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Part

2

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Laws and Regulations

Volume 141

Summary

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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PROVINCE OF QUÉBEC

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 17 JUNE 2009

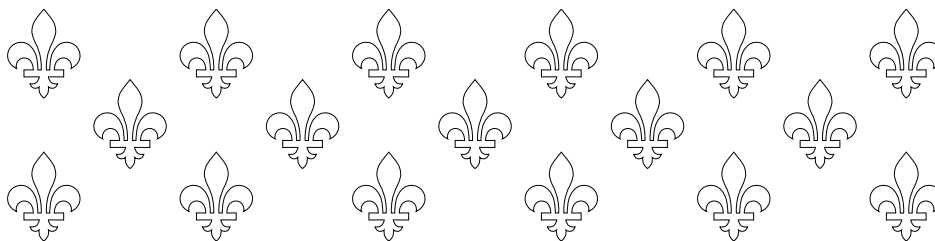
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 17 June 2009

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

- 8 An Act to amend the Securities Act and other legislative provisions
- 45 An Act to amend various legislative provisions respecting municipal affairs
- 50 An Act to amend the Act respecting financial services cooperatives and other legislative provisions

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



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 8
(2009, chapter 25)

An Act to amend the Securities Act and other legislative provisions

Introduced 11 March 2009
Passed in principle 5 June 2009
Passed 17 June 2009
Assented to 17 June 2009

**Québec Official Publisher
2009**

EXPLANATORY NOTES

The purpose of this Act is to harmonize Québec's legislation with that of the other Canadian provinces and territories by transferring the provisions concerning the securities sector out of the Act respecting the distribution of financial products and services and integrating them into the Securities Act.

To that end, this Act amends the provisions of the Securities Act on securities dealer and adviser registration to add requirements that apply specifically to mutual fund dealers, scholarship plan dealers and their representatives.

It also requires any person who wishes to act as an investment fund manager to be registered as such under the Securities Act. It imposes the same obligation on the chief compliance officer or ultimate designated person of a registered dealer, adviser or investment fund manager.

This Act then amends the Act respecting the distribution of financial products and services to strike out the provisions relating to the securities industry. It provides, however, that the provisions concerning the Fonds d'indemnisation des services financiers and the Chambre de la sécurité financière, including those concerning the latter's discipline committee, continue to apply to persons in the securities industry who used to be governed by the Act respecting the distribution of financial products and services and are now to be governed by the Securities Act.

It also lifts the prohibition on selling funeral insurance set out in the Civil Code and makes the required amendments to the Act respecting prearranged funeral services and sepultures and the Act respecting the distribution of financial products and services.

Lastly, this Act contains other consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec (1991, chapter 64);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Act respecting international financial centres (R.S.Q., chapter C-8.3);
- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);
- Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Securities Act (R.S.Q., chapter V-1.1);
- Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45);
- Act to amend the Securities Act and other legislative provisions (2006, chapter 50);
- Real Estate Brokerage Act (2008, chapter 9);
- Derivatives Act (2008, chapter 24).

REGULATION AMENDED BY THIS ACT:

- Securities Regulation (O.C. 660-83, 1983, G.O. 2, 1269).

Bill 8

AN ACT TO AMEND THE SECURITIES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4.1 of the Securities Act (R.S.Q., chapter V-1.1) is repealed.

2. Section 5 of the Act is amended

(1) by replacing the definitions of “adviser” and “dealer” by the following definitions:

““adviser” means a person engaging in or holding himself out as engaging in the business of advising another with respect to investment in or the purchase or sale of securities, or the business of managing a securities portfolio;

““dealer” means a person engaging in or holding himself out as engaging in the business of

(1) trading in securities as principal or agent;

(2) distributing a security for their own account or for another’s account; or

(3) any act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of an activity described in paragraph 1 or 2;”;

(2) by striking out the definition of “solicitation”;

(3) by inserting the following definition after the definition of “investment fund”:

““investment fund manager” means a person who directs the business, operations and affairs of an investment fund;”.

3. The Act is amended by inserting the following section after section 5.5:

“5.6. In this Act, the expressions “mutual fund dealer” and “scholarship plan dealer” have the meaning assigned to them by regulation.”

4. Section 6 of the Act is amended by replacing “its observance” in the first paragraph by “their observance”.

5. Section 29 of the Act is amended by striking out “en valeurs” in the first paragraph in the French text.

6. The heading of Division V of Chapter I of Title II of the Act is amended by inserting “AND RIGHT OF CANCELLATION,” after “RIGHT OF RESCISSION”.

7. The heading of Division VI of Chapter I of Title II of the Act is repealed.

8. Section 38 of the Act is replaced by the following section:

“**38.** The Authority may order that a distribution cease in the cases prescribed in section 15 or if it is in the public interest to do so.”

9. Sections 94, 95, 98 and 100 of the Act are amended by replacing “senior executives” wherever it appears by “officers”.

10. Sections 109.1 to 109.4 of the Act are repealed.

11. The heading of Title V of the Act is replaced by the following heading:

“REGISTRATION”.

12. The heading of Chapter I of Title V of the Act is replaced by the following heading:

“GENERAL PROVISIONS”.

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

“**148.** No person may act as a dealer, adviser or investment fund manager unless the person is registered as such.”

14. The Act is amended by inserting the following sections after section 148.1:

“**148.2.** The first paragraph of section 77 and the second paragraph of section 81 of the Act respecting the distribution of financial products and services (chapter D-9.2) apply, with the necessary modifications, to dealers registered as mutual fund dealers or scholarship plan dealers.

“**148.3.** Despite sections 23 and 24 of the Deposit Insurance Act (chapter A-26), a dealer registered as a mutual fund dealer or scholarship plan dealer may receive deposits on behalf of a deposit institution through the dealer’s representative. No cash deposit may be received by such a representative.

All deposits so received must be deposited with the deposit institution on whose behalf the dealer is acting.”

15. Section 149 of the Act is amended

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

“**149.** A natural person may not act as a dealer or adviser for the account of a person subject to registration under section 148, unless the natural person is registered as a representative of that person.

The chief compliance officer or ultimate designated person of a person registered under section 148 must be registered as such. The chief compliance officer or ultimate designated person shall perform the functions prescribed by regulation.”;

(2) by replacing “a dealer acting as principal or agent” in the second paragraph by “an investment dealer, within the meaning assigned by regulation,”;

(3) by replacing “carry on business as such and be employed by a” in that paragraph by “act as a representative in a financial institution’s place of business in Québec and be employed by the”;

(4) by replacing “group savings” in that paragraph by “mutual funds”.

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

“**149.1.** A representative of a mutual fund dealer or a representative of a scholarship plan dealer may, on the conditions prescribed by regulation, distribute shares, other than qualifying shares, issued by a financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3) that are not exempted from the application of Titles II to VIII.

“**149.2.** Titles V to VI of the Act respecting the distribution of financial products and services (chapter D-9.2) apply to representatives of a mutual fund dealer and representatives of a scholarship plan dealer.”

17. The Act is amended by inserting the following section after section 151:

“**151.0.1.** The Authority may revoke, suspend or impose restrictions or conditions on a registration if

(1) the representative, chief compliance officer or ultimate designated person has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(2) the representative, chief compliance officer or ultimate designated person has been convicted by a court inside or outside Canada of an act or offence which, in the opinion of the Authority, is related to the activity of the representative, chief compliance officer or ultimate designated person, or has pleaded guilty to such an act or offence;

(3) the representative, chief compliance officer or ultimate designated person has been assigned a tutor, curator or adviser; or

(4) the registration or right to transact business has been revoked or suspended, or restrictions or conditions have been imposed on the registration or right to transact business, by the discipline committee of the *Chambre de la sécurité financière* established under section 284 of the Act respecting the distribution of financial products and services (chapter D-9.2) or by a body in or outside Québec that is responsible for supervising and monitoring persons authorized to act as representatives, chief compliance officers or ultimate designated persons.

As well, the Authority may suspend the registration of a representative of a mutual fund dealer or a representative of a scholarship plan dealer if the representative fails to comply with the liability insurance requirements prescribed by regulation or the compulsory professional development requirements set out in the Act respecting the distribution of financial products and services.”

18. The Act is amended by inserting the following section after section 151.4:

“**151.5.** The Authority may order a dealer, adviser or investment fund manager to direct an auditor, at the dealer’s, adviser’s or investment fund manager’s expense, to conduct any audit or review required by the Authority and deliver the audit or review to the Authority as soon as practicable.”

19. Section 152 of the Act is amended by replacing “where the protection of investors requires it” by “if it is in the public interest to do so”.

20. The Act is amended by inserting the following section after section 152:

“**152.1.** Despite section 318, the Authority shall suspend or, if the offence is not a first offence, may revoke the registration of a mutual fund dealer or scholarship plan dealer if the dealer fails to maintain liability insurance as prescribed by regulation.

The Authority may also suspend or, if the offence is not a first offence, revoke the registration of a mutual fund dealer or scholarship plan dealer if a representative of the dealer, other than an employee, fails to maintain liability insurance as prescribed by regulation.”

21. Section 158 of the Act is amended

(1) by replacing “or adviser” in the first paragraph by “, adviser or investment fund manager”;

(2) by striking out the second paragraph.

22. Section 159 of the Act is amended by replacing “no change may be made unless the Authority approves or does not object within 30 days of receiving notice of the proposed change” in the second paragraph by “a change may be made only if the Authority agrees, or does not object, within the time and in the form prescribed by regulation”.

23. The Act is amended by inserting the following section after section 159:

“**159.0.1.** The Authority may determine by regulation, in the case of a dealer, adviser or investment fund manager, which natural persons must disclose the information and documents prescribed by regulation to the Authority.”

24. The heading of Chapter IV of Title V of the Act is replaced by the following heading:

“OBLIGATIONS OF REGISTRANTS”.

25. The Act is amended by inserting the following sections before section 160:

“**159.1.** An investment fund manager shall provide any disclosure required of an investment fund under this Act or the regulations.

“**159.2.** An investment fund manager shall, in the exercise of its functions, comply with the obligations set out in its constituting document, its by-laws and the law, and act within the limits of the powers conferred on it.

“**159.3.** An investment fund manager shall, in the best interests of the fund and its beneficiaries or in the interest of the fulfilment of its purpose, exercise prudence, diligence and skill, and discharge its functions loyally, honestly and in good faith.”

26. Section 160 of the Act is replaced by the following section:

“**160.** All persons registered as dealers, advisers or representatives are required to deal fairly, honestly, loyally and in good faith with their clients.”

27. Section 160.1 of the Act is amended by replacing “registrants” by “all persons registered as dealers, advisers or representatives”.

28. Section 160.2 of the Act, enacted by section 15 of chapter 37 of the statutes of 2004 and amended by section 111 of chapter 50 of the statutes of 2006, is again amended by striking out “en valeurs” in the French text.

29. Sections 160.3 to 163.1 of the Act are repealed.

30. Section 166 of the Act is replaced by the following section:

166. A registrant must make the statements prescribed by regulation concerning existing conflicts of interest and conflicts the registrant, acting reasonably, would expect to arise between the registrant and the registrant's clients."

31. Section 168.1.1 of the Act is amended by striking out "securities".

32. Sections 168.1.2 to 168.1.4 of the Act are amended by striking out "securities".

33. Section 187 of the Act, amended by section 56 of chapter 50 of the statutes of 2006, is again amended by adding the following paragraph:

"In the case described in subparagraph 1 of the first paragraph, the insider may not trade in the securities if the other party to the transaction is the reporting issuer and the transaction is not necessary in the course of the issuer's business."

34. Sections 190 and 191 of the Act are amended by replacing "is a portfolio manager" by "manages a portfolio".

35. The Act is amended by inserting the following section after section 192:

192.1. No person shall represent that the person is registered under this Act unless the representation is true and the person specifies the category of registration."

36. Section 193 of the Act is amended by striking out "en valeurs" in the French text.

37. Section 195.1 of the Act is amended by striking out "en valeurs" in the French text.

38. Section 201 of the Act is repealed.

39. Section 266 of the Act is amended by replacing "carrying on business as an adviser" by "acting as an adviser or as an investment fund manager".

40. Section 273.3 of the Act is amended by inserting ", dealer, adviser or investment fund manager" after "issuer" in the first paragraph.

41. Section 297.5 of the Act is repealed.

42. Section 307.2 of the Act, amended by section 217 of chapter 24 of the statutes of 2008, is again amended by replacing paragraph 3 by the following paragraph:

"(3) the powers and functions provided for in Titles V to VI of the Act respecting the distribution of financial products and services (chapter D-9.2);".

43. Section 308.2.1 of the Act, amended by section 218 of chapter 24 of the statutes of 2008, is again amended by replacing “, the Act respecting the distribution of financial products and services or a regulation made under that Title or Act” in paragraph 2 by “or a regulation under that Title”.

44. Section 331 of the Act, amended by section 169 of chapter 7 of the statutes of 2006, is again amended by striking out subparagraph 7 of the first paragraph.

45. Section 331.1 of the Act, amended by section 225 of chapter 24 of the statutes of 2008, is again amended

(1) by inserting the following paragraphs after paragraph 6.1:

“(6.1.1) determine conditions relating to the right of rescission provided for in section 30;

“(6.1.2) provide for a right to cancel the subscription or purchase of securities during a distribution, and determine conditions relating to that right;”;

(2) by replacing “securities dealers and advisers” in paragraph 9 by “dealers, advisers, investment fund managers”;

(3) by adding “, particularly the requirements that must be met by an accounting firm and the notices it must file with the Authority and the audit committee of such a person” at the end of paragraph 19.1;

(4) by inserting the following paragraphs after paragraph 27:

“(27.0.1) determine the natural persons referred to in section 159.0.1;

“(27.0.2) determine the information and documents that must be disclosed under section 159.0.1;”;

(5) by striking out paragraph 27.1;

(6) by replacing “pour l’application de la législation en valeurs mobilières du Québec, notamment lorsqu’elle est reconnue” in the French text of paragraph 33.7 by “ou autorisée à exercer une activité pour l’application de la législation en valeurs mobilières du Québec, notamment lorsqu’elle est reconnue ou autorisée”;

(7) by inserting “or authorized” after both occurrences of “recognized” in paragraph 33.7.

46. Section 332 of the Act is amended by striking out “securities” in paragraph 3.

47. Section 352 of the Act is amended

(1) by replacing “, within the following fifteen days, be tabled before the National Assembly if it is sitting or, if it is not, be filed with the President of the Assembly” in the second paragraph by “be tabled in the National Assembly within the following 15 days if it is sitting or, if it is not, within 15 days of resumption”;

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

“Within one year after the report is tabled, the competent committee of the National Assembly shall examine the advisability of maintaining this Act in force or amending it, and shall hear submissions by interested persons and bodies.”

AMENDING PROVISIONS

CIVIL CODE OF QUÉBEC

48. The Civil Code of Québec (1991, chapter 64) is amended by inserting the following article after article 2441:

“2441.1. A funeral insurance contract is a contract whereby an insurer undertakes, for a premium, to make a payment, upon the death of the insured, to a funeral director holding a permit under the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation and the disposal of human bodies, in order to cover all or part of the funeral expenses agreed on in a prearranged funeral services contract or prepurchased sepulture contract.

If the payment due by the insurer exceeds the funeral costs actually incurred by the funeral director, the surplus is paid to the person designated in the insurance contract as the beneficiary of such surplus or, if there is no such person, to the succession of the insured.

The insurer must see to it that the payment made under the insurance contract is actually used to cover the funeral expenses agreed on.

Annulment, resolution or rescission of the prearranged funeral services contract or prepurchased sepulture contract does not entail the rescission of the funeral insurance contract.”

49. Article 2442 of the Code, amended by section 161 of chapter 45 of the statutes of 2002 and by section 90 of chapter 37 of the statutes of 2004, is again amended

(1) by replacing “A contract of insurance for funeral expenses” at the beginning of the first paragraph by “Any funeral insurance contract” and by adding “if it does not meet the conditions set out in article 2441.1” at the end of that paragraph;

(2) by striking out “, for a premium paid in a single payment or by instalments,” in that paragraph;

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

“Only the persons who paid the premium or the Autorité des marchés financiers acting on their behalf may ask for the contract to be annulled.”

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

50. Section 2 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is amended by inserting “or a guarantee of payment under the terms of a funeral insurance contract” at the end of the second and fourth paragraphs.

51. Section 17 of the Act is amended by adding the following paragraph:

“However, no penalty is payable on the part of the price of the contract whose payment is guaranteed under the terms of a funeral insurance contract.”

ACT RESPECTING INTERNATIONAL FINANCIAL CENTRES

52. Section 4 of the Act respecting international financial centres (R.S.Q., chapter C-8.3) is amended by striking out “en valeurs” in the definitions of “conseiller” and “courtier” in the French text.

REAL ESTATE BROKERAGE ACT

53. Section 20 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended by striking out “in securities” wherever it appears.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

54. Section 1 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by striking out “a securities representative,”.

55. Section 9 of the Act is repealed.

56. Section 12 of the Act is amended by striking out “or mutual fund” and “, shares or units in mutual funds or units in scholarship plans” in the second paragraph.

57. Section 13 of the Act is amended by striking out the following in the second paragraph:

“– group savings plan brokerage;

“– investment contract brokerage;

“– scholarship plan brokerage”.

58. Section 14 of the Act is amended

(1) by striking out “other than a securities representative” in the first paragraph;

(2) by striking out the third paragraph.

59. The Act is amended by inserting the following section after section 20:

“20.1. The Authority may determine by regulation other circumstances in which a client may rescind an insurance or annuity contract drawn up by an insurer as well as any subscription to such a contract, and circumstances in which a client may cancel such a contract or subscription, and the conditions and procedure applicable to such a rescission or cancellation.”

60. Division III of Chapter II of Title I of the Act, comprising sections 51 to 55, is repealed.

61. Section 59 of the Act is amended by inserting “who is registered as a representative in accordance with Title V of the Securities Act (chapter V-1.1),” after “order” in the third paragraph.

62. Section 72 of the Act is amended by replacing “securities dealers or securities advisers” after the last dash in the second paragraph by “dealers or advisers”.

63. Section 79 of the Act is amended by striking out the second paragraph.

64. Section 83 of the Act is amended by replacing the second paragraph by the following paragraphs:

“Despite sections 115, 117, 119, 121, 122 and 124, the Authority shall suspend or, if the offence is not a first offence, may cancel the registration of a firm if the firm ceases to maintain such insurance or fails to pay the set premium.

It may also suspend or, if the offence is not a first offence, cancel the registration of a firm if a representative of the firm, other than an employee, is not covered by liability insurance or has failed to pay the set premium.”

65. Section 95 of the Act is amended

(1) by striking out “or securities representative” in the first paragraph;

(2) by replacing “il agit” in the second paragraph in the French text by “le cabinet agit”.

66. Section 96 of the Act is amended by striking out “or securities representative”.

67. Sections 98 and 99 of the Act are repealed.

68. The Act is amended by inserting the following section before section 115:

“114.1. The Authority may order a firm to direct an auditor, at the firm’s expense, to conduct any audit or review required by the Authority and deliver the audit or review to the Authority as soon as practicable.”

69. Section 128 of the Act is amended

(1) by striking out “, other than a securities sector,” in the first paragraph;

(2) by striking out “, other than a securities sector,” in the second paragraph.

70. Section 146 of the Act is amended by inserting “114.1,” after “106 to 113,” in the first and second paragraphs.

71. Section 201 of the Act is repealed.

72. Section 202.1 of the Act is amended

(1) by replacing “determine,” in the introductory sentence by “, for each sector, determine”;

(2) by striking out “, other than securities representatives, of each sector or class of sector” in paragraph 1;

(3) by replacing “of each sector or class of sector other than financial planning” in paragraph 2 by “other than financial planners”.

73. Section 206 of the Act is amended by striking out “or securities representative”.

74. Section 207 of the Act is amended by replacing “sections 26 and 53” by “section 26”.

75. Sections 214 and 217.1 of the Act are repealed.

76. Section 218 of the Act is amended

(1) by replacing “a criminal act or indictable” in subparagraph 2 of the first paragraph by “an act or”;

(2) by striking out “the certificate holder” in the introductory sentence of the first paragraph, by inserting “the certificate holder” at the beginning of subparagraphs 1, 2 and 3 of that paragraph and by inserting the following subparagraph after subparagraph 2 of that paragraph:

“(2.1) the certificate or the certificate holder’s right to transact business has been cancelled or suspended, or restrictions or conditions have been imposed on it, by the discipline committee or by a body in Québec or another province or state that is responsible for supervising and monitoring persons acting as representatives;”;

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

“(4) the certificate holder no longer complies with an obligation prescribed by this Act or the regulations for the issue or renewal of the certificate.”;

(4) by adding “or the liability insurance requirements prescribed by regulation” at the end of the second paragraph.

77. Section 219 of the Act is amended

(1) by striking out “, in a sector referred to in the second paragraph of section 13,” in subparagraph 1 of the first paragraph;

(2) by striking out the second paragraph.

78. Section 220 of the Act is amended by replacing “a certificate” by “or to renew a certificate, or impose conditions or restrictions on a certificate,”.

79. Section 223 of the Act is amended by replacing “acting through a securities representative” in paragraph 13.1 by “, an independent representative or an independent partnership”.

80. Sections 224.1, 227, 228.1 and 228.2 of the Act are repealed.

81. Section 258 of the Act is amended by replacing “or an independent partnership” in the second paragraph by “, an independent partnership or a mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act (chapter V-1.1)”.

82. Section 258.1 of the Act is amended by striking out “by firms, independent representatives or independent partnerships”.

83. Section 278 of the Act is amended by replacing “and independent partnership” at the end of the first paragraph by “, independent partnership and mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act (chapter V-1.1)”.

84. The Act is amended by inserting the following section after the heading of Title V:

“283.1. In this Title, the terms “mutual fund dealer representative” and “scholarship plan dealer representative” mean a person registered as such in accordance with Title V of the Securities Act (chapter V-1.1).

Furthermore, unless the context indicates otherwise, the term “representative” includes a person registered as a mutual fund dealer representative or as a scholarship plan dealer representative.”

85. Section 289 of the Act is amended

(1) by replacing “securities representatives” in the first paragraph by “mutual fund dealer representatives, scholarship plan dealer representatives”;

(2) by replacing “group savings plan representatives, one member by investment contract representatives and scholarship plan representatives” in the second paragraph by “mutual fund dealer representatives, one member by scholarship plan dealer representatives”.

86. Section 294 of the Act is amended by replacing “investment contract representatives, scholarship plan representatives” by “scholarship plan dealer representatives”.

87. Section 296 of the Act is amended by replacing “securities representatives” by “mutual fund dealer representatives and scholarship plan dealer representatives”.

88. Section 312 of the Act is amended by adding “, except the power provided for in paragraph 1 of that section in respect of mutual fund dealer representatives and scholarship plan dealer representatives” at the end of the fourth paragraph.

89. Section 319 of the Act is amended by replacing “of ethics applicable to each securities sector and class of sectors” by “concerning the activities of mutual fund dealer representatives and scholarship plan dealer representatives”.

90. Section 320.3 of the Act is amended

(1) by replacing “representative’s certificate of the member” in the first paragraph by “member’s representative’s certificate or registration”;

(2) by replacing “of the member having failed” in the second paragraph by “or registration if the member has failed”;

(3) by inserting “or the registration” after “that the certificate” in that paragraph.

91. Section 320.4 of the Act is amended

(1) by inserting “or registration as a representative” after “representative’s certificate” in the first paragraph and by inserting “or the registration” after “the certificate” in that paragraph;

(2) by inserting “or reinstate the member’s registration” after “representative’s certificate to the member” in the second paragraph and by inserting “or the member’s registration being reinstated” after “issued to the member” in that paragraph.

92. Section 329 of the Act is amended by replacing “or the regulations” by “, the Securities Act (chapter V-1.1) or the regulations under either of those Acts”.

93. Section 330 of the Act is amended by replacing “and securities representatives” in the first paragraph by “, mutual fund dealer representatives and scholarship plan dealer representatives”.

94. Section 336 of the Act is amended by adding “and, with the necessary modifications, to a complaint against a mutual fund dealer representative or a scholarship plan dealer representative” at the end of the first paragraph.

95. Section 337 of the Act is amended by replacing “and independent partnerships” by “, independent partnerships and mutual fund dealers and scholarship plan dealers registered in accordance with Title V of the Securities Act (chapter V-1.1)”.

96. Section 338 of the Act is amended by replacing “or independent partnership” by “, an independent partnership or a mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act (chapter V-1.1)”.

97. Section 340 of the Act is amended

(1) by replacing “or independent partnership” in subparagraph 1 of the first paragraph by “, independent partnership or mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act (chapter V-1.1)”;

(2) by replacing “or independent partnership” in subparagraph 2 of the first paragraph by “, independent partnership or mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act”.

98. Section 346 of the Act is amended by replacing “is not the holder of a certificate issued by the Authority” by “is no longer the holder of a certificate issued by the Authority or no longer registered with the Authority as a mutual fund representative or a scholarship plan representative” and by adding “or was so registered” at the end.

99. The Act is amended by inserting the following section after the heading of Title VI:

“351.3.1. In this Title, the terms “mutual fund dealer representative” and “scholarship plan dealer representative” mean a person registered as such in accordance with Title V of the Securities Act (chapter V-1.1).

Furthermore, unless the context indicates otherwise, the term “representative” includes a person registered as a mutual fund dealer representative or a scholarship plan dealer representative.”

100. Section 353 of the Act is amended by replacing “or the regulations” by “, the Securities Act (chapter V-1.1) or a regulation under either of those Acts”.

101. Section 354 of the Act is amended

- (1) by striking out “, securities representatives” in the first paragraph;
- (2) by inserting the following paragraph after the first paragraph:

“That discipline committee shall also decide all complaints filed against mutual fund dealer representatives and scholarship plan dealer representatives registered in accordance with Title V of the Securities Act (chapter V-1.1).”

102. Section 359 of the Act is amended

- (1) by replacing “pratique” in the French text by “pratiquent”;
- (2) by inserting “as well as for mutual fund dealer representatives and scholarship plan dealer representatives registered in accordance with Title V of the Securities Act (chapter V-1.1),” after “activities”.

103. Section 360 of the Act is amended by inserting “or a mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act (chapter V-1.1)” after “firm”.

104. Section 361 of the Act is amended by inserting “or a mutual fund dealer or scholarship plan dealer registered in accordance with Title V of the Securities Act (chapter V-1.1)” after “firm” in the first paragraph.

105. Section 424 of the Act is amended by adding the following paragraph at the end:

“(4) funeral insurance.”

106. The Act is amended

(1) by replacing all occurrences of “cancel”, “cancelled”, “cancellation” and “cancels” in sections 19 to 22, 50 and 440 to 443 by “rescind”, “rescinded”, “rescission” and “rescinds”, respectively;

(2) by replacing all occurrences of “termination”, “terminates” and “terminate” in sections 21, 22, 442 and 443 by “cancellation”, “cancels” and “cancel”, respectively.

TAXATION ACT

107. Section 965.55 of the Taxation Act (R.S.Q., chapter I-3) is amended by striking out “en valeurs” in the definition of “courtier” in the first paragraph in the French text.

ACT RESPECTING LABOUR STANDARDS

108. Section 77 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out “en valeurs” in subparagraph 4 of the first paragraph in the French text.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

109. Section 125 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by inserting “mobilières” after “en valeurs” in paragraph 2 in the French text.

110. Section 170 of the Act is amended by inserting “mobilières” after “en valeurs” in subparagraph 5 of the first paragraph in the French text.

111. Section 208 of the Act is amended by inserting “mobilières” after “en valeurs” in the second paragraph in the French text.

112. Section 218 of the Act is amended by inserting “mobilières” after “en valeurs” in paragraph 5 in the French text.

ACT RESPECTING THE AGENCE NATIONALE D'ENCADREMENT
DU SECTEUR FINANCIER

113. Sections 384, 390 and 416 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45) are repealed.

ACT TO AMEND THE SECURITIES ACT AND OTHER LEGISLATIVE
PROVISIONS

114. Section 22 of the Act to amend the Securities Act and other legislative provisions (2006, chapter 50) is replaced by the following section:

“22. Sections 30 to 32 of the Act are replaced by the following sections:

“30. The subscription or purchase of securities during a distribution may be rescinded or cancelled in accordance with the conditions determined by regulation.

“31. Conditions relating to the duration or extension of a distribution and the right to rescind or cancel the subscription or purchase of securities are determined by regulation.””

115. Section 108 of the Act is amended by replacing paragraph 6.2 in paragraph 5 by the following paragraph:

“(6.2) determine conditions relating to the duration or extension of a distribution;”.

REAL ESTATE BROKERAGE ACT

116. Section 145 of the Real Estate Brokerage Act (2008, chapter 9) is amended by adding the following paragraph:

“However, if a complaint, including any preliminary exception, has not yet begun to be heard on or before (*insert the date preceding the date of coming into force of section 93*), it is heard by, and in accordance with the operating rules of, the discipline committee appointed under this Act.”

DERIVATIVES ACT

117. Section 22 of the Derivatives Act (2008, chapter 24) is amended by replacing “the regulation” in the second sentence of the first paragraph by “this Act”.

118. Section 56 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The chief compliance officer or ultimate designated person of a person registered under section 54 must be registered as such. The chief compliance officer or ultimate designated person performs the functions prescribed by regulation.

Subject to such remunerated activities as are permitted by a government regulation under this Act, the representative of a dealer may not concurrently act as a representative in a financial institution’s place of business in Québec and be employed by the financial institution.”

119. Section 70 of the Act is amended by replacing “the qualification information submitted to the Authority by that person” in the second paragraph by “the information prescribed by regulation”.

120. The Act is amended by inserting the following section after section 78:

“**78.1.** The Authority may determine by regulation, in the case of a dealer or an adviser, which natural persons must disclose the information and documents prescribed by regulation to the Authority.”

121. The Act is amended by inserting the following section after section 80:

“**80.1.** The Authority may revoke, suspend or impose restrictions or conditions on a registration if

(1) the representative, chief compliance officer or ultimate designated person has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(2) the representative, chief compliance officer or ultimate designated person has been convicted by a court inside or outside Canada of an act or offence which, in the opinion of the Authority, is related to the activity of representative, chief compliance officer or ultimate designated person, or has pleaded guilty to such an act or offence;

(3) the representative, chief compliance officer or ultimate designated person has been assigned a tutor, curator or adviser; or

(4) the registration has been revoked or suspended, or restrictions or conditions have been imposed on the registration, by a body in or outside Québec that is responsible for supervising and monitoring persons authorized to act as representatives, chief compliance officers or ultimate designated persons.”

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

“**115.1.** The Authority may order a dealer or adviser to direct an auditor, at the dealer’s or adviser’s expense, to conduct any audit or review required by the Authority and deliver the audit or review to the Authority as soon as practicable.”

123. Section 175 of the Act is amended by inserting the following subparagraphs after subparagraph 20 of the first paragraph:

“(20.1) determine the natural persons referred to in section 78.1;

“(20.2) determine the information and documents that must be disclosed under section 78.1;”.

124. Section 239 of the Act is amended

(1) by replacing “submitted to the President of the National Assembly if the Assembly is not sitting” in the second paragraph by “, if the Assembly is not sitting, within 15 days of resumption”;

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

“Within one year after the report is tabled, the competent committee of the National Assembly examines the advisability of maintaining this Act in force or amending it, and hears submissions by interested persons and bodies.”

TRANSITIONAL AND FINAL PROVISIONS

125. Section 271.5 of the Securities Regulation, enacted by Order in Council 660-83 dated 30 March 1983 (1983, G.O. 2, 1269), is amended

(1) by inserting “, an investment fund manager” after “an adviser” in the first paragraph;

(2) by replacing “or as an adviser, \$1,500, except in the case of an independent trader” in subparagraph 1 of the first paragraph by “, as an adviser or as an investment fund manager, \$1,500, except in the case of a mutual fund dealer or a scholarship plan dealer”;

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

“(1.1) at the time of an application for registration as a mutual fund dealer or a scholarship plan dealer, \$50;”;

(4) in subparagraph 2 of the first paragraph,

(a) by replacing “a dealer with an unrestricted practice or of a discount broker” in subparagraph *b* by “an investment dealer”;

(b) by replacing “except a discount broker” in subparagraph *c* by “or an exempt market dealer”;

(c) by inserting the following subparagraph after subparagraph *c*:

“(d) of a mutual fund dealer or a scholarship plan dealer, \$190;”;

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

“(2.1) at the time of an application for registration as chief compliance officer or ultimate designated person:

- (a) of an investment dealer, an adviser or an investment fund manager, \$375;
- (b) of a restricted dealer or an exempt market dealer, \$300;
- (c) of a mutual fund dealer or a scholarship plan dealer, \$190;”;

(6) by replacing “a dealer with an unrestricted practice or of a discount broker” in subparagraphs 3 and 3.1 of the first paragraph by “an investment dealer”;

(7) by replacing “with the exception of a discount broker and of an independent trader” in subparagraph 4 of the first paragraph by “or an exempt market dealer”;

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

“(4.1) on December 31 of each year, in the case of a mutual fund dealer or a scholarship plan dealer, \$160 for each representative registered at the end of the financial year, excluding representatives who ceased their activity;”;

(9) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) on December 31 of each year, in the case of an investment fund manager, \$1,500;”;

(10) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) at the time of the filing of Form 33-109F4 of Regulation 33-109 Respecting Registration Information, approved by Ministerial Order 2007-05 dated July 11, 2007, by or on behalf of a permitted individual, as defined in that Regulation, with the exception of an individual who beneficially owns, directly or indirectly, or exercises control or direction over, 10% or more of the voting securities:

(a) \$375 for a natural person who acts on behalf of an investment dealer, except if the dealer is a member of a self-regulatory organization to which the Authority has delegated the approval of permitted individuals;

(b) \$300 for a natural person who acts on behalf of a restricted dealer or an exempt market dealer;

(c) \$375 for a natural person who acts on behalf of an adviser or an investment fund manager;”;

(11) by striking out subparagraph 7 of the first paragraph;

(12) by replacing subparagraph 9 of the first paragraph by the following subparagraph:

“(9) at the time of the reinstatement of the registration of a representative of an exempt market dealer, a representative of a restricted dealer or a representative of an adviser in accordance with section 2.3 of Regulation 33-109 Respecting Registration Information, \$50;”;

(13) by striking out subparagraph 10 of the first paragraph;

(14) by replacing subparagraph 11 of the first paragraph by the following subparagraph:

“(11) at the time of the filing of a notice relating to the acquisition of a registrant’s securities or assets under Regulation 31-103 Respecting Registration Information approved by Ministerial Order (*insert the number and date of the ministerial order approving the regulation*), \$500, except in the case of a mutual fund dealer and a scholarship plan dealer.”

126. A natural person who, on (*insert the date preceding the date of coming into force of section 57*), held a certificate issued by the Autorité des marchés financiers under section 12 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) to act in the group savings plan brokerage sector, the scholarship plan brokerage sector or the investment contract brokerage sector is deemed to be registered in accordance with Title V of the Securities Act (R.S.Q., chapter V-1.1) in the category of mutual fund dealer representative, scholarship plan dealer representative or restricted dealer representative, as the case may be.

127. A legal person who, on (*insert the date preceding the date of coming into force of section 57*), was registered under section 71 of the Act respecting the distribution of financial products and services as a firm in the group savings plan brokerage sector, the scholarship plan brokerage sector or the investment contract brokerage sector is deemed to be registered in accordance with Title V of the Securities Act in the category of mutual fund dealer, scholarship plan dealer or restricted dealer, as the case may be.

128. If the certificate or registration of a person referred to in section 126 or 127 was suspended or subject to restrictions or conditions on (*insert the date preceding the date of coming into force of section 57*), it remains suspended or subject to the same restrictions or conditions.

129. An exemption granted by the Authority under section 228.1 of the Act respecting the distribution of financial products and services before (*insert the date of coming into force of section 80*) is deemed granted under section 263 of the Securities Act.

130. A complaint, disciplinary process or proceeding or any other recourse submitted to, instituted by or exercised or pending before the Authority on (*insert the date of coming into force of section 57*) concerning a representative holding a certificate or a firm registered in a securities sector is continued in accordance with the Act respecting the distribution of financial products and services.

131. The Bureau de décision et de révision en valeurs mobilières may exercise its powers under the Securities Act with respect to a person referred to in section 127 if that person contravened the Act respecting the distribution of financial products and services or a regulation under that Act before (*insert the date of coming into force of section 57*).

132. Sections 76 and 83 of the Act respecting the distribution of financial products and services apply to dealers registered in accordance with Title V of the Securities Act in the category of mutual fund dealer or scholarship plan dealer, until the insurance or guarantee requirements applicable to such dealers are determined in a regulation made under section 331.1 of that Act.

133. Sections 258 and 277 of the Act respecting the distribution of financial products and services apply for the purpose of compensating a victim of fraud, fraudulent tactics or embezzlement perpetrated between 1 October 1999 and (*insert the date of coming into force of section 57*) by a person registered at that time under that Act as a firm in the group savings plan brokerage sector, the scholarship plan brokerage sector or the investment contract brokerage sector.

134. Sections 2 to 6, 8 to 10 and 29 of the Regulation respecting firms, independent representatives and independent partnerships, approved by Order in Council 832-99 dated 7 July 1999 (1999, G.O. 2, 2092), and sections 8 to 11 of the Regulation respecting the trust accounts and financial resources of securities firms, approved by Order in Council 1123-99 dated 29 September 1999 (1999, G.O. 2, 3615), as they read on (*insert the date preceding the date of coming into force of section 57*), apply, with the necessary modifications, to dealers registered in accordance with Title V of the Securities Act in the category of mutual fund dealer or scholarship plan dealer, until rules equivalent to those prescribed in the sections mentioned above are determined in their respect in a regulation made under section 331.1 of that Act.

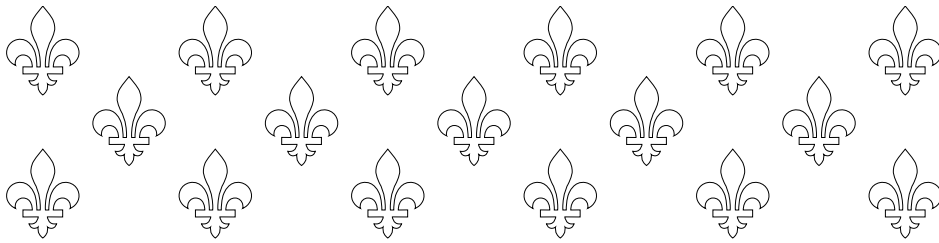
135. Section 17 of the Regulation respecting the pursuit of activities as a representative, approved by Order in Council 830-99 dated 7 July 1999 (1999, G.O. 2, 2066), sections 4 and 6 of the Regulation respecting practice in the securities field, approved by Order in Council 1122-99 dated 29 September 1999 (1999, G.O. 2, 3613), and sections 2 to 20 of the Regulation respecting the rules of ethics in the securities sector, approved by Order in Council 161-2001 dated 28 February 2001 (2001, G.O. 2, 1334), as they read on (*insert the date preceding the date of coming into force of section 57*), apply to mutual fund dealer representatives and scholarship plan dealer

representatives registered in accordance with Title V of the Securities Act, until rules equivalent to those prescribed in the sections mentioned above are determined in their respect in a regulation made under section 331.1 of that Act.

136. The Government may, by a regulation made within 12 months after the date of coming into force of this section, enact any transitional measure conducive to the carrying out of this Act.

A regulation made under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

137. The provisions of this Act come into force on 17 June 2009, except sections 1 to 3, 5, 6, 8 to 32, 34 to 46, 48 to 58, 60, 62, 63, 65 to 75, 77, 79 to 113 and 115 to 135, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 45
(2009, chapter 26)

An Act to amend various legislative provisions respecting municipal affairs

Introduced 12 May 2009
Passed in principle 28 May 2009
Passed 17 June 2009
Assented to 17 June 2009

Québec Official Publisher
2009

EXPLANATORY NOTES

This Act introduces various legislative amendments concerning municipal affairs.

It amends the Act respecting land use planning and development, the Cities and Towns Act, the Municipal Code of Québec, the Municipal Powers Act and the Act respecting the exercise of certain municipal powers in certain urban agglomerations in order to make certain adjustments and introduce greater flexibility into the exercise by the municipalities of the powers granted to them.

This Act changes the rules applicable to the awarding of contracts by municipal bodies to bring them, in particular, into line with the public procurement liberalization agreement between Québec and New Brunswick.

This Act broadens the powers of investigation of the Commission municipale du Québec and amends the Code of Penal Procedure to clarify the rules for recovering certain fines.

It makes certain amendments to the Act respecting municipal taxation, in particular to the rules for limiting the maximum difference between the taxation rates applicable to different classes of immovables and the rules allowing citizens to pay their municipal taxes in instalments. For certain municipalities, it changes the rules for setting a ceiling on the property taxation rates applicable to non-residential immovables.

This Act amends the Act respecting municipal territorial organization in order to allow the Minister, at the request of a local municipality governed by the Cities and Towns Act, to order that it be governed by the Municipal Code of Québec.

It amends the Charter of Ville de Montréal, in particular to facilitate service agreements between the city council and the borough councils. It also makes amendments concerning, in particular, the Société d'habitation et de développement de Montréal and enables the city to levy regulatory duties.

It amends the Act respecting Northern villages and the Kativik Regional Government, in particular to increase the term of office of municipal officers of northern villages from two to three years and to make the position of vice-chairman a full-time position.

This Act amends the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation to provide that the Cree Regional Authority may enter into an agreement for the establishment and funding of a local development centre for Cree communities.

Lastly, this Act contains various provisions of a more local or a technical nature concerning Ville de Montréal, Ville de Québec, Ville de Longueuil, the Communauté métropolitaine de Québec, the Act respecting the Pension Plan of Elected Municipal Officers, the Fire Safety Act, the Kativik Regional Government, Municipalité des Îles-de-la-Madeleine, Ville de Chandler, Municipalité d'Adstock and Ville de Clermont.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., chapter M-22.1);
- Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Civil Protection Act (R.S.Q., chapter S-2.3);
- Fire Safety Act (R.S.Q., chapter S-3.4);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act to amend various legislative provisions respecting municipal affairs (2008, chapter 18);
- Act to amend the Charter of Ville de Québec (2008, chapter 27).

ORDERS IN COUNCIL AMENDED BY THIS ACT:

- Order in Council 1202-2001 dated 10 October 2001, concerning the amalgamation of Municipalité d'Adstock and Village de Sainte-Anne-du-Lac;
- Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil.

Bill 45

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

- 1.** Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing “IV or VII to XI” in subparagraphs 1 and 3 of the third paragraph by “IV, VII to XI or XIII”.
- 2.** Section 137.2 of the Act is amended by replacing “VII to XI” in subparagraph 2 of the first paragraph by “VII to XI or XIII”.
- 3.** The Act is amended by inserting the following after section 145.41:

“DIVISION XIII

“RESTRICTIONS ON THE ISSUE OF PERMITS OR CERTIFICATES BY
REASON OF CERTAIN CONSTRAINTS

“**145.42.** The council of a municipality that has an advisory planning committee may, by by-law, in any part of the territory divided for the purposes of subparagraph 16 of the second paragraph of section 113 or subparagraph 4 of the second paragraph of section 115, subordinate the issue of a construction or subdivision permit or a certificate of authorization to the production by the applicant of an expert assessment for the purpose of providing the council with information on the relevance of issuing the permit or certificate and on any conditions on which it should be issued given those constraints.

The by-law identifies the constraints and, on the basis in particular of those constraints and the different types of permit and certificate, determines the types of expert assessment required and what each must contain.

Where such a by-law is in force, the council shall render its decision after receiving the opinion of the advisory planning committee. If, in light of the expert assessment produced by the applicant and the committee’s opinion, the council decides to authorize the issue of the permit or certificate, it may, given the applicable constraints, subordinate the issue to any condition, which may in particular apply to the carrying out of work.

“145.43. Despite sections 120, 121 and 122, on presentation of a certified copy of the resolution under which the council authorizes the issue of the permit or certificate, the officer referred to in any of those sections shall issue the permit or certificate if the conditions set out in that section are satisfied, as well as any other condition that must be satisfied under the resolution no later than the time of issue.

An authenticated copy of the resolution that prescribes conditions for the issue of a permit or a certificate must be joined to the permit or certificate issued.”

4. Section 227 of the Act is amended by inserting “, or in the third paragraph of section 145.42” after “or 165.4.17” in subparagraph *f* of subparagraph 1 of the first paragraph.

CHARTER OF VILLE DE LONGUEUIL

5. Section 54.14 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended

(1) by striking out “of any other municipality mentioned in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) and the territory” in the first paragraph;

(2) by striking out the second paragraph.

CHARTER OF VILLE DE MONTRÉAL

6. The Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by inserting the following after section 83.14:

“DIVISION XII

“CONSEIL DES MONTRÉALAISES

“83.15. A Montréal women’s council is hereby established under the name “Conseil des Montréalaises”.

“83.16. The city council shall determine by by-law the number of members constituting the Montréal women’s council, the duties that council must perform, as well as the powers it may exercise.

“83.17. The city council shall appoint the members of the Montréal women’s council and designate from among them a chair and a vice-chair.

The members are chosen from among a pool of women who, in light of their expertise, are likely to help advance the issues that affect Montréal’s women.

A member's term may not be renewed consecutively more than once.

“83.18. Every decision of the city council referred to in sections 83.16 and 83.17 must be made by two-thirds of the votes cast.

“DIVISION XIII

“CONSEIL JEUNESSE DE MONTRÉAL

“83.19. A Montréal youth council is hereby established under the name “Conseil jeunesse de Montréal”.

“83.20. The city council shall determine by by-law the number of members constituting the Montréal youth council, the duties that council must perform, as well as the powers it may exercise.

“83.21. The city council shall appoint the members of the Montréal youth council and designate from among them a chair and a vice-chair.

The members are chosen from among a pool of people who, in light of their expertise, are likely to help advance the issues that affect Montréal's youth.

A member's term may not be renewed consecutively more than once.

“83.22. Every decision of the city council referred to in sections 83.20 and 83.21 must be made by two-thirds of the votes cast.”

7. Section 85 of the Charter is amended by striking out the third paragraph.

8. Section 85.1 of the Charter is amended by striking out the second paragraph.

9. The Charter is amended by inserting the following section after section 86:

“86.1. To ensure good government and the general welfare of the people in the city's territory, the city council must adopt a Montréal charter of rights and responsibilities.

The purpose of the Montréal charter of rights and responsibilities is to define citizens' rights and responsibilities and to frame the city's commitments with respect to democratic, economic, social and cultural life, heritage, recreation, physical activity, sports, the environment, sustainable development, security and municipal services. It may not however serve as the basis for a judicial or jurisdictional remedy nor may it be cited in judicial or jurisdictional proceedings.

Amendments to the charter are made by by-law adopted by two-thirds of the votes cast.”

10. The Charter is amended by inserting the following before Chapter V:

“DIVISION IV

“DUES

“151.13. The city may, in its territory, charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction; in the case of a regulatory regime applicable to a power other than an urban agglomeration power, dues may also be charged with the main goal of fostering the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

“151.14. The decision to charge dues is made by a by-law adopted by the regular city council.

The by-law must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The city sends an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

“151.15. The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

“151.16. The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 151.8, with the necessary modifications, or on the basis of residency in the city’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

“151.17. The city may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

“151.18. The Government may prohibit the collection of dues by the city under section 151.13 or impose restrictions on the city with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government may also exempt a person mentioned in paragraphs 1 to 5 of section 151.9 from payment of the dues charged under section 151.13.

The Government’s decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.”

11. Section 133 of Schedule C to the Charter is amended

- (1) by striking out “in short-term” in the first sentence of paragraph 5;
- (2) by striking out “on a short-term basis” in the second sentence of that paragraph.

12. Section 224 of Schedule C to the Charter is amended by replacing “body established under this section” in the fourth paragraph by “city”.

13. Section 269 of Schedule C to the Charter is repealed.

14. Schedule D to the Charter is amended by adding the following at the end:

“– Piscine Georges-Vernot”.

CHARTER OF VILLE DE QUÉBEC

15. Section 35.11 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing the second paragraph by the following paragraph:

“Despite the first paragraph, section 123 of that Act applies, with the necessary modifications and subject to sections 35.1 to 35.17 and to the council’s by-laws approved by the enterprise registrar.”

16. Section 31 of Schedule C to the Charter is amended by replacing “at its next meeting, rules on the suspension.” in the first paragraph by “rules on the suspension at its next meeting. In addition, if the suspension concerns an

officer or employee not appointed under the authority of the city council, the report required under either of those paragraphs must be made to the executive committee rather than the city council.”

CITIES AND TOWNS ACT

17. Section 29.5 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following paragraph after the first paragraph:

“Despite the Municipal Aid Prohibition Act (chapter I-15), an agreement referred to in the first paragraph may be entered into with the owner of a mobile home park.”

18. Section 99 of the Act is amended by striking out “for short terms” in the second paragraph.

19. Section 107.17 of the Act is amended by replacing “auditor general” wherever it appears in the third paragraph by “chief auditor”.

20. Section 464 of the Act is amended

(1) by adding the following sentence at the end of the fourth paragraph of subparagraph 10 of the first paragraph: “However, the council may exercise the powers provided for in the first and third paragraphs in respect of the members of the council exclusively provided there are officers or employees of the municipality who also benefit from the same type of insurance contract.”;

(2) by inserting the following subparagraph after subparagraph 10 of the first paragraph:

“(10.1) to enable it to participate, for the benefit of its officers and employees or the members of the council, in the type of insurance contract referred to in the first or third paragraph of subparagraph 10 of the first paragraph, for which the policyholder is the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM); such participation may only cover the members of the council provided there are officers or employees of the municipality who also benefit from the same type of insurance contract; the by-law establishes the rules governing the proportion of the premium paid by the municipality.

The council may exercise the powers provided for in the second, fifth and sixth paragraphs of subparagraph 10 of the first paragraph in respect of a by-law passed under this subparagraph, with the necessary modifications.

The rules governing the awarding of contracts by a municipality apply to a contract referred to in the first paragraph taken out with an insurer by the Union or the Federation.

A municipality may also, in accordance with the first and second paragraphs, participate in a contract already taken out with an insurer by the Union or the Federation if such participation was provided for in the call for tenders made by the Union or the Federation and all tenderers are treated equally;”;

(3) by inserting “, 10.1” after “10” in the second paragraph.

21. Section 474 of the Act is amended by adding the following sentence at the end of subsection 1: “However, during a year in which a general election is held in the municipality, the period is extended until 31 January of the following year.”

22. Section 573 of the Act is amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders for a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.”

23. Section 573.3 of the Act is amended

(1) by striking out “a non-profit agency,” in subparagraph 2 of the first paragraph;

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

“(2.1) whose object is the supply of insurance, equipment, materials or services other than the collection, transport, transfer, recycling or recovery of residual materials and that is entered into with a non-profit agency;”.

HIGHWAY SAFETY CODE

24. Section 648.2 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing “they have collected respectively and for which” in the first paragraph by “and fees they have respectively collected and for which”.

CODE OF PENAL PROCEDURE

25. Article 363 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by adding the following paragraph:

“In this division, if the collector has given a notice under article 364, the sums due also include the amount fixed under subparagraph 52 of the first paragraph of section 621 of the Highway Safety Code (chapter C-24.2).”

MUNICIPAL CODE OF QUÉBEC

26. Article 14.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following paragraph after the first paragraph:

“Despite the Municipal Aid Prohibition Act (chapter I-15), an agreement referred to in the first paragraph may also be entered into with the owner of a mobile home park.”

27. Article 203 of the Code is amended by striking out “for short terms” in the first paragraph.

28. Article 711 of the Code is amended by adding the following sentence at the end of the first paragraph: “However, the council may exercise the powers provided for in the first and third paragraphs of that article in respect of the members of the council exclusively provided there are officers or employees of the municipality who also benefit from the same type of insurance contract.”

29. The Code is amended by inserting the following article after article 711:

“711.0.1. A municipality may, by by-law, participate, for the benefit of its officers and employees or the members of the council, in the type of insurance contract referred to in the first or third paragraph of article 708, for which the policyholder is the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM). Such participation may only cover the members of the council if there are officers or employees of the municipality who also benefit from the same type of insurance contract. The by-law establishes the rules governing the proportion of the premium paid by the municipality.

The council may exercise the powers provided for in the second and fourth paragraphs of article 708 and the second paragraph of article 711 in respect of a by-law adopted under this article, with the necessary modifications.

The rules governing the awarding of contracts by a municipality apply to a contract referred to in the first paragraph taken out with an insurer by the Union or the Federation.

A municipality may also, in accordance with the first and second paragraphs, participate in a contract already taken out with an insurer by the Union or the Federation if such participation was provided for in the call for tenders made by the Union or the Federation and all tenderers are treated equally.”

30. Article 711.1 of the Code is amended by replacing “and 709” by “, 709, 711 and 711.0.1”.

31. Article 935 of the Code is amended by replacing the third paragraph of subarticle 1 by the following paragraph:

“A call for public tenders for a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.”

32. Article 938 of the Code is amended

(1) by striking out “a non-profit agency,” in subparagraph 2 of the first paragraph;

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

“(2.1) whose object is the supply of insurance, equipment, materials or services other than the collection, transport, transfer, recycling or recovery of residual materials and that is entered into with a non-profit agency;”.

33. Article 954 of the Code is amended by adding the following sentence at the end of subarticle 1: “However, during a year in which a general election is held in the municipality, the period is extended until 31 January of the following year.”

ACT RESPECTING THE COMMISSION MUNICIPALE

34. Section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by adding the following paragraph after the fifth paragraph of subsection 1:

“A request by the Minister or the Government under the first or second paragraph may also concern a legal person referred to in section 107.7 of the Cities and Towns Act (chapter C-19) or a municipal body within the meaning of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

35. Section 108 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by replacing the second paragraph by the following paragraph:

“In the case of a construction, supply or services contract, the call for public tenders must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper that is circulated in the territory of the Community or a publication specialized in the field and sold mainly in Québec.”

36. Section 189 of the Act is amended

(1) by striking out “short-term” in the first sentence of paragraph 5;

(2) by striking out “on a short-term basis” in the second sentence of that paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

37. Section 101 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing the second paragraph by the following paragraph:

“In the case of a construction, supply or services contract, the call for public tenders must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper that is circulated in the territory of the Community or a publication specialized in the field and sold mainly in Québec.”

38. Section 151 of the Act is amended by replacing “of Ville de Québec” in the second paragraph by “identified in paragraph 1 of section 4”.

39. Section 179 of the Act is amended

(1) by striking out “short-term” in the first sentence of paragraph 5;

(2) by striking out “on a short-term basis” in the second sentence of that paragraph.

MUNICIPAL POWERS ACT

40. Section 78.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended

(1) by striking out “from a site situated in the territory of the municipality” in subparagraph 1 of the second paragraph;

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

“For the purposes of this division, “quarry” and “sandpit” have the meanings assigned to “quarry” and “pit”, respectively, by section 1 of the Regulation respecting pits and quarries (R.R.Q., 1981, chapter Q-2, r. 2).”

41. Section 78.2 of the Act is amended

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

“78.2. The fund is to be made up of duties payable by each operator of a site referred to in section 78.1. The duties are payable on all the substances referred to in the second paragraph that are transported outside the site, if all or some of the substances are likely to be transported on municipal public roads.”;

(2) by striking out “that are transported from the operator’s site and” in the second paragraph;

(3) by inserting “similar” before “substances from” in the second paragraph;

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

“Moreover, no duties are payable by an operator on substances which the operator declares are already or have already been subject to duties payable under this section by the operator of another site.”

42. Section 78.5 of the Act is amended

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

“(1) whether the substances from the site on which duties are payable under section 78.2 are likely to be transported on municipal public roads during the period covered by the declaration;

“(2) the quantity of substances on which duties are payable under section 78.2, expressed in metric tons or cubic metres, transported outside the site during the period covered by the declaration.”;

(2) by striking out “from the operator’s site” in the second paragraph;

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

“However, an operator may not be exempted on the ground that the substances are transported outside the operator’s site, without using municipal public roads, towards a distribution, storage or processing site if that site is neither a quarry nor a sandpit and its operation is likely to entail the transportation on municipal public roads of all or some of the substances, whether or not they are processed on the site. This paragraph does not apply

where the substances are transported to the site for processing in an immovable that is part of a unit of assessment listed under the heading “2-3—INDUSTRIES MANUFACTURIÈRES”, but not the headings “3650 Industrie du béton préparé” and “3791 Industrie de la fabrication de béton bitumineux” mentioned in the third paragraph of section 78.2.”

43. Section 78.6 of the Act is amended by inserting “section 78.2 or” after “made under”.

44. The Act is amended by inserting the following after section 78.13:

“78.14. Where a site referred to in section 78.1 is situated in the territory of more than one municipality, the duties payable under section 78.2 are payable only once for all the municipalities concerned, which must enter into an agreement determining which municipality is responsible for enforcing the regime set up under this division for the site.

The agreement must also include criteria for the allocation of the sums collected, which must be modified to take into account any request made to one of the municipalities concerned under the first paragraph of section 78.13.

Subject to section 78.7, the duties may be collected once an agreement is entered into, and each municipality concerned pays a part of the sums it receives into the fund it established in accordance with this division.

If one of the municipalities concerned ascertains the existence of a disagreement that prevents the entering into or amending of an agreement, it may submit the dispute to the Commission municipale du Québec, whose decision is final. The third paragraph of section 78.13 applies to the decision.

“§6. — *General provisions*

“78.15. This division is binding on the State and its mandataries.”

45. Section 110.1 of the Act is amended

(1) by replacing “78.13” in the first paragraph by “78.15”;

(2) by adding “and act under section 78.13, even if it does not have jurisdiction over public roads” at the end of the second paragraph.

46. Section 110.2 of the Act is amended by adding the following paragraph after the third paragraph:

“The regional county municipality may abolish the regional fund by means of a by-law an authenticated copy of which must be sent to each local municipality in its territory not later than 1 October before the fiscal year for which the fund is abolished. As of the abolition, the sums paid into the fund are paid into the different funds of the municipalities concerned in accordance

with the allocation criteria set out in the by-law adopted under the second paragraph or in an agreement or decision made under section 78.13 or 78.14.”

47. Section 126 of the Act is amended by replacing the third paragraph by the following paragraph:

“In addition to the sums provided for in article 14.16 of the Municipal Code of Québec (chapter C-27.1) and section 29.18 of the Cities and Towns Act (chapter C-19), the fund receives, in particular, the sums resulting from the application of an agreement under which the management of the mining of sand and gravel on land in the domain of the State is transferred to a municipality under article 10.5 of the Municipal Code of Québec or section 29.1.1 of the Cities and Towns Act.”

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

48. Section 99.1 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended

(1) by replacing “a by-law subject” in the first paragraph by “a resolution subject”;

(2) by striking out the second paragraph.

49. Section 115 of the Act is amended

(1) by replacing “, 85 or 99.1” in the first paragraph by “or 85, or a resolution under section 99.1,”;

(2) by replacing “of the by-law” in the first paragraph by “of the document”;

(3) by inserting “or the resolution” after “by-law” in the second paragraph;

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

“The by-law or the resolution must be approved by the Commission if an objection is filed within the 30-day period. Subject to section 115.1, if no objection is filed with the Commission within that period, a by-law under the first paragraph may be published to meet the publication requirement for its coming into force.”;

(5) by inserting “or the resolution” after “by-law” in the fourth paragraph;

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

“If, within 60 days after receiving the notice, the urban agglomeration council adopts a by-law amending the by-law for which approval was refused in order to render it compliant, the amending by-law need not be preceded by

a notice of motion. Paragraphs 1 and 2 of section 61, section 62 and the right of objection under this section do not apply to a resolution or an amending by-law adopted within that period.”

50. Section 115.1 of the Act is amended

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

“(3) orders a loan.”;

(2) by replacing “the by-law” in the second paragraph by “a by-law referred to in the first paragraph or a resolution under section 99.1”.

51. Section 116.1 of the Act is amended

(1) by inserting “a resolution under section 99.1 or to” after “objection to” in the first paragraph;

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

“Once all the related municipalities have waived their right of objection to a by-law, it may be published to meet the publication requirement for its coming into force, even before the expiry of the period specified in the second paragraph of section 115.”

52. The Act is amended by inserting the following section after section 118.5:

“118.5.1. Contestation by a reconstituted municipality of an amount claimed by the central municipality does not exempt the reconstituted municipality from paying the amount while the contestation is pending.

If payment is not made within 90 days after receipt of a formal notice, the Commission municipale du Québec may, at the request of the central municipality, file a petition to have the reconstituted municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (chapter C-35).”

53. Section 118.10 of the Act is replaced by the following section:

“118.10. Section 115 is modified by replacing the first paragraph by the following paragraph:

“115. As soon as practicable after the adoption of a by-law under section 30, 37, 38, 39, 41, 47, 55, 56, 69, 118.3 or 118.4, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

54. Section 118.12 of the Act is replaced by the following section:

“**118.12.** Section 115 is modified by replacing the first paragraph by the following paragraph:

“**115.** As soon as practicable after the adoption of a by-law under section 22, 27, 30, 37, 38, 39, 41, 47, 55, 56, 69, 118.3 or 118.4, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

55. Section 118.39 of the Act is replaced by the following section:

“**118.39.** Section 115 is amended by replacing the first paragraph by the following paragraph:

“**115.** As soon as practicable after the adoption of a by-law under section 22, 27, 30, 34, 36, 37, 38, 39, 41, 47, 55, 56, 69 or 118.29, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

56. The Act is amended by inserting the following section after section 118.82:

“**118.82.1.** Contestation by a reconstituted municipality of an amount claimed by the central municipality does not exempt the reconstituted municipality from paying the amount while the contestation is pending.

If payment is not made within 90 days after receipt of a formal notice, the Commission municipale du Québec may, at the request of the central municipality, file a petition to have the reconstituted municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (chapter C-35).”

57. Section 118.95 of the Act, enacted by section 18 of chapter 19 of the statutes of 2008, is replaced by the following section:

“**118.95.** Section 115 is modified by replacing the first paragraph by the following paragraph:

“**115.** As soon as practicable after the adoption of a by-law under section 27, 30, 34, 36, 37, 38, 41, 47, 55, 56, 69, 118.80 or 118.81, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

ACT RESPECTING MUNICIPAL TAXATION

58. Section 243.7 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding “other than storage services in connection with the conservation of objects referred to in subparagraph 2.1 of the second paragraph of section 243.8” after “services” at the end of the second paragraph.

59. Section 243.8 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) the conservation of objects intended to be exhibited or presented as part of an activity described in subparagraph 1 or 2, other than the creation of a work in a field of artistic endeavour;”.

60. The Act is amended by inserting the following section after section 243.10:

“**243.10.1.** For the purposes of subparagraph 2.1 of the second paragraph of section 243.8, the conservation must be carried on for a museum.”

61. Section 244.40 of the Act is amended

(1) by replacing “2.00” in the first paragraph by “2.35”;

(2) by replacing “2.65” in subparagraphs 2, 3, 4 and 5 of the second paragraph by “3.15”;

(3) by replacing “2.25” in subparagraphs 6, 7, 8 and 9 of the second paragraph by “2.65”.

62. Section 244.43 of the Act is amended

(1) by replacing “80%” in the second paragraph by “70%”;

(2) by replacing “120%” in the third paragraph by “130%”.

63. Section 244.46 of the Act is amended by replacing “120%” in the second paragraph by “130%”.

64. Section 244.68 of the Act, enacted by section 82 of chapter 18 of the statutes of 2008, is amended by replacing “, before the expiry of the time limit determined by the Government, put into force” in the first paragraph by “pass”.

65. Section 244.69 of the Act, enacted by section 82 of chapter 18 of the statutes of 2008, is amended by replacing the fourth and fifth paragraphs by the following paragraphs:

“The Minister may make a regulation in the place of any municipality from which the Minister has not, on 30 September 2009, received a by-law in proper form for approval by the Minister. The regulation made by the Minister is deemed to be a by-law passed by the council of the municipality.

Despite any inconsistent provision, the by-law passed by the council of the municipality or the regulation made by the Minister comes into force on the date a notice to that effect is published by the Minister in the *Gazette officielle du Québec*.”

66. Section 244.70 of the Act, enacted by section 82 of chapter 18 of the statutes of 2008, is amended by replacing “put into force the amendments required to bring the by-law into conformity with the government regulation” in the first paragraph by “pass a by-law to amend the by-law in force as required to bring it into conformity with the government regulation and send a copy of the amending by-law to the Minister”.

67. The Act is amended by inserting the following section after section 244.71 enacted by section 82 of chapter 18 of the statutes of 2008:

“244.71.1. The Minister of Revenue is responsible for collecting and recovering the tax from a telephone service provider on behalf of a local municipality.

To that end, the Act respecting the Ministère du Revenu (chapter M-31) and the other laws of Québec, as well as their regulations, apply, with the necessary modifications, to section 244.71, to a municipal by-law passed under section 244.68 or the fourth paragraph of section 244.69 and to a regulation referred to in subparagraph 14 of the first paragraph of section 262, as if that section, those by-laws and that regulation were fiscal laws within the meaning of the Act respecting the Ministère du Revenu.

In addition, the tax is deemed to be a duty provided for by a fiscal law for the purpose of the Government’s exercise of its regulatory power to grant exemptions under section 96 of the Act respecting the Ministère du Revenu.

The Minister of Revenue is responsible for the administration of this section.”

68. Section 252 of the Act is amended

(1) by replacing the last sentence of the first paragraph by the following sentence: “The council may, by by-law, determine that a debtor may pay in a greater number of instalments; the by-law shall set the latest date on which each instalment after the first must be paid, the proportion of the account that must be paid in each instalment, without, however, exceeding 50% in the case of the first instalment, and any other detail applicable to that payment option, including the application of a rate of interest on all instalments after the first.”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “The latest date on which a single payment or first instalment of municipal property taxes may be paid is the thirtieth day following the sending of the account; where the taxes may be paid in two instalments, the latest date on which the second instalment may be paid is the ninetieth day following the last day on which the first instalment may be paid.”;

(3) by replacing “generally applicable pursuant to the” in the fifth paragraph by “applicable under the first or”.

69. Section 253.31 of the Act is amended

(1) by replacing “Where” in the second paragraph by “Subject to the third and fourth paragraphs, where”;

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

“Where the alteration referred to in the second paragraph is a combining of several whole units of assessment or business establishments and an adjusted value was established in accordance with section 253.30 or this section for at least one of the units or establishments, the adjusted value of the unit or establishment resulting from the combining is,

(1) if an adjusted value was established for each unit or establishment that was combined, the sum of the adjusted values; and,

(2) if an adjusted value was not established for each unit or establishment that was combined, the sum of the taxable value of each unit or establishment for which no adjusted value was established and the adjusted value of each unit or establishment for which an adjusted value was established.

However, if the taxable value of the unit or establishment resulting from the combining is different from the sum of the taxable values of the units or establishments that were combined, as those values were entered on the roll concerned immediately before the alteration took effect, the adjusted value of the unit or establishment resulting from the combining that is established under the third paragraph is deemed, for the purposes of the second paragraph, to be an adjusted value established prior to the alteration.”;

(3) by striking out “, combines it with another,” in the fourth paragraph;

(4) by replacing “the said” in the fourth paragraph by “a”.

70. Section 262 of the Act, amended by section 86 of chapter 18 of the statutes of 2008, is again amended by inserting “, and determine the provisions of the regulation the contravention of which is punishable by a fine, and the amount of the fine” after “costs” in subparagraph 14 of the first paragraph.

71. Section 263 of the Act is amended, in paragraph 1,

(1) by replacing “prescribe the forms to be used in preparing the rolls and keeping them up to date, and the forms that are” by “prescribe the information to be collected and established for the purpose of preparing the rolls and keeping them up to date, the form in which it must be sent to a person who is entitled to obtain it under the law and the information that is”;

(2) by replacing “to transmit to him, free of charge, a copy of the summary of the roll in the cases and according to the rules determined by him; require the assessor to obtain the approval of the Minister for any computer-drawn

equivalent of a prescribed form and establish the conditions of the approval; prescribe the computer-drawn equivalent of any form or part thereof” by “to transmit to the Minister, free of charge, the information included in the summary of the roll in the cases and according to the rules determined by the Minister”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DES RÉGIONS

72. Section 14 of the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., chapter M-22.1) is amended by inserting “or the board of directors of the legal person or municipal body” after “municipality” in the first paragraph.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE, DE L’INNOVATION ET DE L’EXPORTATION

73. Section 96 of the Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (R.S.Q., chapter M-30.01) is amended by replacing “county.” at the end by “county; the same is true of the Cree Regional Authority established under the Act respecting the Cree Regional Authority (chapter A-6.1).”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

74. Section 210.3.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting “or at the request of a municipality governed by the Cities and Towns Act, order that it be governed by the Municipal Code of Québec” after “Cities and Towns Act (chapter C-19)”.

75. Section 210.3.2 of the Act is amended by inserting “clerk or” after “The”.

76. Section 210.3.3 of the Act is amended by inserting “clerk or” after “The” in the first paragraph.

77. Section 210.3.10 of the Act is amended by replacing the second paragraph by the following paragraph:

“The change of legislative authority takes effect from the date of publication of the notice or from any later date given in the notice, subject to any condition prescribed by the Minister.”

78. Section 210.3.11 of the Act is amended by replacing “(chapter C-19), the clerk” by “(chapter C-19) or the Municipal Code of Québec (chapter C-27.1), the clerk or secretary-treasurer”.

79. Section 210.3.12 of the Act is amended by adding the following sentence at the end of the second paragraph: “An application for a change of legislative authority by a municipality governed by the Cities and Towns Act (chapter C-19) that is not accompanied by an application for a change of name in which “Ville” is replaced by another word is also inadmissible.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

80. Section 63.0.5 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 95 of chapter 18 of the statutes of 2008, is again amended

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

“Every person who is a member of the council of a northern village that is a party to this plan in that person’s respect may obtain pension credits equivalent to those granted under this plan for all or part of any year subsequent to 31 December 2001 during which the person was a member of the council of that municipality and did not participate in this plan. Section 17 and the first paragraph of section 58 apply to the determination of the pensionable salary in relation to the years or parts of a year redeemed in accordance with this paragraph.”;

(2) by inserting “or second” after “first” in the second paragraph;

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

“The third paragraph also applies, with the necessary modifications, with regard to the vice-chairman of the executive committee of the Kativik Regional Government, and in particular with regard to a period referred to in the first or second paragraph and with reference to the third paragraph of section 280.2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).”

81. Section 63.0.6 of the Act is amended by inserting “or vice-chairman” after “chairman” in the first and second paragraphs.

82. Section 63.0.7 of the Act is replaced by the following section:

“63.0.7. The pensionable salary for the purposes of a redemption under this chapter for a year prior to 1 January 2002 is deemed to be the pensionable salary the person was receiving on 1 January 2001, calculated on an annual basis.”

83. The Act is amended by inserting the following section after section 63.0.7:

“63.0.7.1. The annual indexation provided for in section 30 of any pension credit obtained under this chapter applies only from 1 January 2002.”

84. Section 63.0.10 of the Act is repealed.

CIVIL PROTECTION ACT

85. Section 52.1 of the Civil Protection Act (R.S.Q., chapter S-2.3), enacted by section 108 of chapter 18 of the statutes of 2008, is amended by inserting “, unless it is a northern village,” after “municipality” in the first paragraph.

FIRE SAFETY ACT

86. Section 24 of the Fire Safety Act (R.S.Q., chapter S-3.4) is replaced by the following section:

“**24.** The fire safety cover plan adopted by the council of the regional authority comes into force on the ninetieth day after the regional authority receives the certificate of compliance issued by the Minister, or at an earlier date set by the regional authority.

A notice specifying the date of coming into force of the fire safety cover plan must be published in a newspaper in the territory of the regional authority.

If the notice is not published before the date of coming into force of the fire safety cover plan, the regional authority and the municipalities that are part of it shall bear the costs of a liability suit to which section 47 applies and that is brought against them with respect to an event that occurred before the notice was published, even if they are exempt from liability under that section.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

87. Section 95 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by replacing the second paragraph by the following paragraph:

“In the case of a construction, supply or services contract, the call for public tenders must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the transit authority’s area of jurisdiction or a publication specialized in the field and sold mainly in Québec.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

88. Section 14 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting the following paragraph after paragraph *b* of subsection 1:

“(b.1) the date of the first general election and the calendar year in which the second general election is to be held;”.

89. Section 31 of the Act is amended by replacing “two” in subsection 2 by “three”.

90. The Act is amended by inserting the following sections after section 40:

“40.1. Every member of the council participating in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is, despite section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), eligible for the severance allowance provided for in section 30.1 of that Act.

“40.2. Despite subsection 5 of section 40, the council of the municipality may, by by-law, provide that it is to pay a transition allowance to a person who ceases to hold office as mayor after having held office during not less than 24 months immediately preceding the end of the person’s term. To that end, the last four paragraphs of section 31 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) apply, with the necessary modifications. However, despite the fourth paragraph of that section, the remuneration does not, for the purpose of setting the amount of the transition allowance, include any remuneration paid to its members by the Kativik Regional Government or one of its mandatory bodies.”

91. Section 66 of the Act is amended

(1) by replacing “in every odd-numbered year” in the first paragraph by “every three years”;

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

92. Section 204 of the Act is amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.”

93. Section 245 of the Act is amended by inserting “or the office of chairman or vice-chairman of the executive committee” after “regional councillor” in the introductory clause of paragraph 2.

94. Section 280 of the Act is replaced by the following section:

“280. The chairman and the vice-chairman must devote all their time to the service of the Regional Government and may not have any other remunerative employment or occupation or hold any other public office, except as councillor of the municipality they represent or mayor of the Naskapi village of Kawawachikamach.”

95. Section 280.1 of the Act is replaced by the following section:

“280.1. The designation of a person other than the mayor of the Naskapi village of Kawawachikamach to the office of chairman or vice-chairman of the executive committee entails the loss of the person’s office as regional councillor.

If the person so designated is the mayor of a northern village, the designation also entails resignation from that office. However, despite any inconsistent legislative provision, the person remains a member of the council strictly in the capacity of chairman or vice-chairman; the person is entitled to one vote and may again be designated as chairman or vice-chairman, as the case may be, without first having to be elected to a municipal council.

If the person so designated is the municipal councillor of a northern village, the person remains on the council as chairman or vice-chairman and is entitled to one vote. If the person resigns as municipal councillor, that person may again be designated as chairman or vice-chairman, as the case may be, without first having to be elected to a municipal council.

The term of office of the chairman or vice-chairman is three years from the date of appointment or until the date of appointment of a successor, if earlier; if the successor is appointed only after the expiry of the three-year period, the chairman or vice-chairman remains in office despite the expiry of the term of office.”

96. Section 280.2 of the Act is amended by adding the following paragraph after the second paragraph:

“The first two paragraphs also apply, with the necessary modifications, in respect of the vice-chairman of the executive committee.”

97. Section 280.3 of the Act is amended by adding the following paragraph after the third paragraph:

“The first three paragraphs also apply, with the necessary modifications, in respect of the vice-chairman of the executive committee.”

98. Section 296.2 of the Act is amended by inserting “or vice-chairman” after “chairman” in the third paragraph.

99. Section 296.6 of the Act is amended by replacing “transmit to the Regional Government” by “publish in the *Gazette officielle du Québec*”.

100. The Act is amended by inserting the following after section 296.6:

“CHAPTER II.3

“SEVERANCE ALLOWANCE AND TRANSITION ALLOWANCE

“296.7. Despite section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), an executive committee chairman or vice-chairman participating in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is eligible for the severance allowance provided for in section 30.1 of that Act.

“296.8. The council of the Kativik Regional Government may, by order or by-law, provide that it is to pay a transition allowance to any person who ceases to hold office as member of the council after having held office during not less than 24 months immediately preceding the end of the person’s term. To that end, the last four paragraphs of section 31 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) apply, with the necessary modifications.”

101. Section 358 of the Act is amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory or a publication specialized in the field and sold mainly in Québec.”

102. Section 382 of the Act is amended by replacing “1 December” by “15 December”.

103. Section 383 of the Act is amended

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

“383. The budget must be adopted by the council not later than 31 December at a special meeting called for that purpose.”;

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

“The budget must be sent to the Minister within 60 days after its adoption by the council.”;

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

“If the council is not able to adopt the budget within the applicable period, it shall set the date of the meeting at which the budget is to be adopted. That date must allow compliance with the requirement under section 269 as to the notice of convocation for the meeting. As soon as possible after the adoption of the resolution by which the council sets the date, the secretary shall send a certified true copy to the Minister.”

OTHER AMENDING PROVISIONS

104. Section 95 of the Act to amend various legislative provisions respecting municipal affairs (2008, chapter 18) is repealed.

105. Section 131 of the Act is amended by adding the following sentence: “Moreover, despite section 17 of that Act, they come into force on the day they are published in the *Gazette officielle du Québec*.”

106. Section 139 of the Act is amended by adding the following paragraph after the second paragraph:

“However, for the purposes of the first paragraph, the minimum period of 20 years prescribed by the third paragraph of section 282 is replaced by a minimum period of 10 years.”

107. Section 143 of the Act is replaced by the following section:

“**143.** This Act comes into force on 12 June 2008, except

(1) sections 77, 78, 82, paragraph 2 of section 86 and sections 130 and 131, which come into force on 17 June 2009; and

(2) sections 80, 88, 91 to 95 and 106, the provisions of Division II.1 of Chapter IV of the Civil Protection Act enacted by section 108, and section 135, which come into force on the date or dates to be set by the Government.”

108. Section 3 of the Act to amend the Charter of Ville de Québec (2008, chapter 27) is amended

(1) by replacing the portion of the description of Borough 1 beginning with “the said centre line of Boulevard René-Lévesque Ouest” in the 48th line and ending with “northeasterly, successively, the centre line of Autoroute” by the following:

“the said centre line of Boulevard René-Lévesque Ouest to the southwest line of lot 1 737 461; northwesterly, the southwest line of lot 1 737 461; southwesterly, the southeast line of lot 1 737 461 to the northeast line of lot 1 737 635; northwesterly, the southwest line of lots 1 737 461, 1 737 914,

1 736 863, 1 736 864, 1 736 865, 1 736 867, 1 736 868, 1 736 869, 1 736 870, 1 736 872 and 1 736 871; northeasterly, the northwest line of lot 1 736 871; northwesterly, the northeast line of lots 1 737 272 and 1 737 585; northeasterly, the northwest line of lot 1 738 551; northwesterly, the northeast line of lots 1 738 100, 1 738 189, 1 736 414, 1 737 784 and 1 736 389 to its intersection with the centre line of Boulevard de l'Entente; southwesterly, the said centre line to its intersection with the centre line of Avenue Émile-Côté; northwesterly, the centre line of Avenue Émile-Côté to its intersection with the centre line of Rue Richer; northeasterly, the said centre line of Avenue Richer to its intersection with the northeast line of lot 1 737 499; northwesterly, the northeast line of lots 1 737 499, 1 737 796, 1 737 795, 1 737 492, 1 737 806, 1 737 805, 1 737 495, 1 737 814 and 1 737 276; the extension of that line to its intersection with lots 1 737 834 and 1 738 199 easterly the south line of lot 1 738 199; northeasterly, the northwest line of lot 1 736 365; northwesterly, the southwest line of lots 1 738 608, 1 738 085 and 1 737 410 to its intersection with the centre line of Autoroute Charest; northeasterly, successively, the centre line of Autoroute”;

(2) by replacing the portion of the description of Borough 3 beginning with “Autoroute Charest to the west corner of lot 1 737 410;” in the 17th line and ending with “to the centre line of Boulevard René-Lévesque Ouest; northeasterly,” by the following:

“Autoroute Charest to the west corner of lot 1 737 410; southeasterly, the southwest line of lot 1 737 410, then the northeast line of lot 1 736 403; southwesterly, the southeast line of lots 1 736 403 and 1 738 199; westerly, the south line of lot 1 738 199 to its intersection with the northwesterly extension of the southwest line of lot 1 738 187; successively, southeasterly, the said extension, the southwest line of lots 1 738 187, 1 736 365, 1 737 494 (Rue Louis-Jeté), 1 738 069, 1 736 359, 1 737 493 (Rue Hocquart), 1 738 073 and 1 738 080 and the southwest line of lot 1 736 787 to the centre of Rue Richer; southwesterly, the centre of Rue Richer to its intersection with the centre of Rue Émile-Côté; southeasterly, the centre of Rue Émile-Côté to its intersection with the centre of Boulevard de l'Entente; northeasterly, the centre of Boulevard de l'Entente to its intersection with the northwesterly extension of the northeast line of lot 1 736 389; successively, southeasterly, the northeast line of lots 1 737 491 (Boulevard de l'Entente), 1 736 389, 1 737 784, 1 736 414 (Chemin Sainte-Foy), 1 738 189 and 1 738 100; southwesterly, along the southeast line of lot 1 738 100 and the southeast line of lot 1 738 089 to its intersection with the north corner of lot 1 737 585 (Rue Hélène-Boullé); southeasterly, successively, the northeast line of lots 1 737 585 and 1 737 272; southwesterly, the northwest line of lot 1 736 871; southeasterly, successively, the southwest line of lots 1 736 871, 1 736 872, 1 736 870, 1 736 869, 1 736 868, 1 736 867, 1 736 865, 1 736 864, 1 736 863, 1 737 914 and 1 737 461; northeasterly, the northwest line of lot 1 738 181; southeasterly, successively, the northeast line of lots 1 738 181, 4 090 625, 4 138 378 and 4 138 379, the southwest line of lot 1 737 461 to its intersection with the centre line of Boulevard René-Lévesque Ouest; northeasterly,”.

109. In any Act, the words “des Affaires municipales et des Régions” and “of Municipal Affairs and Regions”, wherever they appear, are replaced by the words “des Affaires municipales, des Régions et de l’Occupation du territoire” and “Municipal Affairs, Regions and Land Occupancy” respectively, with the necessary modifications.

Unless the context indicates a different meaning, in any other document,

(1) a reference to the Minister or Deputy Minister of Municipal Affairs and Regions is a reference to the Minister or Deputy Minister of Municipal Affairs, Regions and Land Occupancy and a reference to the Ministère des Affaires municipales et des Régions is a reference to the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire; and

(2) a reference to the Act respecting the Ministère des Affaires municipales et des Régions or to any of its provisions is a reference to the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire or to the corresponding provision of that Act.

110. Section 30 of Order in Council 1202-2001 dated 10 October 2001, concerning the amalgamation of Municipalité d’Adstock and Village de Sainte-Anne-du-Lac, is repealed.

111. Section 38 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, amended by section 68 of Order in Council 1003-2006 dated 2 November 2006, section 33 of chapter 33 of the statutes of 2007 and section 122 of chapter 18 of the statutes of 2008, is again amended by replacing the first paragraph by the following paragraph:

“38. The property listed in Schedules I, J and K to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil, as amended by Resolution 05-12-01 passed by the committee on 2 December 2005, by the report by Roger Lachance dated 28 September 2007 and given to the Minister of Municipal Affairs and Regions, and by Resolutions 080318-57, 080520-32 and 2008-09-322, passed on 18 March 2008, 20 May 2008 and 10 September 2008, respectively, by the councils of Ville de Boucherville, Ville de Saint-Bruno-de-Montarville and Ville de Saint-Lambert, and the property listed in Schedules 1b to 13 to the Agreement of the transition committee of the urban agglomeration of Longueuil, to which Resolution 05-12-07 passed on 22 December 2005 by the transition committee refers, becomes the property of the reconstituted municipalities as provided in those schedules.”

112. By-law R.V.Q. 1409 of Ville de Québec entitled *Règlement sur la division du territoire de la ville en districts électoraux*, passed on 20 October 2008, is amended

(1) by replacing “12 302 électeurs” in paragraph 2 of section 3 by “12 653 électeurs”;

(2) by replacing “14 430 électeurs” in paragraph 12 of section 3 by “14 079 électeurs”;

(3) by replacing “les limites nord et est” in paragraph 12 of section 3 by “la limite nord”;

(4) by replacing the map of district 02 in Schedule I by the map of that district in Schedule I;

(5) by replacing the map of district 12 in Schedule III by the map of that district in Schedule II.

MISCELLANEOUS PROVISIONS

113. The Minister of Natural Resources and Wildlife is authorized to transfer to Daniel Breen or his successors, for a nominal price, the ownership of subdivisions 2, 3, excluding lot 19-3-1, and 4 of Block 19 of the cadastre of the township of Dasserat.

The reservation of ownership and the prohibition against erecting buildings or carrying out work on the land adjacent to the boundary line between Québec and Ontario set out in section 46 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) do not apply to the sale.

114. In any by-law respecting truck, equipment transport vehicle and tool vehicle traffic adopted by the council of a municipality under subparagraph 5 of the first paragraph of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2),

(1) despite the definition that may be found in such a by-law, “truck” means a truck within the meaning of the Regulation respecting road signs made by the Minister of Transport by a Minister’s Order dated 15 June 1999 (1999, G.O. 2, 1642); and

(2) any reference to an equipment transport vehicle is deemed unwritten, including a definition of such a vehicle.

The by-law must be read taking into account the adaptations required by the amendments made by the first paragraph.

The first two paragraphs cease to have effect with regard to a by-law on the coming into force of an amendment to the same effect adopted by the council of the municipality in accordance with the Highway Safety Code.

115. Ville de Montréal is or becomes, retroactively to 1 January 2006, the owner of the underground conduits built by the Commission des services électriques de Montréal between 1 January 2002 and 17 June 2009 outside the current territory of the city. The city is also the owner of any conduit the commission may build, under the second paragraph, to link a building to such a conduit.

Once conduits described in the first paragraph have been built or in order to build such conduits, the commission exercises the jurisdiction conferred on it by Chapter IV of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), with the necessary modifications. The commission is not, however, authorized to extend such conduits except to link a building to them.

Moreover, the commission may, to ensure that such conduits are fully functional, carry out any operation on an adjacent installation, with the owner's agreement.

Actions or operations carried out and payments collected by the commission between 1 January 2006 and 17 June 2009 in relation to conduits described in the first paragraph may not be invalidated on the ground that the commission lacked jurisdiction outside the territory of Ville de Montréal.

116. On application by Ville de Montréal, the Lieutenant-Governor may issue letters patent under the Great Seal of the Province, on the conditions set out in the letters patent, constituting a non-profit body which continues, under Chapter V of Schedule C to the Charter of Ville de Montréal, the Société d'habitation et de développement de Montréal constituted by letters patent issued on 1 January 2007 under the Companies Act (R.S.Q., chapter C-38).

The second and third paragraphs of section 224 of Schedule C to the Charter of Ville de Montréal apply to the letters patent issued under the first paragraph.

All the rights, property and obligations of the Société referred to in the first paragraph become the rights, property and obligations of the body constituted under the first paragraph, which becomes, without continuance of suit, a party to all proceedings in the place of the Société.

No act performed by the Société d'habitation et de développement de Montréal constituted as a legal person under Part III of the Companies Act by letters patent issued on 24 November 2006, by the Société de développement de Montréal constituted as a legal person under Part III of the Companies Act by letters patent issued on 27 November 2006, or by the legal person resulting from their amalgamation under that Act by letters patent issued on 1 January 2007 may be invalidated by reason of their constitution or amalgamation under that Act.

117. Despite section 556 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 1061 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), a municipal by-law ordering a loan requires only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy if

(1) the loan is to pay the cost of infrastructure work, also ordered by by-law, relating to drinking water, waste water or roads;

(2) at least half of the cost of the work ordered by by-law is covered by a grant whose payment is assured by the Government or a minister or agency of the Government; and

(3) the by-law provides that the entire amount of the grant is to be used to reduce the total amount of the loan.

The Minister may, however, despite the first paragraph, require, as a condition for the Minister's approval, that the by-law be submitted for approval to qualified voters in accordance with the provisions referred to in that paragraph.

The first two paragraphs cease to have effect on 17 June 2012.

TRANSITIONAL AND FINAL PROVISIONS

118. The division of the territory of Municipalité des Îles-de-la-Madeleine into electoral districts for the purposes of the 2009 general election and any by-election held before the 2013 general election is the division that applied for the purposes of the 2005 general election.

119. The division of the territory of Ville de Chandler into electoral districts for the purposes of the 2009 general election and any by-election held before the 2013 general election is the division that applied for the purposes of the 2005 general election. Every district has one councillor except the district of Chandler, which has two councillors.

120. The Conseil des Montréalaises and the Conseil jeunesse de Montréal in existence at the time this Act comes into force are deemed to have been established by sections 83.15 and 83.19 respectively of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) enacted by section 6. Their members are to remain in office until their term expires or is renewed in accordance with section 83.17 or 83.21 of the Charter, enacted by section 6, and the term of those members in office for their first term may be renewed once.

121. The Montréal charter of rights and responsibilities adopted by the city council on 20 June 2005 which came into force on 1 January 2006 is deemed to have been adopted under section 86.1 of the Charter of Ville de Montréal, enacted by section 9.

122. Any process for awarding contracts in progress on 30 June 2009 under a provision amended by this Act is continued in accordance with that provision as it read before the amendment.

123. A municipal by-law adopted under section 252 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and in force on 17 June 2009 continues to apply until amended under that section 252 as amended by section 68. During the amendment period, that section 252 continues to apply, as it read before being amended, in respect of the by-law.

124. A regulatory provision made under paragraph 1 of section 263 of the Act respecting municipal taxation continues to apply, as it read on 16 June 2009, until it is amended or replaced in accordance with the amendments made under section 71.

125. Section 24 of the Fire Safety Act (R.S.Q., chapter S-3.4), as replaced by section 86 of this Act, applies to fire safety cover plans duly adopted before 17 June 2009 but in respect of which no notice was published in a newspaper in the territory concerned.

Fire safety cover plans duly adopted before 17 June 2009, in respect of which a notice was published more than 60 days after the issue of a certificate of compliance or for which the date of coming into force set out in the notice is after the sixtieth day following that issue, are deemed to have come into force on that sixtieth day. However, the regional authority and the municipalities that are part of it must bear the costs of a liability suit to which section 47 of that Act applies and that was instituted before 12 May 2009.

126. The assessment roll for Ville de Clermont, in force since the beginning of the fiscal year 2008, remains in force until the end of the fiscal year 2011. The latter year is considered to be the third year of application of that roll.

For the purpose of determining for which fiscal years the roll following the roll referred to in the first paragraph must be drawn up in accordance with section 14 of the Act respecting municipal taxation, the roll referred to in that paragraph is deemed to have been drawn up for the fiscal years 2009, 2010 and 2011.

127. Sections 40 to 46 have effect from 1 January 2009.

128. Sections 48 and 49, paragraph 2 of section 50 and sections 51, 53 to 55 and 57 have effect from 14 December 2006.

129. Section 69 applies for the purposes of every property assessment roll or roll of rental values that comes into force after 31 December 2009.

130. Section 110 has effect from 1 January 2009.

131. Section 111 has effect from 1 January 2006.

132. This Act comes into force on 17 June 2009, except

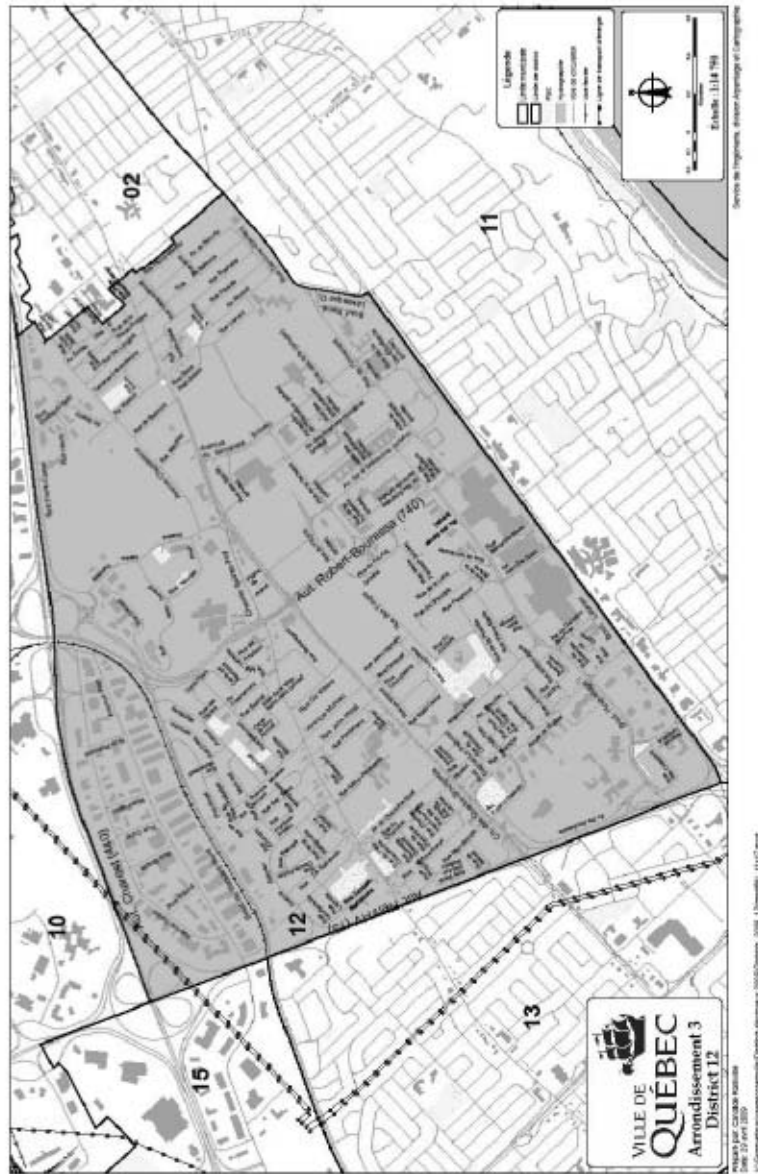
(1) sections 22, 31, 35, 37, 87, 92 and 101, which come into force on 30 June 2009;

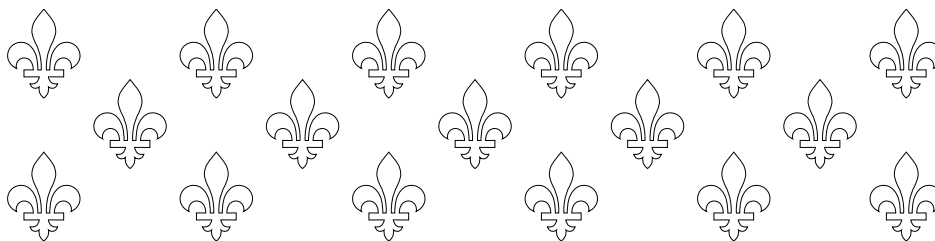
(2) sections 61 to 63, which come into force on 1 January 2010;

(3) paragraph 3 of section 80, sections 81 and 89, paragraph 1 of section 91 and sections 93 to 98, which come into force on 4 November 2009; and

(4) section 114, which comes into force on the date to be set by the Government.

SCHEDULE II
(Section 112)





NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 50
(2009, chapter 27)

**An Act to amend the Act respecting
financial services cooperatives and other
legislative provisions**

**Introduced 14 May 2009
Passed in principle 28 May 2009
Passed 16 June 2009
Assented to 17 June 2009**

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This Act amends the Act respecting financial services cooperatives to allow a federation to issue shares to members of its credit unions, and to extend the existing mode of capitalization through a legal person constituted for that purpose to the issue of preferred shares.

This Act further amends that Act to enable the Minister of Finance, at the request of the Autorité des marchés financiers, to authorize a federation to determine, on behalf of its credit unions, the terms and conditions of a loan, a suretyship or a hypothec on the credit unions' property.

It also amends that Act to eliminate the requirement that a federation have its financial statements audited by its own audit service in addition to the audit by an external auditor.

In addition, it transfers the matter of a credit union issuing shares to its members from the purview of the Securities Act to the purview of the Act respecting financial services cooperatives. Among other things, it requires the credit union to provide a circular approved by the Autorité des marchés financiers to its members upon distributing the shares to them.

Lastly, this Act amends the Deposit Insurance Act to enable the Minister of Finance to determine, for a period not exceeding two years, a maximum guarantee amount, for money deposits in financial institutions, greater than the \$100,000 specified in that Act. The Minister is also authorized to determine, for the same period, that such deposits are to be 100% guaranteed.

LEGISLATION AMENDED BY THIS ACT:

- Deposit Insurance Act (R.S.Q., chapter A-26);
- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Securities Act (R.S.Q., chapter V-1.1).

Bill 50

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL SERVICES COOPERATIVES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 46 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by adding the following at the end:

“(4) to a member of a credit union that is a member of the federation issuing the shares;

“(5) to a federation of which the credit union issuing the shares is a member.

Where a federation apportions all or part of the proceeds of an issue of shares referred to in subparagraph 4 of the first paragraph among member credit unions, section 481 applies with the necessary modifications.”

2. The Act is amended by inserting the following section after section 55:

“**55.1.** A credit union may issue capital shares or investment shares to its members only if the Authority has approved the circular that must be provided to them upon the distribution of shares. The circular must be in compliance with the requirements determined by regulation.

The first paragraph does not apply to shares issued as dividends or to interest payable on shares.

The shares referred to in the first paragraph may only be distributed by a dealer, a representative of a group savings plan dealer or a representative of a scholarship plan dealer within the meaning assigned to those terms by the Securities Act (chapter V-1.1), subject to the conditions determined by regulation.”

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

“**81.1.** At the request of the Authority, the Minister may authorize a federation to determine by resolution the terms and conditions of a loan, a suretyship, or a hypothec on all of the member credit unions’ property, to be negotiated with the Bank of Canada in accordance with paragraph *h* of section 18

of the Bank of Canada Act (Revised Statutes of Canada, 1985, chapter B-2), the Government of Canada or any corporation of the Government of Canada. Borrowings, suretyships, hypothecs and other acts performed by the federation in the name of credit unions under that resolution are deemed to be borrowings, suretyships, hypothecs or acts of those credit unions.”

4. Section 82 of the Act is amended by replacing “The authorization given by the Authority under paragraphs 5 to 8 of the said section” in the third paragraph by “Any authorization given by the Authority under the second paragraph or under section 81.1”.

5. Section 424 of the Act is amended by striking out “of the federation’s audit service and by another auditor” in subparagraph 5 of the first paragraph.

6. Section 480 of the Act is amended

(1) by adding “or that federation” at the end of the first paragraph;

(2) by replacing “the voting rights attached to the shares” in the second paragraph by “the shares carrying voting rights”.

7. Section 481 of the Act is amended by replacing the fourth paragraph by the following paragraph:

“The resolution of the federation shall, for each credit union, stand in lieu of a by-law or a resolution authorizing borrowings or an issue of securities, as the case may be. The federation is authorized to perform, at any time, any acts that are expedient for the purposes of such a resolution or by-law, in particular the determination and payment of interest, and the determination of the terms and conditions of redemption, repurchase or conversion attached to the securities issued by a credit union. Such by-laws, resolutions and acts performed in the name of a credit union are deemed to be by-laws, resolutions or acts of the credit union.”

8. The Act is amended by inserting the following section after section 599:

“599.1. For the purposes of section 55.1, the Authority may, by regulation,

(1) determine requirements as to the form and content of a circular;

(2) specify the circumstances in which a member may cancel or terminate a subscription for shares, and the terms and conditions of such a cancellation or termination;

(3) prescribe the fees to be charged for the approval of a circular; and

(4) determine the conditions subject to which shares referred to in section 55.1 may be distributed by a dealer, a representative of a group savings plan dealer or a representative of a scholarship plan dealer.

A regulation under the first paragraph shall be approved, with or without amendment, either by the Minister in the cases specified in subparagraphs 1, 2 and 4, or by the Government in the case specified in subparagraph 3.

The Minister or the Government, as the case may be, may make a regulation under the first paragraph if the Authority fails to do so within the time the Minister or the Government indicates.

A draft regulation shall be published in the Authority's bulletin and be accompanied with the notice described in section 10 of the Regulations Act (chapter R-18.1). It may not be submitted for approval or enacted until 30 days have elapsed since its publication.

The regulation shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date stated in the regulation. The regulation shall also be published in the bulletin.

Sections 4 to 7, 11 and 17 to 19 of the Regulations Act do not apply to a regulation made under this section."

DEPOSIT INSURANCE ACT

9. Section 33.1 of the Deposit Insurance Act (R.S.Q., chapter A-26) is amended by adding the following paragraphs at the end:

"The Minister may determine, for a period not exceeding two years, that the maximum amount of the guarantee under the first paragraph is to be greater than \$100,000.

The Minister may also determine, for the same period, that deposits are to be 100% guaranteed.

The guarantee amount so determined by the Minister shall be substituted for the amount of \$100,000 in sections 34, 38.1, 39 and 57."

SECURITIES ACT

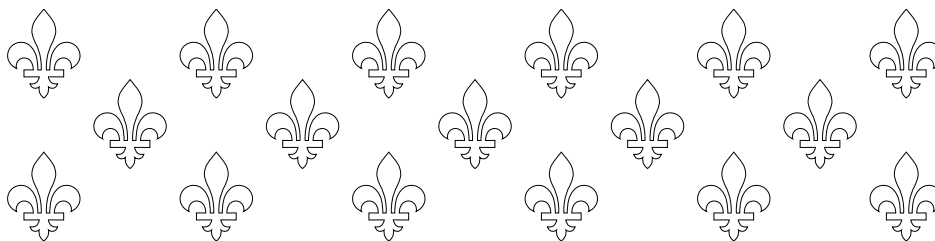
10. The Securities Act (R.S.Q., chapter V-1.1) is amended by inserting the following section after section 2.1:

"2.2. Titles II to IV do not apply to credit union shares referred to in section 55.1 of the Act respecting financial services cooperatives (chapter C-67.3)."

TRANSITIONAL AND FINAL PROVISIONS

11. A credit union that issued capital shares or investment shares under the Securities Act (R.S.Q., chapter V-1.1) before (*insert the date of coming into force of section 2*) is no longer, as of that date, considered a reporting issuer within the meaning of that Act.

12. This Act comes into force on 17 June 2009, except sections 2, 8, 10 and 11, which come into force on the date or dates set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 207

(Private)

**An Act respecting 75D rue Sainte-Ursule,
Québec**

Introduced 29 April 2009

Passed in principle 18 June 2009

Passed 18 June 2009

Assented to 19 June 2009

**Québec Official Publisher
2009**

Bill 207

(Private)

AN ACT RESPECTING 75D RUE SAINTE-URSULE, QUÉBEC

AS, on 11 December 1975, Georges Amyot acquired from Cécile Belisle an immovable known and designated as comprising lots 2575-A and 2575-B-1 of the official cadastre of the city of Québec (Saint-Louis Ward), registration division of Québec, including the buildings erected on it, bearing civic number 75D rue Sainte-Ursule, in Québec;

AS the deed of sale was registered at the registry office of the registration division of Québec on 19 December 1975 under number 826 512;

AS, on 11 May 1981, Carmelle Bernier acquired from Georges Amyot an immovable known and designated as comprising lot 2575-B-1, part of lot 2575 and part of lot 2575-A of the official cadastre of the city of Québec (Saint-Louis Ward), registration division of Québec, including the buildings erected on it, bearing civic number 75D rue Sainte-Ursule, in Québec;

AS the deed of sale was registered at the registry office of the registration division of Québec on 14 May 1981 under number 1 014 752;

AS, on 30 November 1982, Guy Lamontagne acquired the immovable from Carmelle Bernier and the deed of sale was registered at the registry office of the registration division of Québec on 1 December 1982 under number 1 059 705;

AS the immovable underwent cadastral renewal on 1 September 1998 and has since been known as lot 1 213 215 of the cadastre of Québec, registration division of Québec;

AS lot 1 213 215 underwent cadastral replacement on 29 August 2008 and is now known as lot 4 045 227 of the cadastre of Québec, registration division of Québec;

AS the immovable was classified as a historic monument and historic site and was registered as such at the registry office of the registration division of Québec on 8 January 1965 under number 559 535;

AS the immovable is situated in the historic district of Vieux-Québec;

AS, under sections 20, 23 and 34 of the Cultural Property Act (R.S.Q., chapter B-4), no person may alienate classified cultural property without giving the Minister of Culture, Communications and the Status of Women at least 60 days' previous written notice;

AS, under section 48 of the Cultural Property Act, no person may, in a historic district, divide or subdivide, redivide or parcel out a lot without the authorization of the Minister of Culture, Communications and the Status of Women;

AS, at the time of the sale registered under number 1 014 752 and the parcelling out arising from it, the notices required under sections 20 and 23 of the Cultural Property Act were not given nor was the authorization of the Minister required under section 48 of that Act obtained;

AS, at the time of the sales registered under number 826 512 and number 1 059 705, the notices required under sections 20 and 23 of the Cultural Property Act were not given;

AS section 56 of the Cultural Property Act prescribes that any alienation of cultural property made contrary to that Act is absolutely null;

AS section 57 of the Cultural Property Act prescribes that the Minister of Culture, Communications and the Status of Women may obtain an order of the Superior Court for the cessation of any act or operation undertaken or continued without the authorization required under section 48 of that Act;

AS a right of way on foot and a parking servitude affecting the immovable were registered at the registry office of the registration division of Québec on 29 October 1981 under number 1 028 332;

AS an access right of way affecting the immovable was registered at the registry office of the registration division of Québec on 7 August 1992 under number 1 477 991;

AS minutes of boundary determination affecting the immovable were registered at the registry office of the registration division of Québec on 21 July 1998 under number 1 680 689;

AS a deed involving the transfer of a parcel of land, a servitude of view and an abandonment of common ownership was registered in the Land Register of Québec, registration division of Québec, on 8 October 2008 under number 15 652 582;

AS it is important for Guy Lamontagne that the absence of notices and authorization affecting the immovable of which he is today the owner be remedied;

AS the Minister of Culture, Communications and the Status of Women has been informed of the introduction of this Act and has not objected to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite sections 56, 57 and 57.1 of the Cultural Property Act (R.S.Q., chapter B-4), the alienation arising from the deed a copy of which was registered at the registry office of the registration division of Québec on 19 December 1975 under number 826 512, the alienation and the parcelling out arising from the deed a copy of which was registered at the registry office of the registration division of Québec on 14 May 1981 under number 1 014 752 and the alienation arising from the deed a copy of which was registered at the registry office of the registration division of Québec on 1 December 1982 under number 1 059 705 may not be cancelled on the ground that the notices were not sent to the Minister of Cultural Affairs as required under sections 20, 23 and 34 of the Cultural Property Act or that the authorization of the Minister was not obtained as required under section 48 of that Act.

2. Moreover, the following deeds, registered after the alienation and the parcelling out referred to in section 1, may not be cancelled on the ground that notice was not given or that they were not authorized under sections 20, 23, 34 and 48 of the Cultural Property Act: the right of way on foot and the parking servitude registered under number 1 028 332; the access right of way registered under number 1 477 991; the minutes of boundary determination registered under number 1 680 689; and the deed involving a transfer, a servitude of view and an abandonment of common ownership registered under number 15 652 582.

3. This Act must be registered at the registry office, in the index of immovables, under lot number 4 045 227 of the cadastre of Québec, registration division of Québec.

4. This Act comes into force on 19 June 2009.

Draft Regulations

Draft Regulation

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Safety Code for the construction industry — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Safety Code for the construction industry, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety, on the expiry of 45 days following this publication.

The draft Regulation adds a new subdivision whose subject is steel structure erection and dismantling work. The new rules are intended to keep construction workers safe.

Study of the matter has shown little impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Claude Rochon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2031; fax: 418 266-4698.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Guylaine Rioux, Vice President, Partnership and Expert Consulting, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

LUC MEUNIER,
*Chair of the Board of Directors
and Chief Executive Officer
Commission de la santé et
de la sécurité du travail*

Regulation to amend the Safety Code for the construction industry*

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 14,
19, 42, and 3rd par.)

1. The Safety Code for the construction industry is amended by revoking sections 2.12.3 to 2.12.5.

2. The following subdivision is inserted after section 3.23.16.1:

“§3.24. *Steel structure erection or dismantling work*

3.24.1. Scope: This subdivision applies to steel structure erection or dismantling work, except work to erect or dismantle an electrical transformer station, a telecommunications tower or a power line tower used for electric power transportation or distribution.

3.24.2. Signalmen and telecommunications system: The provisions of section 3.10.5 apply to the erection or dismantling of a steel structure. In addition, if a signalman uses a telecommunications system, the system must be bidirectional, hands-free and transmit on a radio frequency dedicated exclusively to the work in progress.

The work in progress must be interrupted in case of telecommunications system failure.

3.24.3. Rescue following a fall: Before the beginning of the work, the employer must

(1) develop a rescue procedure that allows the rescue, within a maximum of 15 minutes, of a worker who, following a fall, is suspended in a safety harness;

(2) provide a rescue kit that must be used exclusively for that purpose and that must contain at least

(a) a double braided rope of 13 millimetres in diameter by 60 metres in length with an eye at each end, complying with the Standard on Fire Service Life Safety Rope and System Components, NFPA 1983, 2001 Edition;

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6), was last amended by the regulation approved by Order in Council 119-2008 dated 13 February 2008 (2008, *G.O.* 2, 682). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(b) a shock absorber complying with CSA Standard CAN/CSA Z259.11, Shock Absorbers for Personal Fall-Arrest Systems, as it reads at the time the shock absorber was manufactured;

(c) a polyester endless sling of 25 millimetres in diameter by 1.25 metres in length;

(d) two 12-millimetre locking carabiners;

(e) scissors suitable for cutting the lanyard; and

(f) a 1.5-metre-long extension with a carabiner holding system; and

(3) ensure that a rescuer, who was trained to rescue a worker suspended in a safety harness, is present at all times on the work premises. The nature of the rescuer's work must not compromise a quick and efficient intervention. A rescuer may also act as first-aider if so provided in the rescue procedure.

3.24.4. Presence of a first-aider: Despite section 7 of the First-aid Minimum Standards Regulation, approved by Order in Council 1922-84 dated 22 August 1984, during the work, the principal contractor must ensure that one first-aider within the meaning of that Regulation is present at all times on the work premises.

3.24.5. Protruding parts: Where studs or other protruding parts constitute a danger for workers on the steel structure, a temporary sidewalk must be installed to ensure the safe movement of workers.

3.24.6. Plans and procedures: The plans and procedures provided for in this subdivision must be kept on the work premises and be accessible.

— Erection of a steel structure

3.24.7. Preparation of the work area: Before the beginning of the steel structure erection work, the principal contractor must verify

(1) that the concrete foundations are backfilled and the work area, including the unloading area, is levelled, drained and of a sufficient dimension to store materials; and

(2) that the resistance of the soil under the work area allows to support hoisting apparatus, trucks and loads during the work.

3.24.8. Erection plans: Work must be carried out according to the steel structure manufacturer's plan. The plan must include

(1) the location of the various components of the structure and their erection marks;

(2) the main dimensions and their respective levels;

(3) the type of bolts used and their diameter;

(4) the welds to be done on site;

(5) the temporary structural components; and

(6) the number of rows of bridging and their position, if applicable.

3.24.9. Erection procedure: In addition to being carried out in accordance with the erection plan provided for in section 3.24.8, the work must be carried out according to a procedure established by the employer. The procedure must contain

(1) the installation method and the erection stages of the structure;

(2) the measures to be taken to ensure that the structure components are stable; and

(3) the measures to protect workers from falling.

In addition to the requirements provided for in the first paragraph, the erection procedure must include the hoisting procedure provided for in section 3.24.14.

3.24.10. Anchor rods: Column anchor rods must be installed according to an anchoring plan provided by the steel structure manufacturer. The plan must

(1) contain the following information:

(a) the dimensions of the anchor rods and their position;

(b) the details necessary for securing the anchor rods;

(2) provide an erection procedure where the columns are anchored with fewer than 4 anchor rods or where the position of the anchor rods does not ensure stability of the columns in all their axes.

In addition, column anchor rods must resist the application of a vertical construction load of at least 1.33 kilonewtons located 45 centimetres from the column face in each of its axes and at its maximum height.

3.24.11. Prior certification: Before the beginning of the work, the principal contractor must obtain from an engineer a certification according to which the anchor rods were installed in accordance with the anchoring

plan provided for in section 3.24.10 and the concrete foundations reached the strength required to support the erection of the steel structure.

3.24.12. Anchor rod modification or repair: During the work, the principal contractor must obtain from an engineer a new certification following any modification to or repair of column anchor rods that is subsequent to their installation.

3.24.13. Stacks of shims: Each column that stands on concrete foundations must rest on 2 stacks of shims of at least 9 square inches and located near the anchor rods, unless another levelling device offering equivalent safety is provided for in the erection plan.

3.24.14. Hoisting procedure: A hoisting procedure must be developed when a load is handled

- (1) by more than one hoisting apparatus;
- (2) by a hoisting apparatus other than a crane;
- (3) on a pallet by a hoisting apparatus other than a fork lift truck.

Where a hoisting apparatus is anchored to an existing structure, the anchor point and its working load limit must be specified in the hoisting procedure.

3.24.15. Component weight: Information about the weight of each component of a steel structure to be erected must be accessible on the work premises.

In addition, the weight must be indicated on each component exceeding 500 kilograms.

3.24.16. Hoist hooks: Every hook used to hoist a load must present one of the following characteristics:

- (1) be equipped with a safety latch;
- (2) close under the application of the load and be equipped with a self-locking latch requiring a positive action to unlock the hoist hook.

Where a load is hoisted using a hook referred to in subparagraph 1 of the first paragraph, the load must be hung using a shackle or a wrought alloy steel ring.

Where a load remote unhooking device is used, it must have the following features:

- (1) the minimum and maximum loading capacities are conspicuously indicated on the device;

- (2) where the device is engaged, it locks under the application of the load; and

- (3) it opens only when it no longer withstands the weight of the load and a command to open it is issued.

3.24.17. Beam-column connection of a multi-span steel structure: During beam-column connection work, a beam must not be supported by a spanner. The type of connection must be designed so as to take that prohibition into account.

The type of beam-column connection may be designed in one of the following manners:

- (1) the beam is attached to the column while being supported by a bracket previously attached to the column;

- (2) the upper right corner of the plate or angle seat is notched to clear the first supporting bolt of the beam placed previously in the manner specified in Schedule 6.

3.24.18. Erection of an open web steel joist: Erection work of an open web steel joist must be carried out in accordance with the following standards:

- (1) before a hoisting apparatus lands the joist and in order to ensure the lateral stability of the joist during its placement, erection bridging must be installed, if applicable, in accordance with the joist manufacturer's plan. Bridging must be of the bolted diagonal type and the number of rows indicated in the plan must at least comply with the following specifications:

| Joist length | Minimum number of rows |
|----------------------------|------------------------|
| (a) less than 12 metres | None |
| (b) 12 metres to 18 metres | 1 row |
| (c) 18 metres to 30 metres | 2 rows |
| (d) 30 metres or more | 4 rows |

- (2) as soon as a joist is placed, each joist end must be bolted using at least one bolt; and

- (3) no load may be placed on the joist as long as all the rows of bridging have not been secured and each end of row has not been anchored, except if the joist manufacturer specifies on the joist connection plan the measures to be taken to do so and those measures have been complied with.

Joists may be hoisted and landed in bundles on the steel structure if they do not require erection bridging and are put in place one after the other to prevent them from falling off their supports.

3.24.19. Space between girts: If the provisions set out in section 3.10.7 may not be applied to the installation of girts because of the work environment or the height of the steel structure, the vertical space between girts must not exceed 1.6 metres and a means of access to allow a worker to go from one girt to another must be provided in the plan or in the hoisting procedure.

— Dismantling of a steel structure

3.24.20. Obligations of the principal contractor: Before the beginning of the dismantling work of a steel structure, the principal contractor must

(1) locate, if applicable, the electric network of the work area, turn off the power and apply a locking procedure;

(2) locate any gas, steam or liquid line and apply, if applicable, a method for purging the line and a locking procedure.

3.24.21. Dismantling plan: Work must be carried out according to a plan drawn up by an engineer. The plan must contain

(1) the dismantling method and sequence, including the bolt, rivet and weld removal sequence;

(2) measures to ensure the stability of the hoisting apparatus and structure components. The measures must particularly take into account the following elements:

(a) the load must not exceed 70% of the hoisting apparatus capacity, including hoisting accessories, specified in the applicable load rating chart;

(b) anchor rods must be considered as having no resistance, unless pull-out tests are performed to establish their resistance;

(3) the weight and the centre of gravity of the structure components;

(4) measures to protect workers against falls; and

(5) any other relevant measure to ensure the safe dismantling of the structure.

3.24.22. Means of access: The means of access provided for in subdivisions 3.5. and 3.6 must be installed so that horizontal movements of workers on trusses, beams and joists do not exceed 30 metres.”.

3. Schedule 6 is amended

(1) by replacing “(s. 2.12.5)” by “(s. 3.24.17)”;

(2) by replacing “left” in the NOTE by “right”;

(3) by replacing “poutre-colonne” in the French text of the NOTE by “poutre-poteau” .

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

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Erratum

M.O., 2009

Order of the Minister of Sustainable Development, Environment and Parks dated 17 July 2009

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Extension of the setting aside of two areas as proposed aquatic reserves and of fourteen others as proposed biodiversity reserves

Gazette officielle du Québec, Part 2, 29 July 2009,
Vol. 141, No. 30, page 2233.

On page 2233, the heading of the Minister's Order should read "Order of the Minister of Sustainable Development, Environment and Parks dated 17 July 2009".

On page 2234, before the Minister's signature, we should read "Québec, 17 July 2009".

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

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