minister of Municipal Affairs and Regions must give under that paragraph pertaining to the updating of the manual referred to in the regulation for the purpose of modifying the form.

The modification referred to in the first paragraph allows the area of the land included in an agricultural operation to be added to the information describing the land forming part of the unit of assessment, regardless of whether or not all or part of that land is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1).

148. If the demand for payment of a tax or a municipal compensation, including a supplement, is sent to a person in whose name a unit of assessment including, among other things, one or more of the type of immovable included in an agricultural operation is entered on the property assessment roll, the particulars prescribed by the regulation made under paragraph 2 of section 263 of the Act that are essential for calculating the amount of the tax or compensation must appear separately in respect of the immovable or immovables included in the agricultural operation, as if that immovable or those immovables formed a separate unit.

If the tax or compensation does not apply in respect of that immovable or those immovables, the separate particulars must illustrate that fact.

The first two paragraphs apply until the coming into force of the first amendment to the regulation referred to in the first paragraph made after 15 June 2006.

Thermal power plants

149. The legislative provisions enacted by sections 72 and 73, as enacted, apply for the purposes of every fiscal year from the fiscal year 2007.

The Act, as it stood before being amended by those sections, continues to apply for the purposes of every fiscal year preceding the fiscal year 2007. The same applies for the Act respecting Ville de Chapais (1999, chapter 98), as it stood before being repealed by section 115.

Maximum rates for certain taxes in respect of the non-residential sector

150. The legislative provisions amended by paragraphs 1 and 3 to 10 of section 75 and by section 84, as amended, apply for the purposes of every fiscal year from the fiscal year 2007.

The Act, as it stood before being amended by those sections, continues to apply for the purposes of every fiscal year preceding the fiscal year 2007.

Recognition granted by the Commission municipale du Québec

151. A recognition granted by the Commission municipale du Québec under Division III.0.1 of Chapter XVIII of the Act to a person mentioned in section 243.6.1 of the Act, enacted by section 77, ceases to be in force on 1 January 2007. The recognition is deemed to have been revoked by the Commission, effective on that date.

Despite section 245 of the Act, the alteration of the property assessment roll to take into account the first paragraph does not result in a school tax supplement for the school fiscal year 2006-2007, even if that roll came into force before 1 January 2007.

Three-year cycle for certain property assessment rolls

152. The property assessment roll of Municipalité de Berthier-sur-Mer, in force from the beginning of the fiscal year 2006, remains in force until the end of the fiscal year 2007. The latter year is considered to be the third year of application of that roll.

For the purpose of determining for which fiscal years the roll following the roll referred to in the first paragraph must be drawn up in accordance with section 14 of the Act, the roll referred to in that paragraph is deemed to have been drawn up for the fiscal years 2005, 2006 and 2007.

153. The property assessment roll in force from the beginning of the fiscal year 2004 remains in force until the end of the fiscal year 2007 in the case of the following municipalities:

(1) Municipalité de Cap-Saint-Ignace;

(2) Municipalité de Saint-François-de-la-Rivière-du-Sud;

(3) Municipalité de Sainte-Lucie-de-Beauregard;

(4) Municipalité de Lac-Frontière; and

(5) Paroisse de Saint-Antoine-de-l'Isle-aux-Grues.

The fiscal year 2007 is considered to be the third year of application of the roll referred to in the first paragraph.

For the purpose of determining for which fiscal years the roll following the roll referred to in the first paragraph must be drawn up in accordance with section 14 of the Act, the roll referred to in that paragraph is deemed to have been drawn up for the fiscal years 2005, 2006 and 2007.

154. The property assessment roll in force from the beginning of the fiscal year 2005 remains in force until the end of the fiscal year 2008 in the case of the following municipalities:

(1) Municipalité de Saint-Paul-de-Montminy;

(2) Paroisse de Sainte-Apolline-de-Patton;

(3) Paroisse de Saint-Pierre-de-la-Rivière-du-Sud;

(4) Municipalité de Notre-Dame-du-Rosaire; and

(5) Municipalité de Sainte-Euphémie-sur-Rivière-du-Sud.

The fiscal year 2008 is considered to be the third year of application for the roll referred to in the first paragraph.

For the purpose of determining for which fiscal years the roll following the roll referred to in the first paragraph must be drawn up in accordance with section 14 of the Act, the roll referred to in that paragraph is deemed to have been drawn up for the fiscal years 2006, 2007 and 2008.

155. A roll of rental values that is in force in a part of the territory of Ville de Montréal on 15 June 2006 remains in force until the end of the fiscal year 2007.

The extension of the period of application of that roll is considered to be the extension provided for in the first paragraph of section 72 of the Act.

Equalization

156. For the purpose of calculating the equalization amount a local municipality is entitled to receive for the fiscal years 2006 and 2007, the regulation made under paragraph 7 of section 262 of the Act is applied, with $36,000,000 being changed wherever it occurs to $36,828,000 and $46,828,000, respectively, for the fiscal years 2006 and 2007.

The first paragraph applies until the coming into force of the first amendment to the regulation referred to in that paragraph made after 15 June 2006.

Miscellaneous

157. The subsidies granted under section 46 of Schedule C to the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), as it existed before being repealed by section 4, are deemed to have been granted under the third paragraph of section 90 of the Municipal Powers Act (2005, chapter 6), enacted by paragraph 1 of section 119.

158. Sections 5 and 8, paragraph 2 of section 21, paragraph 2 of section 35 and sections 104 to 108, 121 and 122 have effect from 1 January 2006.

159. Sections 15 and 32 have effect for the purposes of every municipal fiscal year from the fiscal year 2007.

160. Every municipality, intermunicipal board, metropolitan community or public transit authority must adopt and bring into force, not later than 1 January 2008, the by-law provided for in the second paragraph of section 477 of the Cities and Towns Act (R.S.Q., chapter C-19), article 960.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), section 171.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), section 161.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) or section 124.1 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01), as the case may be, as enacted by sections 22, 37, 47, 49 and 109, respectively.

The amendments made by sections 12 and 13, paragraph 3 of section 21, sections 23, 24 and 30, paragraph 3 of section 35 and sections 38, 39, 48, 50, 51 and 110 have effect in respect of a municipality, intermunicipal board, metropolitan community or public transit authority, as the case may be, only as of the first of the following dates:

(1) the date of the coming into force of the by-law referred to in the first paragraph; and

(2) 1 January 2008.

161. The legislative provisions enacted or amended by sections 56 to 60 and paragraph 1 of section 62, as enacted or amended, apply for the purpose of establishing the median proportion and the comparative factor of the assessment roll of a related municipality and determining the values entered on the urban agglomeration property or rental roll for every fiscal year from the fiscal year 2007.

The Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), as it existed before being amended by those sections and by sections 65 to 67, continue to apply for the purpose of establishing the median proportion and the comparative factor of the assessment roll of a related municipality and determining the values entered on the urban agglomeration property or rental roll for the fiscal year 2006.

162. Section 104.1 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 64, applies for the purpose of determining, for any fiscal year from the fiscal year 2006, the regular or special fiscal potential of a related municipality and the aliquot share of the expenditures of a metropolitan community calculated on the basis of that fiscal potential.

163. Despite any inconsistent provision, sections 115 and 115.1 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), amended and enacted respectively by sections 68 and 69, apply in respect of any by-law referred to in that section 115 in respect of which no decision has been made by 15 June 2006 under that section as it stood before that date, following the exercise of the right of objection by a related municipality.

164. Section 116 has effect from 16 July 2003.

165. Any limited partnership formed before 15 June 2006 under section 111 of the Municipal Powers Act (2005, chapter 6) for the purpose of producing electricity at a hydro-electric power plant continues to be governed by that section as it read on 14 June 2006.

Coming into force

166. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 24
(2006, chapter 32)

An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting the Ministère du Revenu

Introduced 9 May 2006
Passage in principle 24 May 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation by replacing the reimbursements made to agricultural operations with regard to property taxes and to compensations for municipal services by a credit applied by local municipalities directly to the tax account. The amount thus credited is paid by the Minister of Agriculture, Fisheries and Food.

The bill also contains provisions regarding the exchange of information that must take place between the Minister and the municipalities for this new system to be implemented. In addition, the bill amends the Act respecting the Ministère du Revenu to allow tax information to be sent to the Minister of Agriculture, Fisheries and Food.

Lastly, the bill contains transitional provisions and consequential amendments.

Bill 24

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION AND THE ACT RESPECTING THE MINISTÈRE DU REVENU

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), amended by chapter 8 of the statutes of 2005 and chapter 2 of the statutes of 2006, is again amended by replacing "REIMBURSEMENT" in the heading of Division VII.1 by "PAYMENT".

2. Section 36.1 of the Act, amended by section 3 of chapter 8 of the statutes of 2005, is again amended by replacing paragraph 1 by the following paragraphs:

"(1) the words "building" and "immovable" mean a building or immovable within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1);

"(1.1) "property tax" means a tax or surtax that a local municipality imposes on an immovable or in respect of the immovable if the tax or surtax is imposed regardless of use;".

3. Section 36.2 of the Act, amended by section 4 of chapter 8 of the statutes of 2005 and section 1 of chapter 2 of the statutes of 2006, is again amended

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

"**36.2.** The Minister shall pay a part of the amount of the municipal property taxes and compensations for municipal services applicable to an immovable forming part of an agricultural operation";

(2) by replacing "reimbursement" wherever it appears in subparagraphs 1, 2 and 4 of the first paragraph by "payment";

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

"(3) that produced a minimum average gross revenue per $100 of property assessment, the amount of which is determined by regulation, with regard to

immovables situated in the agricultural zone and forming part of the agricultural operation during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made, unless the agricultural operation benefits from an exemption determined by regulation;";

(4) by replacing the second and third paragraphs by the following paragraphs:

"The application for payment must be made in writing at the time the operator registers the agricultural operation or updates or renews its registration, for each unit of assessment that includes an immovable forming part of the agricultural operation. If the operator is not the person in whose name the unit of assessment is entered on the roll, the application must be made jointly with that person. The application must be accompanied by the information and documents required by regulation.

The right to apply for a payment of property taxes and compensations for a given fiscal year expires unless it is exercised in accordance with the preceding paragraph not later than 31 December of that fiscal year or, where applicable and if advantageous for the applicant, within 30 days following the sending of a notice from the Minister to that effect.";

(5) by replacing "reimbursement" by "payment" in the fourth paragraph.

4. Section 36.3 of the Act, amended by section 5 of chapter 8 of the statutes of 2005, is again amended

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

"**36.3.** The property taxes and compensations qualified for payment are those which are payable or have been paid for a given fiscal year regardless, in the latter case, of who paid them. However, for the purpose of establishing the amount payable under section 36.4, they include the school property taxes for that fiscal year not exceeding the maximum set by the Education Act (chapter I-13.3).";

(2) by replacing "notice of assessment sent for the municipal fiscal year for which an application for reimbursement is made. The notice" in the second paragraph by "account of property taxes or compensations sent by the local municipality. The first account sent in a given fiscal year";

(3) by replacing "reimbursement" in the third paragraph by "payment".

5. Section 36.4 of the Act, amended by section 6 of chapter 8 of the statutes of 2005, is again amended by replacing "reimbursed", "reimburse" and "reimbursement" wherever they appear by "paid", "pay" and "payment", respectively.

6. The Act is amended by inserting the following section after section 36.4:

"**36.4.1.** The total of the amounts paid by the Minister as determined under section 36.4 may not exceed,

(1) for the fiscal year 2007, 107% of the total of the amounts paid for the 2006 fiscal year;

(2) for the fiscal year 2008, 106% of the total of the amounts paid for the 2007 fiscal year; and

(3) for any subsequent fiscal year, 105% of the total of the amounts paid for the preceding fiscal year.

If the total of the amounts paid by the Minister for a given fiscal year exceeds the limit determined under the first paragraph for that fiscal year, the excess is used to reduce proportionately the amount determined under section 36.4 for each unit of assessment and is adjusted under section 36.7.2."

7. Section 36.7 of the Act is replaced by the following sections:

"**36.7.** Before the beginning of a given fiscal year, and provided the conditions prescribed by regulation are met, the Minister shall send to a local municipality whose property assessment roll includes an immovable forming part of an agricultural operation, the reduction rate and any adjustment applicable with regard to the unit of assessment that includes such an immovable. This rate is equal to the percentage of the qualified municipal property taxes and compensations paid under section 36.4 for the preceding fiscal year with regard to that unit.

The local municipality shall deduct from any account of property taxes and compensations imposed with regard to a unit of assessment referred to in the first paragraph a credit equal to the result obtained when the reduction rate referred to in the first paragraph is applied to the amount of the qualified property taxes and compensations. The credit also includes any adjustments that may be made under section 36.7.2.

The credit thus granted takes the place of the payment provided for in section 36.4 for the given fiscal year.

"**36.7.1.** Within 30 days after sending an account of property taxes or compensations imposed with regard to a unit of assessment referred to in the second paragraph of section 36.7, a local municipality or any other person or body determined by regulation must send to the Minister, in the form prescribed by regulation, a document containing the information required by regulation.

After receiving this document, the Minister shall pay to the local municipality the total amount of the credits it deducted under section 36.7.

"**36.7.2.** The Minister shall ensure that any credit deducted corresponds to the amount payable under section 36.4 and that the conditions set out in section 36.2 are met.

If, after verification, adjustments must be made, the Minister informs the local municipality before the next fiscal year so that they may be applied to the credit deductible for that fiscal year.

The Minister may, however, pay the amount of the adjustment directly to the person in whose name the unit of assessment is entered on the roll or claim the amount of the adjustment from that person.

If the Minister demands reimbursement of an overpayment, the reimbursement must be made within 30 days after receipt of the Minister's notice. If the amount is not reimbursed by the expiry of that period, it bears interest at the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu (chapter M-31).

"**36.7.3.** Despite section 36.7 the Minister may, for a given fiscal year, pay directly to the person in whose name a unit of assessment is entered on the roll, an amount to which the person is entitled under section 36.4, provided the local municipality was not able to deduct that amount from the account of property taxes and compensations and provided the qualification conditions set out in section 36.2 are met."

8. Section 36.12 of the Act is replaced by the following section:

"**36.12.** The Government may, by regulation,

(1) for the purposes of subparagraph 3 of the first paragraph of section 36.2, determine the minimum average gross revenue per $100 of property assessment that a registered agricultural operation must produce to qualify for the payment of property taxes and compensations;

(2) for the purposes of subparagraphs 3 and 4 of the first paragraph of section 36.2, and on the conditions and for the period it determines, exempt an agricultural operation from having to produce the minimum gross revenue or the minimum average gross revenue per $100 of property assessment in order to qualify for the payment of property taxes and compensations;

(3) determine the content of an application for payment of property taxes and compensations and of the documents and information that must accompany it;

(4) prescribe the form to be used for the application for payment referred to in paragraph 3;

(5) determine the conditions to be met for the purposes of the first paragraph of section 36.7;

(6) determine the form of the document that a local municipality, or any other person or body it determines, must send to the Minister under section 36.7.1 and determine the information it must contain; and

(7) prescribe any other measure necessary for the purposes of this Act."

9. Section 36.13 of the Act, amended in the French text by section 8 of chapter 8 of the statutes of 2005, is replaced by the following section:

"**36.13.** A decision of the Minister to refuse an application for payment or to demand a reimbursement must be in writing and include the Minister's reasons. A copy of the decision must be sent to the applicant."

10. Section 36.14 of the Act is amended by inserting "if the reason for the decision is that the condition set out in subparagraph 3 or subparagraph 4 of the first paragraph of section 36.2 is not met" at the end.

11. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 6 of chapter 2, sections 80 and 95 of chapter 13, section 54 of chapter 14, section 163 of chapter 15, section 266 of chapter 23, section 195 of chapter 28 and section 49 of chapter 39 of the statutes of 2005, is again amended by adding the following subparagraph after subparagraph *u* of the second paragraph:

"(*v*) the Minister of Agriculture, Fisheries and Food, to the extent that the information is needed to register an agricultural operation in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) or to verify a person's eligibility for a payment under Division VII.1 of that Act."

12. For the purposes of subparagraph 3 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), amended by section 3 of this Act, and until the date of coming into force of the amendment to be made to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, enacted by Order in Council 340-97 (1997, G.O. 2, 1275), an agricultural operation must produce an average gross revenue of not less than $8 per $100 of property assessment with regard to immovables situated in the agricultural zone and forming part of the agricultural operation during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made, unless one of the following conditions is met: the immovable became an agricultural operation during that calendar year; it is demonstrated to the Minister that reforestation or development work intended to help produce such revenue in the future was carried out during that year; new animal production at the developmental phase is being carried out with a view to producing such revenue; or production is temporarily limited by reason of exceptional natural causes.

13. For the purposes of subparagraph 5 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) and until the date of coming into force of the amendment to be made to the Regulation respecting the registration of

agricultural operations and the reimbursement of real estate taxes and compensations, enacted by Order in Council 340-97 (1997, G.O. 2, 1275), a person is deemed to satisfy the requirements of that subparagraph if, with regard to that person's agricultural operation, the person satisfies the requirements of paragraphs 1 and 2 of section 11 of the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Food Products Act (2005, chapter 8) at any time during the fiscal year for which an application for payment is made.

14. For the purposes of the second paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), replaced by section 3 of this Act, and until the date of coming into force of the amendment to be made, under paragraphs 3 and 4 of section 36.12 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, replaced by section 8 of this Act, to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, enacted by Order in Council 340-97 (1997, G.O. 2, 1275), the application for payment must be made on the registration form supplied by the Minister and be accompanied by the information and documents provided for in sections 12 and 13 of that regulation. The application must also contain the information provided for in subparagraph 1 of the first paragraph of section 4 of that regulation, with any reference to an operator or an agricultural operation in that paragraph being read as a reference to the applicant.

However, an application for payment for the fiscal year 2007 may be made, until 30 November 2006, in accordance with the second paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) as it read on 14 June 2006, with "reimbursement" being replaced wherever it appears in that paragraph by "payment".

The second paragraph does not apply to a unit of assessment entered on the roll in the name of a person other than the operator.

15. For the purposes of the first paragraph of section 36.7 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), replaced by section 7 of this Act, and until the date of coming into force of the amendment to be made to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, enacted by Order in Council 340-97 (1997, G.O. 2, 1275), the following conditions apply:

(1) the agricultural operation referred to in the first paragraph of section 36.7 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation must be registered in accordance with a regulation adopted under section 36.15 of that Act;

(2) an application for payment must have been made for the fiscal year concerned and for the preceding fiscal year with regard to that agricultural operation, in accordance with section 36.2 of that Act;

(3) a payment must have been made in accordance with section 36.4 of that Act, following the application for payment for the preceding fiscal year, and the qualification conditions set out in section 36.2 of that Act must have been met.

If the fiscal year preceding the fiscal year concerned is the fiscal year 2006, any reference to a payment in the previous paragraph or in the first paragraph of section 36.7 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation must be read as a reference to a reimbursement.

16. For the purposes of the first paragraph of section 36.7.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), enacted by section 7 of this Act, and until the date of coming into force of the amendment to be made to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, enacted by Order in Council 340-97 (1997, G.O. 2, 1275), a local municipality referred to in section 36.7 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation must send to the Minister a document containing the information determined by the Minister and necessary for the purposes of Division VII.1 of that Act for each unit of assessment referred to in the second paragraph of section 36.7.

17. For the purposes of Division VII.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), amended by this Act, and until the date of coming into force of the amendment to be made to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, enacted by Order in Council 340-97 (1997, G.O. 2, 1275), any reference in that regulation to a reimbursement must be read as a reference to a payment.

18. This Act applies to every school fiscal year as of the school fiscal year 2006-2007 and to every municipal fiscal year as of the 2007 municipal fiscal year.

19. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 80
(2006, chapter 33)

An Act to amend the Police Act

Introduced 11 November 2004
Passage in principle 30 November 2004
Passage 13 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

The main objective of this bill is to introduce a process by which a police officer may apply for a remission with respect to conduct constituting a transgression of the Code of ethics. It determines admissibility criteria for such an application.

The bill confers on the Comité de déontologie policière the responsibility to assess whether there is just cause for granting a remission to a police officer, considering such factors as the seriousness of the transgression and the police officer's conduct since the penalty was imposed. It makes provision for a remission certificate to be issued by the ethics committee.

The bill establishes the principle whereby a remission restores a police officer's reputation even though it does not erase the facts of the past.

The bill also allows the Police Ethics Commissioner to apply for the revocation of a remission if new facts could have warranted a different decision had they been known in time.

Lastly, the bill simplifies the process for the appointment, within the Sûreté du Québec, of certain officers, other than the director general and the assistant directors general, and of constables and auxiliary constables.

Bill 80

AN ACT TO AMEND THE POLICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 56 of the Police Act (R.S.Q., chapter P-13.1) is amended

(1) by striking out "and the other senior officers" in the second paragraph;

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

"The other senior officers shall be appointed by the Minister on the recommendation of the Director General.";

(3) by striking out ", constables and auxiliary constables" in the third paragraph;

(4) by adding the following paragraph:

"The constables and auxiliary constables shall be appointed by the Director General."

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

"**66.** Retirement is mandatory for a member of the Sûreté who reaches 65 years of age."

3. Section 126 of the Act is amended by adding the following paragraph:

"The provisions concerning the director of a police force apply in the same way to the employer of a special constable and, with the necessary modifications, to the employer of a highway controller and of any person having authority over a highway controller."

4. Section 128 of the Act is amended by inserting the following paragraph after the first paragraph:

"In addition, the Police Ethics Commissioner shall exercise the functions provided for in subdivision 4 of Division III with respect to applications for a remission for a transgression of the Code of ethics filed by a police officer, and shall file applications for revocation of previously granted remissions."

5. Section 194 of the Act is amended by inserting the following subparagraph at the end of the second paragraph:

"(3) rule, in the cases provided for in subdivision 4, on applications by a police officer for a remission for a transgression of the Code of ethics and on applications by the Commissioner for the revocation of a previously granted remission."

6. Section 199 of the Act is amended by replacing the third paragraph by the following paragraph:

"The chairman of the ethics committee may allow a member designated to hear a matter under section 205 to continue and decide the matter, despite the expiry of that member's term."

7. Section 236 of the Act is amended by replacing "or employer concerned" by "of which the police officer is a member".

8. Section 239 of the Act is amended by replacing "or the employer" in the third paragraph by "of which the police officer is a member".

9. Section 244 of the Act is amended by inserting ", the director of the police force of which the police officer is a member" after "parties" in the first paragraph.

10. Section 253 of the Act is amended by adding the following paragraph:

"The director of the police force of which the police officer is a member shall inform the Commissioner of the imposition of the penalty decided by the judge."

11. Division III of Chapter I of Title IV of the Act is amended by adding the following subdivision after subdivision 3 comprising sections 240 to 255:

"§4.— *Procedures relating to a remission for a transgression of the Code of ethics*

"**255.1.** A police officer, even if no longer in active service, who was imposed a penalty for a transgression of the Code of ethics may apply for a remission, subject to the following restrictions.

No application may be made for a transgression that led to a discharge or dismissal.

An application is inadmissible if

(1) the applicable waiting period, according to the rules set out in section 255.2, has not been observed;

(2) it is incomplete;

(3) the police officer was found guilty of an offence referred to in subparagraph 3 of the first paragraph of section 115, is under criminal prosecution or, in the year before the application, was the subject of an allegation concerning a criminal offence;

(4) at the time of the application, an ethics proceeding involving the police officer, including a complaint, is before the Commissioner, the ethics committee, the Court of Québec or any other higher court;

(5) at the time of the application, the police officer is under another ethics penalty.

"**255.2.** A remission may be applied for, in the case of a warning, reprimand or rebuke, two years after the penalty is enforced and, in the case of a suspension or demotion, three years after the penalty is enforced.

A police officer who, having resigned or retired, could not be imposed a penalty but was declared disqualified from acting as a peace officer may apply for a remission three years after the end of the disqualification period.

A police officer having been granted a remission who is imposed a penalty for a new transgression may apply for a remission three years after the penalty for that transgression is enforced.

A new application with respect to the same transgression may be filed three years after the decision of the ethics committee to dismiss the first application.

"**255.3.** If two or more penalties were imposed on the police officer simultaneously, the waiting period for applying for a remission is the one applicable for the most serious penalty.

"**255.4.** The application for a remission identifies all the transgressions for which the police officer was imposed a penalty, the penalty imposed for each transgression, the director of the police force that imposed the penalty and the director of the police force of which the police officer is a member on the day the application is filed. It also specifies the authority that rendered the final decision and the reference number of the decision.

"**255.5.** The duly completed application for a remission is filed at the office of the ethics committee.

The clerk shall acknowledge receipt of the application and shall send a copy of the application to the director of the police force that imposed the penalty for the transgression for which a remission is requested.

A copy of the application is also sent to the director of the police force of which the police officer is a member on the day the application is filed so that

the director may check whether the police officer was found guilty of an offence referred to in subparagraph 3 of the first paragraph of section 115, is under criminal prosecution or, in the year before the application, was the subject of an allegation concerning a criminal offence. If the check is done by an employer to which this chapter applies, the Sûreté du Québec shall provide the employer with the required information on request. The director of the police force shall answer the clerk in writing not later than 30 days after the date the application is filed.

A copy of the application is also sent to the Commissioner to check whether a complaint with respect to the police officer is pending before the Commissioner. The Commissioner shall also record the date on which the penalty for the transgression for which the remission is applied for was imposed. The Commissioner shall answer the clerk in writing not later than 15 days after the date the application is filed, and may include observations.

"**255.6.** In the case of a first application which meets all the admissibility conditions, the remission is granted of right if the penalty was a warning, reprimand or rebuke, and the Commissioner raises no objection. If the penalty was a suspension or demotion, or the Commissioner raises an objection, the clerk shall send the application to the ethics committee for assessment.

Any new application filed by a police officer who has already been granted or denied a remission is also sent to the ethics committee for assessment.

If the application does not meet all the admissibility conditions, the clerk shall inform the police officer in writing, giving reasons. As soon as the application has been corrected or completed, the police officer may file it again with supporting evidence.

"**255.7.** When assessing an application, the ethics committee shall consider, among other factors, the seriousness of the transgression and the conduct of the police officer since the resulting penalty was handed down.

The ethics committee invites the police officer concerned and, if it considers it necessary in order to weigh the merits of the application, the director of the police force that imposed the penalty for the transgression, the director of the police force of which the police officer was a member on the day the application was filed and the Commissioner to submit observations either in writing within a specified period or verbally at a sitting convened when and where the ethics committee determines. The ethics committee is required to gather such observations in the case of a new application for the same transgression or in the case of an application filed by a police officer who, after being granted a remission for a transgression, is imposed a penalty for a new transgression of the Code of ethics.

The ethics committee may also require any information or documents it considers necessary.

The clerk shall send the persons concerned a notice containing the relevant information.

"**255.8.** The rules of evidence, procedure and practice for the hearing of applications under this subdivision are prescribed by a by-law of the ethics committee submitted to the Government for approval.

Subdivision 2 does not apply to the hearing of such applications.

"**255.9.** If an application is granted, the clerk shall issue a certificate which attests that the police officer concerned is granted a remission and lists all the transgressions for which the police officer was imposed a penalty.

The issue of the certificate is recorded in the register kept for that purpose at the office of the ethics committee.

The clerk shall send a copy of the certificate to the director of the police force that imposed the penalty, to the director of the police force of which the police officer was a member on the day the application was filed, to the Commissioner and, if applicable, to the Court of Québec.

The remission granted is noted in the record of the police officer.

These provisions also apply to the revocation of a previously granted remission.

"**255.10.** Once an application is granted, the transgression for which the remission is granted may no longer be invoked against the police officer concerned, except if the remission is revoked or if the ethics committee imposes a penalty for a new transgression committed by the police officer.

"**255.11.** Decisions of the ethics committee with respect to remissions are without appeal.

However, if a new fact is discovered that could have warranted a favourable decision, a police officer who has been denied a remission may apply for a review of the decision. If the new fact warrants the revocation of a previously granted remission, a review may be requested by the Commissioner.

In those cases, the persons referred to in the second paragraph of section 255.7 must be invited to submit observations under the conditions provided for in that paragraph.

The admissibility conditions and processing procedure provided for in this subdivision apply to such applications or requests."

12. This Act comes into force on the day of assent.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 125
(2006, chapter 34)

An Act to amend the Youth Protection Act and other legislative provisions

Introduced 20 October 2005
Passage in principle 2 November 2005
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill revises various aspects of the Youth Protection Act.

While reaffirming and clarifying the principle according to which the decisions made must aim at keeping a child in the family environment, the bill provides that, when this is not possible, the decisions made must ensure that the child benefits from a stable environment on a permanent basis. To that end, the bill introduces maximum periods of foster care, depending on the age of the child, requiring the social and judicial decision-makers to act sooner to guarantee continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age. The bill also aims to expand the range of options for ensuring such stability by introducing various provisions relating to tutorship to a child.

The bill also introduces various measures allowing children and parents to actively participate in making decisions and choosing measures that concern them, thus reducing the need to refer matters to the tribunal.

In addition, the bill specifies which cases call for the protective measures provided for in the Act, particularly by giving a new description of the grounds on which the security or development of a child is considered to be in danger and by identifying the factors to be taken into consideration to determine, for instance, whether a report should be accepted for further analysis.

The bill clarifies certain rules governing the respect of a child's privacy, the accessibility and disclosure of information, and the length of time information held by the director of youth protection may be kept.

Furthermore, the bill revises and simplifies procedural rules to allow the tribunal to handle certain cases more quickly while respecting children's rights.

Lastly, the bill introduces a number of other amendments, including legislative and regulatory rules governing placement of a child in premises providing close supervision of the child's behaviour and movements.

LEGISLATION AMENDED BY THIS BILL:

– Youth Protection Act (R.S.Q., chapter P-34.1);

– Civil Code (1991, chapter 64);

– Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, chapter 3).

Bill 125

AN ACT TO AMEND THE YOUTH PROTECTION ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended

(1) by replacing "and any educational body" in subparagraph *d* of the first paragraph by ", any educational body and any childcare establishment";

(2) by inserting the following subparagraph after subparagraph *d*.1 of the first paragraph:

"(*d*.2) "childcare establishment" means a childcare centre, a day care centre, or a person recognized as a home childcare provider within the meaning of the Act respecting educational childcare (2005, chapter 47);".

2. Section 2.1 of the Act is replaced by the following section:

"**2.1.** The extrajudicial sanctions and the guidance mechanism for children who have committed an offence against an Act or regulation of Canada are established in the program of extrajudicial sanctions authorized in accordance with the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1)."

3. Section 2.3 of the Act is amended by replacing the first paragraph by the following paragraphs:

"**2.3.** Any intervention in respect of a child and the child's parents under this Act

(*a*) must be designed to put an end to and prevent the recurrence of a situation in which the security or the development of the child is in danger; and

(*b*) must, if the circumstances are appropriate, favour the means that allow the child and the child's parents to take an active part in making decisions and choosing measures that concern them.

Every person, body or institution having responsibilities under this Act towards a child and the child's parents must encourage the participation of the child and the parents, and the involvement of the community."

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

"**4.** Every decision made under this Act must aim at keeping the child in the family environment.

If, in the interest of the child, it is not possible to keep the child in the family environment, the decision must aim at ensuring that the child benefits, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age and as nearly similar to those of a normal family environment as possible. Moreover, the parents' involvement must always be fostered, with a view to encouraging and helping them to exercise their parental responsibilities.

If, in the interest of the child, returning the child to the family is impossible, the decision must aim at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis."

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

"**8.** The child and the parents are entitled to receive, with continuity and in a personalized manner, health services and social services that are appropriate from a scientific, human and social standpoint, taking into account the legislative and regulatory provisions governing the organization and operation of the institution providing those services, as well as its human, material and financial resources.

The child is also entitled to receive, on the same conditions, appropriate educational services from an educational body.

Furthermore, the child and the parents are entitled to be supported and assisted by a person of their choice if they wish to obtain information or when meeting the director or any person the director authorizes."

6. Section 9 of the Act is amended

(1) by inserting "or a hospital centre" after "rehabilitation centre" in the second line of the first paragraph;

(2) by inserting ", the hospital centre" after "rehabilitation centre" in the third line of the third paragraph.

7. Section 10 of the Act is amended by adding the following paragraph after the second paragraph:

"The measures provided for in section 118.1 of the Act respecting health services and social services, in particular isolation, and the placement in an

intensive supervision unit provided for in section 11.1.1 of this Act may never be used as disciplinary measures."

8. The Act is amended by inserting the following section after section 11.1:

"**11.1.1.** If a child is provided with foster care in compliance with an immediate protective measure or an order issued by the tribunal under this Act, and there is a serious risk that the child represents a danger to himself or to others, the child may be placed in an intensive supervision unit maintained by an institution operating a rehabilitation centre that allows close supervision of the child's behaviour and movements due to its more restrictive layout and special living conditions.

The placement must end as soon as the grounds for it no longer exist. In the case of an immediate protective measure, the placement may not exceed the period provided for in section 46.

The placement must be based on a decision of the executive director of the institution or the person the executive director authorizes in writing, and must respect the conditions prescribed by regulation; a detailed report of the placement must be entered in the child's record, mentioning the grounds for it and the duration. The information contained in the regulation must be given and explained to both the child, if the child is able to understand it, and the child's parents.

The child or the parents may refer the executive director's decision to the tribunal. The motion is heard and decided by preference."

9. The Act is amended by inserting the following section after section 11.2:

"**11.2.1.** Within the framework of this Act, no person may publish or broadcast information allowing a child or the child's parents to be identified, unless the tribunal so orders or the publication or broadcast is necessary for the purposes of this Act or a regulation made under it.

Furthermore, in special cases, the tribunal may prohibit or restrict the publication or broadcast of information on a hearing of the tribunal, on the conditions it prescribes."

10. Section 32 of the Act is amended

(1) by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

"(*a*) to receive reports regarding children, analyze them briefly and decide whether they must be evaluated further;

"(*b*) to assess a child's situation and living conditions and decide whether the child's security or development is in danger;";

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

"(*e*) to put an end to the intervention if a child's security or development is not or is no longer in danger;";

(3) by adding "or, in the cases provided for in this Act, apply to the tribunal for the appointment or replacement of a tutor" at the end of subparagraph *f* of the first paragraph;

(4) by inserting "or third" after "second" in the last line of subparagraph *i* of the first paragraph.

11. The Act is amended by inserting the following section after section 35.3:

"**35.4.** Notwithstanding section 19 of the Act respecting health services and social services, at the request of the director or a person acting under section 32 of this Act, an institution must disclose information contained in the record of the child, either of the child's parents or a person implicated in a report, if the information contained in the record reveals or confirms a situation related to the grounds alleged by the director which could justify accepting the report for evaluation or make it possible to decide whether the security or development of the child is in danger."

12. Section 36 of the Act is replaced by the following section:

"**36.** Notwithstanding section 19 of the Act respecting health services and social services, if the director decides to act on a report regarding a child and if he deems it necessary to ensure the protection of the child, the director or any person acting under section 32 of this Act may, at any reasonable time or at any time during an emergency, enter a facility maintained by an institution to examine the record kept on the child and make copies of it.

The institution must forward a copy of the record to the director, on request.

The director or any person acting under section 32 may also, with the authorization of the tribunal, examine on the premises the record kept on the parents or a person implicated in a report and that is necessary to assess the situation of the child."

13. Sections 37.1 to 37.4 of the Act are replaced by the following sections:

"**37.1.** Upon receiving a report stating that the security or development of a child is or may be considered to be in danger, the director must record the information and, if the director decides not to accept the report, he must keep the information in the record for two years after the decision or until the child has reached 18 years of age, whichever is shorter.

"**37.2.** If, after accepting a report, the director decides that the security or development of the child is not in danger, the information in the record must be kept for five years after that decision or until the child has reached 18 years of age, whichever is shorter.

"**37.3.** If the tribunal quashes the director's decision to the effect that the security or development of a child is in danger, the director must keep the information in the child's record for five years after the final decision or until the child has reached 18 years of age, whichever is shorter.

"**37.4.** Should the director or the tribunal decide that the security or the development of the child is no longer in danger, the director must keep the information in the record for five years after that decision or until the child reaches 18 years of age, whichever is shorter.

The tribunal may, on exceptional grounds and for the period it determines, extend the period for which the information in the record must be kept."

14. Section 38 of the Act is replaced by the following section:

"**38.** For the purposes of this Act, the security or development of a child is considered to be in danger if the child is abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioural disturbances.

In this Act,

(*a*) "*abandonment*" refers to a situation in which a child's parents are deceased or fail to provide for the child's care, maintenance or education and those responsibilities are not assumed by another person in accordance with the child's needs;

(*b*) "*neglect*" refers to

(1) a situation in which the child's parents or the person having custody of the child do not meet the child's basic needs,

i. failing to meet the child's basic physical needs with respect to food, clothing, hygiene or lodging, taking into account their resources;

ii. failing to give the child the care required for the child's physical or mental health, or not allowing the child to receive such care; or

iii. failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to provide the child with schooling; or

(2) a situation in which there is a serious risk that a child's parents or the person having custody of the child are not providing for the child's basic needs in the manner referred to in subparagraph 1;

(*c*) "*psychological ill-treatment*" refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child's parents or another person that could cause harm to the child, and the child's parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, isolation, threats, exploitation, particularly if the child is forced to do work disproportionate to the child's capacity, and exposure to conjugal or domestic violence;

(*d*) "*sexual abuse*" refers to

(1) a situation in which the child is subjected to gestures of a sexual nature by the child's parents or another person, with or without physical contact, and the child's parents fail to take the necessary steps to put an end to the situation; or

(2) a situation in which the child runs a serious risk of being subjected to gestures of a sexual nature by the child's parents or another person, with or without physical contact, and the child's parents fail to take the necessary steps to put an end to the situation;

(*e*) "*physical abuse*" refers to

(1) a situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or another person, and the child's parents fail to take the necessary steps to put an end to the situation; or

(2) a situation in which the child runs a serious risk of becoming the victim of bodily injury or being subjected to unreasonable methods of upbringing by his parents or another person, and the child's parents fail to take the necessary steps to put an end to the situation;

(*f*) "*serious behavioural disturbance*" refers to a situation in which a child behaves in such a way as to repeatedly or seriously undermine the child's or others' physical or psychological integrity, and the child's parents fail to take the necessary steps to put an end to the situation or, if the child is 14 or over, the child objects to such steps."

15. The Act is amended by inserting the following section after section 38.1:

"**38.2.** A decision to determine whether a report must be accepted for evaluation or whether the security or development of a child is in danger must take the following factors into consideration:

(*a*) the nature, gravity, persistence and frequency of the facts reported;

(*b*) the child's age and personal characteristics;

(*c*) the capacity and the will of the parents to put an end to the situation in which the security or development of the child is in danger;

(*d*) the community resources available to help the child and the child's parents."

16. Section 39 of the Act is amended

(1) by inserting ", any person working in a childcare establishment" after "teacher" in the seventh line of the first paragraph;

(2) by replacing "subparagraph *g* of the first paragraph" in the second paragraph by "subparagraphs *d* and *e* of the second paragraph";

(3) by replacing *", d, e, f* or *h*" in the third paragraph by "or *f* of the second paragraph".

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

"**39.1.** Any person who is required to report physical abuse or sexual abuse under section 39 must do so regardless of any steps taken by the parents to put an end to the situation."

18. Section 41 of the Act is repealed.

19. The heading of Division II of Chapter IV of the Act is replaced by the following heading:

"RECEIVING AND PROCESSING REPORTS".

20. Section 45 of the Act is amended by replacing ", who shall determine if it is admissible and whether or not urgent measures are required" by ". The director must consider the report, analyze it briefly and decide whether it is to be accepted for evaluation."

21. The Act is amended by inserting the following after section 45:

"**45.1.** If the director decides not to accept a report, he must notify the person who reported the situation.

In addition, where the situation requires it, the director must inform the child and the child's parents of the services and resources available in their community and the conditions of access to them. If they consent to it, the director must direct them to the institutions, bodies or persons best suited to assist them and forward the information relevant to the situation to the service provider. The director may advise the child and the child's parents on the choice of persons or bodies available to accompany or assist them.

"**DIVISION II.1**

"IMMEDIATE PROTECTIVE MEASURES".

22. Section 46 of the Act is amended

(1) by inserting the following paragraphs before the first paragraph:

"**46.** If the director accepts the report, he may take immediate protective measures to ensure the security of the child for a maximum period of 48 hours even before making an assessment to determine if the security or development of the child is in danger in accordance with section 49.

If the circumstances warrant it, the director may also take immediate protective measures for a maximum period of 48 hours at any point during the intervention, whether or not a new report has been made.

As far as possible, the child and the child's parents must be consulted with respect to the application of immediate protective measures.";

(2) by replacing "urgent" in the first line of the first paragraph by "immediate protective";

(3) by inserting "to one of the child's parents, to a person who is important to the child, in particular a grandparent or another member of the extended family," after "hospital centre," in the second line of subparagraph *b* of the first paragraph;

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

"(*d*) restricting contact between the child and his parents;

"(*e*) prohibiting the child from contacting certain persons designated by the director, or prohibiting those persons from contacting the child;

"(*f*) requiring a person to ensure that the child and his parents comply with the conditions imposed on them and to inform the director if the conditions are not complied with;

"(*g*) applying any other measure he considers necessary in the interest of the child.";

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

23. Section 47 of the Act is replaced by the following sections:

"**47.** If the director proposes that immediate protective measures be extended and a child 14 years of age or over or the child's parents object, the director must submit the case to the tribunal to obtain an order attesting that

the extension is necessary. Such an order may be issued by the clerk if the judge is absent or unable to act and if a delay could cause serious harm to the child. The decision of the tribunal or the clerk may not have effect for more than five working days.

If the 48-hour period ends on a Saturday or a non-juridical day, the judge and the clerk are absent or unable to act and the interruption of immediate protective measures could cause serious harm to the child, the director may extend the period until the following juridical day without an order.

"**47.1.** If a child 14 years of age or over and the child's parents do not object to the extension of immediate protective measures, the director may propose the application of a provisional agreement until he determines whether the security or development of the child is in danger and, if applicable, enters into an agreement on voluntary measures or refers the matter to the tribunal.

However, such an agreement may not be renewed and may not cover more than 30 days, including the 10-day period provided for in section 52.

"**47.2.** If the director proposes a provisional agreement to the child and his parents, he must inform them that a child 14 years of age or over and the child's parents may refuse to consent to such an agreement. However, if the parents of a child under 14 years of age accept the application of a provisional agreement, the director must encourage the child to adhere to it.

The director must also inform them that they may terminate the agreement at any time and that their consent does not constitute an acknowledgement that the security or development of the child is in danger.

"**47.3.** The director may reach a provisional agreement with only one of the parents if the other parent cannot be found or is unable to express an opinion.

However, if the other parent comes forward during the application of the agreement, the director must allow that parent to submit observations, following which, with the consent of the parents and of the child, if 14 years of age or over, the director may make certain changes to the agreement if it is in the interest of the child to do so.

"**47.4.** The provisional agreement must be recorded in writing and may contain one or more of the measures applicable under section 54.

"**47.5.** A provisional agreement may also be proposed by the director, on the same conditions, without immediate protective measures having been taken beforehand."

24. Section 48 of the Act is amended by replacing "urgent" in the first line of the second paragraph by "immediate protective".

25. Section 50 of the Act is amended

(1) by replacing "The director must, in addition," in the first line of the second paragraph by "If the situation requires it, the director must";

(2) by replacing "may" in the third line of the second paragraph by "must";

(3) by replacing ". For that purpose, he" in the fourth line of the second paragraph by "and forward the relevant information on the situation to the service provider. He".

26. Section 51 of the Act is amended

(1) by replacing the last sentence of the first paragraph by the following sentence: "For that purpose, before proposing the application of voluntary measures or referring the matter to the tribunal, the director shall favour the means that encourage the active participation of the child and the child's parents, if the circumstances are appropriate.";

(2) by striking out ", if he considers it appropriate," in the first line of the second paragraph.

27. Section 53 of the Act is replaced by the following section:

"**53.** An agreement on voluntary measures must be recorded in writing and not exceed one year. The director may reach one or more consecutive agreements with a total term of up to two years.

However, if the last agreement containing a foster care measure referred to in subparagraph *j* of the first paragraph of section 54 ends during a school year, the agreement may be extended until the end of the school year if a child 14 years of age or over consents to the extension; if the child is under 14 years of age, the last agreement may be extended for the same period with the consent of the parents and the director.

An institution that operates a rehabilitation centre that is designated by the director must admit the child."

28. Section 53.0.1 of the Act is replaced by the following section:

"**53.0.1.** If one or more agreements on voluntary measures under section 53 include a foster care measure provided for in subparagraph *j* of the first paragraph of section 54, the total period of the placement may not exceed

(*a*) 12 months if the child is under two years of age;

(*b*) 18 months if the child is from two to five years of age; or

(*c*) 24 months if the child is six years of age or over

on the date the first agreement containing a foster care measure is entered into.

If the security or development of the child is still in danger at the expiry of the period of foster care provided for in the first paragraph, the director shall refer the matter to the tribunal."

29. Section 54 of the Act is amended

(1) by replacing "place of learning other than a school" in subparagraph *k* of the first paragraph by "school or another place of learning or participate in a program geared to developing skills and autonomy";

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

"(*l*) that the parents undertake to ensure that the child attend a childcare establishment."

30. Section 55 of the Act is amended by replacing "must, by all available means, contribute to" in the first and second lines by "must take all available means to provide the services required for".

31. Section 57 of the Act is replaced by the following section:

"**57.** On the conditions prescribed by regulation, the director shall review the case of each child whose situation he has taken in charge. He shall ensure that every measure is taken to return the child to his parents. If it is not in the interest of the child to be returned to his parents, the director shall see that the child benefits from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis."

32. Section 57.1 of the Act is amended by replacing "The" at the beginning of the first paragraph by "On the conditions prescribed by regulation, the".

33. Section 57.2 of the Act is amended

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

"(*e*) apply to the tribunal to be appointed tutor, to have a person he recommends appointed as tutor or to replace the tutor of the child;";

(2) by inserting "and if the situation requires it" after "intervention" in the first line of the second paragraph;

(3) by replacing "may" in the fourth line of the second paragraph by "must";

(4) by replacing ". For that purpose, he" in the fifth line of the second paragraph by "and forward the relevant information on the situation to the service provider. He";

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

"The second paragraph applies when a child whose security or development is in danger reaches 18 years of age."

34. Section 62 of the Act is amended

(1) by replacing "operating a rehabilitation centre or a foster family to which the child may be entrusted" in the second and third lines of the first paragraph by ", to which the child may be entrusted, that operates a hospital centre or a rehabilitation centre or works in conjunction with foster families";

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

"If the tribunal orders the compulsory foster care of a child, the director may authorize the child to stay with his father or mother, a person who is important to the child, in particular the grandparents or other members of the extended family, or a foster family for periods of not more than 15 days, provided those periods are part of an intervention plan and respect the interest of the child.

With a view to preparing the child's return to his family or social environment, the director or a person authorized by the director under section 32 may authorize the child to stay with his father or mother, a person who is important to the child or a foster family for extended periods during the last 60 days of the period of compulsory foster care."

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

"**63.** If a child is placed in an intensive supervision unit maintained by an institution operating a rehabilitation centre in accordance with section 11.1.1, the executive director of the institution must immediately send the Commission a notice specifying the child's name and the placement start date as well as the decision or order of the tribunal if the executive director's decision was referred to the tribunal."

36. The Act is amended by inserting the following division after section 70:

"**DIVISION VI.1**

"TUTORSHIP

"**70.1.** If a child is in one of the situations described in section 207 of the Civil Code and the director has taken charge of the child's situation, the director may apply to the tribunal to be appointed as tutor or to have a person

he recommends appointed as tutor if he considers that tutorship is the measure most likely to protect the interest of the child and ensure the respect of his rights.

Following the application, the tribunal may appoint a tutor if it considers, in the interest of the child, that such a measure is appropriate.

The rules of the Civil Code apply to the tutorship, subject to the provisions of this Act.

"**70.2.** If the child is entrusted to a person or a foster family and that person or a member of the foster family is appointed tutor to the child in accordance with the second paragraph of section 70.1, the director shall put an end to his intervention in respect of the child.

In that case, the director is subject to the obligations set out in the second paragraph of section 57.2.

"**70.3.** To facilitate tutorship, financial assistance for the child's upkeep may be granted to the tutor referred to in section 70.2, according to the terms and conditions prescribed by regulation.

"**70.4.** If the tutor of the child dies, has serious reasons to give up his duties or is no longer able to perform them, or if an interested person requests that the tutor be replaced in the interest of the child, the matter must be referred to the tribunal.

The tribunal shall ask the director for an assessment of the social situation of the child and a recommendation concerning the appointment of a new tutor, if necessary.

"**70.5.** A parent who wishes to be reinstated as tutor shall apply to the tribunal.

The tribunal shall ask the director for an assessment of the child's social situation.

"**70.6.** When or after the tribunal appoints a tutor, it may prescribe any measure relating to the tutorship that it considers to be in the interest of the child; it may also prescribe, among other things, that personal relations between the child and the child's parents, grandparents or any other person be maintained, and determine how they will be maintained."

37. Section 72.6 of the Act is amended by inserting the following paragraph after the second paragraph:

"Furthermore, notwithstanding section 72.5, the director may disclose confidential information to a person who acts as director outside of Québec, without the consent of the person concerned or an order from the tribunal, if

there is reasonable cause to believe that the security or development of a child is or may be considered to be in danger."

38. Section 72.7 of the Act is amended

(1) by replacing "*c* or *g* of the first paragraph" in the second and third lines of the first paragraph by "*b*, if the physical or mental health of the child is concerned, *d* or *e* of the second paragraph";

(2) by adding the following sentence at the end of the first paragraph: "Upon deciding it is appropriate to do so, the director or the Commission may also provide information to an institution or a body exercising a responsibility in respect of the child concerned.";

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

"For the purposes of this section, a home childcare coordinating office within the meaning of the Educational Childcare Act is considered a body."

39. The Act is amended by inserting the following sections after section 72.8:

"**72.9.** In order to allow only the Commission and the director or a person authorized by the director under section 32 to check if a report has already been made with respect to a child under this Act, the Government may, by regulation, establish a register in which the personal information contained in the child's record and which the director may disclose under section 72.6 is registered.

The regulation must indicate which personal information will be entered in the register and on what conditions, as well as who will be in charge of the register.

Each director is required to register the information prescribed in the regulation, under the conditions specified therein.

The time periods prescribed in sections 37.1 to 37.4 apply to the information entered in the register.

"**72.10.** The register referred to in section 72.9 may also contain information on a child forwarded by youth protection services outside Québec.

"**72.11.** Despite section 19 of the Act respecting health services and social services (chapter S-4.2), an institution operating a child and youth protection centre may communicate information contained in the record of a minor user who has been placed or provided with foster care to the Régie des rentes du Québec if that information is necessary to establish a person's entitlement to the payment of a benefit under the Act respecting family benefits (chapter P-19.1) for the purposes of section 323 of chapter 1 of the statutes of 2005, a tax credit for child assistance in accordance with

Division II.11.2 of Chapter III.1 of the Taxation Act (chapter I-3) or a benefit under the Act respecting the Québec Pension Plan (chapter R-9)."

40. The Act is amended by inserting the following section after section 73:

"**73.1.** After taking into consideration the opinion of the parties, the tribunal may hear the cases of several children of a same parent at the same time, if in doing so there is no risk of prejudice to any of them. However, the tribunal shall give separate orders for each child in accordance with section 91."

41. Section 74 of the Act is amended by replacing "urgent" in the second line by "immediate protective".

42. The Act is amended by inserting the following section after section 74:

"**74.0.1.** The tribunal may use any technological means at its disposal to hear and decide applications filed under sections 11.1.1, 11.2.1, 36, 47, 72.5, 76.1 and 79.

For the purpose of granting the authorizations provided for in sections 25, 35.2 and 35.3, the justice of the peace may also use any technological means available. The declaration under oath required under those provisions may be made orally, by telephone or using another mode of telecommunication, and it is deemed to be made under oath."

43. Section 74.2 of the Act is amended by replacing "with section 9" in paragraph *e* by "with section 9 or 11.1.1".

44. Section 75 of the Act is amended

(1) by replacing "sworn declaration" in the first line of the first paragraph by "motion";

(2) by replacing "declaration" in the second line of the second paragraph by "motion".

45. Section 76 of the Act is replaced by the following section:

"**76.** If made by a person other than the child or his parents, the motion, together with notice of the filing date, must be served on the parents, on the child if 14 years of age or over, on the director and on the advocates of the parties in one of the modes provided for in the Code of Civil Procedure (chapter C-25), not less than 10 days or more than 60 days before proof and hearing.

If the motion is made by a parent or a child, it must be served, along with the notice, on the director and on the advocates of the parties.

The notice need not be sent

(*a*) if all the parties are present before the tribunal and waive it;

(*b*) if the tribunal, in an emergency, prescribes a special manner of notifying the parties; or

(*c*) if the tribunal dispenses with service on exceptional grounds.

The tribunal may allow untimely service for exceptional reasons. It may also reduce the period for filing the motion if it is in the interest of the child and if doing so does not infringe on the parties' right to be heard.

If the motion is made with respect to an encroachment of rights, service must be made on the Commission."

46. The Act is amended by inserting the following sections after section 76.1:

"**76.2.** After the filing of the motion and, if applicable, the hearing on the provisional measures, the tribunal may order the holding of a pre-hearing conference if it considers it useful or if it is requested by one of the parties. Whenever possible, the conference is presided over by the judge assigned to hear the case.

The purpose of the pre-hearing conference is to rule on appropriate means of simplifying and shortening the proof, including the advisability of amending the motion, obtaining admissions, defining the questions of law and fact at issue, providing a list of witnesses and providing access to the originals of the documents the parties intend to file at the hearing.

Agreements and decisions made at the conference are recorded in minutes signed by the attorneys or the parties not represented by an attorney, and countersigned by the judge who presided over the conference. The agreements and decisions govern the hearing, unless the tribunal permits a departure from them in order to prevent an injustice.

"**76.3.** At any time after the filing of the motion, the parties to the proceedings may acknowledge the facts showing that the security or development of the child is in danger and submit a draft agreement on measures to put an end to the situation to the tribunal.

The tribunal verifies whether the parties gave their consent in a free and enlightened manner and, if warranted, hears them together, or hears them separately but in the presence of the other parties' attorneys.

"**76.4.** After establishing that the security or development of the child is in danger and verifying that the measures proposed in the draft agreement respect the rights and interest of the child, the tribunal may order the implementation of those measures or any other measure it considers appropriate.

"**76.5.** The clerk may accept a cross-motion outside the presence of the parties if it need not be served, including a cross-motion requesting a special mode of service, permission to give untimely service or a shorter period for filing the motion."

47. Section 77 of the Act is amended by replacing "judge" in the first line of the fourth paragraph by "tribunal".

48. Section 80 of the Act is amended by replacing "the defense of" in the second and third lines by "counsel and represent".

49. Section 81 of the Act, amended by section 62 of chapter 34 of the statutes of 2005, is again amended by replacing the second paragraph by the following paragraphs:

"The child, the child's parents, the director and the Commission are parties to the hearing.

For the requirements of the proof and hearing, the tribunal may grant any other person the status of party to the hearing if it considers it expedient to do so in the interest of the child. The status of party remains valid until withdrawn by a decision or order of the tribunal.

A person who has information likely to enlighten the tribunal in the interest of the child may, on request, be heard by the tribunal and be assisted by an advocate."

50. Section 82 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

"Nevertheless, the tribunal must at all times admit to its hearings a member or an employee of the Commission and any journalist who requests admission, unless it believes the journalist's presence would cause prejudice to the child.

The tribunal may exceptionally and for a serious reason admit to its hearings any other person whose presence is compatible with respect for the interests and rights of the child. It may also, on request, admit to its hearings any other person for the purposes of study, teaching or research."

51. Section 83 of the Act is repealed.

52. Section 84 of the Act is amended

(1) by replacing "judge" in the first and second lines of the first paragraph by "tribunal", and "court-room" in the first line of that paragraph and in the first line of the second paragraph by "hearing";

(2) by replacing "in the court-room" in the fourth line of the first paragraph by "at the hearing", and "in the court-room" in the second line of the second paragraph by "present".

53. The Act is amended by inserting the following sections after section 84:

"**84.1.** If, after the filing of the motion, a document relating to the proceedings is found to be in the possession of a third party, the third party may be ordered, upon summons authorized by the tribunal, to communicate it to the other parties, unless he shows cause why he should not do so.

The tribunal may, at any time after the filing of the motion, order a party or a third person to exhibit, preserve or submit to an expert's appraisal any real evidence relating to the proceedings he has in his possession on the conditions, at the time and place and in the manner it considers expedient.

"**84.2.** A party wishing to produce an analysis, report, study or expert opinion before the tribunal must file the document in the record and give a copy to the advocate of each of the parties, and to each party that is not represented, at least three juridical days before the hearing, unless the tribunal grants an exemption from this obligation.

The filing in the record of the whole or simply of abstracts of the out of court testimony of an expert witness may stand in lieu of a written report."

54. Section 85 of the Act is amended by replacing "2, 14 to 17, 19, 20, 46, 49 to 54, 279 to 292, 294 to 299, 302 to 304, 306 to 318 and 321 to 331" in the first and second lines by "2, 8, 14 to 17, 19, 20, 46, 49 to 54, 82.1, 95, 99, 151.14 to 151.23, 216, 217, 243, 280 to 292, 294 to 299, 302 to 304, 306 to 318 and 321 to 331".

55. Sections 85.1, 85.2 and 85.3 of the Act are replaced by the following sections:

"**85.1.** A child under 14 years of age is presumed to be competent to testify. The child may not be sworn in or make a solemn affirmation, but, before receiving the child's testimony, the tribunal shall have the child promise to tell the truth. The testimony has the same effect as if the child had taken the oath. Such testimony does not require corroboration.

If a party expresses a doubt as to the child's competence to testify, the party must convince the tribunal that the child is not able to understand and answer the questions. The tribunal itself shall question the child to determine whether or not the child is competent to testify.

A child declared not competent to testify may not testify.

"**85.2.** Exceptionally, the tribunal may dispense a child from testifying if it believes that testifying could be prejudicial to the mental or emotional development of the child."

56. Section 85.5 of the Act is amended by replacing "it is corroborated, to the satisfaction of the tribunal, by other evidence confirming its reliability" at the end of the second paragraph by "the reliability of the declaration is sufficiently guaranteed".

57. Section 86 of the Act is amended by replacing the first paragraph by the following paragraph:

"**86.** Before rendering a decision on the measures applicable, the tribunal shall take cognizance of the director's analysis of the child's social situation and the recommendations made."

58. Section 87 of the Act is amended by replacing "paragraph *g*" in the third line of the second paragraph by "subparagraphs *d* and *e* of the second paragraph".

59. Section 88 of the Act is amended by replacing "judge" wherever it occurs in the third line of the second paragraph by "tribunal", and "satisfy himself" in the fourth line of that paragraph by "see".

60. Section 89 of the Act is replaced by the following section:

"**89.** The tribunal must explain to the parties, especially the child, the nature of the measures envisaged and the reasons justifying them. It must endeavour to obtain the assent of the child and of the other parties to the measures."

61. Section 90 of the Act is replaced by the following section:

"**90.** A decision or order of the tribunal must be rendered as soon as possible. It may be rendered verbally if the reasons for doing so are given. With the exception of a decision relating to provisional measures, a decision or an order must be rendered in writing not later than 60 days after being pronounced, barring exceptional circumstances."

62. Section 91 of the Act is amended

(1) by inserting "or be entrusted to one of his parents" after "family" in the first line of subparagraph *a* of the first paragraph;

(2) by replacing "certain health services" in subparagraph *i* of the first paragraph by "specific health care and health services";

(3) by replacing "place of learning other than a school" in subparagraph *k* of the first paragraph by "school or another place of learning or participates in a program geared to developing skills and autonomy";

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

"(*l*) that the child attend a childcare establishment;

"(*m*) that a person ensure that the child and his parents comply with the conditions imposed on them and that that person periodically report to the director;

"(*n*) that the exercise of certain attributes of parental authority be withdrawn from the parents and granted to the director or any other person designated by the tribunal;

"(*o*) that a period over which the child will be gradually returned to his family or social environment be determined.";

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

"The tribunal may make any recommendation it considers to be in the interest of the child.

The tribunal may include several measures in the same order, provided those measures are consistent with each other and in the interest of the child. It may thus authorize that personal relations between the child and the child's parents, grandparents or another person be maintained, in the manner determined by the tribunal; it may also provide for more than one place where the child may be provided with foster care and state how long the child is to stay at each of those places."

63. The Act is amended by inserting the following sections after section 91:

"**91.1.** If the tribunal orders a foster care measure under subparagraph *j* of the first paragraph of section 91, the total period of the foster care may not exceed

(*a*) 12 months if the child is under 2 years of age on the date the order is made,

(*b*) 18 months if the child is from 2 to 5 years of age on the date the order is made, or

(*c*) 24 months if the child is 6 years of age or over on the date the order is made.

When determining the duration of foster care, the tribunal must take into account the duration of any foster care measure applied to the same situation

in an agreement on voluntary measures referred to in subparagraph *j* of the first paragraph of section 54, as well as the duration of any prior foster care measure it ordered under the first paragraph. It may also take into account any prior period during which the child was placed or provided with foster care under this Act.

If the security or development of the child is still in danger at the expiry of the periods specified in the first paragraph, the tribunal must make an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

However, the tribunal may disregard the periods specified in the first paragraph if it is expected that the child will be returned to his family in the short term, if the interest of the child requires it or for serious reasons, such as failure to provide the services agreed upon.

At any time during a period specified in the first paragraph, if the security or development of the child is still in danger, the tribunal may make an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

"**91.2.** The periods specified in the first paragraph of section 91.1 do not apply if the tribunal orders a foster care measure under subparagraph *j* of the first paragraph of section 91 and an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis has already been made."

64. Section 92 of the Act is amended by adding the following paragraph:

"Every institution and every educational body is required to take all available means to provide the services required to carry out the measures ordered. The same applies to every person and to every other body that agrees to apply such measures."

65. The Act is amended by inserting the following section after section 92:

"**92.1.** At the expiry of the order of the tribunal, the director or a person authorized by the director under section 32 may, with the consent of the parties and over a maximum period of one year, continue the protective measures or amend them with a view to the child's gradual return to his family or social environment."

66. Section 94 of the Act is amended

(1) by striking out "the Commission," in the second line of the first paragraph;

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

"The Commission may obtain a copy, free of charge, of a decision or order of the tribunal in respect of a child."

67. Section 95 of the Act is amended by adding the following paragraphs at the end:

"If the application for a review or an extension seeks a measure that is less restrictive for the child, or one that is more restrictive and that is agreed on by all the parties involved, the following rules apply:

(*a*) the application must be served on the parties at least 10 days before it is filed;

(*b*) if the parties do not contest, the tribunal may accept the application without a hearing or proceed to hear the application;

(*c*) if one of the parties requests it, the tribunal must hear the parties.

However, if the tribunal finds that the notice has not been served, it shall adjourn the hearing and order that the notice be served on the conditions and in the manner it indicates."

68. The Act is amended by inserting the following section after section 95:

"**95.0.1.** If a child is declared eligible for adoption, all inconsistent conclusions in the order issued for the child's protection become inoperative after the expiry of the time limit for filing an appeal from the judgment declaring the child eligible for adoption.

However, if the child's parents consent to the adoption, any inconsistent conclusions in the order issued for the child's protection become inoperative when the order to place the child is issued."

69. Section 101 of the Act, amended by section 64 of chapter 34 of the statutes of 2005, is again amended by striking out ", the Director of Criminal and Penal Prosecutions" after "General" in the second line.

70. Section 132 of the Act, amended by section 24 of chapter 3 of the statutes of 2004, is again amended by adding the following subparagraphs at the end of the first paragraph:

"(*i*) to determine the terms and conditions on which financial assistance may be granted to facilitate tutorship to a child;

"(*j*) to establish the register referred to in section 72.9 and indicate which personal information will be entered in it and on what conditions, as well as who will be in charge of it; and

"(*k*) to determine the conditions in accordance with which a placement referred to in section 11.1.1 must be made."

71. Section 135 of the Act is amended by replacing "83" in the second line by "11.2.1".

72. The Act is amended by inserting the following sections after section 156:

"**156.1.** Not later than (*insert the date that is three years after the date of coming into force of this section*) and subsequently every five years, the Commission must report to the Government on the carrying out of this Act and on the advisability of amending it.

The Minister of Justice or the Minister of Health and Social Services lays the report before the National Assembly within 30 days of its receipt by the Government or, if the Assembly is not sitting, within 30 days of resumption.

"**156.2.** Within the same time limits as those prescribed for the Commission in section 156.1, the Minister of Health and Social Services must lay a study before the National Assembly measuring the impact of this Act on the stability and living conditions of children and, if necessary, recommend amendments to the Act."

73. The Act is amended by replacing "Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1)" in section 23 and section 33.3 by "Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1)".

74. The Act is amended by replacing "information" by "report", "the report" and "report" respectively in sections 45, 49 and 73.

75. The Act is amended by replacing "expert examination" wherever it appears in section 87 by "expert opinion".

76. Article 132.1 of the Civil Code (1991, chapter 64), enacted by section 13 of chapter 3 of the statutes of 2004, is amended by replacing the fourth paragraph by the following paragraph:

"The Minister of Health and Social Services notifies to the registrar of civil status the certificate issued by the foreign competent authority and the declaration containing the name chosen for the child transmitted to the Minister under the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, unless the Minister has applied to the court for a ruling under the second paragraph of section 9 of that Act. Where applicable, the Minister also notifies the certificate drawn up by the Minister under the same section to attest to the conversion of the adoption."

77. Section 8 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, chapter 3) is

amended by adding ", together with a declaration made by the adopter before a witness indicating the name chosen by the adopter for the child" at the end.

78. The periods of foster care provided for in section 53.0.1 apply to a child placed in foster care under this Act as of the date of the coming into force of that section; no placement prior to that date may be taken into account for the purpose of that section unless the tribunal decides otherwise.

The same applies to the periods of foster care provided for in section 91.1.

79. The provisions of this Act come into force on the date or dates to be set by the Government, except section 72.11, enacted by section 39, and sections 76 and 77, which come into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 201
(Private)

An Act respecting Municipalité de Pointe-à-la-Croix

Introduced 9 May 2006
Passage in principle 15 June 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

Bill 201

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE POINTE-À-LA-CROIX

AS it is the objective of Municipalité de Pointe-à-la-Croix to revitalize its territory, diversify its economy, create jobs and increase its population;

As it is in the interest of the municipality that it be granted certain powers for those purposes;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Municipalité de Pointe-à-la-Croix may, by by-law, adopt a residential, commercial and industrial revitalization program for all or part of its territory.

The by-law must set the amount of the expenses the municipality may incur under the program. It must be approved by the persons qualified to vote in the territory of the municipality.

The program may provide for the granting of financial assistance to promote access to ownership.

The period of eligibility for the program may not extend beyond 31 December 2010.

2. Sections 85.2 to 85.4 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 131 of the Municipal Powers Act (2005, chapter 6), apply to the revitalization program, with the necessary modifications.

3. The total amount of financial assistance granted under this Act may not exceed $700,000.

4. The municipality may, by by-law approved by the Minister of Municipal Affairs and Regions, increase the amount under section 3 and extend the period of eligibility for the program.

5. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 202
(Private)

An Act respecting Ville de Saint-Jean-sur-Richelieu

Introduced 9 May 2006
Passage in principle 15 June 2006
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Assented to 15 June 2006

Québec Official Publisher
2006

Bill 202

(Private)

AN ACT RESPECTING VILLE DE SAINT-JEAN-SUR-RICHELIEU

AS Ville de Saint-Jean-sur-Richelieu was constituted by Order in Council 17-2001 dated 17 January 2001;

As it is in the interest of Ville de Saint-Jean-sur-Richelieu that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Order in Council 17-2001 dated 17 January 2001, amended by chapter 53 of the statutes of 2005, is again amended by inserting the following sections after section 4:

"4.1. An executive committee consisting of the mayor and the council members he or she designates is hereby established for Ville de Saint-Jean-sur-Richelieu. The number of committee members appointed by the mayor must not be less than three or more than four. The mayor may replace a member of the committee at any time.

"4.2. The mayor is the chair of the executive committee by virtue of office, and designates a vice-chair from among the committee members. The mayor may also designate a committee member to act as chair, and revoke or change that designation at any time.

"4.3. A member of the executive committee may resign by signing a written notice to that effect and sending it to the clerk. The resignation takes effect on the date the clerk receives the notice or on a later date specified in the notice.

"4.4. The executive committee's regular meetings are held at the place, on the days and at the times set in the by-laws adopted by the council, and its special meetings at the place, on the days and at the times set by the chair.

"4.5. The chair of the executive committee convenes committee meetings, presides at them, and ensures that they run smoothly.

"4.6. The vice-chair replaces the chair if the latter is unable to act or if the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

"4.7. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the by-laws of the council; and

(2) for all or part of a meeting if the committee so decides.

"4.8. A majority of members constitutes a quorum at meetings of the executive committee.

"4.9. Each member of the executive committee present at a meeting has one vote.

"4.10. Each decision is made by a simple majority vote.

"4.11. The executive committee exercises the responsibilities set out in section 70.8 of the Cities and Towns Act (R.S.Q., c. C-19) in all cases in which a by-law referred to in section 4.13 assigns the power to perform the act to the executive committee. The executive committee may grant any contract involving an expenditure that does not exceed $100,000.

"4.12. The executive committee gives the council its opinion if required to do so under the by-law referred to in section 4.14, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. The committee's failure to submit an opinion required under the by-laws or requested by the council does not limit the council's power to consider and vote on the matter concerned.

"4.13. The council may delegate to the executive committee by by-law any act within its jurisdiction which it has the power or the duty to perform, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., c. A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., c. B-4), the Act respecting municipal courts (R.S.Q., c. C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) or the Act respecting municipal territorial organization (R.S.Q., c. O-9);

(2) the power to designate a person to a position that may only be held by a member of the council;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants;

(4) the power to create city departments, determine the scope of their activities and appoint the department heads and assistant heads; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act.

"4.14. The council may also determine by by-law the matters on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The by-law may also prescribe the manner in which a member of the council may request the executive committee to report to the council on a matter within the jurisdiction of the executive committee.

"4.15. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if the by-laws of the council permit, enable the executive committee to delegate to a city employee the power to authorize expenditures and enter into contracts on behalf of the city, on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city.

"4.16. A decision by the council to delegate a power to the executive committee or withdraw a power from it must be supported by a majority of two thirds of the votes cast."

2. This Act comes into force on 15 June 2006.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 205
(Private)

An Act respecting Municipalité de Cacouna

Introduced 6 June 2006
Passage in principle 15 June 2006
Passage 15 June 2006
Assented to 15 June 2006

Québec Official Publisher
2006

Bill 205

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE CACOUNA

AS TransCanada PipeLines Limited, a duly incorporated corporation acting as an agent for a legal entity to be constituted, intends to build, operate and maintain a liquefied natural gas import terminal in the territory of Municipalité de Cacouna in the context of a project called Cacouna Energy;

As, under section 31.5 of the Environment Quality Act (R.S.Q., chapter Q-2), the realization of the project is contingent on its being authorized by the Government;

As, to the extent that such authorization is obtained, it is necessary, in order to ensure the realization of the project, that Municipalité de Cacouna be granted certain powers to guarantee payment of municipal and school taxes out of the amounts paid by the project owner;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act, unless the context indicates otherwise,

(1) "project" means the liquefied natural gas import terminal situated in the territory of Municipalité de Cacouna; the project consists of the structures and facilities required for the reception of gas transported by ship, for the storage and vaporization of the gas and its transportation to a pipeline, and for the activities connected with its reception and regasification, any other structure or facility required for the operation of the project and the supply of ancillary services, including two storage tanks, the vaporization system, the vapour handling system, the spill containment systems, the other components necessary for the operation of the facilities, the roadway and the unloading platform extending some 350 metres into the St. Lawrence River, as well as the immovable on which those facilities are situated, described in Schedule A; and

(2) "property taxes" means the total amount of the municipal and school taxes payable by the project owner, including any tariff under sections 244.1 and following of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and any new municipal or school tax; however, the public utility tax provided for in Part VI.4 of the Taxation Act (R.S.Q., chapter I-3) is excluded.

2. Despite section 32 of the Act respecting municipal taxation, the project's immovables are to be entered on the assessment roll of the municipality four years after the date on which excavation work begins.

3. As of the beginning of the excavation work, the project owner pays to the municipality an amount of $1,500,000 in three equal and consecutive annual instalments of $500,000. The first instalment is payable on the date on which excavation work begins, and each subsequent instalment, on the anniversary date of the first payment.

4. As of the date on which the project's immovables are entered on the roll, the project owner pays annually to the municipality a sum equal to the total of

(1) $5,050,000 per year, increased annually by the percentage increase in the Consumer Price Index, the reference date being 25 August 2005; however, the annual increase must not exceed 2%; and

(2) $1,300,000 per year, increased annually by the average percentage increase in the school property taxes levied by Commission scolaire de Kamouraska–Rivière-du-Loup and the Central Quebec School Board, the reference date being 25 August 2005; however, the annual increase must not exceed 5%.

The annual percentage increase in the Consumer Price Index referred to in subparagraph 1 of the first paragraph is determined on the basis of the variation in the Consumer Price Index for Québec as determined by Statistics Canada for the preceding year, over that Consumer Price Index for the 12 months immediately preceding that year.

The amounts paid under this section are adjusted for the first year in which the project's immovables are entered on the roll, proportionally to the number of days remaining in that year.

The amounts paid under this section are payable, for the year in which the project's immovables are entered on the roll, within 60 days of that entry on the roll, and for subsequent years, on 1 March.

5. Any arrears on an amount owed by the project owner bear interest at the legal rate.

6. The amounts paid under this Act are to be used first to pay all property taxes relating to the project. The project owner may not be required to pay any other amount as property tax for the project.

7. The municipality pays the amounts received under subparagraph 1 of the first paragraph of section 4 into a specific account. The municipality may withdraw from that account

(1) the amounts it is owed for payment of municipal taxes;

(2) the amounts required to fulfil its obligations under an agreement entered into under section 11; and

(3) any other amount, after obtaining the authorization of the Minister of Municipal Affairs and Regions.

8. The municipality pays the amounts received under subparagraph 2 of the first paragraph of section 4 into a specific account. The municipality may withdraw from that account

(1) the amounts required for payment of school taxes by the municipality; and

(2) any other amount, after obtaining the authorization of the Minister of Municipal Affairs and Regions.

9. When this Act ceases to have effect, any balance remaining in a specific account is paid into the municipality's general fund.

10. The Minister of Municipal Affairs and Regions may determine the manner in which the specific accounts referred to in sections 7 and 8 are to be managed, in particular the manner in which the amounts received are to be used.

11. The municipality may, with the authorization of the Minister of Municipal Affairs and Regions, enter into an agreement with Paroisse de Notre-Dame-des-Sept-Douleurs and Municipalité régionale de comté de Rivière-du-Loup to share the amounts referred to in subparagraph 1 of the first paragraph of section 4.

12. This Act ceases to have effect 25 years after the date on which the project's immovables are entered on the assessment roll.

However, it continues to have effect for an additional five-year period if, on the date determined under the first paragraph, the project is in operation or temporarily closed because of superior force or because work is being carried out, and after that for two additional, successive five-year periods, on the same conditions.

13. Despite section 12, this Act ceases to have effect on 31 December 2010 if the project excavation work has not begun on that date.

14. This Act comes into force on the date to be set by the Government.

SCHEDULE

Two (2) parcels of land that are known and designated as part of the original lots Block 1 and Block 2 of the official cadastre of Paroisse de Cacouna, registration division of Témiscouata, province of Québec and that may more specifically be described as follows:

Parcel 1 – Part of lot Block 1

Starting from point 16 on plan A-6219, being the intersection of the dividing line between lots Block 1 and Block 2 with the St. Lawrence River; thence on a bearing of 215°15'14" for a distance of one thousand seventy-one metres and seventeen hundredths (1,071.17 m) to point 9, being the starting point.

From the starting point so determined, in a southwesterly direction on a bearing of 204°21'26" for a distance of one hundred twenty-six metres and forty-nine hundredths (126.49 m) to point 8; thence on a bearing of 198°25'28" for a distance of one hundred sixty-seven metres and sixty-four hundredths (167.64 m) to point 7; thence on a bearing of 176°26'26" for a distance of one hundred three metres and sixty-three hundredths (103.63 m) to point 6; thence on a bearing of 324°10'50" for a distance of one hundred thirty-one metres and twenty-one hundredths (131.21 m) to point 4008; thence on a bearing of 32°53'49" for a distance of three hundred twenty-three metres and thirteen hundredths (323.13 m) to the starting point.

The said parcel of land of irregular shape is bounded to the southwest and northwest by part of lot Block 1 and to the southeast by lot Block 2.

The parcel of land so described contains twelve thousand three hundred thirty-six square metres and six tenths (12,336.6 m^2) or 1.23 hectares.

Parcel 2 – Part of lot Block 2

Starting from point 16 on plan A-6219, being the intersection of the dividing line between lots Block 1 and Block 2 with the St. Lawrence River; thence on a bearing of 214°33'02" for a distance of nine hundred forty-six metres and sixty-seven hundredths (946.67 m) to point 4001, being the starting point.

From the starting point so determined, on a bearing of 168°11'49" for a distance of three hundred forty-three metres and fifty-five hundredths (343.55 m) to point 4002; thence on a bearing of 117°48'09" for a distance of one hundred forty-five metres and ninety-two hundredths (145.92 m) to point 4003; thence on a bearing of 95°11'26" for a distance of eighty-two metres and ninety hundredths (82.90 m) to point 4004; thence on a bearing of 158°11'49" for a distance of eighty metres and ninety-eight hundredths (80.98 m) to point 4005; thence on a bearing of 131°01'50" for a distance of forty-seven metres and fourteen hundredths (47.14 m) to point 4006; thence on a bearing of 189°04'53" for a distance of forty-six metres (46.00 m) to point 4007; thence

on a bearing of 224°38'05" for a distance of twenty-five metres and seven hundredths (25.07 m) to point 1326; thence on a bearing of 241°24'10" for a distance of fifty-seven metres and forty-seven hundredths (57.47 m) to point 1321; thence on a bearing of 262°39'24" for a distance of ninety-four metres and eighteen hundredths (94.18 m) to point 1320; thence on a bearing of 269°20'37" for a distance of forty-eight metres and twenty-five hundredths (48.25 m) to point 1315; thence on a bearing of 251°10'59" for a distance of twenty-seven metres and thirty hundredths (27.30 m) to point 1314; thence on a bearing of 179°40'28" for a distance of twelve metres and fifteen hundredths (12.15 m) to point 1313; thence on a bearing of 234°22'45" for a distance of nineteen metres and eighty-three hundredths (19.83 m) to point 1312; thence on a bearing of 260°58'01" for a distance of twenty-five metres and twenty-one hundredths (25.21 m) to point 1311; thence on a bearing of 204°08'37" for a distance of nineteen metres and thirty-one hundredths (19.31 m) to point 1310; thence on a bearing of 273°26'09" for a distance of seventeen metres and seventy-nine hundredths (17.79 m) to point 1309; thence on a bearing of 351°59'28" for a distance of twelve metres and forty-seven hundredths (12.47 m) to point 1308; thence on a bearing of 10°48'46" for a distance of seventeen metres and nineteen hundredths (17.19 m) to point 1307; thence on a bearing of 305°11'58" for a distance of nineteen metres and ten hundredths (19.10 m) to point 1304; thence on a bearing of 284°54'56" for a distance of twenty-eight metres and twenty-three hundredths (28.23 m) to point 1294; thence on a bearing of 313°38'54" for a distance of fourteen metres and thirty-three hundredths (14.33 m) to point 1295; thence on a bearing of 287°19'15" for a distance of fifteen metres and twenty-six hundredths (15.26 m) to point 1302; thence on a bearing of 256°09'35" for a distance of thirty-one metres and seventy-one hundredths (31.71 m) to point 1301; thence on a bearing of 282°34'49" for a distance of fourteen metres and sixty-seven hundredths (14.67 m) to point 1249; thence on a bearing of 268°42'06" for a distance of fifty-three metres and sixty-two hundredths (53.62 m) to point 58; thence on a bearing of 330°34'28" for a distance of eleven metres and sixty-two hundredths (11.62 m) to point 59; thence on a bearing of 30°04'51" for a distance of forty-one metres and eighty-six hundredths (41.86 m) to point 1247; thence on a bearing of 20°51'56" for a distance of twenty-five metres and twenty-four hundredths (25.24 m) to point 1245; thence on a bearing of 338°06'47" for a distance of twenty-three metres and twenty-eight hundredths (23.28 m) to point 1244; thence on a bearing of 282°58'43" for a distance of forty-three metres and ninety-eight hundredths (43.98 m) to point 1243; thence on a bearing of 322°32'55" for a distance of thirty-three metres and sixty-seven hundredths (33.67 m) to point 56; thence on a bearing of 342°26'28" for a distance of eighteen metres and one hundredth (18.01 m) to point 6; thence on a bearing of 356°26'26" for a distance of one hundred three metres and sixty-three hundredths (103.63 m) to point 7; thence on a bearing of 18°25'28" for a distance of one hundred sixty-seven metres and sixty-four hundredths (167.64 m) to point 8; thence on a bearing of 24°21'26" for a distance of one hundred twenty-six metres and forty-nine hundredths (126.49 m) to point 9; thence on a bearing of 40°34'58" for a distance of one hundred twenty-five metres and eleven hundredths (125.11 m) to the starting point.

The said parcel of land of irregular shape is bounded to the northwest by parts of lot Block 2 and by lot Block 1, and to the northeast, southeast and southwest by part of lot Block 2.

The parcel of land so described contains one hundred seventy thousand nine hundred eighty-six square metres and three tenths (170,986.3 m^2) or 17.09 hectares.

The parcels of land described in this schedule are shown on plan A-6219, prepared at Rivière-du-Loup by Michel Côté, land surveyor, on 27 February 2006 and registered under number 6068 of his minutes.

All bearings and coordinates shown on plan A-6219 and given in this technical description are in reference to the official plane coordinate system of Québec (SCOPQ), NAD 83, central meridian 70°30' west, Zone 7. All measures are expressed in SI (International System) units.

Index

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified