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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 3 APRIL 2008

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 3 April 2008

This day, at thirty-four minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

62 An Act to amend the Act respecting the Régie des installations olympiques

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 62
(2008, chapter 3)

An Act to amend the Act respecting the Régie des installations olympiques

Introduced 7 December 2007
Passed in principle 12 December 2007
Passed 2 April 2008
Assented to 3 April 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

The purpose of this Act is to make the Régie des installations olympiques subject to the Act respecting the governance of state-owned enterprises and to include new, specially adapted governance rules in the Board's constituting Act.

The new rules affect such aspects as the composition of the board of directors and the procedure for appointing members of the board, at least two thirds of whom must qualify as independent directors. The Act also separates the office of chair of the board and that of president and chief executive officer.

The Board will also be subject to rules on the functioning of the board of directors, the constitution of the committees under the board of directors and the disclosure and publication of information.

Lastly, the Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02);

– Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7).

Bill 62

AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

1. Section 3 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by replacing the first paragraph by the following paragraphs:

"**3.** The Board is administered by a board of directors consisting of 11 members, including the chair and the president and chief executive officer.

The Government shall appoint the members of the board of directors, other than the chair and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board of directors. Those members are appointed for a term of up to four years and at least three of them are appointed after consultation with bodies that the Minister considers representative of the sectors concerned by the activities of the Board."

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

"**4.** Members of the board of directors other than the president and chief executive officer receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government."

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

"**5.** The Government shall appoint the chair of the board of directors for a term of up to five years.

"**5.1.** A vacancy on the board of directors is filled in accordance with the rules of appointment set out in this Act.

Non-attendance at a number of meetings of the board of directors determined in the Board's internal management by-laws constitutes a vacancy in the cases and circumstances specified in those by-laws.

"**5.2.** On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer taking into consideration the expertise and experience profile established by the board of directors.

The president and chief executive officer is appointed for a term of up to five years.

The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

"**5.3.** If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 5.2 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the members of the board of directors.

"**5.4.** If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Board's personnel to exercise the functions of that position.

"**5.5.** The office of president and chief executive officer is a full-time position."

4. Section 6 of the Act is replaced by the following section:

"**6.** The quorum at meetings of the board of directors is the majority of its members."

5. Section 10 of the Act is repealed.

6. Section 11 of the Act is replaced by the following sections:

"**11.** The members of the personnel of the Board are appointed in accordance with the staffing plan established by by-law of the Board.

Subject to the provisions of a collective agreement, the Board shall determine by by-law the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.

"**11.1.** The members of the personnel of the Board may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that places their personal interests in conflict with the Board's interests. However, forfeiture is not incurred if the interest devolves to them by succession or gift, provided it is renounced or disposed of with dispatch."

7. Section 12 of the Act is amended

(1) by replacing "approved by the board" in the first line by "of the board of directors, approved by the board of directors" and by striking out "of the board" in the fourth line;

(2) by replacing "chairman" everywhere it appears by "chair".

8. Section 14 of the Act is amended

(1) by replacing ", its internal management and the functions of its personnel" in subparagraph *d* of the first paragraph by "and its internal management";

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

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

"The by-laws of the Board, with the exception of the by-laws under section 11 and a by-law made for the internal management of the Board, come into force on the date of their approval by the Government or on any other date determined in those by-laws.";

(4) by striking out the third paragraph.

9. Section 31 of the Act is amended by inserting "by the Auditor General" after "audited" in the first line and by replacing ", by the auditors designated by the Government; such auditors' report" in the second and third lines by "; the audit report".

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

10. Schedule I to the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by inserting "Régie des installations olympiques" in alphabetical order.

TRANSITIONAL PROVISIONS

11. The vice-chairman of the Régie des installations olympiques appointed under section 3 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7), as it read before 3 April 2008, continues in office until a person is appointed to replace the chairman of the board of directors of the Board in accordance with section 13 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02).

12. The Régie des installations olympiques must meet the requirements of section 34 of the Act respecting the governance of state-owned enterprises not later than 3 July 2009.

13. The requirements relating to the number of independent directors on a board of directors and to the independence of the chair provided in the first paragraph of section 4 of the Act respecting the governance of state-owned enterprises and the requirement provided in the second paragraph of section 19 of that Act apply to the Régie des installations olympiques as of the date set by the Government. That date must be set as soon as possible and those sections are to apply not later than 14 December 2011.

The same applies to the requirement that the audit committee include a member of a professional order of accountants, set out in the second paragraph of section 23 of the Act respecting the governance of state-owned enterprises.

14. The Government may, in accordance with the Act respecting the governance of state-owned enterprises, determine that a member of the board of directors of the Régie des installations olympiques in office on 3 April 2008 has the status of independent director.

15. A member of the board of directors of the Régie des installations olympiques in office on 3 April 2008 who has not obtained the status of independent director under section 14 of this Act may, despite section 19 of the Act respecting the governance of state-owned enterprises, be a member of a committee referred to in that section until the number of independent directors on the board of directors corresponds to two thirds of the membership.

16. The members of the Régie des installations olympiques in office on 2 April 2008 continue in office as members of the board of directors for the unexpired portion of their term, on the same terms, until they are replaced or reappointed.

17. The chairman of the Régie des installations olympiques in office on 2 April 2008 continues in office as chair of the board of directors for the unexpired portion of the term, on the same terms.

18. The general manager of the Régie des installations olympiques in office on 2 April 2008 continues in office as president and chief executive officer for the unexpired portion of the term, on the same terms.

19. Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Régie des installations olympiques as of the fiscal year ending after 31 October 2008.

20. This Act comes into force on 3 April 2008.

Regulations and other acts

Gouvernement du Québec

O.C. 321-2008, 9 April 2008

Courts of Justice Act
(R.S.Q., c. T-16)

Schedule V
— Amendments

Regulation to amend Schedule V to the Courts of Justice Act

WHEREAS Schedule V to the Courts of Justice Act (R.S.Q., c. T-16) lists the powers and functions of presiding justices of the peace;

WHEREAS section 181 of the Act provides that the Government may, by regulation, amend Schedule V to modify, add to or reduce the functions and powers of presiding justices of the peace;

WHEREAS, under that provision, such a regulation may be made after the expiry of 15 days from the publication of the draft regulation in the *Gazette officielle du Québec* and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS it is expedient to amend Schedule V to the Act to add to the functions and powers of presiding justices of the peace;

WHEREAS, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and the second paragraph of section 181 of the Courts of Justice Act, a draft of the Regulation to amend Schedule V to the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 21 November 2007 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS the 15-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend Schedule V to the Courts of Justice Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend Schedule V to the Courts of Justice Act *

Courts of Justice Act
(R.S.Q., c. T-16, s. 181)

1. Schedule V to the Courts of Justice Act is amended

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

"– authorizing proceedings in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1);";

(2) by striking out "(chapter C-25.1)" in the text of the second dash of paragraph 1.

2. This Regulation comes into force on 8 May 2008.

8648

Gouvernement du Québec

O.C. 322-2008, 9 April 2008

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

Rules concerning video lottery machines
— Amendment

Rules to amend the Rules concerning video lottery machines

WHEREAS, under subparagraphs *a* and *e* of the first paragraph of section 20.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q.,

* Schedule V to the Courts of Justice Act has not been amended since the last updating of the Revised Statutes of Québec to 1 January 2007.

c. L-6), the Régie des alcools, des courses et des jeux may make rules in particular to determine the standards, restrictions or prohibitions relating to the use of video lottery machine site operator's licenses and the location of such machines within the establishments where they may be operated;

WHEREAS, under the fourth paragraph of section 20.1, every rule must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Rules to amend the Rules concerning video lottery machines was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2007 with a notice that the Rules could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS the board made the Rules to amend the Rules concerning video lottery machines, with an amendment, at its plenary session of 20 February 2008 to take into consideration the comments received following that publication;

WHEREAS it is expedient to approve the Rules as amended;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Rules to amend the Rules concerning video lottery machines, attached to this Order in Council, be approved.

GÉRARD BIBEAU
Clerk of the Conseil exécutif

Rules to amend the Rules concerning video lottery machines *

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6, s. 20.1, 1st par., subpars. *a* and *e*)

1. The Rules concerning video lottery machines are amended by adding the following after section 29:

"**29.1.** Despite any provision in these Rules to the contrary, a holder of a site operator's licence who, on 8 May 2008, operates video lottery machines under more than one licence at the same address may continue to operate the machines by grouping them in a single establishment covered by such a licence, provided that the capacity indicated on the bar, brasserie or tavern permit to which the licence is associated is at least 30 if the grouping consists of more than five machines.

A grouping under the first paragraph may consist of not more than ten video lottery machines.".

2. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

8649

* The Rules concerning video lottery machines, approved by Order in Council 1254-93 dated 1 September 1993 (1993, *G.O.* 2, 5139), were last amended by the rules approved by Order in Council 778-97 dated 11 June 1997 (1997, *G.O.* 2, 2744). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

Gouvernement du Québec

O.C. 330-2008, 9 April 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Wildlife sanctuaries
Scale of fees and duties related to the development of wildlife
— Amendments

Regulation to amend the Regulation respecting wildlife sanctuaries and the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS, under paragraphs 1, 2, 4 and 7 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may in particular, by regulation, in respect of a wildlife sanctuary, determine the conditions on which hunting, fishing, trapping activities or recreational activities are permitted, determine the conditions governing the carrying, possession or transportation of hunting, fishing or trapping implements and determine the conditions on which the presence of a domestic animal or dog is permitted, or prohibit its presence;

WHEREAS the Government made the Regulation respecting wildlife sanctuaries by Order in Council 859-99 dated 28 July 1999;

WHEREAS, under paragraph 10 of section 162 of the Act respecting the conservation and development of wildlife, the Government may make a regulation determin-

ing the cost of issuing, replacing and renewing a licence or certificate according to the kind or class of licence or certificate, according to the category and age of persons concerned or according to the species of wildlife sought or the age or sex of animals;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;

WHEREAS it is expedient to amend the Regulations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting wildlife sanctuaries and the Regulation respecting the scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 21 November 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting wildlife sanctuaries and the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife sanctuaries [1] and the Regulation respecting the scale of fees and duties related to the development of wildlife [2]

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, pars. 1, 2, 4 and 7 and s. 162, par. 10)

1. The Regulation respecting wildlife sanctuaries is amended in section 11 by inserting "or to hunt and fish," in the first paragraph after "r.12),".

2. Section 18 is amended by replacing the first paragraph by the following:

"**18.** A person who hunts or hunts and fishes must, when leaving the wildlife sanctuary, make a report of the activity at the place determined for that purpose at the reception station, indicating the number of each species of animals bagged or fish caught; certain parts of the animals bagged or fish caught may be removed for study.".

3. Section 21 is amended by inserting "1.1, 1.2, 1.4 or" before "2" in subparagraph 4 of the first paragraph.

4. The following is inserted after section 23.1:

"**23.2.** Dogs are admitted in a wildlife sanctuary, except inside camps, on playgrounds, beaches or any other place where a prohibition to that effect is posted.".

5. Section 24 is amended by replacing "by Order in Council 1289-91 dated 18 September 1991" in the second paragraph by "by Minister's Order 99026 dated 31 August 1999".

[1] The Regulation respecting wildlife sanctuaries, made by Order in Council 859-99 dated 28 July 1999 (1999, *G.O.* 2, 2432), was last amended by the regulation made by Order in Council 811-2005 dated 31 August 2005 (2005, *G.O.* 2, 3923). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

[2] The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulations made by Orders in Council 932-2005 dated 12 October 2005 (2005, *G.O.* 2, 4536) and 54-2008 dated 31 January 2008 (2008, *G.O.* 2, 619). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

6. Schedule I is amended by inserting "Duchénier Wildlife Sanctuary" after "Assinica Wildlife Sanctuary".

7. Schedule II is amended

(1) by replacing paragraph 1 of section 6 in Column II by the following:

"(1) **Sector 1 A:**

The territory shown on the plan under this heading in Schedule VI.1.

(1.1) **Sector 1 B:**

The territory shown on the plan under this heading in Schedule VI.1.

(1.2) **Sector 1 C:**

The territory shown on the plan under this heading in Schedule VI.1.

(1.3) **Sector 1 D:**

The territory shown on the plan under this heading in Schedule VI.1.

(1.4) **Sector 1 E:**

The territory shown on the plan under this heading in Schedule VI.1.";

(2) by inserting the following after section 7:

"

Column 1 Wildlife Sanctuaries	Column 2 Sector
7.1 Rivières-Matapédia-et-Patapédia Rivière Humqui sector	The territory shown on the plan under this heading in Schedule VII.0.1.

".

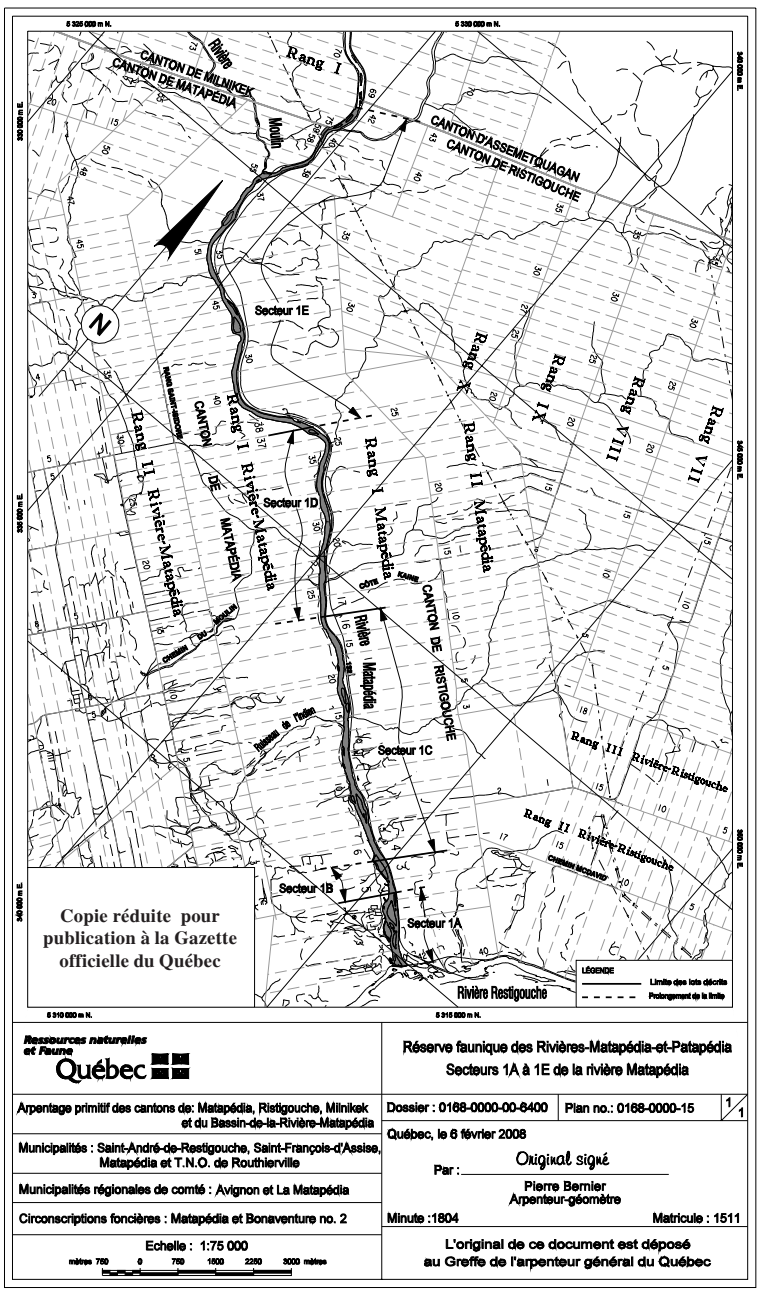
8. Schedules VI.1 and VII.0.1 attached to this Regulation are added.

9. Schedule V to the Regulation respecting the scale of fees and duties related to the development of wildlife is amended by replacing "Schedule VI" in paragraph 1 of section 6 in Column II by "Schedule VI.1".

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

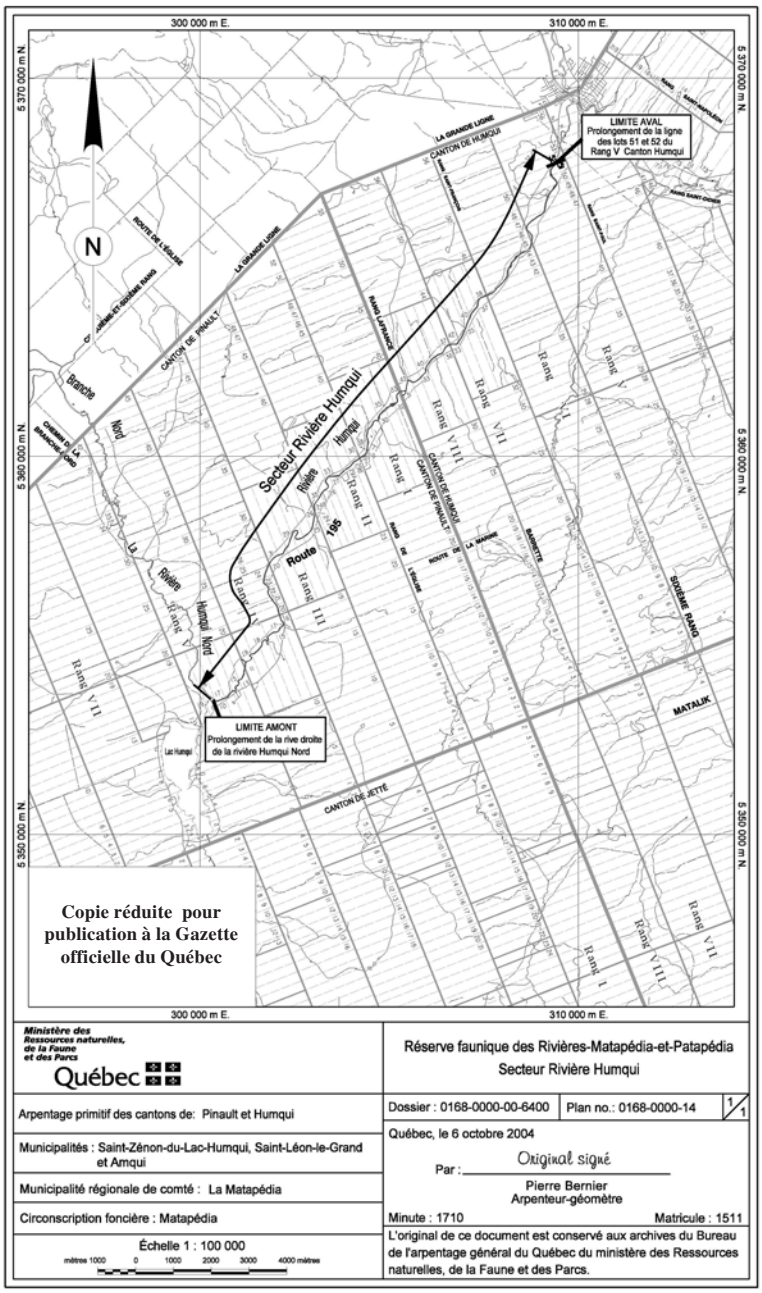
SCHEDULE VI.1

Rivières-Matapédia-et-Patapédia Wildlife Sanctuary: sectors 1A to 1E of Rivière Matapédia



SCHEDULE VII.0.1

Rivières-Matapédia-et-Patapédia Wildlife Sanctuary: Rivière Humqui sector



Gouvernement du Québec

O.C. 337-2008, 9 April 2008

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

Alcoholic beverages
— Terms of sale by holders of a grocery permit
— Amendments

Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit

WHEREAS, under subparagraph 1 of the first paragraph of section 37 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), the Government may make regulations determining the conditions or modalities of purchase, making, bottling, keeping, handling, storing, sale or shipping of alcoholic beverages;

WHEREAS, under subparagraph 7 of the first paragraph of section 37 of the Act, the Government may make regulations determining which wines and alcoholic beverages made or bottled by the Société or a brewer's, cider maker's or wine maker's permit holder, other than alcohol and spirits, may be sold by grocery permit holders;

WHEREAS, under subparagraph 8 of the first paragraph of section 37 of the Act, the Government may make regulations determining, for grocery permit holders, the conditions and modalities of supplying, marketing and fixing the retail price of alcoholic beverages contemplated in subparagraph 7;

WHEREAS, under subparagraph 10 of the first paragraph of section 37 of the Act, the Government may make regulations prescribing any other useful measure for the administration of the Act;

WHEREAS, by Order in Council 2165-83 dated 19 October 1983, the Government made the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit and it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit was published in Part 2 of the *Gazette officielle du Québec* of 26 September 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comments were received before the expiry of the 45-day period;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Economic Development, Innovation and Export Trade and the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit*

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, 1st par., subpars. 1, 7, 8 and 10)

1. Section 3 of the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit is amended

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

"(5) which cannot be identified and associated with a person authorized by the Société to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec or with a holder of a permit issued under the Act respecting liquor permits.";

(2) by striking out the third paragraph.

2. Section 4 is amended

(1) by striking out the second paragraph;

* The Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, made by Order in Council 2165-83 dated 19 October 1983 (1983, *G.O.* 2, 3668), was last amended by the regulation made by Order in Council 763-2004 dated 10 August 2004 (2004, *G.O.* 2, 2455A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

(2) by striking out "and brand names of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec" in the third paragraph;

(3) by replacing "third" in the fourth paragraph by "second".

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

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Gouvernement du Québec

O.C. 338-2008, 9 April 2008

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

Alcoholic beverages
— Wine and other beverages made or bottled by holders of a wine maker's permit
— Amendment

Regulation to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit

WHEREAS, under subparagraph 1 of the first paragraph of section 37 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), the Government may make regulations determining the conditions or modalities of purchase, making, bottling, keeping, handling, storing, sale or shipping of alcoholic beverages;

WHEREAS, under subparagraph 7 of the first paragraph of section 37 of the Act, the Government may make regulations determining which wines and alcoholic beverages made or bottled by the Société or a brewer's, cider maker's or wine maker's permit holder, other than alcohol and spirits, may be sold by grocery permit holders;

WHEREAS, under subparagraph 8 of the first paragraph of section 37 of the Act, the Government may make regulations determining, for grocery permit holders, the conditions and modalities of supplying, marketing and fixing the retail price of alcoholic beverages contemplated in subparagraph 7;

WHEREAS, under subparagraph 10 of the first paragraph of section 37 of the Act, the Government may make regulations prescribing any other useful measure for the administration of the Act;

WHEREAS, by Order in Council 2166-83 dated 19 October 1983, the Government made the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit and it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit was published in Part 2 of the *Gazette officielle du Québec* of 26 September 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comments were received before the expiry of the 45-day period;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Economic Development, Innovation and Export Trade and the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit *

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, 1st par., subpars. 1, 7, 8 and 10)

1. The Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit is amended by striking out the second paragraph of section 6.

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

8651

Gouvernement du Québec

O.C. 341-2008, 9 April 2008

Transport Act
(R.S.Q., c. T-12)

Bus transport
— Amendments

Regulation to amend the Bus Transport Regulation

WHEREAS paragraphs *c* and *d* of section 5 of the Transport Act (R.S.Q., c. T-12) provide that the Government may regulate bus transport and section 34 of the Act allows the Government to classify, by regulation, the clauses of the permits it indicates or the rights granted by those permits;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Bus Transport Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 September 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Bus Transport Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Bus Transport Regulation *

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *c* and *d*, ss. 5.1 and 34)

1. The Bus Transport Regulation is amended in section 3

(1) by replacing "a public body providing public transport" in subparagraph *b* of subparagraph 1 of the first paragraph by "a public transit authority established under the Act respecting public transit authorities (R.S.Q., c. S-30.01)";

(2) by replacing "a public body providing public transport" in subparagraph 4 of the first paragraph by "a public transit authority";

(3) by striking out the second paragraph.

2. Section 5 is amended by replacing "Regulation respecting motor vehicles used for the transportation of schoolchildren made by Order in Council 957-83 dated 11 May 1983" in subparagraph 4 of the first paragraph by "Regulation respecting road vehicles used for the transportation of school children made by Order in Council 285-97 dated 5 March 1997".

3. Section 7 is amended by replacing "(R.S.Q., c. S-5)" by "(R.S.Q., c. S-4.2)".

* The Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit, made by Order in Council 2166-83 dated 19 October 1983 (1983, *G.O.* 2, 3671), was last amended by the regulation made by Order in Council 763-2004 dated 10 August 2004 (2004, *G.O.* 2, 2455A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

* The Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986 (1987, *G.O.* 2, 24), was last amended by the regulation made by Order in Council 781-2004 dated 10 August 2004 (2004, *G.O.* 2, 2562). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

4. The following is inserted after section 14:

"*§1.1 Classification*

14.1. For the purposes of this subdivision, "classification of permits" means classification of the clauses of permits and the rights they grant.

14.2. The Commission shall classify bus transport permits for each permit class and for each carrier if

(1) a municipality annexes all or part of the territory of another municipality or the territories of municipalities are amalgamated;

(2) an Act or regulation renders an operating right or certain of its operating conditions null and void or otherwise inapplicable; or

(3) the Commission considers that a classification of operating rights or of certain of their operating conditions is necessary, for the same carrier, to update and harmonize the rights or conditions with one another or with those of other carriers.

The Commission must indicate at the time of the classification the new name of the municipality and, if any, the division of its territory into boroughs.

"Operating conditions" means the routes, schedules, frequencies, classes of vehicles and other conditions, including restrictions, established by the Commission on the issue of the permit confirming the operating right.

14.3. If one of the permits being classified was issued before 30 September 1987, the Commission may include in the same classified permit only comparable operating rights to which similar or incidental operating conditions are attached.

Despite section 15, a permit that classifies all or part of an operating right confirmed by a permit issued before 30 September 1987 is renewed on an annual basis in accordance with section 37.1 of the Act.

14.4. The Commission may fix the term of a classified permit so that it corresponds to the latest date of the operating rights confirmed by the former permits being replaced if the Commission issues, for the first time, a permit that classifies only the operating rights under bus transport permits issued on or after 30 September 1987.

A permit that classifies all or part of operating rights confirmed by permits issued on or after 30 September 1987 is issued in accordance with section 14 for a maximum period of 5 years.

14.5. Every bus transport permit having been classified is replaced as soon as the decision under which the classified permit is issued becomes effective.

The Commission's decision issuing a classified permit must identify the former permits it replaces.

14.6. The Commission shall make public the guidelines it establishes to classify bus transport permits.".

5. The following is inserted after section 18:

"**18.1.** Where the Commission becomes aware that all the territories of at least two municipalities have amalgamated or a municipality has annexed all the territory of another municipality, the Commission must, on the basis of the new municipal territory, identify the places where a bus transport permit of the "chartered" class authorizes service.

The Commission must as soon as possible send a new certificate replacing the former certificate to every holder of a bus transport permit of the "chartered" class.".

6. Section 22 is amended by striking out "or agglomeration".

7. Section 23 is amended by striking out ", between a municipality and an agglomeration or between 2 agglomerations".

8. The following is inserted after section 23:

"**23.1.** A permit for interurban transport service may not be maintained if all the territories of the municipalities indicated have been amalgamated.

Where applicable, the Commission may, on its own initiative or at a permit holder's request, issue to the permit holder a replacement urban transport permit. The Commission may subject the permit to operating conditions within the meaning of the second paragraph of section 14.2.".

9. Section 38 is amended

(1) by striking out paragraph 3;

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

"The Commission must communicate the contact information of the permit holders authorized to serve a municipality or make it available to every person who so requests.".

10. Sections 39 to 41 are revoked.

11. Sections 42 and 43 are replaced by the following:

"**42.** In addition to trips authorized under section 38, every holder of a chartered transport permit may make trips from Pierre Elliot Trudeau International Airport

(1) to a place specified in the holder's permit; and

(2) to any other place if at least one of the overnight stops is made at a place specified in the holder's permit.

The first paragraph does not operate to authorize service in the territory of Ville de Dorval or the territory of other municipalities in the "Montréal" zone established in Schedule 1.

43. A chartered transport permit that authorizes service in the territory of a municipality in a zone established in Schedule 1 also authorizes its holder to serve the territory of all the municipalities in the zone.

Where applicable, the Commission must indicate on the permit certificate the name of the authorized zone.".

12. Section 47 is amended by striking out "If the point of departure is not a service point for the permit holder, the price shall be calculated from the service point closest to the point of departure.".

13. Section 52.1 is amended by replacing "10, 11, 38 to 44" by "11, 38, 42 to 44".

14. Section 52.2 is amended by replacing "10, 11, 38 to 44" by "11, 38, 42 to 44".

15. Sections 57 to 61 are revoked.

16. Schedule 1 is replaced by the following:

"**SCHEDULE 1**
(s. 43)

ZONES FOR CHARTERED TRANSPORT SERVICE

Montréal Zone: Baie-D'Urfé (66112), Beaconsfield (66107), Côte-Saint-Luc (66058), Dollard-Des Ormeaux (66142), Dorval (66087), Hampstead (66062), Île-Dorval (66092), Kirkland (66102), Montréal (66023), Montréal-Est (66007), Montréal-Ouest (66047), Mont-Royal (66072), Pointe-Claire (66097), Sainte-Anne-de-Bellevue (66117), Senneville (66127) and Westmount (66032).

Québec Zone: Ancienne-Lorette (23057), Québec (23027) and Saint-Augustin-de-Desmaures (23072).".

17. For the purposes of sections 14.2 and 18.1, the Commission takes into account the existence of any municipality reconstituted within the meaning of section 3 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001).

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

8652

Draft Regulations

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Equalization scheme

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the equalization scheme, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to introduce a new equalization formula agreed upon with municipal associations in accordance with the Entente sur un nouveau partenariat fiscal et financier avec les municipalités. The formula is intended to rectify the shortcomings of the formula implemented in 2002, in particular the instability of the eligibility of certain municipalities for equalization by reason of the criterion based on the average value per dwelling and the bias found in the 2002 formula in respect of municipalities confronted with a steep demographic decline. The formula is also intended to focus the assistance on the municipalities with the weakest tax base, some of which are also classified as devitalized municipalities.

The Regulation must also be revised to maintain, for two more years only, the transitional measure implemented in 2007 for municipalities that became ineligible for equalization because of the criterion based on the average value per dwelling and to add certain special provisions.

Further information may be obtained by contacting Bernard Guay, 10, rue Pierre-Olivier-Chauveau, 3e étage, Aile Chauveau, Québec (Québec) G1R 4J3 (telephone: 418 691-2015; fax: 418 643-3204).

Any person wishing to comment on the draft Regulation may do so in writing to the Minister of Municipal Affairs and Regions within the 45-day period, at 10, rue Pierre-Olivier-Chauveau, 4e étage, Aile Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
Minister of Municipal Affairs and Regions

Regulation respecting the equalization scheme

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 7)

CHAPTER I
GENERAL AND INTERPRETATION

1. An equalization scheme comprising two parts is hereby established. The first part is more general and covers a certain number of municipalities, while the second part covers a smaller number of municipalities among the most disadvantaged municipalities.

Under the scheme, the Government pays a sum computed in accordance with Chapter III to any local municipality whose eligibility under the scheme is determined in accordance with Chapter II.

2. This Regulation applies to local municipalities to which the Act respecting municipal taxation (R.S.Q., c. F-2.1) applies, including regional county municipalities under section 8 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

For the purposes of this Regulation,

(1) "current fiscal year" means the fiscal year for which it is determined whether or not a local municipality is eligible under either part of the scheme and, where applicable, for which the equalization amount payable is computed;

(2) "year of reference" means the fiscal year for which data are used to determine whether or not a local municipality is eligible under either part of the scheme or to compute, where applicable, the equalization amount payable;

(3) "neutrality amount" means the amount that a local municipality is entitled to receive during a fiscal year that makes the financial consequences of an amalgamation or annexation neutral, under the government program, as related to the application of this Regulation;

(4) "equalization amount" means the amount that a local municipality is entitled to receive for a fiscal year under this Regulation;

(5) "summary of the municipality for the year of reference" means the form that, according to the regulation made under paragraph 1 of section 263 of the Act, is filled out with the information included in the summary, relating to the property assessment roll of a local municipality, the production of which is prescribed by that Regulation during the last semester preceding the year of reference.

3. Unless otherwise indicated, where a computation provided for in this Regulation results in a decimal number, the decimal part of the number is to be dropped and the whole number is to be increased by 1 if the first decimal is greater than 4.

Where a provision of this Regulation prescribes that the result of a computation must include a certain number of decimals, the last of those decimals is to be increased by 1 if the following decimal is greater than 4.

CHAPTER II
ELIGIBILITY

DIVISION I
CONDITIONS OF ELIGIBILITY UNDER THE FIRST PART

4. Any local municipality in respect of which the following conditions are met for the first fiscal year preceding the current fiscal year is eligible under the first part of the scheme:

(1) its standardized property value per inhabitant established in accordance with Subdivision 2 of Division III, in the aggregate constituted of the standardized property values per inhabitant that are taken into consideration under Subdivision 4 of Division III, was less than 90% of the median; and

(2) the average value of the dwellings situated in its territory established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was less than 104% of the median.

A municipality in respect of which the dividend or divisor is nil in the division performed to establish the value referred to in the first paragraph is not eligible. No datum related to that municipality must be taken into consideration to establish a median referred to in the first paragraph.

A municipality that, for the fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act is not eligible, even if the conditions in the first paragraph are met in its respect, if the Minister of Municipal Affairs and Regions does not receive, before 1 May of the current fiscal year, the financial report of the municipality for that preceding fiscal year. Such a report is deemed not to have been received if it does not comply with the legislative and regulatory provisions governing the municipality in that matter.

DIVISION II
CONDITIONS OF ELIGIBILITY UNDER THE SECOND PART

5. Any local municipality in respect of which, for the fiscal year preceding the current fiscal year, the average value of the dwellings situated in its territory established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was less than 70% of the median is eligible under the second part of the scheme.

A municipality in respect of which the dividend or divisor is nil in the division performed to establish the value referred to in the first paragraph is not eligible.

A municipality whose standardized property value established in accordance with section 9 or whose population established in accordance with the second paragraph of section 8 is nil, even if the conditions in the first paragraph are met, is not eligible.

No datum pertaining to a municipality referred to in the second or third paragraph is to be taken into consideration to establish a median referred to in the first paragraph.

DIVISION III
PROVISIONS APPLICABLE TO BOTH PARTS

§1. Other rules of eligibility

6. A municipality is not eligible, even if the conditions in section 4 or 5 are met, if the Minister does not receive, before 1 May of the current fiscal year, the summary of the municipality for the year of reference. Such a summary is deemed not to have been received if it does not comply with the legislative and regulatory provisions governing the municipality in that matter.

7. Despite sections 4, 5 and 6, Ville de Chapais, Ville de Matagami and Ville de Schefferville are eligible.

§2. Standardized property value per inhabitant

8. The standardized property value per inhabitant of a local municipality for the year of reference is the quotient obtained by dividing its standardized property

value established for that fiscal year in accordance with section 9 by its population determined for that fiscal year in accordance with the second paragraph.

The population of a municipality for the year of reference is equal to the highest of the population of that fiscal year and the population of any of the three fiscal years preceding the year of reference.

The population as it exists on 1 January of the year of reference concerned is to be taken into consideration, with the alterations that take effect on that date or before that date and that are made before 1 May of the current fiscal year.

9. The standardized property value of a local municipality for the year of reference is the value established, considering the second paragraph and subject to section 10, in accordance with Division I of Chapter XVIII.1 of the Act.

The property assessment roll is considered as it exists on the date on which it is reproduced in the summary of the municipality for the year of reference.

10. For a municipality that, for the fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act, the standardized effective aggregate taxation rate of the municipality established for that preceding fiscal year in accordance with subparagraph 2 of the first paragraph of section 261.5.15 of the Act is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, rather than the standardized projected aggregate taxation rate referred to in section 261.4 of the Act.

11. The clerk of a municipality that, for the fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for the preceding fiscal year, the value resulting from the capitalization determined under section 10, having regard to the alterations to the property assessment roll that must be taken into consideration under section 261.5.14 of the Act.

§3. Average value of dwellings

12. The average value of the dwellings situated in the territory of a local municipality for the year of reference is the quotient obtained by dividing the second of the following amounts by the first:

(1) the divisor is the total dwellings included in the units of assessment taken into consideration under section 13, according to the property assessment roll of the municipality that applies for that fiscal year; and

(2) the dividend is the result of the standardization of the total values determined in accordance with section 14, on the basis of the roll referred to in subparagraph 1 of the first paragraph.

The roll must be taken into consideration as it exists on the date on which it is reproduced in the summary of the municipality for the year of reference.

The standardization provided for in subparagraph 2 of the first paragraph consists in multiplying the total provided for in that paragraph by the factor established in respect of the property assessment roll of the municipality, under section 264 of the Act, for the year of reference.

13. Units of assessment taken into consideration in the establishment of the average value of the dwellings are those that include at least one dwelling, that are not part of any of classes 9 and 10 provided for in section 244.32 of the Act and that are listed under any of the following headings prescribed by the manual to which the Regulation made under paragraph 1 of section 263 of the Act refers:

(1) "10—Dwellings" and "1211 Mobile home";

(2) "17—Trailer parks and mobile homes", "2-3—MANUFACTURING INDUSTRIES", "4—TRANSPORT, COMMUNICATIONS, PUBLIC SERVICES", "5—COMMERCIAL" and "6— SERVICES";

(3) "7— CULTURAL AND RECREATIONAL", "81—Agriculture", "831—Commercial forest production" and "9220 Forests not in operation that are not reserves".

However,

(1) a unit of assessment listed under a heading referred to in subparagraph 3 of the first paragraph must be taken into consideration only if no building included in the unit is classified according to a use different from the use pertaining to the heading under which the unit is listed or, in other cases, if at least one building included in the unit is classified according to the use pertaining to any of the headings referred to in subparagraph 1 of the first paragraph; and

(2) no unit of assessment in respect of which it is impossible to determine a value in accordance with section 14 must be taken into consideration.

14. The value that is determined in respect of a unit of assessment taken into consideration in the establishment of the average value of dwellings is the taxable

value of the unit or, where it is part of any of classes 1A to 8 provided for in section 244.32 of the Act, the result obtained by multiplying the taxable value of the unit by the percentage provided for in section 244.53 of the Act, considering the basic rate, in respect of that class.

However, the expression "taxable value of the unit" in the first paragraph means

(1) the taxable value of a building or aggregate of buildings included in a unit of assessment, increased by 20%, where the unit does not include any parcel of land and is listed under the heading "1211 Mobile home" or "17—Trailer parks and mobile homes"; or

(2) the taxable value of a building or aggregate of buildings included in a unit of assessment, increased by 20% up to the taxable value of the unit, where that unit includes a parcel of land and is listed

(a) under the headings "17—Trailer parks and mobile homes", "831—Commercial forest production" or "9220 Forests not in operation that are not reserves"; or

(b) under the heading "81—Agriculture", where the unit does not include any 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., c. M-14).

Despite the first 2 paragraphs, for a unit of assessment that includes an operation referred to in subparagraph *b* of subparagraph 2 of the second paragraph and that is not listed under the heading "9220 Forests not in operation that are not reserves", the value that is determined in respect of the unit is the difference obtained by subtracting the taxable value of the operation from the value that would be otherwise determined under the first paragraph.

Despite the first 3 paragraphs, for a unit of assessment consisting in particular of a part where the activities referred to in section 244.52 of the Act are performed and another part whose use or purpose pertains to any of the categories referred to in sections 244.35 and 244.37 of the Act, the value that is determined in respect of the unit is the taxable value of the second part.

§4. Median

15. For the purpose of establishing the median, only the standardized property values per inhabitant and the average values of the dwellings established for the year of reference of local municipalities whose summary for that fiscal year is received by the Minister before 1 September of that fiscal year must be taken into consideration.

16. For a municipality that had revenues from the application of section 222 of the Act for the fiscal year preceding the year of reference, its standardized property value per inhabitant must be taken into consideration for the purpose of establishing the median, despite section 15, only if its financial report for that preceding fiscal year and its summary for the reference year are received by the Minister before 1 September of the year of reference.

For those purposes only, that date replaces 1 May of the current fiscal year that is referred to in the third paragraph of section 8. The median established is not changed even if, because of an alteration referred to in that paragraph of which the Minister is seized after 31 August of the year of reference and before 1 May of the current fiscal year, any of the values taken into consideration is altered subsequently.

CHAPTER III
EQUALIZATION AMOUNT

DIVISION I
RULES SPECIFIC TO CERTAIN NORTHERN MUNICIPALITIES AND APPLICABLE UNDER BOTH PARTS

17. The municipalities mentioned in section 7 are entitled to an equalization amount equal to the highest of the amount to which they were entitled for the fiscal year 2001 and the sum of the aliquot shares computed in their respect, in accordance with Subdivision 1 of Division III and Subdivision 1 of Division IV, for the current fiscal year.

DIVISION II
SUMS TO BE APPORTIONED

18. The sum to be apportioned between eligible municipalities for the current fiscal year is $60,000,000, that is,$42,905,000 under the first part and $17,095,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the current fiscal year is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May of that year, must be paid during that year.

DIVISION III
COMPUTATION RULES SPECIFIC TO THE FIRST PART

§1. Basic aliquot share

19. For the purpose of computing the equalization amount, a sum to be apportioned must be established for the current fiscal year in accordance with section 18 and an aliquot share of that sum must be computed in respect of each municipality eligible for that fiscal year.

The aliquot share must be computed by multiplying the sum to be apportioned by the ratio computed in respect of the municipality in accordance with section 20 for the year of reference.

For the purposes of this Subdivision, a municipality referred to in section 7 whose summary for the year of reference is not received by the Minister before 1 May of the current fiscal year must not be taken into consideration.

20. The ratio that is used to compute the aliquot share of a municipality for the current fiscal year is the quotient obtained by dividing the deficiency of the municipality by the total deficiencies of the eligible municipalities established for the year of reference in accordance with section 21.

The quotient obtained must contain 11 decimals.

21. The deficiency of a municipality for the year of reference is the product obtained by multiplying the weighting factor established under section 23 by the deficiency indicator provided for in section 22.

22. The deficiency indicator of a municipality for the year of reference is the product obtained by multiplying, by the population of that municipality considered under the second paragraph of section 8, the difference obtained by subtracting the second of the following amounts from the first:

(1) the first amount is the amount that represents 90% of the median of the standardized property values per inhabitant established, for the year of reference, in accordance with Subdivision 4 of Division III of Chapter II; and

(2) the amount to be subtracted is the amount that constitutes the standardized property value per inhabitant of the municipality established, for the year of reference, in accordance with Subdivision 2 of Division III of Chapter II.

If the difference obtained is zero or a negative number, the municipality has no deficiency, no ratio may be computed in its respect in accordance with section 20 and its aliquot share provided for in section 19 is equal to zero.

23. The weighting factor for the year of reference is the difference obtained by subtracting the second of the following numbers from the first:

(1) the first number is 1;

(2) the number to be subtracted from the first is the quotient obtained by dividing the second of the following amounts by the first:

(a) the divisor is equal to 4% of the median of the average value of the dwellings established, for the year of reference, in accordance with Subdivision 4 of Division III of Chapter II;

(b) the dividend is obtained by subtracting from the average value of the municipality's dwellings established, for the year of reference, in accordance with Subdivision 3 of Division III of Chapter II, the median of the average value of the dwellings established, for that year, in accordance with Subdivision 4 of Division III of Chapter II.

If the quotient thus obtained is zero or a negative number, it is deemed to be equal to zero. If the quotient is positive but greater than 1, it is deemed to be equal to 1.

The quotient obtained under subparagraph 2 of the first paragraph and the weighting factor established under that paragraph must contain 6 decimals.

§2. Computation of equalization amount

A- Equalization amount of certain municipalities entitled to a predetermined amount

24. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of this Division and Subdivision 1 of Division IV, for the current fiscal year, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 19, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the current fiscal year.

B- Equalization amount of a municipality not referred to in section 24

25. The equalization amount of an eligible municipality that is not referred to in section 24 is the result of the adjustment provided for in section 26 that is made to the aliquot share computed in accordance with Subdivision 1 for the current fiscal year.

26. The adjustment of the aliquot share consists in multiplying the aliquot share by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 24 is subtracted from the sum to be apportioned under section 18;

(2) the difference that results from the subtraction provided for in subparagraph 1 is divided by the total of the aliquot shares that are adjusted.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.

DIVISION IV
COMPUTATION RULES SPECIFIC TO THE SECOND PART

§1. Basic aliquot share

27. For the purpose of computing the equalization amount, a sum to be apportioned must be established for the current fiscal year in accordance with section 18 and an aliquot share of that sum must be computed in respect of each municipality eligible for that fiscal year.

The aliquot share must be computed by multiplying the sum to be apportioned by the ratio computed in respect of the municipality in accordance with section 28 for the year of reference.

For the purposes of this Subdivision, a municipality referred to in section 7 whose summary for the year of reference is not received by the Minister before 1 May of the current fiscal year must not be taken into consideration.

28. The ratio that is used to compute the aliquot share of a municipality for the current fiscal year is the quotient obtained by dividing the deficiency of the municipality by the total deficiencies of the eligible municipalities established for the year of reference in accordance with section 29.

The quotient obtained must contain 11 decimals.

29. The deficiency of a municipality for the year of reference is the product obtained by multiplying, by the number of units of assessment taken into consideration under section 13 and situated in its territory, the difference obtained by subtracting the second of the following amounts from the first:

(1) the first amount is the amount that represents 70% of the median of the average value of the dwellings established for the year of reference in accordance with Subdivision 4 of Division III of Chapter II; and

(2) the amount to be subtracted is the amount that constitutes the average value of the dwellings of the municipality established for the year of reference in accordance with Subdivision 3 of Division III of Chapter II.

If the difference obtained is zero or a negative number, the municipality has no deficiency, no ratio may be computed in its respect in accordance with section 28 and its aliquot share provided for in section 27 is equal to zero.

§2. Computation of equalization amount

A- Equalization amount of certain municipalities entitled to a predetermined amount

30. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of Division III and Subdivision 1 of this Division, for the current fiscal year, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to zero.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 27, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the current fiscal year.

B- Equalization amount of a municipality not referred to in section 30

31. The equalization amount of an eligible municipality that is not referred to in section 30 is the result of the adjustment provided for in section 32 that is made to the aliquot share computed in accordance with Subdivision 1 for the current fiscal year.

32. The adjustment of the aliquot share consists in multiplying the aliquot share by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 30 is subtracted from the sum to be apportioned under section 18;

(2) the difference that results from the subtraction provided for in subparagraph 1 is divided by the total of the aliquot shares that are adjusted.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.

DIVISION V
PAYMENT

33. The Minister is to pay the equalization amount not later than 30 June of the current fiscal year.

CHAPTER IV
AMALGAMATION AND TOTAL ANNEXATION

34. The provisions of Divisions I to III apply in respect of a local municipality resulting from an amalgamation or that effected a total annexation, considering the adaptations provided for in this Division, if applicable, for the fiscal year during which the amalgamation or annexation comes into force or for any of the next 2 fiscal years.

For the purposes of this Division,

(1) "former municipality" means the local municipality that, immediately before the coming into force of the amalgamation or annexation, had jurisdiction over an amalgamated or annexed territory or over the territory to which the annexed territory was added; and

(2) "new municipality" means the municipality resulting from an amalgamation or that effected the annexation.

Any reference to a provision that is subject to an adaptation applies to that provision as it reads with that adaptation, even if it is not specified.

35. For the purpose of determining if a new municipality is eligible under either part of this scheme for the fiscal year during which the amalgamation or annexation comes into force and, where applicable, of computing the equalization amount to which it is entitled for that fiscal year, the adaptations provided for in sections 36 to 38 apply.

Despite the foregoing, they do not apply where the amalgamation or annexation comes into force after 30 April of that fiscal year, in which case the determination of eligibility and, where applicable, the computation of the equalization amount for that fiscal year continue to apply to the former municipalities.

The applicable adaptations must not be taken into consideration for the purpose of establishing, for the year of reference, the median of the standardized property values per inhabitant or the average values of dwellings.

36. As for the new municipality, the summary referred to in the first paragraph of section 6 must be constituted by the aggregate of the summaries, referred to in that paragraph, of the former municipalities.

Where only one of the former municipalities had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, the report of the former municipality referred to in the third paragraph of section 4 must constitute the report of the new municipality. Where several of the former municipalities had such revenues for that fiscal year, the report of the new municipality referred to in that paragraph must consist of the aggregate of revenues of those former municipalities.

37. The standardized property value per inhabitant of the new municipality for the year of reference must be the quotient obtained by dividing the first of the following amounts by the second:

(1) the dividend is the total of the standardized property values of the former municipalities that are established for the year of reference in accordance with section 9 and, where applicable, with sections 10 and 11; and

(2) the divisor is the total populations of the former municipalities established for the year of reference in accordance with the third paragraph of section 8, or the total populations of those municipalities established in the same manner for any of the three fiscal years preceding the year of reference, whichever is greater.

The total provided for in subparagraph 2 of the first paragraph must also constitute the population of the new municipality for the purposes of section 22.

38. The average value of the dwellings situated in the territory of the new municipality for the year of reference must be the quotient obtained by dividing, by the total of the divisors provided for in subparagraph 1 of the first paragraph of section 12, the total of the dividends provided for in subparagraph 2 of that paragraph, as they were established for that fiscal year in respect of the former municipalities.

39. The adaptations provided for in sections 36 to 38 also apply for the purpose of determining if the new municipality is eligible for the first fiscal year that follows the fiscal year during which the amalgamation or annexation comes into force and, if eligible, of computing the equalization amount to which it is entitled for the next fiscal year.

However,

(1) the adaptations provided for in the first paragraph of section 36 and in section 38 do not apply where the summary of the new municipality for the year of reference is drawn up, in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year;

(2) in the circumstance referred to in subparagraph 1, the adaptations provided for in subparagraph 1 of the first paragraph of section 37, except where applicable for the part of the standardized property value that is established in accordance with sections 10 and 11, do not apply; and

(3) the total populations of the former municipalities established for the year of reference are not taken into consideration for the purposes of subparagraph 2 of the first paragraph of section 37 where the amalgamation or annexation comes into force on 1 January of the year of reference.

Where the amalgamation or annexation comes into force before 1 September of the year of reference, the applicable adaptations must be taken into consideration for the purposes of establishing, for that fiscal year, the median of the standardized property values per inhabitant or the average values of dwellings. In such case, the summary and report referred to in section 36, insofar as they contain the data used for the purposes of the applicable adaptations, are also those referred to in sections 15 and 16.

40. Where the amalgamation or annexation comes into force after the date on which the property assessment roll must be reproduced in the summary of the municipality for the year of reference, the adaptations provided for in the first paragraph of section 36, in subparagraph 1 of the first paragraph of section 37 and in section 38 also apply for the purpose of determining if the new municipality is eligible for the second fiscal year that follows the fiscal year during which the amalgamation or annexation comes into force and, if eligible, of computing the equalization amount to which it is entitled for that subsequent fiscal year.

Despite the foregoing, they do not apply where the summary of the new municipality for the year of reference is drawn up, in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year.

The applicable adaptations must be taken into consideration for the purpose of establishing, for the year of reference, the median of the standardized property values per inhabitant or the average values of dwellings. The summary referred to in the first paragraph of section 36 is also the summary referred to in section 15.

Where one of the former municipalities had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, the value resulting from the capitalization determined under section 10 must, for the purposes of subparagraph 1 of the first paragraph of section 37, be included in the standardized property value of that former municipality even if that capitalization is determined on the basis of the data attributed to the new municipality in the first financial report of that municipality.

CHAPTER V
TRANSITIONAL AND FINAL

DIVISION I
INTERPRETATION

41. For the purposes of this Chapter, "previous regulation" means the regulation that is to be replaced under section 61 and its amendments.

42. Any reference to a provision that is subject to an adaptation provided for in any of Subdivisions II to V of this Chapter refers to that provision as it reads with the adaptation, even if it is not specified.

DIVISION II
SPECIAL PROVISION APPLICABLE IN 2008 AND 2009

43. For the purposes of this Regulation, in particular section 8, the population of a central municipality or of a reconstituted municipality referred to in any of sections 4

to 14 of the Act respecting the exercises of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001) is, for the fiscal year 2004 or the fiscal year 2005, the population specified in Schedule 1 to this Regulation.

DIVISION III
ADAPTATIONS APPLICABLE IN 2008

44. The adaptations provided for in this Division apply for the purpose of determining if a municipality is eligible for the fiscal year 2008 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

45. The following section is transitionally added after section 4:

"**4.1.** Despite the first paragraph of section 4, any local municipality is eligible if, for the fiscal year 2007,

(1) the municipality was eligible under section 6.1 of the previous regulation; and

(2) the condition in subparagraph 1 of the first paragraph of section 4 was met while the average value of the dwellings situated in its territory, established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was equal to or greater than the median.".

46. Sections 10 and 11 are transitionally replaced by the following:

"**10.** For a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act, the standardized aggregate taxation rate of the municipality established for the fiscal year 2006 in accordance with sections 10.1 to 10.3 is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, on the basis of the data certified pursuant to section 11 rather than on the basis of the budgetary data referred to in section 261.4 of the Act.

10.1. The standardized aggregate taxation rate of the municipality for the fiscal year 2006 is the quotient obtained by dividing the total of its revenues for that fiscal year, as considered under section 10.2, by the result of the standardization of the taxable values entered on the property assessment roll of the municipality for that fiscal year.

The quotient obtained must contain six decimals.

The standardization of a value entered on the property assessment roll consists in multiplying that value by the comparative factor established in respect of the roll, under section 264 of the Act, for the fiscal year 2006.

For that purpose, the property assessment roll is taken into consideration as it existed on 1 January 2006, having regard to the alterations that took effect on or before that date and of which the municipality advises the Minister, in accordance with section 11, before 1 May 2008.

10.2. For the purpose of establishing the standardized aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year 2006 and that are derived from the following are taken into consideration:

(1) municipal property taxes imposed for that fiscal year; and

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that fiscal year, because such person is the owner, lessee or occupant of an immovable.

The part of such revenues that is the subject of a credit other than the discount granted for early payment is not taken into consideration.

Revenues from the following sources are also not taken into consideration:

(1) the business tax or the tax imposed under section 487.3 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.3 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

(2) any property tax payable under the first paragraph of section 208 of the Act;

(3) any non-property tax, compensation or mode of tariffing payable under the first paragraph of section 257 of the Act;

(4) any non-property tax, compensation or mode of tariffing for providing a municipal service in respect of an immovable belonging to the Crown in right of Canada or one of its mandataries; and

(5) the compensation payable under section 205 of the Act.

If, in respect of the category of non-residential immovables provided for in section 244.33 of the Act, the municipality has fixed a specific general property tax rate under section 244.29 of the Act that is greater

than the basic rate provided for in section 244.38 of the Act, a part of the revenues from that tax and from any special tax imposed under section 487.1 or 487.2 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) is not taken into consideration, as provided in section 10.3.

10.3. The part of the revenues not taken into consideration for the purpose of establishing the standardized aggregate taxation rate, in the circumstances referred to in the fourth paragraph of section 10.2, is the difference obtained by subtracting the second of the following amounts from the first:

(1) the amount of the total revenues deriving from the imposition of the tax on the units of assessment belonging to one of the categories provided for in sections 244.33 and 244.34 of the Act; and

(2) the amount of the total revenues that would derive from the imposition of the tax on the units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied or, if the municipality has fixed a rate specific to the category provided for in section 244.35 of the Act, the average rate computed in accordance with the second paragraph.

The average rate is obtained by dividing the first of the following amounts by the second:

(1) the dividend is the amount of the total 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 provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to compute 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 total 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 second and fourth paragraphs of section 10.1 apply for the purpose of computing the average rate.

11. The clerk of a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for that fiscal year, the value resulting from the capitalization determined under section 10, having regard to the alterations to the property assessment roll that took effect on or before 1 January 2006 and that were made before the certificate was issued.

Where an alteration taking effect on or before 1 January 2006 was made after the certificate was drawn up and before 1 May 2008 and the certified value is modified as a result, the clerk must certify the modified value in an amended certificate. In order to be taken into consideration, the certificate must have been received by the Minister before 1 May 2008.

If the average rate computed in accordance with the second paragraph of section 10.3 was used to establish the certified value, the certificate must also certify the divisor referred to in subparagraph 2 of that paragraph.

11.1. For the purposes of sections 10, 10.1 to 10.3 and 11, the legislative provisions referred to and taken into consideration are the legislative provisions as they existed when they applied for the purposes of the fiscal year 2006.".

47. Sections 15 and 16 are transitionally replaced by the following:

"**15.** For the purpose of establishing the median, only the standardized property values per inhabitant and the average values of the dwellings established for the fiscal year 2007 of local municipalities whose summary for that fiscal year is received by the Minister before 1 November 2007 must be taken into consideration.

16. For a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act, its standardized property value per inhabitant must be taken into consideration for the purpose of establishing the median, despite section 15, only if its financial report for that fiscal year and its summary for the fiscal year 2007 are received by the Minister before 1 November 2007.

For those purposes only, that date replaces the date of 1 May 2008 referred to in the third paragraph of section 8 and in the fourth paragraph of section 10.1. The median established is not changed even if, because of an alteration referred to in any of those paragraphs of which the Minister is seized after 31 October 2007 and before 1 May 2008, any of the values taken into consideration is altered subsequently.".

48. Section 18 is transitionally replaced by the following:

"**18.** The sum to be apportioned for the fiscal year 2008 is $50,000,000, that is, $45,410,000 under the first part and $4,590,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the fiscal year 2008 is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May 2008, must be paid during 2008.".

49. Subdivision 2 of Division III of Chapter III is transitionally replaced by the following:

"§2. Computation of equalization amount

A- Equalization amount of certain municipalities entitled to a predetermined amount

24. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of this Division and Subdivision 1 of Division IV, for the fiscal year 2008, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 19, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2008.

24.1. Any municipality eligible under section 4.1 is entitled to receive, for the fiscal year 2008, an equalization amount equal to 50% of the amount to which it was entitled for the fiscal year 2006.

24.2. Section 24.1 does not apply to a municipality that is entitled to receive an aliquot share computed under section 19 equal to or greater than the equalization amount computed in accordance with section 24.1.

B- Equalization amount of a municipality not referred to in section 24 or 24.1

i. Rule

25. The equalization amount of an eligible municipality that is not referred to in section 24 or 24.1 is the result of the adjustment provided for in section 26 that is made to the sum computed in accordance with section 25.3 or 25.4.

ii. Adjustment computed in respect of a new municipality

25.1. Sections 25.2 and 25.3 apply for the purpose of computing the sum to be adjusted under section 26 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

25.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

25.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2008 according to the data available on 1 May 2008 from the aliquot share computed in respect of the municipality in accordance with section 25.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

25.4. For any eligible municipality that is not referred to in section 24, 24.1 or 25.1, the sum to be adjusted under section 26 is the aliquot share computed in its respect by applying Subdivision 1.

26. The adjustment of the sum computed in accordance with section 25.3 or 25.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 24 and 24.1 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 25.3 and 25.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

50. Division B of Subdivision 2 of Division IV of Chapter III is transitionally replaced by the following:

"B- Equalization amount of a municipality not referred to in section 30

i. Rule

31. The equalization amount of an eligible municipality that is not referred to in section 30 is the result of the adjustment provided for in section 32 that is made to the sum computed in accordance with section 31.3 or 31.4.

ii. Adjustment computed in respect of a new municipality

31.1. Sections 31.2 and 31.3 apply for the purpose of computing the sum to be adjusted under section 32 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

31.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

31.3. The sum to be adjusted is the difference obtained by subtracting any neutrality amount that must be paid to the municipality in 2008 according to the data available on 1 May 2008 and that has not been subtracted under section 25.3 from an aliquot share computed in accordance with section 25.2, from the aliquot share computed in respect of the municipality in accordance with section 31.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

31.4. For any eligible municipality that is not referred to in section 30 or 31.1, the sum to be adjusted under section 32 is the aliquot share computed in its respect by applying Subdivision 1.

32. The adjustment of the sum computed in accordance with section 31.3 or 31.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 30 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 31.3 and 31.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

51. Section 37 is transitionally amended by replacing "10 and 11" in the first paragraph by "10 to 11.1".

52. Section 39 is transitionally amended

(1) by replacing "10 and 11" in subparagraph 2 of the first paragraph by "10 to 11.1";

(2) by replacing "1 September of the year of reference" in the third paragraph by "1 November 2007".

DIVISION IV
ADAPTATIONS APPLICABLE IN 2009

53. The adaptations provided for in this Division apply for the purpose of determining if a municipality is eligible for the fiscal year 2009 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

54. The following is transitionally added after section 4:

"**4.1.** Despite the first paragraph of section 4, any local municipality is eligible if, for the fiscal year 2008,

(1) the municipality was eligible under section 4.1, made by section 45; and

(2) the condition in subparagraph 1 of the first paragraph of section 4 was met while the average value of the dwellings situated in its territory, established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was equal to or greater than the median.".

55. Section 11 is transitionally replaced by the following:

"**11.** The clerk of a municipality that, for the fiscal year 2007, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for that year, the value resulting from the capitalization determined under section 10, having regard to the alterations to the property assessment roll that must be taken into consideration under section 261.5.14 of the Act.

If section 261.5.7 of the Act, transitionally enacted by section 138 of chapter 31 of the Statutes of 2006, applied to the municipality for the purpose of establishing the aggregate taxation rate for the fiscal year 2007, the certificate must also certify the divisor that was used in the computation of the average rate provided for in the third paragraph of section 261.5.7, taking into account, if applicable, section 261.5.10 of the Act, transitionally enacted by section 138.".

56. Section 18 is transitionally replaced by the following:

"**18.** The sum to be apportioned for the fiscal year 2009 is $50,000,000, that is, $44,040,000 under the first part and $5,960,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the fiscal year 2009 is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May 2009, must be paid in 2009.".

57. Subdivision 2 of Division III of Chapter III is transitionally replaced by the following:

"*§2. Computation of equalization amount*

A- Equalization amount of certain municipalities entitled to a predetermined amount

24. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of this Division and Subdivision 1 of Division IV, for the fiscal year 2009, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 19, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2009.

24.1. Any municipality eligible under section 4.1 is entitled to receive, for the fiscal year 2009, an equalization amount equal to 25% of the amount to which it was entitled for the fiscal year 2006.

24.2. Section 24.1 does not apply to a municipality that is entitled to receive an aliquot share computed under section 19 equal to or greater than the equalization amount computed in accordance with section 24.1.

B- Equalization amount of a municipality not referred to in sections 24 and 24.1

i. Rule

25. The equalization amount of an eligible municipality that is not referred to in section 24 or 24.1 is the result of the adjustment provided for in section 26 that is made to the sum computed in accordance with section 25.3 or 25.4.

ii. Adjustment computed in respect of a new municipality

25.1. Sections 25.2 and 25.3 apply for the purpose of computing the sum to be adjusted under section 26 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

25.2 For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

25.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2009 according to the data available on 1 May 2009 from the aliquot share computed in respect of the municipality in accordance with section 25.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

25.4. For any eligible municipality that is not referred to in section 24, 24.1 or 25.1, the sum to be adjusted under section 26 is the aliquot share computed in its respect by applying Subdivision 1.

26. The adjustment of the sum computed in accordance with section 25.3 or 25.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 24 and 24.1 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 25.3 and 25.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

58. Division B of Subdivision 2 of Division IV of Chapter III is transitionally replaced by the following:

"B- Equalization amount of a municipality not referred to in section 30

i. Rule

31. The equalization amount of an eligible municipality that is not referred to in section 30 is the result of the adjustment provided for in section 32 that is made to the sum computed in accordance with section 31.3 or 31.4.

ii. Adjustment computed in respect of a new municipality

31.1. Sections 31.2 and 31.3 apply for the purpose of computing the sum to be adjusted under section 32 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

31.2 For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

31.3. The sum to be adjusted is the difference obtained by subtracting any neutrality amount that must be paid to the municipality in 2009 according to the data available on 1 May 2009 and that has not been subtracted under section 25.3 from an aliquot share computed in accordance with section 25.2, from the aliquot share computed in respect of the municipality in accordance with section 31.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

31.4. For any eligible municipality that is not referred to in section 30 or 31.1, the sum to be adjusted under section 32 is the aliquot share computed in its respect by applying Subdivision 1.

32. The adjustment of the sum computed in accordance with section 31.3 or 31.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 30 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 31.3 and 31.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.”.

DIVISION V
ADAPTATIONS APPLICABLE IN 2010

59. The adaptations provided for in this Division apply for the purpose of computing the equalization amount to which an eligible municipality is entitled for the fiscal year 2010.

60. Section 18 is transitionally replaced by the following:

“**18.** The sum to be apportioned for the fiscal year 2010 is $50,000,000, that is, $42,970,000 under the first part and $7,030,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the fiscal year 2010 is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May 2010, must be paid in 2010.”.

DIVISION VI
FINAL

61. This Regulation replaces the Regulation respecting the equalization scheme, made by Order in Council 1198-2002 dated 9 October 2002.

62. This Regulation applies for the purposes of any fiscal year as of the fiscal year 2008.

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

SCHEDULE 1

Population of a central municipality or of a reconstituted municipality in 2004 and 2005
(s. 43)

Municipality	Population in 2004	Population in 2005
Ville de Baie-D’Urfé	3,868	3,895
Ville de Beaconsfield	19,773	20,035
Ville de Boucherville	37,151	37,781
Ville de Brossard	67,027	68,264
Ville de Cookshire – Eaton	5,240	5,216
Ville de Côte-Saint-Luc	30,977	31,518
Ville de Dollard-Des Ormeaux	49,622	50,360
Ville de Dorval	18,138	18,274
Ville d’Estérel	177	163
Municipalité de Grosse-Île	554	548
Ville de Hampstead	7,078	7,174
Municipalité d’Ivry-sur-le-Lac	418	424
Ville de Kirkland	21,074	21,541
Ville de L’Ancienne-Lorette	16,285	16,582
Ville de L’Île-Dorval	1	2
Municipalité de La Bostonnais	531	551
Municipalité de La Macaza	1,074	1,090
Ville de La Tuque	12,425	12,215
Municipalité de Lac-Édouard	138	131
Municipalité de Lac-Tremblant-Nord	0	12
Municipalité des Îles-de-la-Madeleine	12,465	12,511
Ville de Longueuil	230,590	231,025
Ville de Mont-Laurier	13,041	13,266
Ville de Mont-Royal	19,178	19,478
Ville de Mont-Tremblant	8,729	8,723
Ville de Montréal	1,627,721	1,633,825
Ville de Montréal-Est	3,616	3,527
Ville de Montréal-Ouest	5,268	5,332
Municipalité de Newport	767	752
Ville de Pointe-Claire	30,106	30,405
Ville de Québec	487,895	490,368
Ville de Rivière-Rouge	4,506	4,564
Municipalité de Saint-Aimé-du-Lac-des-Îles	734	715

Municipality	Population in 2004	Population in 2005
Ville de Saint-Augustin-de-Desmaures	16,409	16,679
Ville de Saint-Bruno-de-Montarville	24,326	24,421
Ville de Saint-Lambert	21,486	21,658
Ville de Sainte-Agathe-des-Monts	9,151	8,972
Ville de Sainte-Anne-de-Bellevue	5,205	5,314
Ville de Sainte-Marguerite-du-Lac-Masson	2,286	2,303
Village de Senneville	1,010	1,039
Ville de Westmount	19,973	20,055

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Draft Regulation

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1)

Individual and family assistance
— Amendments

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Individual and Family Assistance Regulation, appearing below, may be made by the Government on the expiry of 20 days following this publication.

The purpose of the draft Regulation is to increase from $30 to $45 per week the minimum amount of the employment-assistance allowance granted to a person eligible under a financial assistance program established under the Individual and Family Assistance Act. That amount is to be increased by $25 per week in the case of a single-parent family.

An equivalent increase in those new amounts is also provided for to determine the part of the employment-assistance allowance that may not be seized for non-payment of support.

As for recipients of last resort financial assistance, the exemption applicable to income derived from such an allowance will be increased from $130 to $195 per month; the exemption will be $304 per month in the case of a single-parent family.

In accordance with section 13 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the 45-day period applicable under section 11 of that Act by reason of the urgency due to the following circumstances:

— The amendments proposed in the draft Regulation are intended to come into force on 1 July 2008 because of the increase, as of 1 July 2008, of the minimum amount of the employment-assistance allowance granted to persons who participate in employment-assistance measures, in accordance with the 2008-2009 Budget Speech and the Employment Pact, announced by the Government on 18 March 2008.

The draft Regulation will have a positive impact on persons who participate in an employment-assistance measure giving entitlement to employment-assistance allowances. It has no financial impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Christine Brockman, Direction des politiques de sécurité du revenu, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4e étage, Québec (Québec) G1R 4Z1 (telephone: 418 646-7221; fax: 418 644-1299).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 20-day period to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4e étage, Québec (Québec) G1R 4Z1.

SAM HAMAD,
Minister of Employment and Social Solidarity

Regulation to amend the Individual and Family Assistance Regulation *

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1, s. 131, pars. 2 and 7, s. 132, par.10 and s. 136)

1. Section 7 of the Individual and Family Assistance Regulation is amended

* The Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006 (2006, *G.O.* 2, 3877), was last amended by the regulations made by Orders in Council 654-2007 dated 7 August 2007 (2007, *G.O.* 2, 2384) and 1064-2007 dated 28 November 2007 (2007, *G.O.* 2, 3688). For previous amendments, refer to the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

(1) by replacing "$30" by "$45";

(2) by adding the following at the end: "However, if the person has no spouse but a dependent child, that amount is increased by $25 per week.".

2. Section 11 is amended

(1) by replacing "$30" by "$45";

(2) by adding the following at the end: "However, if the person has no spouse but a dependent child, that part is set at $70 per week.".

3. Section 111 is amended by replacing paragraph 16 by the following:

"(16) employment-assistance allowances paid by the Minister and employment-assistance allowances paid by a third person and recognized as such by the Minister, up to $195 per month per person or, if the person has no spouse but a dependent child, up to $304 per month;

(16.1) support allowances paid by a third person and recognized as such by the Minister, up to $130 per month per person;".

4. This Regulation comes into force on 1 July 2008. However, section 3 applies only in respect of employment-assistance allowances granted as of that date.

8655

Draft Regulation

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

Dental hygienists
— Code of Ethics
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation amending the Code of Ethics of the members of the Ordre des hygiénistes dentaires du Québec", adopted by the Bureau de l'Ordre des hygiénistes dentaires du Québec, may be submitted to the government, which may approve it, with or without amendment, upon expiry of a period of 45 days as of the publication of this notice.

The purpose of this regulation is to eliminate the provision of the Code of Ethics of the members of the Ordre des hygiénistes dentaires du Québec which describes the Order's graphic symbol and to substitute it with a provision dealing with the members of the Order's use of the graphic symbol in advertising material.

The Order does not expect these amendments to have any financial impact on enterprises, including small and medium-sized businesses.

Additional information concerning the proposed regulation can be obtained by contacting the Secretary of the Order, Dominique Derome, FCMA, Ordre des hygiénistes dentaires du Québec, 1290, rue Saint-Denis, 3e étage, Montréal (Québec) H2X 3J7, telephone number: 514 284-7639, fax number: 514 284-3147, e-mail: dderome@ohdq.com

Any person wishing to make comments is invited to send them, before expiration of this 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The Office will communicate these comments to the Minister responsible for the application of professional laws; they may also be communicated to the professional order which has adopted the regulation and to the persons, departments and agencies concerned.

JEAN PAUL DUTRISAC,
Chair of the Office des professions du Québec

Regulation amending the Code of Ethics of members of the Ordre des hygiénistes dentaires du Québec *

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

1. The Code of ethics of members of the Ordre des hygiénistes dentaires du Québec is modified by the deletion of the title "SECTION V GRAPHIC SYMBOL OF THE ORDER".

2. Section 63 of this regulation is replaced by the following:

* The Code of Ethics of Members of the Ordre des hygiénistes dentaires du Québec, approved by Order in Council 686-97 dated 21 May 1997 (1997, *G.O.* 2, 2260), was last amended by the regulation approved by Order in Council 718-2006 dated 8 August 2006 (2006, *G.O.* 2, 2942). For previous amendments, refer to *Tableau des modifications et Index sommaire,* Québec Official Publisher, 2007, updated to 1 September 2007.

"**63.** The dental hygienist reproducing the graphic symbol of the Order in advertisements shall ensure that the symbol complies with the one adopted by a resolution of the Bureau.".

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

8656

Draft Regulation

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

Wood-burning appliances

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting wood-burning appliances, appearing below, may be made by the Government on the expiry of 60 days following this publication.

In order to achieve greater protection of the atmosphere by reducing particulate emissions from wood-burning appliances, the draft Regulation prohibits the manufacture, sale and distribution in Québec of wood-burning appliances that do not comply with the proposed standards.

The draft Regulation will have little economic impact on enterprises that make or sell wood-burning appliances because all Québec manufacturers of wood stoves and fireplaces already meet the environmental standards set by the United States Environmental Protection Agency (USEPA) or the Canadian Standards Association (CSA), which are to become mandatory under the draft Regulation.

The implementation of the draft Regulation will entail minimal additional administrative costs to manufacturers since the testing required to verify appliance conformity has been done by the accredited bodies and the manufacturers have obtained the necessary certifications and approvals. The marks of conformity to be affixed to the appliances are also available.

The main impact on the public and enterprises acquiring new wood-burning appliances after the Regulation comes into force will be the price differential between compliant and non-compliant appliances, although the higher price for compliant appliances will be offset by the savings generated from reduced firewood consumption.

Further information may be obtained by contacting Carol Gagné, Service de la qualité de l'atmosphère, Direction des politiques de l'air, Ministère du Développement durable, de l'Environnement et des Parcs; telephone: 418 521-3813, extension 4594; fax: 418 646-0001; e-mail: carol.gagne@mddep.gouv.qc.ca

Any interested person wishing to comment on the draft Regulation may submit written comments to Michel Goulet, Head, Service de la qualité de l'atmosphère, Direction des politiques de l'air, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6e étage, boîte 30, Québec (Québec) G1R 5V7, within the 60-day period.

LINE BEAUCHAMP,
Minister of Sustainable Development, Environment and Parks

Regulation respecting wood-burning appliances

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a*, *c*, *d*, *e*, *h* and *i*, s. 53, par. *d*, ss. 86, 109.1, 124.0.1 and 124.1)

DIVISION I
SCOPE

1. This Regulation applies to any stove, furnace, boiler, fireplace insert and factory-built fireplace designed to burn only wood in any of its forms and whose air-fuel ratio in the fire chamber is less than 35:1.

It does not apply to

(1) a fireplace insert or factory-built fireplace whose minimum burn rate is greater than 5 kg of fuel per hour, or fireplaces intended for outdoor use only;

(2) a boiler or furnace with a nominal heat output exceeding 2 MW;

(3) a maple syrup evaporator; or

(4) a wood-burning appliance intended exclusively for export from Québec.

2. This Regulation applies a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

DIVISION II
CONFORMITY OF WOOD-BURNING APPLIANCES

3. Every wood-burning appliance manufactured, sold, offered for sale or distributed in Québec as of (*insert the date of coming into force of this Regulation*) must comply with at least one of the following standards as regards particles emitted into the atmosphere:

(1) CAN/CSA – B415.1 – "Performance Testing of Solid-Fuel Burning Stoves, Inserts, and Low-Burn-Rate Factory-Built Fireplaces", published by the Canadian Standards Association;

(2) 40 CFR 60, subpart AAA – "Standards of Performance for New Residential Wood Heaters", published by the United States Environmental Protection Agency.

4. A wood-burning appliance is deemed to comply with a standard referred to in section 3 if

(1) the manufacturer or importer of the appliance has been issued a certificate of compliance or approval by the Canadian Standards Association or the United States Environmental Protection Agency or by an organization, enterprise or laboratory accredited by those bodies to verify compliance with the standard; and

(2) the appliance bears the mark of conformity with a standard referred to in section 3.

5. Every manufacturer or importer of wood-burning appliances must, for each model of wood-burning appliance marketed in Québec, keep for at least 5 years the reports on the certification or approval tests performed on the appliance by a body referred to in section 4 and, where applicable, the certificate of compliance issued by the body.

DIVISION III
OFFENCES

6. Every person who manufactures, sells, offers for sale or distributes in Québec a wood-burning appliance in contravention of section 3 and every person who contravenes section 5 is liable

(1) in the case of a natural person, to a fine of $2,000 to $25,000;

(2) in the case of a legal person to, a fine of $5,000 to $250,000.

7. The fines prescribed by section 6 are doubled for a second or subsequent offence.

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

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified