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Part 2

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Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 25 MARCH 2021

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 25 March 2021

This day, at a quarter past one o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

67 An act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions

85 An Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic

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

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 67
(2021, chapter 7)

An Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions

Introduced 30 September 2020
Passed in principle 5 November 2020
Passed 24 March 2021
Assented to 25 March 2021

Québec Official Publisher
2021

EXPLANATORY NOTES

This Act amends the Act respecting land use planning and development in order to, among other things,

(1) grant regional county municipalities new powers, including the power to make by-laws relating to flood risk management and to the management of natural or man-made constraints;

(2) require that the lakes and watercourses of interest for the practice of recreational activities be identified in any land use and development plan;

(3) grant local municipalities new powers for the purpose of providing public water access points; and

(4) require that zones subject to the urban heat island phenomenon be identified in any planning program.

The Act amends Acts concerning municipal affairs and the Act respecting public transit authorities to allow municipalities, metropolitan communities and public transit authorities to include in a public call for tenders that goods or services, in particular, must be Canadian. In certain circumstances, the Act makes it mandatory for them to impose that requirement.

The Act also amends Acts concerning municipal affairs to ensure they are consistent with intergovernmental agreements on the opening of public procurement.

Under the Act, municipalities, metropolitan communities and public transit authorities are required to include in their contract management by-law, for a period of three years, measures to promote Québec goods and services as well as suppliers, insurers and contractors having an establishment in Québec.

The Act confers on the Government the power to authorize a municipality or a public transit authority to make a contract related to a public transportation infrastructure on conditions that differ from those currently applicable, provided that those conditions concern only specific objects.

The Act respecting tourist accommodation establishments is amended to render inapplicable, except in certain circumstances, any provision of a municipal by-law made under the Act respecting land use planning and development that would operate to prohibit the operation, in a principal residence, of an accommodation establishment that complies with the conditions set by law. The Minister of Tourism is granted the power to refuse to issue a classification certificate for a principal residence establishment or to suspend or cancel such a certificate.

Under the Act, the Act respecting municipal taxation is amended to, among other things, exclude principal residence establishments from the category of non-residential immovables on which the business tax may be imposed.

The Act amends the framework applicable to the management of bodies of water that is provided for in the Environment Quality Act. The minister responsible for that Act is entrusted with new powers, such as powers to establish, keep up to date and make public the boundaries of the flood zones of lakes and watercourses and mobility zones of watercourses.

The Act also aims to establish a framework specific to flood protection works, in particular by granting the Government the power to declare that a municipality is, at the latter's request, responsible for protection works.

The Act respecting the Société d'habitation du Québec is amended to grant new powers to the Société, including the power to make a by-law governing modest-rental housing dwellings and the lessees of such dwellings.

The Act amends the Act respecting the Administrative Housing Tribunal to allow joint applications to be filed by two or more lessees of the same private seniors' residence.

In the context of the COVID-19 pandemic, the Act contains temporary provisions to, among other things, allow

(1) local municipalities to borrow to finance expenses related to the pandemic and incurred during the fiscal year 2021 by those municipalities or by a body regarding which they must pay an aliquot share or a contribution;

(2) local municipalities to authorize a loan from their general funds or their working funds to finance expenses related to the pandemic and incurred during fiscal years 2020 and 2021 or to compensate for a decrease in their revenues attributable to the pandemic and observed during those fiscal years;

(3) local municipalities to assist, for a period of three years, enterprises in their territory; and

(4) regional county municipalities to establish, for a period of three years, a support fund for enterprises in financial difficulty.

Lastly, the Act makes amendments to other provisions concerning various matters and contains consequential, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Civil Code of Québec;

– Act respecting land use planning and development (chapter A-19.1);

– Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

– Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

– Municipal Powers Act (chapter C-47.1);

– Act respecting tourist accommodation establishments (chapter E-14.2);

– Act respecting municipal taxation (chapter F-2.1);

– Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

– Environment Quality Act (chapter Q-2);

– Dam Safety Act (chapter S-3.1.01);

– Act respecting the Société d'habitation du Québec (chapter S-8);

– Act respecting public transit authorities (chapter S-30.01);

– Act respecting the Administrative Housing Tribunal (chapter T-15.01);

– Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68).

REGULATION AMENDED BY THIS ACT:

– Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited (chapter C-19, r. 5).

ORDERS IN COUNCIL AMENDED BY THIS ACT:

– Order in Council 841-2001 (2001, G.O. 2, 3660), respecting Ville de Saguenay;

– Order in Council 850-2001 (2001, G.O. 2, 3695), respecting Ville de Sherbrooke;

– Order in Council 851-2001 (2001, G.O. 2, 3726), respecting Ville de Trois-Rivières;

– Order in Council 1478-2001 (2001, G.O. 2, 6960), respecting Ville de Rouyn-Noranda.

Bill 67

AN ACT TO ESTABLISH A NEW DEVELOPMENT REGIME FOR THE FLOOD ZONES OF LAKES AND WATERCOURSES, TO TEMPORARILY GRANT MUNICIPALITIES POWERS ENABLING THEM TO RESPOND TO CERTAIN NEEDS AND TO AMEND VARIOUS PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 1791.1 of the Civil Code of Québec is amended

(1) by replacing "determined" in the first paragraph by "according to the terms and conditions determined";

(2) by inserting ", in accordance with the terms and conditions it determines" at the end of the second paragraph;

(3) by inserting "in accordance with the terms and conditions determined by government regulation" at the end of the third paragraph.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

2. Section 1 of the Act respecting land use planning and development (chapter A-19.1) is amended by striking out "and transfer of timber limits under the Lands and Forests Act (chapter T-9)," in paragraph 1.

3. Section 5 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

"(6.1) determine any lake or watercourse that is of recreational interest to the regional county municipality;";

(2) by replacing "3 or 4" in subparagraph 1 of the second paragraph by "3, 4 or 6";

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

"(2.1) to adopt by-law provisions under subparagraph 7.1 of the second paragraph of section 115 in respect of a lake or watercourse determined in accordance with subparagraph 6.1 of the first paragraph;".

4. Section 6 of the Act is amended by striking out subparagraph 1.1 of the third paragraph.

5. Section 53.13 of the Act is amended by striking out "is not consistent with the policy of the Government referred to in section 2.1 of the Environment Quality Act (chapter Q-2), does not respect the limits of a floodplain situated within the territory of the responsible body or" in the first paragraph.

6. Division I of Chapter II.1 of Title I of the Act, comprising sections 79.1 to 79.19.2, is replaced by the following division:

"**DIVISION I**

"REGIONAL BY-LAWS

"§1. — *Regional by-laws*

"**79.1.** The council of a regional county municipality may adopt a by-law to implement any flood risk management plan prepared in accordance with the regulation made under paragraph 13 of section 46.0.22 of the Environment Quality Act (chapter Q-2).

"**79.2.** The council of a regional county municipality may, in respect of a determined place, establish by by-law any standard intended to take into account

(1) any factor specific to the nature of the place that makes land occupation subject to constraints related to public safety or protection of the environment; and

(2) the actual or potential proximity of an immovable or an activity that makes land occupation subject to constraints related to public safety, public health or general well-being.

"**79.3.** The council of a regional county municipality may establish by by-law any standard relating to the planting and felling of trees in order to ensure the protection and management of private forests.

"**79.4.** For the purpose of exercising the powers provided for in this subdivision, the council of a regional county municipality has the powers provided for in sections 113, 115, 118 and 119 in matters of zoning, subdivision, building, permits and certificates, with the necessary modifications.

"**79.5.** The council of a regional county municipality must designate, in every municipality in whose territory the by-laws provided for in section 79.1 or 79.2 apply, an officer to be responsible for enforcing those by-laws.

The council may, with the consent of the municipality concerned, designate such an officer to enforce a by-law provided for in section 79.3.

Section 120 applies to an officer referred to in this section, with the necessary modifications.

"**79.6.** The council of a regional county municipality that has a land development advisory committee also has the powers provided for in section 145.42, with the necessary modifications, for the purpose of exercising the powers provided for in paragraph 1 of section 79.2.

"§2. — *Draft by-law, consultation and adoption*

"**79.7.** The council of the regional county municipality shall adopt a draft of every by-law referred to in sections 79.1 to 79.3.

A copy shall be sent as soon as practicable to each municipality whose territory is concerned by such a draft by-law and, in the case of the draft of a by-law referred to in section 79.2 or 79.3, to every metropolitan community whose territory is concerned by that draft by-law.

A copy of every draft by-law referred to in section 79.1 or 79.2 shall also be sent to the Minister.

"**79.8.** The council of the regional county municipality may request the Minister's opinion on a draft by-law referred to in section 79.1 or 79.2.

The secretary shall notify to the Minister a certified copy of the resolution setting out the request.

"**79.9.** Within 60 days after receiving the copy of the resolution, the Minister shall give an opinion as to the consistency of the draft by-law with government policy directions or as to its compliance with the criteria prescribed by a regulation made under paragraph 14 of section 46.0.22 of the Environment Quality Act (chapter Q-2), as applicable.

If the opinion of the Minister raises objections to the draft by-law, it must include reasons.

The Minister shall notify the opinion to the regional county municipality.

"**79.10.** The council of every municipality or metropolitan community whose territory is concerned by the draft by-law may give its opinion on the draft by-law within 60 days after receiving it.

"**79.11.** The regional county municipality shall hold at least one public meeting in the territory concerned by the draft by-law.

"**79.12.** The regional county municipality shall hold its public meetings through a committee established by the council, composed of council members designated by the council and presided over by the warden or by another committee member designated by the warden.

"**79.13.** Not later than 15 days before a public meeting is held, the secretary of the regional county municipality shall publish in a newspaper circulated in the territory of every municipality whose territory is concerned by the draft by-law a notice of the date, time and place and the purpose of the meeting the secretary shall, within the same period, have a copy of the notice posted in the office of every municipality whose territory is concerned.

A summary of the draft by-law must be included with the notice or distributed, within the time prescribed in the first paragraph, to every address in the territory concerned. In the latter case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft by-law and the summary may be consulted at the office of the regional county municipality and at the office of every municipality whose territory is concerned.

"**79.14.** At a public meeting, the committee shall explain the draft by-law.

The committee shall hear the persons and bodies wishing to be heard.

"**79.15.** After the consultation period concerning the draft by-law, the council of the regional county municipality shall adopt the by-law, with or without changes.

The consultation period ends when every required public meeting has been held and every opinion on the draft by-law has been obtained or the time for giving an opinion has expired.

"§3. — *Approval, examination of conformity and coming into force*

"A. — *Provisions applicable to flood risk management by-laws*

"**79.16.** As soon as practicable after the adoption of a by-law referred to in section 79.1, the secretary of the regional county municipality shall notify to the Minister a certified copy of the by-law and of the resolution adopting it, accompanied with a management plan and an expert assessment consistent with the rules prescribed by a regulation made under paragraph 13 of section 46.0.22 of the Environment Quality Act (chapter Q-2).

"**79.17.** Within 90 days after receiving the copy of the by-law and of the resolution, the Minister shall approve the by-law if of the opinion that it complies with the criteria prescribed by a regulation made under paragraph 14 of section 46.0.22 of the Environment Quality Act (chapter Q-2) and is consistent with government policy directions.

The Minister shall notify a notice to the regional county municipality of the decision. If the Minister withholds approval of the by-law, the notice must include reasons.

"**79.18.** Before rendering a decision, the Minister shall consult the Minister of Sustainable Development, Environment and Parks, the Minister of Public Security and the national committee of flood zone management experts.

The Minister must also consult any other interested minister.

"**79.19.** The national committee of flood zone management experts shall be established by the Minister according to the terms and conditions the Minister determines by regulation.

"**79.19.1.** If the Minister withholds approval of the by-law, the council of the regional county municipality may, within 120 days after notification of the notice of the decision, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the by-law it replaces only so as to take account of the Minister's opinion.

"**79.19.2.** The by-law comes into force on the day the Minister approves it.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

"B. — *Provisions applicable to by-laws on the management of natural or man-made constraints*

"**79.19.3.** As soon as practicable after the adoption of a by-law referred to in section 79.2, the secretary of the regional county municipality shall notify to the Minister a certified copy of the by-law and of the resolution adopting it.

A certified copy must also be sent to every metropolitan community whose territory is concerned by the by-law.

"**79.19.4.** Within 60 days after receiving the copies of the by-law and of the resolution, the Minister shall give an opinion as to the consistency of the by-law with government policy directions.

The Minister shall notify the opinion to the regional county municipality and, if the by-law concerns part of the territory of a metropolitan community, to the metropolitan community. If the Minister is of the opinion that the by-law is not consistent with government policy directions, the opinion must include reasons and may include the Minister's suggestions on how to ensure such consistency.

If the Minister fails to give an opinion within the time prescribed in the first paragraph, the by-law is deemed to be consistent with government policy directions.

"**79.19.5.** If the Minister is of the opinion that the by-law is not consistent with government policy directions, the council of the regional county municipality may, within 120 days after notification of the opinion, replace the by-law.

Subdivision 2 does not apply to the new by-law if it differs from the one it replaces only so as to take account of the Minister's opinion.

"**79.19.6.** If the by-law concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after the copies of the by-law and of the resolution are sent, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution by which the council of the metropolitan community withholds approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

"**79.19.7.** Where the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall notify a certified copy of the resolution applying for the assessment and of the by-law concerned to the Commission and to the metropolitan community.

The copies sent to the Commission must be received within 45 days after the copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

"**79.19.8.** The Commission must give its assessment within 60 days after receiving the copy of the resolution and of the by-law.

If the assessment of the Commission is that the by-law is not in conformity with the metropolitan plan, the assessment may include the Commission's suggestions on how to ensure such conformity.

The secretary of the Commission shall notify a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving the copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

"**79.19.9.** Where the assessment of the Commission is that the by-law is not in conformity with the metropolitan plan, the council of the regional county municipality may, within 120 days after notification of the assessment, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the one it replaces only so as to ensure the conformity of the by-law with the metropolitan plan.

"**79.19.10.** The by-law comes into force on the day an opinion attesting that it is consistent with government policy directions is notified to the regional county municipality by the Minister or, failing such an opinion, on the expiry of the period prescribed in section 79.19.4.

However, if the by-law concerns part of the territory of a metropolitan community, it cannot come into force before the date on which the secretary of the community issues the certificate of conformity.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

"C. — *Provisions applicable to by-laws on the planting or felling of trees*

"**79.19.11.** As soon as practicable after the adoption of a by-law referred to in section 79.3, the secretary of the regional county municipality shall see to it that a notice of the adoption of the by-law, explaining the rules prescribed in the first paragraph of section 79.19.12 and the first paragraph of

section 79.19.13, is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

"**79.19.12.** Any qualified voter in a municipality whose territory is concerned by the by-law may, within 30 days of publication of the notice referred to in section 79.19.11, apply, in writing, to the Commission for an assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

The secretary of the Commission shall send to the regional county municipality a copy of every application sent within the period prescribed in the first paragraph.

"**79.19.13.** If the Commission receives at least five applications in accordance with section 79.19.12, it shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

If the Commission fails to receive at least five applications in accordance with section 79.19.12, the by-law is deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document from the expiry of the period prescribed in the first paragraph of that section.

The by-law is also deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document from the date on which the Commission gives an assessment confirming such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to every person who made an application in accordance with section 79.19.12. If the assessment of the Commission is that the by-law is not in conformity with the objectives of the plan and the provisions of the complementary document, the assessment must include reasons and may include the Commission's suggestions on how to ensure conformity.

The secretary of the regional county municipality shall see to it that a copy of the assessment is posted in the office of every municipality whose territory is concerned by the by-law.

"**79.19.14.** Where the assessment of the Commission is that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document, the council of the regional county municipality may, within 120 days after notification of the assessment, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the one it replaces only so as to ensure such conformity.

"**79.19.15.** The by-law comes into force on the date from which it is deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document according to section 79.19.13.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

"§4. — *Effects*

"**79.19.16.** The provisions of a by-law referred to in section 79.1 or 79.2 take precedence over any inconsistent provision of a by-law of a municipality.

"**79.19.17.** On the coming into force of a by-law referred to in section 79.3, the council of a municipality whose territory is concerned by the by-law loses the right to include in its zoning by-law provisions regarding a matter referred to in subparagraph 12.1 of the second paragraph of section 113, and any such provision already in force immediately ceases to have effect.

"**79.19.18.** Only the representatives of the municipalities whose territory is concerned by a by-law referred to in section 79.3 are qualified to participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

"**79.19.19.** Where a notice of motion has been given in order to adopt or amend a by-law provided for in sections 79.1 to 79.3, no permit or certificate may be granted by the regional county municipality for an intervention that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

Where a copy of the notice of motion is sent to a municipality, no permit or certificate may, as of receipt of the notice, be granted by the municipality for an intervention that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

The first two paragraphs cease to be applicable on the day that is two months after the filing of the notice of motion in accordance with the first paragraph or a sending under the second paragraph if the by-law has not been adopted by that date or, if the by-law has been adopted, on the day that is six months after the adoption of the by-law if it is not in force on that date."

7. Section 79.20 of the Act is amended by replacing "Sections 79.2 to 79.10" in the third paragraph by "The first and second paragraphs of section 79.7 and sections 79.10 to 79.15".

8. Section 83 of the Act is amended by adding the following paragraph at the end:

"(4) the identification of any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and the description of any measure to mitigate the harmful or undesirable effects of those characteristics."

9. Section 113 of the Act is amended by striking out "to provide, in respect of an immovable that is described in the zoning by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any land use, structure or works specified in the by-law;" in subparagraph 16 of the second paragraph.

10. Section 115 of the Act is amended

(1) in the second paragraph,

(*a*) by striking out "to provide, in respect of an immovable that is described in the subdivision by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any cadastral operation specified in the by-law;" in subparagraph 4;

(*b*) by replacing "convey" in subparagraph 7 by "transfer";

(*c*) by inserting the following subparagraph after subparagraph 7:

"(7.1) to require, as a precondition to the approval of a plan relating to a cadastral operation, an undertaking by the owner to transfer, free of charge, a parcel of land shown on the plan and intended to provide public access to a lake or watercourse;";

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

"The council shall determine the cases, other than those referred to in the second paragraph of section 117.2, in which an undertaking to transfer a parcel of land may be required under subparagraph 7.1 of the second paragraph, as well as the terms and conditions of such a transfer. However, the area of the land to be transferred must not exceed 10% of the area of all the parcels of land affected by a cadastral operation, taking into account, in favour of the owner, any transfer or payment required under Division II.1."

11. Section 117.3 of the Act is amended by inserting ", as well as any undertaking to transfer a parcel of land made under subparagraph 7.1 of the second paragraph of section 115" at the end of the third paragraph.

12. Section 117.15 of the Act is amended, in the third paragraph,

(1) by replacing "or playgrounds" by ", playgrounds or public water access points";

(2) by inserting ", public water access point" after "playground".

13. Section 120.0.1 of the Act is amended by replacing "the health and social services agency" in the second paragraph by "the public health department".

14. Section 145.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"In a place where land occupation is subject to special restrictions for reasons of public safety or public health, protection of the environment or general well-being, a minor exemption may not be granted in respect of by-law provisions adopted under subparagraph 16 or 16.1 of the second paragraph of section 113 or subparagraph 4 or 4.1 of the second paragraph of section 115."

15. Section 145.4 of the Act is amended

(1) by inserting "or increases the risks with regard to public safety or public health or adversely affects the quality of the environment or general well-being" at the end of the second paragraph;

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

"Despite the second paragraph, the council may grant an exemption even if it increases the inconvenience caused by the practice of agriculture."

16. Section 145.7 of the Act is amended by adding the following paragraphs at the end:

"However, when the resolution grants a minor exemption in a place referred to in the second paragraph of section 145.2, the municipality must send a copy of the resolution to the regional county municipality whose territory includes that of the municipality. The council of the regional county municipality may, within 90 days after receiving the copy of the resolution, if it considers that the decision authorizing the exemption increases the risks in matters of public safety or public health or adversely affects the quality of the environment or general well-being,

(1) impose any condition referred to in the second paragraph to reduce the risk or potential harm or modify, for those purposes, any condition prescribed by the council of the municipality; or

(2) disallow the decision authorizing the exemption where it is impossible to reduce the risk or potential harm.

A copy of every resolution passed by the regional county municipality under the fourth paragraph shall be sent to the municipality without delay.

A minor exemption in a place referred to in the second paragraph of section 145.2 takes effect

(1) on the date on which the regional county municipality notifies the municipality that it does not intend to avail itself of the powers provided for in the fourth paragraph;

(2) on the date of coming into force of the resolution of the regional county municipality that imposes or modifies conditions applicable to the exemption; or

(3) on the expiry of the time prescribed in the fourth paragraph, if the regional county municipality has not availed itself, within that time, of the powers provided for in that paragraph.

The municipality must send the resolution of the regional county municipality to the person who applied for the exemption or, in the absence of such a resolution, inform the person of the taking of effect of its decision granting the exemption.

The fourth, fifth, sixth and seventh paragraphs do not apply to Ville de Gatineau, Ville de Laval, Ville de Lévis, Ville de Mirabel, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke or Ville de Trois-Rivières."

17. The Act is amended by inserting the following chapter after section 148:

"**CHAPTER V.0.0.1**

"CONSTITUTION OF LAND DEVELOPMENT ADVISORY COMMITTEES

"**148.0.0.1.** The council of a regional county municipality may, by by-law,

(1) establish a land development advisory committee composed of the number of members it determines, including at least two who are members of a municipal council from different municipalities, the other members being chosen, following a public invitation for applications, from among the residents of the territory of the regional county municipality, provided those members are the majority on the committee;

(2) empower the committee to establish its rules of internal management; and

(3) provide that the term of office of the members must not exceed two years and that it may be renewed.

"**148.0.0.2.** The council may, by by-law, assign the following powers to the committee:

(1) giving opinions and making recommendations with regard to planning and to regional by-laws;

(2) for the benefit of municipalities that do not have an advisory planning committee and whose territories are comprised in that of the regional county municipality, giving the opinions and making the recommendations under the purview of such a committee; and

(3) in an unorganized territory, giving the opinions and making the recommendations under the purview of an advisory planning committee.

"**148.0.0.3.** The members of the committee are appointed by resolution of the council of the regional county municipality.

The council may also appoint to the committee any persons whose services it may require for the performance of its functions.

"**148.0.0.4.** The council may vote and place at the disposal of the committee the amounts of money the committee needs to fulfil its functions.

"**148.0.0.5.** If the committee has the power to exercise the functions of an advisory planning committee, each municipality whose territory is comprised in that of the regional county municipality has the same powers and is subject to the same obligations as if it had an advisory planning committee.

"**148.0.0.6.** Before the committee gives an opinion or makes a recommendation referred to in section 148.0.0.2, a representative of the municipality concerned must have an opportunity to submit observations.

"**148.0.0.7.** The council of a regional county municipality that wishes to dissolve the committee or to withdraw its power to exercise the functions of an advisory planning committee for the benefit of municipalities whose territories are comprised in that of the regional county municipality must, at least 60 days before the adoption of a by-law to that effect, pass a resolution stating its intention and send the resolution, as soon as practicable, to all such municipalities.

Any by-law whose adoption is subject by law to the requirement for the municipality to have an advisory planning committee becomes inoperative on the coming into force of a by-law referred to in the first paragraph, as long as the municipality does not have such a committee."

18. Section 148.3 of the Act is amended

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

"(1.1) the members of the council of any municipality whose territory is comprised in that of the responsible body, who are not eligible under subparagraph 1;";

(2) by replacing "under subparagraph 1, who reside" in subparagraph 2 of the first paragraph by "under subparagraph 1 or 1.1, whose residence or registered agricultural operation is situated";

(3) by inserting ", 1.1" after "subparagraph 1" in subparagraph 3 of the first paragraph;

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

"At least one committee member must be selected from among the persons eligible under subparagraph 1 or 1.1 of the first paragraph and at least half must be selected from among the persons eligible under subparagraph 2 of that paragraph. A responsible body whose territory includes that of a core city must appoint a representative of the core city from among the persons eligible under subparagraph 1 or 1.1 of the first paragraph, unless the core city has previously waived that requirement."

19. Section 148.13.1 of the Act is repealed.

20. Section 165.2 of the Act is amended by striking out "fails to conform with the policy of the Government contemplated in section 2.1 of the Environment Quality Act (chapter Q-2) or" in the first paragraph.

21. Title II.1 of the Act, comprising section 226.1, is replaced by the following Title:

"**TITLE II.1**

"REGULATIONS OF THE MINISTER

"**226.1.** The Minister may, by regulation, prescribe

(1) the form in which the content of a document that may or must be notified or sent to the Minister under this Act is to be prepared; and

(2) the terms and conditions governing any notification or sending of a document under this Act.

In exercising the powers provided for in the first paragraph, the Minister may prescribe different rules for any municipality or responsible body and for any type of document."

22. Section 227 of the Act is amended by inserting "to 79.3" after "79.1" in subparagraph *b* of subparagraph 1 of the first paragraph.

23. Section 233.1 of the Act is amended by replacing "79.1" in the first paragraph by "79.3".

24. The Act is amended by inserting the following section after section 233.1:

"**233.1.1.** Penal proceedings for an offence under a provision of a by-law made under section 79.3, subparagraph 12.1 of the second paragraph of section 113 or section 148.0.2 are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than two years have elapsed since the date of the commission of the offence."

25. Section 234 of the Act is repealed.

26. Section 264 of the Act is amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

27. Section 264.0.1 of the Act is amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

28. Section 264.0.2 of the Act is amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

29. Section 264.0.6 of the Act is amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

30. Section 267 of the Act is amended by replacing "and 65" in the first paragraph by ", 65, 79.9 and 79.19.4".

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER RESOURCES AND TO PROMOTE BETTER GOVERNANCE OF WATER AND ASSOCIATED ENVIRONMENTS

31. Section 15.2 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) is amended by adding the following paragraph at the end:

"In identifying the wetlands and bodies of water as required under subparagraph 1 of the second paragraph, a regional county municipality must integrate into the plan the boundaries of the zones referred to in subparagraph 2.1 of the third paragraph of section 46.0.2 of the Environment Quality Act (chapter Q-2)."

32. Section 15.4 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(4) the boundaries of the zones referred to in subparagraph 2.1 of the third paragraph of section 46.0.2 of the Environment Quality Act (chapter Q-2) have been considered."

33. Section 15.7 of the Act is amended

(1) by striking out the following sentence in the second paragraph: "Any update must be made according to the same rules as those applicable to the initial plan.";

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

"However, a regional county municipality may update its regional wetlands and bodies of water plan at any time before the review process referred to in the first paragraph if it gives prior notice to the Minister. Such an update does not exempt a municipality from complying with its obligations under the first paragraph.

Any update of a regional wetlands and bodies of water plan must be made according to the same rules as those applicable to the initial development of the plan."

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

34. Section 122.1 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by adding the following paragraph at the end:

"Penal proceedings for an offence under a provision of a by-law referred to in the first paragraph are prescribed one year from the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than two years have elapsed since the date of the commission of the offence."

CITIES AND TOWNS ACT

35. Section 573 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing "in subparagraph 2.3 of the first paragraph of section 573.3" in paragraph 2 of subsection 2.1 by "in the eighth paragraph of section 573.1.0.4.1";

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

"(6) At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system."

36. Section 573.1.0.0.1 of the Act is amended

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

"In the case of a tender submitted electronically, a municipality must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.";

(2) by adding the following sentence at the end of the second paragraph: "It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the municipality.";

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

"A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the municipality. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders."

37. Section 573.1.0.2 of the Act is amended by inserting "or under section 573.1.0.4.1" at the end of the second paragraph.

38. Section 573.1.0.4 of the Act is amended by inserting ", under section 573.1.0.4.1" after "573".

39. The Act is amended by inserting the following section after section 573.1.0.4:

"**573.1.0.4.1.** In addition to what is permitted under section 573, a municipality may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the municipality uses a system of bid weighting and evaluating referred to in section 573.1.0.1 or 573.1.0.1.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a municipality may require, on pain of rejection of the tender, that all the engineering services related to the contract be provided by suppliers from Canada or Québec.

For the purposes of any services contract by which a municipality requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the municipality may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada or Québec.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a municipality may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

"Assembly" means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, test and final preparation for delivery:

(1) engine, propulsion control system and auxiliary power;

(2) transmission;

(3) axles, suspension or differential;

(4) brake system;

(5) ventilation, heating or air conditioning system;

(6) frames;

(7) pneumatic or electrical systems;

(8) door system;

(9) passenger seats and handrails;

(10) information and destination indicator system and remote monitoring system; and

(11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(5) maintenance or repair services for office equipment;

(6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;

(7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

(8) architectural landscaping services;

(9) land use and planning services;

(10) test, analysis or inspection services for quality control;

(11) exterior and interior building cleaning services;

(12) machinery or equipment repair services;

(13) purification services;

(14) garbage removal services; and

(15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third, fourth or fifth paragraph involving an expenditure equal to or above $20,000,000, the municipality must apply the discriminatory measures set out with regard to such a contract. The same applies where the municipality uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.

Despite the ninth paragraph and subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the conditions it determines, exempt a municipality from complying with an obligation set out in that paragraph after the municipality shows, following thorough and documented verification, that the obligation so restricts procurement that there is a real risk of no tender being submitted."

40. Section 573.3 of the Act is amended, in subparagraph 2.3 of the first paragraph,

(1) by replacing subparagraph *g* by the following subparagraph:

"(*g*) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;";

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

"(*m*) purification services; and

"(*n*) road services;".

41. The Act is amended by inserting the following section after section 573.3.1:

"**573.3.1.0.1.** Subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy, authorize a municipality that uses the system of bid weighting and evaluating provided for in section 573.1.0.1 to make a contract related to a public transit infrastructure and allow the municipality, despite sections 573.1.0.1 and 573.1.0.5 to 573.1.0.12,

(1) to defer knowledge and evaluation of the price;

(2) to evaluate only the price of the tenders that have obtained the minimum score for the other criteria of the system of bid weighting and evaluating;

(3) for a municipality that has previously established a certification or qualification process for suppliers or contractors, as soon as the public call for tenders is issued, to carry out discussions with those who are certified or qualified in order to clarify the project;

(4) to not require the submission of preliminary tenders before final tenders so as to make way for the discussion process intended to clarify the project;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the municipality, to negotiate with all the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the call for tenders and of the tenders; and

(6) to pay, on the conditions the Government establishes, a financial compensation to any supplier or contractor that is certified or qualified and, if the contract is awarded, that is not the successful tenderer for the contract for which the process was held where that process is established solely to award a single contract.

The Government may establish the conditions under which the Minister of Municipal Affairs, Regions and Land Occupancy may authorize a municipality to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a municipality to pay that compensation.

The conditions ordered under the first paragraph may depart from the provisions mentioned by amending them or by providing that one or some of those provisions do not apply and, as the case may be, may replace them by any other provision."

42. The Act is amended by inserting the following section after section 573.3.1.2:

"**573.3.1.2.1.** Every municipality may adopt a responsible procurement policy that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1).

The municipality shall make the policy available by publishing it on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality."

43. Section 573.3.3.1.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 573.1.0.4.1, respectively, allow discrimination based on territory.";

(2) by replacing "threshold, ceiling" in the second paragraph by "thresholds, ceilings".

MUNICIPAL CODE OF QUÉBEC

44. Article 935 of the Municipal Code of Québec (chapter C-27.1) is amended

(1) by replacing "subparagraph 2.3 of the first paragraph of article 938" in paragraph 2 of subarticle 2.1 by "the eighth paragraph of article 936.0.4.1";

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

"(6) At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system."

45. Article 936.0.0.1 of the Code is amended

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

"In the case of a tender submitted electronically, a municipality must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.";

(2) by adding the following sentence at the end of the second paragraph: "It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the municipality.";

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

"A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the municipality. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders."

46. Article 936.0.2 of the Code is amended by inserting "or under article 936.0.4.1" at the end of the second paragraph.

47. Article 936.0.4 of the Code is amended by inserting "or 936.0.4.1" after "935".

48. The Code is amended by inserting the following article after article 936.0.4:

"**936.0.4.1.** In addition to what is permitted under article 935, a municipality may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the municipality uses a system of bid weighting and evaluating referred to in article 936.0.1 or 936.0.1.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a municipality may require, on pain of rejection of the tender, that all the engineering services related to the contract be provided by suppliers from Canada or Québec.

For the purposes of any services contract by which a municipality requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the municipality may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada or Québec.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a municipality may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

"Assembly" means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, test and final preparation for delivery:

(1) engine, propulsion control system and auxiliary power;

(2) transmission;

(3) axles, suspension or differential;

(4) brake system;

(5) ventilation, heating or air conditioning system;

(6) frames;

(7) pneumatic or electrical systems;

(8) door system;

(9) passenger seats and handrails;

(10) information and destination indicator system and remote monitoring system; and

(11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(5) maintenance or repair services for office equipment;

(6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;

(7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

(8) architectural landscaping services;

(9) land use and planning services;

(10) test, analysis or inspection services for quality control;

(11) exterior and interior building cleaning services;

(12) machinery or equipment repair services;

(13) purification services;

(14) garbage removal services; and

(15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third, fourth or fifth paragraph involving an expenditure equal to or above $20,000,000, the municipality must apply the discriminatory measures set out with regard to such a contract. The same applies where the municipality uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.

Despite the ninth paragraph and subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the conditions it determines, exempt a municipality from complying with an obligation set out in that paragraph after the municipality shows, following thorough and documented verification, that the obligation so restricts procurement that there is a real risk of no tender being submitted."

49. Article 938 of the Code is amended, in subparagraph 2.3 of the first paragraph,

(1) by replacing subparagraph *g* by the following subparagraph:

"(*g*) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;";

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

"(*m*) purification services; and

"(*n*) road services;".

50. The Code is amended by inserting the following article after article 938.1:

"**938.1.0.1.** Subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy, authorize a municipality that uses the system of bid weighting and evaluating provided for in article 936.0.1 to make a contract related to a public transit infrastructure and allow the municipality, despite articles 936.0.1 and 936.0.5 to 936.0.12,

(1) to defer knowledge and evaluation of the price;

(2) to evaluate only the price of the tenders that have obtained the minimum score for the other criteria of the system of bid weighting and evaluating;

(3) for a municipality that has previously established a certification or qualification process for suppliers or contractors, as soon as the public call for tenders is issued, to carry out discussions with those who are certified or qualified in order to clarify the project;

(4) to not require the submission of preliminary tenders before the final tenders so as to make way for the discussion process intended to clarify the project;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the municipality, to negotiate with all the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the call for tenders and of the tenders; and

(6) to pay, on the conditions the Government establishes, a financial compensation to any supplier or contractor that is certified or qualified and, if the contract is awarded, that is not the successful tenderer for the contract for which the process was held where that process is established solely to award a single contract.

The Government may establish the conditions under which the Minister of Municipal Affairs, Regions and Land Occupancy may authorize a municipality to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a municipality to pay that compensation.

The conditions ordered under the first paragraph may depart from the provisions mentioned by amending them or by providing that one or some of those provisions do not apply and, as the case may be, may replace them by any other provision."

51. The Code is amended by inserting the following article after article 938.1.2:

"**938.1.2.0.1.** Every municipality may adopt a responsible procurement policy that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1).

The municipality shall make the policy available by publishing it on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality."

52. Article 938.3.1.1 of the Code is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of article 936.0.4.1, respectively, allow discrimination based on territory.";

(2) by replacing "threshold, ceiling" in the second paragraph by "thresholds, ceilings".

53. Article 1026 of the Code is amended

(1) by replacing "where the sittings of the council of the regional county municipality are held" in the second paragraph by "determined by the council of the regional county municipality";

(2) by striking out the third paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

54. Section 108 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by replacing subparagraph *g* of subparagraph 2 of the seventh paragraph by the following subparagraph:

"(*g*) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;";

(2) by adding the following subparagraphs at the end of subparagraph 2 of the seventh paragraph:

"(*m*) purification services;

"(*n*) garbage removal services; and

"(*o*) road services;";

(3) by striking out the last sentence of the ninth paragraph;

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

"At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system."

55. Section 108.1.1 of the Act is amended

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

"In the case of a tender submitted electronically, the Community must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.";

(2) by adding the following sentence at the end of the second paragraph: "It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the Community.";

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

"A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the Community. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders."

56. Section 110 of the Act is amended by inserting "or under section 112.0.0.0.1" at the end of the second paragraph.

57. Section 112 of the Act is amended by inserting "or 112.0.0.0.1" after "108".

58. The Act is amended by inserting the following section after section 112:

"**112.0.0.0.1.** In addition to what is permitted under section 108, the Community may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the fifth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the fifth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the Community uses a system of bid weighting and evaluating referred to in section 109 or section 109.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

For the purposes of any services contract by which the Community requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the Community may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada or Québec.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(5) maintenance or repair services for office equipment;

(6) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

(8) architectural landscaping services;

(9) land use and planning services;

(10) test, analysis or inspection services for quality control;

(11) exterior and interior building cleaning services;

(12) machinery or equipment repair services;

(13) purification services;

(14) garbage removal services; and

(15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third paragraph involving an expenditure equal to or above $20,000,000, the Community must apply the discriminatory measures set out with regard to such a contract. The same applies where the Community uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.

Despite the sixth paragraph and subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the conditions it determines, exempt the Community from complying with an obligation set out in that paragraph after the Community shows, following thorough and documented verification, that the obligation so restricts procurement that there is a real risk of no tender being submitted."

59. The Act is amended by inserting the following section after section 113.2:

"**113.2.1.** The Community may adopt a responsible procurement policy that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1).

The Community shall make the policy available at all times by publishing it on its website."

60. Section 118.1.0.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(4) the expenditure ceiling that allows discrimination based on territory under subparagraph 1 of the first paragraph of section 112.0.0.0.1.";

(2) by replacing "ceiling" in the second paragraph by "ceilings".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

61. Section 101 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended

(1) by replacing subparagraph *g* of subparagraph 2 of the seventh paragraph by the following subparagraph:

"(*g*) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;";

(2) by adding the following subparagraphs at the end of subparagraph 2 of the seventh paragraph:

"(*m*) purification services;

"(*n*) garbage removal services; and

"(*o*) road services;";

(3) by striking out the last sentence of the ninth paragraph;

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

"At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system."

62. Section 101.1.1 of the Act is amended

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

"In the case of a tender submitted electronically, the Community must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.";

(2) by adding the following sentence at the end of the second paragraph: "It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the Community.";

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

"A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the Community. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders."

63. Section 103 of the Act is amended by inserting "or under section 105.0.0.0.1" at the end of the second paragraph.

64. Section 105 of the Act is amended by inserting "or section 105.0.0.0.1," after "101".

65. The Act is amended by inserting the following section after section 105:

"**105.0.0.0.1.** In addition to what is permitted under section 101, the Community may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract, a contract for services mentioned in the fifth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the fifth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the Community uses a system of bid weighting and evaluating referred to in section 102 or section 102.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

For the purposes of any services contract by which the Community requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the Community may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada or Québec.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(5) maintenance or repair services for office equipment;

(6) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

(8) architectural landscaping services;

(9) land use and planning services;

(10) test, analysis or inspection services for quality control;

(11) exterior and interior building cleaning services;

(12) machinery or equipment repair services;

(13) purification services;

(14) garbage removal services; and

(15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third paragraph involving an expenditure equal to or above $20,000,000, the Community must apply the discriminatory measures set out with regard to such a contract. The same applies where the Community uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.

Despite the sixth paragraph and subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the conditions it determines, exempt the Community from complying with an obligation set out in that paragraph after the Community shows, following thorough and documented verification, that the obligation so restricts procurement that there is a real risk of no tender being submitted."

66. The Act is amended by inserting the following section after section 106.2:

"**106.2.1.** The Community may adopt a responsible procurement policy that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1).

The Community shall make the policy available at all times by publishing it on its website."

67. Section 111.1.0.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(4) the expenditure ceiling that allows discrimination based on territory under subparagraph 1 of the first paragraph of section 105.0.0.0.1.";

(2) by replacing "ceiling" in the second paragraph by "ceilings".

MUNICIPAL POWERS ACT

68. Section 90 of the Municipal Powers Act (chapter C-47.1) is amended by inserting "a public market," after "operation of" in subparagraph 1 of the fourth paragraph.

69. Section 104 of the Act is amended by adding the following paragraph at the end:

"Penal proceedings for an offence under a provision of a by-law adopted under the first paragraph are prescribed one year from the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than two years have elapsed since the date of the commission of the offence."

ACT RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

70. Section 6.1 of the Act respecting tourist accommodation establishments (chapter E-14.2) is amended by adding ", unless the notice concerns an application for a classification certificate for a tourist accommodation establishment where accommodation, not including any meals served on the premises, in the operator's principal residence is offered, by means of a single reservation, to a person or a single group of related persons at a time" at the end of the second paragraph.

71. Section 11.0.1 of the Act is amended by adding the following paragraph at the end:

"The Minister may also refuse to issue a classification certificate referred to in section 11.3 if the Minister has, in the last three years, cancelled, under the second paragraph of that section, a classification certificate held by the applicant."

72. The Act is amended by inserting the following section after section 11.2:

"**11.3.** At the request of a municipality, the Minister may, in the cases specified by government regulation and in accordance with the second paragraph, suspend or cancel the classification certificate of a tourist accommodation establishment where accommodation, not including any meals served on the premises, in the operator's principal residence is offered, by means of a single reservation, to a person or a single group of related persons at a time.

If the request is well founded, the Minister shall

(1) suspend the certificate for a period of two months;

(2) suspend the certificate for a period of six months if the holder has already been the subject of a suspension under subparagraph 1; or

(3) cancel the certificate if the holder has already been the subject of a suspension under subparagraph 2.

For the purposes of the first paragraph, the cases specified by regulation must in particular take into account offences under any municipal by-law as regards nuisances, sanitation or safety."

73. The Act is amended by inserting the following division after Division II:

"**DIVISION II.1**

"MUNICIPAL BY-LAWS

"**21.1.** No provision of a municipal by-law adopted under the Act respecting land use planning and development (chapter A-19.1) may operate to prohibit the operation of a tourist accommodation establishment where accommodation, not including any meals served on the premises, in the principal residence of the natural person operating it is offered, by means of a single reservation, to a person or a single group of related persons at a time.

The first paragraph does not apply to a provision of a zoning by-law or a conditional use by-law introduced by a by-law that amends the by-law concerned and is adopted in accordance with the provisions of Division V of Chapter IV of Title I of the Act respecting land use planning and development, with the following modifications:

(1) any provision contained in the second draft by-law is deemed to have been the subject of a valid application from any zone from which such an application may originate under section 130 of that Act, and sections 131 to 133 of that Act do not apply; and

(2) for the purpose of determining whether a referendum poll must be held in respect of that by-law, the number of applications that must be reached under the first paragraph of section 553 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is reduced by 50%, rounded up to the next whole number."

74. Section 55.1 of the Act is amended by adding the following paragraph at the end:

"The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of section 21.1."

ACT RESPECTING MUNICIPAL TAXATION

75. Section 236 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting "in respect of an establishment other than a principal residence establishment" after "(chapter E-14.2)" in paragraph 13.

76. Section 244.31 of the Act is amended by inserting "or principal residence" after "an outfitting" in the first paragraph.

77. Section 263.2 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "It must, in such a case, determine in that by-law the modes of payment of that sum, which must include electronic payment.";

(2) by striking out the third paragraph.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

78. Section 79.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by replacing "or interim control by-law of a regional county municipality or community" in the second paragraph by ", interim control by-law of a regional county municipality or community and by-law referred to in Division I of Chapter II.1 of Title I of the Act respecting land use planning and development (chapter A-19.1)".

ENVIRONMENT QUALITY ACT

79. Section 2.1 of the Environment Quality Act (chapter Q-2) is repealed.

80. Section 24 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "on the quality of the environment" in the introductory clause;

(*b*) by adding the following subparagraph at the end:

"(6) if the application concerns an activity in a flood zone of a lake or watercourse or a mobility zone of a watercourse, the consequences of the activity for the persons and property located in that zone.";

(2) by inserting ", on the life, health, safety, welfare or comfort of human beings or on ecosystems, other living species or property" after "environment" in the third paragraph.

81. Section 25 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

"(10) flood-proofing measures to take into consideration the flood zone of a lake or watercourse and the mobility zone of a watercourse."

82. Section 26 of the Act is amended, in the first paragraph,

(1) by striking out "for adequate protection of the environment, human health or other living species" in the introductory clause;

(2) by replacing "to protect human health or other living species" in subparagraph 2 by "to ensure the health, safety, welfare or comfort of human beings, protect other living species or prevent adverse effects on property".

83. Section 31.0.3 of the Act is amended by replacing "human health or safety or other living species" in subparagraph 2 of the second paragraph by "the health, safety, welfare or comfort of human beings, protect other living species or prevent adverse effects on property".

84. Section 31.9 of the Act is amended by replacing "and heritage property" at the end of subparagraph *b* of the first paragraph by ", heritage property and any other property".

85. The Act is amended by inserting the following before section 46.0.1:

"§1. — *General provisions*".

86. Section 46.0.1 of the Act is amended

(1) by inserting ", as well as climate change issues" at the end of the first paragraph;

(2) by replacing "and to foster development of projects with minimal impacts on the receiving environment" in the second paragraph by ", foster development of projects with minimal impacts on the receiving environment and reduce the vulnerability of persons and property exposed to flooding".

87. Section 46.0.2 of the Act is amended by replacing subparagraph 2 of the third paragraph by the following subparagraphs:

"(2) the shores, banks and littoral zones of a lake or watercourse, as defined by government regulation;

"(2.1) the flood zones of a lake or watercourse and mobility zones of a watercourse established in accordance with this division and whose boundaries are disseminated by the Government or, where such boundaries have not been established, as defined by government regulation; and".

88. The Act is amended by inserting the following after section 46.0.2:

"§2. — *Boundaries of flood zones of lakes or other watercourses and mobility zones of watercourses*

"**46.0.2.1.** The Minister shall establish the boundaries of the flood zones of lakes or watercourses and those of the mobility zones of watercourses.

For that purpose, the Minister shall prepare, keep up to date and make public the rules applicable for establishing such boundaries, which must provide, in particular, that the Minister considers the impact of a flood protection works on a flood zone only if the works is covered by an order made under section 46.0.13.

The Minister may, when establishing the boundaries of the zones referred to in the first paragraph, require a municipality to send him all information concerning the determination of the flood zones of lakes and watercourses that it used for land use planning in its territory.

The Minister shall publish a notice in the *Gazette officielle du Québec,* after consulting with the Minister of Natural Resources and Wildlife, specifying that the boundaries of the flood zones of lakes and watercourses and mobility zones of watercourses have been established and are disseminated by a technological means specified in the notice. The boundaries take effect on the date the notice is published.

"**46.0.2.2.** The Minister may, by agreement, delegate responsibility to a municipality for establishing the boundaries of the flood zones of lakes and watercourses and mobility zones of watercourses in its territory. In such a case, the municipality is required to comply with the rules prepared by the Minister under the second paragraph of section 46.0.2.1.

The municipality must submit the boundaries it proposes to the Minister for approval. To evaluate the municipality's proposal, the Minister shall analyze the methodology used and may request any document he considers necessary to do so.

The Minister may require the municipality to make the modifications the Minister considers appropriate to comply with the rules prepared under the second paragraph of section 46.0.2.1 within the time he specifies or make the modifications himself.

The fourth paragraph of section 46.0.2.1 applies to any establishment of boundaries by a municipality.

"**46.0.2.3.** The boundaries of the zones referred to in this subdivision shall be evaluated at least every 10 years, particularly in light of the evolution of the knowledge, methods and tools available, the natural and human-caused changes and climate change issues.

Sections 46.0.2.1 and 46.0.2.2 apply, with the necessary modifications, to any modification of the boundaries of the zones.

"§3. — *Authorization regime*".

89. Section 46.0.4 of the Act is amended by replacing "or in a land use planning and development plan, as applicable" in paragraph 4 by ", in a land use planning and development plan, in any interim control measure or in a by-law adopted by a regional county municipality under the Act respecting land use planning and development (chapter A-19.1)".

90. Section 46.0.12 of the Act is renumbered 46.0.22 and is amended by adding the following paragraphs at the end:

"(8) classify the flood zones of lakes and watercourses as well as the mobility zones of watercourses;

"(9) determine the information and documents that a person must send to the Minister to allow the preparation, verification or modification of the boundaries of a flood zone of a lake or watercourse and a mobility zone of a watercourse;

"(10) prohibit or limit the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water or on flood protection works;

"(11) in the cases and under the conditions specified, make the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water subject to the issue of a permit by the municipality concerned;

"(12) establish the standards applicable to the work, structures or other interventions carried out or erected in wetlands and bodies of water in order to ensure adequate protection of the safety, welfare or comfort of human beings or to prevent adverse effects on property;

"(13) provide that regional county municipalities may prepare a flood risk management plan supported by an expert evaluation and prescribe the criteria and terms applicable to such a plan and such an evaluation;

"(14) prescribe the criteria that a regulation made under section 79.1 of the Act respecting land use planning and development (chapter A-19.1) must meet to be approved by the Minister of Municipal Affairs, Regions and Land Occupancy under section 79.17 of that Act;

"(15) establish the standards applicable to flood protection works, in particular with regard to design, maintenance and monitoring;

"(16) prescribe the reports, studies and other documents, in the cases and under the conditions specified, that must be produced by a municipality with respect to flood protection works located in whole or in part in its territory;

"(17) determine the information and documents to be sent to the Minister or to a municipality to ensure monitoring of the authorizations issued within a flood zone of a lake or watercourse or a mobility zone of a watercourse; and

"(18) determine which information and documents produced under a government regulation made under this division are public and must be made available to the public."

91. The Act is amended by inserting the following after section 46.0.12:

"§4. — *Flood protection works*

"**46.0.13.** The Government may, by order, on the conditions it determines, declare that a municipality that so requests is responsible for flood protection works that the Government identifies.

The municipality's responsibility takes effect on the date set in the order.

"**46.0.14.** If the Government terminates the declaration made under section 46.0.13, in particular at the request of the municipality or to ensure the safety of persons or property, the municipality's responsibility ends on the date set by the Government. Before that date, the Minister must update the boundaries of the zones referred to in subdivision 2 and publish the notice provided for in section 46.0.2.1.

The municipality must, at least 30 days before requesting the Government to terminate the declaration in accordance with the first paragraph, pass a resolution stating its intention to do so. A copy of the resolution must be published in accordance with the Act governing the municipality in that matter.

"**46.0.15.** A municipality in whose territory all or part of a flood protection works entered in the register provided for in section 46.0.21 is located or a person designated by the municipality may, in particular, in the performance of its obligations,

(1) enter and circulate on private land or the waters in the domain of the State, including with machinery; and

(2) temporarily occupy private land or the waters in the domain of the State.

Those powers must be exercised reasonably and are subject to restoring the premises to their former state and compensating the owner or custodian of the premises, as the case may be, for any damage. However, if the damage sustained by the owner or custodian concerns an activity, structure or intervention that is prohibited under a regulation made in accordance with section 46.0.22, it need not be compensated for.

"**46.0.16.** Any works covered by an order made under section 46.0.13 that is present, in whole or in part, on the waters in the domain of the State is considered as having obtained the rights to occupy the waters in the domain of the State required under the Watercourses Act (chapter R-13).

"**46.0.17.** At least 15 days before undertaking work relating to flood protection works or accessing the works, the municipality must notify, in writing, any land owners concerned by the work to be carried out and inform them of the rights the municipality has with respect to the flood protection works. The municipality must also inform the land owners of the nature and expected duration of the work, where applicable.

Despite the first paragraph, the municipality may undertake work relating to flood protection works without first notifying the land owners concerned by the work to be carried out in urgent circumstances or in order to prevent serious or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property.

"**46.0.18.** A municipality that is responsible for a flood protection works under the order provided for in section 46.0.13 must apply for the registration in the land register of a notice indicating the location of a flood protection works with respect to the immovables located in its territory. The application shall be made by means of a notice whose content is determined by government regulation.

A municipality must apply for the cancellation of the registration made under the first paragraph if it is no longer responsible for a flood protection works following an order made under section 46.0.13.

"**46.0.19.** Except in the case of an intentional or gross fault, a municipality and its officers and employees may not be prosecuted for the failure of a flood protection works when the municipality exercises, in accordance with the regulation made under paragraph 15 of section 46.0.22, the responsibility entrusted to it under section 46.0.13.

However, the first paragraph does not apply if the cause of the failure of the works is not related to that responsibility.

"**46.0.20.** With regard to the owner or custodian of a flood protection works, or to the municipality in whose territory all or part of the works is located, the Minister may make any order the Minister considers necessary to ensure the safety of persons and property. The Minister may also make such an order with regard to any person or municipality that acts in such a way as to compromise the safety of a flood protection works.

If the Minister considers it necessary, the Minister may order the municipality responsible for a flood protection works covered by an order made under section 46.0.13

(1) to carry out the work specified by the Minister to ensure the safety of persons and property;

(2) to carry out any test, survey, expert evaluation or verification the Minister specifies;

(3) to install, within the time the Minister sets, any device or apparatus he determines; or

(4) to provide the Minister, in the form and within the time the Minister determines, with a report on any aspect of the design or operation of the works, accompanied by, where applicable, the relevant information and documents.

"**46.0.21.** The Minister keeps a register of flood protection works.

A government regulation must prescribe the information to be entered in the register, the person who must provide the information and the time limit for doing so.

Section 118.5.3 applies to the register.

"§5. — *Regulatory power*".

92. Section 118.3.3 of the Act is amended by adding the following paragraphs at the end:

"The first paragraph does not apply to the provisions of a regulation made under this Act that prescribes that such a regulation or certain of its sections are to be applied by all municipalities, by a certain category of municipalities or by one or more municipalities if the municipal by-law concerns the implementation of the provisions of a regulation made under this Act.

For the purposes of the first paragraph, the approval of the Minister of Municipal Affairs, Regions and Land Occupancy referred to in section 79.17 of the Act respecting land use planning and development (chapter A-19.1) is equivalent to the approval of the Minister. In such a case, publication in the *Gazette officielle du Québec* under the first paragraph is not required."

DAM SAFETY ACT

93. Section 2 of the Dam Safety Act (chapter S-3.1.01) is amended by replacing the first paragraph by the following paragraphs:

"For the purposes of this Act, "dam" means any works 1 metre or more in height, constructed across a watercourse or at the outlet of a lake and resulting in the creation of a reservoir.

Any other works intended to impound all or part of the water stored in such a reservoir shall be considered to be a dam."

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

94. Section 3 of the Act respecting the Société d'habitation du Québec (chapter S-8) is amended by inserting "or modest-rental" after "low-rental" in subparagraph 3 of the first paragraph.

95. Section 3.1 of the Act is amended by replacing "low rental" in the fourth paragraph by "low-rental or modest-rental".

96. Section 3.2 of the Act is amended by striking out "for housing studies and research and for experimental projects" in paragraph 2.

97. Section 51 of the Act is amended by replacing "low or moderate income" in the first paragraph by "low, moderate or modest income".

98. Section 56.4 of the Act is amended by replacing "low or moderate income" by "low, moderate or modest income".

99. Section 57 of the Act is amended

(1) in the first paragraph of subsection 1,

(*a*) by striking out "or a regional county municipality that has affirmed its jurisdiction with respect to the management of social housing";

(*b*) by replacing "or moderate income" by ", moderate or modest income or having special housing needs";

(2) in subsection 3.1,

(*a*) by replacing "that receives financial assistance granted for the purposes of the operation and maintenance of residential immovables" in subparagraph *f* by "referred to in section 85.1";

(*b*) by adding the following subparagraph at the end:

"(*g*) with the authorization of the Société, acquire, construct and renovate residential immovables under projects aimed at creating affordable housing, including dwellings intended for persons or families of low, moderate or modest income."

100. The Act is amended by inserting the following subdivision after section 58.7:

"§2.4. — *Sending of information*

"**58.8.** A bureau must, at the request of the recognized association of lessees, the sector committee or the advisory committee of residents of the immovable it administers, send the association or committee the names and contact information of the lessees who reside in the immovable. For that purpose, the bureau must first obtain the consent of the lessees concerned."

101. The Act is amended by inserting the following section after section 68.15:

"**68.16.** A bureau must, at the request of a federation of lessees, send the federation the names and contact information of the officers of an association of lessees recognized by the bureau, of the officers of an advisory committee of residents or a sector committee, and of the lessees elected as directors of the bureau. For that purpose, the bureau must first obtain the consent of the officers and lessees concerned."

102. Section 86 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting the following subparagraph after subparagraph *g*:

"(*g*.1) establish the categories, conditions or criteria for allocating modest-rental housing dwellings and the conditions upon which leases for such dwellings may be taken or granted;";

(*b*) by replacing ““low-rental housing”” in paragraph *k* by ““person or family of modest income”, “low-rental housing”, “modest-rental housing””;

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

“A by-law relating to the matter referred to in subparagraph *g*.1 of the first paragraph may prescribe the rules to which the owner of a residential immovable and the lessees of such an immovable will be subject, despite any provision of a program, an operating agreement or any other document.”;

(3) by inserting “, *g*.1” after “*g*” in the second paragraph.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

103. Section 95 of the Act respecting public transit authorities (chapter S-30.01) is amended

(1) by replacing subparagraph *g* of subparagraph 2 of the seventh paragraph by the following subparagraph:

“(*g*) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

(2) by adding the following subparagraphs at the end of subparagraph 2 of the seventh paragraph:

“(*m*) purification services;

“(*n*) garbage removal services; and

“(*o*) road services;”;

(3) by striking out the last sentence of the ninth paragraph;

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

“At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system.”

104. Section 95.1.1 of the Act is amended

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

"In the case of a tender submitted electronically, a transit authority must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.";

(2) by adding the following sentence at the end of the second paragraph: "It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the transit authority.";

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

"A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the transit authority. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders."

105. Section 97 of the Act is amended by inserting "or under section 99.0.0.1" at the end of the second paragraph.

106. Section 99 of the Act is amended by inserting ", section 99.0.0.1" after "95".

107. The Act is amended by inserting the following section after section 99:

"**99.0.0.1.** In addition to what is permitted under section 95, a transit authority may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract, a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the transit authority uses a system of bid weighting and evaluating referred to in section 96 or section 96.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a transit authority may require, on pain of rejection of the tender, that all the engineering services related to the contract be provided by suppliers from Canada or Québec.

For the purposes of any services contract by which a transit authority requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the transit authority may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada or Québec.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a transit authority may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

"Assembly" means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, test and final preparation for delivery:

(1) engine, propulsion control system and auxiliary power;

(2) transmission;

(3) axles, suspension or differential;

(4) brake system;

(5) ventilation, heating or air conditioning system;

(6) frames;

(7) pneumatic or electrical systems;

(8) door system;

(9) passenger seats and handrails;

(10) information and destination indicator system and remote monitoring system; and

(11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(5) maintenance or repair services for office equipment;

(6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;

(7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

(8) architectural landscaping services;

(9) land use and planning services;

(10) test, analysis or inspection services for quality control;

(11) exterior and interior building cleaning services;

(12) machinery or equipment repair services;

(13) purification services;

(14) garbage removal services; and

(15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third, fourth or fifth paragraph involving an expenditure equal to or above $20,000,000, the transit authority must apply the discriminatory measures set out with regard to such a contract. The same applies where the transit authority uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.

Despite the ninth paragraph and subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the conditions it determines, exempt the transit authority from complying with an obligation set out in that paragraph after the transit authority shows, following thorough and documented verification, that the obligation so restricts procurement that there is a real risk of no tender being submitted."

108. The Act is amended by inserting the following section after section 103:

"**103.0.1.** Subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy, authorize a transit authority that uses the system of bid weighting and evaluating provided for in section 96 to make a contract related to a public transit infrastructure and allow the transit authority, despite sections 96 and 99.0.1 to 99.0.8,

(1) to defer knowledge and evaluation of the price;

(2) to evaluate only the price of the tenders that have obtained the minimum score for the other criteria of the system of bid weighting and evaluating;

(3) for a transit authority that has previously established a certification and qualification process for suppliers or contractors, as soon as the public call for tenders is issued, to carry out discussions with those who are certified or qualified in order to clarify the project;

(4) to not require the submission of preliminary tenders before final tenders so as to make way for the discussion process intended to clarify the project;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the transit authority, to negotiate with all the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the call for tenders and of the tenders; and

(6) to pay, on the conditions the Government establishes, a financial compensation to any supplier or contractor that is certified or qualified and, if the contract is awarded, that is not the successful tenderer for the contract for which the process was held where that process is established solely to award a single contract.

The Government may establish the conditions under which the Minister of Municipal Affairs, Regions and Land Occupancy may authorize a transit authority to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a transit authority to pay that compensation.

The conditions ordered under the first paragraph may depart from the provisions mentioned by amending them or by providing that one or some of those provisions do not apply and, as the case may be, may replace them by any other provision."

109. The Act is amended by inserting the following section after section 103.2:

"**103.2.0.1.** A transit authority may adopt a responsible procurement policy that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1).

The transit authority shall make the policy available at all times by publishing it on its website."

110. Section 108.1.0.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 99.0.0.1, respectively, allow discrimination based on territory.";

(2) by replacing "threshold, ceiling" in the second paragraph by "thresholds, ceilings".

ACT RESPECTING THE ADMINISTRATIVE HOUSING TRIBUNAL

111. The Act respecting the Administrative Housing Tribunal (chapter T-15.01) is amended by inserting the following sections after section 57:

"**57.0.1.** Two or more lessees of the same private seniors' residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) may make a joint application to the Tribunal where the sole purpose of the application is

(1) to obtain a rent reduction based on the lessor's failure to provide one or more of the same services included in their respective leases, including domestic help, personal assistance, recreation, meal, security, ambulatory care or nursing care services; or

(2) to have clauses that are stipulated in their respective leases and whose effect is substantially the same declared null in the interest of public order.

All lessees who are parties to the application must sign it.

Any lessee who acts as the mandatary of another lessee must be designated in the application.

"**57.0.2.** The Tribunal must convene the parties to a case management conference under section 56.5 in order, among other things, to inquire into the situation of the other lessees of the private seniors' residence.

In addition to the case management measures that the Tribunal may take under section 56.8, it must order the following measures if it observes that the rights or interests of the other lessees of the residence could be affected by a clause whose effects are the same as the clause covered by the joint application or by the loss of a service covered by that application:

(1) the impleading of those lessees; and

(2) the notification to those lessees, by the operator of the residence concerned,

(*a*) of a copy of the joint application accompanied by a copy of the exhibits supporting it or by a list of the exhibits that indicates that they are accessible on request;

(*b*) a copy of the decision ordering the impleading of the lessees; and

(*c*) an explanatory notice whose content is determined by the Tribunal member who holds the case management conference and which mentions, among other things, the reasons for which the lessees are impleaded and their right of objection under the third paragraph.

At any time, a lessee may notify the Tribunal of the lessee's objection to being impleaded under subparagraph 1 of the second paragraph. On reception of the notice, the lessee is no longer a party to the joint application.

"**57.0.3.** After the case management conference is held, the Tribunal may order the operator of the private seniors' residence to send a copy of the joint application and, if applicable, of the other documents referred to in subparagraph 2 of the second paragraph of section 57.0.2 to the health and social services institution that exercises the functions related to the certification of the residence covered by the application that are set out in sections 346.0.1 and following of the Act respecting health services and social services (chapter S-4.2).

The Tribunal must, after the proceedings have been concluded, send that institution a copy of the final decision ruling on the joint application.

"**57.0.4.** In addition to the assistance of a trusted third person as provided for in section 74.1, a lessee may, throughout the proceeding relating to a joint application, be assisted by a community organization that has been entrusted with a mandate to assist lessees of private seniors' residences under an agreement entered into with the Minister, to which other ministers may be signatories, if applicable."

112. Section 72 of the Act is amended by inserting the following paragraph after the second paragraph:

"A natural person may also be represented by another person who is a party to the same joint application referred to in section 57.0.1."

113. Section 74 of the Act is amended by adding the following paragraph at the end:

"The designation referred to in the third paragraph of section 57.0.1 stands in lieu of such a mandate."

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

114. Section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68), amended by section 46 of chapter 68 of the statutes of 2002, is again amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

REGULATION ORDERING THE EXPENDITURE THRESHOLD FOR A CONTRACT THAT MAY BE AWARDED ONLY AFTER A PUBLIC CALL FOR TENDERS, THE MINIMUM TIME FOR THE RECEIPT OF TENDERS AND THE EXPENDITURE CEILING ALLOWING THE TERRITORY FROM WHICH TENDERS ORIGINATE TO BE LIMITED

115. Section 2 of the Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited (chapter C-19, r. 5) is amended, in paragraph 3,

(1) by replacing subparagraph *g* by the following subparagraph:

"(*g*) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;";

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

"(*m*) purification services;

"(*n*) garbage removal services; and

"(*o*) road services;".

OTHER AMENDING PROVISIONS

116. Section 51 of Order in Council 841-2001 (2001, G.O. 2, 3660), concerning Ville de Saguenay, amended by section 47 of chapter 68 of the statutes of 2002, is again amended by replacing "Chapter II.1 of Title I" in the second paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

117. Section 48 of Order in Council 850-2001 (2001, G.O. 2, 3695), concerning Ville de Sherbrooke, amended by section 48 of chapter 68 of the statutes of 2002, is again amended by replacing "Chapter II.1 of Title I" in the second paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

118. Section 25 of Order in Council 851-2001 (2001, G.O. 2, 3726), concerning Ville de Trois-Rivières, amended by section 49 of chapter 68 of the statutes of 2002, is again amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

119. Section 12 of Order in Council 1478-2001 (2001, G.O. 2, 6960), concerning Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002, is again amended by replacing "Chapter II.1 of Title I" in the first paragraph by "the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1".

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

120. Every by-law adopted in accordance with the provisions of Division I of Chapter II.1 of Title I of the Act respecting land use planning and development (chapter A-19.1), as they read on 24 March 2021, remains in force until replaced or repealed.

The provisions of Division I of Chapter II.1 of Title I of the Act respecting land use planning and development, as they read on 24 March 2021, continue to apply to a procedure to adopt or amend a by-law that is subject to them on that date.

121. Every local municipality that has a planning program must, not later than 25 March 2024, make any required modification to that program to incorporate into it the identification of any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and the description of any measure to mitigate the harmful or undesirable effects of those characteristics, provided for in paragraph 4 of section 83 of the Act respecting land use planning and development, as enacted by section 8.

122. Every responsible body referred to in section 148.1 of the Act respecting land use planning and development that has an agricultural advisory committee must, not later than 25 March 2023, make any amendment to the by-law establishing the committee that is necessary to make it compliant with section 148.3 of that Act, amended by section 18.

123. Section 233.1.1 of the Act respecting land use planning and development, as enacted by section 24, and the third paragraph of section 104 of the Municipal Powers Act (chapter C-47.1), as enacted by section 69, do not apply to offences committed before 25 March 2021.

124. For a period of three years from 25 June 2021, the contract management by-law of every municipality, metropolitan community and public transit authority must contain measures that, for the purposes of the making of any contract involving an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders, promote Québec goods and services as well as suppliers, insurers and contractors having an establishment in Québec.

125. The ninth paragraphs of section 573.1.0.4.1 of the Cities and Towns Act (chapter C-19), article 936.0.4.1 of the Municipal Code of Québec (chapter C-27.1) and section 99.0.0.1 of the Act respecting public transit authorities (chapter S-30.01), as enacted by sections 39, 48 and 107, respectively, and the sixth paragraphs of sections 112.0.0.0.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) and 105.0.0.0.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), as enacted by sections 58 and 65, respectively, do not apply with regard to a contracting process that began before 26 March 2021.

126. With respect to a provision of a zoning by-law or conditional use by-law that is in force on 25 March 2021, the first paragraph of section 21.1 of the Act respecting tourist accommodation establishments (chapter E-14.2), as enacted by section 73, applies only from 25 March 2023.

Before 25 March 2023, a municipality may, in accordance with the second paragraph of section 21.1 of the Act respecting tourist accommodation establishments, readopt, without amendment, a provision referred to in the first paragraph.

127. A local municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, borrow to finance expenses attributable to the COVID-19 pandemic and incurred during the fiscal year 2021 by the local municipality or by a body in respect of which it must pay an aliquot share or a contribution and that is governed by an Act under the exclusive administration of the Minister.

128. A local municipality may, by a by-law requiring no approval, authorize the borrowing of moneys available in its general fund or its working fund to finance expenses attributable to the COVID-19 pandemic and incurred during the fiscal year 2020 or 2021 or to compensate for a decrease in its revenues attributable to the pandemic and observed during those fiscal years.

A by-law referred to in the first paragraph must indicate the amount of the loan and the source of the moneys borrowed, and must provide for its repayment, over a maximum term of 10 years, by means of a special tax imposed on all the taxable immovables in the territory of the municipality or by means of an appropriation out of the general revenues of the municipality.

129. Any local municipality may adopt an assistance plan for enterprises in its territory. A municipality that adopts an assistance plan must send a copy, for information, to the regional county municipality whose territory includes that of the municipality.

A municipality implements an assistance plan by adopting, by by-law, an enterprise assistance program, under which it may grant financial assistance, in particular in the form of a subsidy, loan or tax credit, to any person that operates a private-sector enterprise and that is the owner or occupant of an immovable other than a residence, excluding a private seniors' residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).

The assistance granted under the program

(1) is not subject to the Municipal Aid Prohibition Act (chapter I-15); and

(2) is subject to the third and fourth paragraphs of section 92.1 of the Municipal Powers Act.

The eligibility period for the program may not exceed 25 March 2024.

The total financial assistance granted annually under the program may not exceed $500,000 or 1% of the total appropriations provided for in the municipality's operating budget for the current fiscal year, if the latter amount is higher.

Financial assistance granted to the same beneficiary under the program may not exceed $150,000 and may not be granted for a period exceeding three years.

The municipality may, by by-law, grant financial assistance in excess of the amounts provided for in the fifth and sixth paragraphs. The by-law must be approved by the Minister of Municipal Affairs, Regions and Land Occupancy, after consulting the Minister of Economy and Innovation.

Where an enterprise assistance program is adopted by the urban agglomeration council, the financial assistance is apportioned between the related municipalities in proportion to the aliquot share paid respectively by each of them to finance urban agglomeration expenditures, or in proportion to the contribution of each to urban agglomeration revenues through taxation and compensations to stand in lieu of taxes.

In the case provided for in the eighth paragraph, any sums remaining on the termination of the program are apportioned between the related municipalities in accordance with the rule set out in that paragraph.

Each year, a report on the financial assistance granted under the program is submitted to the council of the municipality. The report is then published on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

Every local municipality must send the Minister of Municipal Affairs, Regions and Land Occupancy the assistance plan it adopts under the second paragraph, within 30 days after adopting it.

130. Despite the Municipal Aid Prohibition Act, a regional county municipality may establish an investment fund intended to provide financial support to enterprises whose income has declined due to the COVID-19 pandemic.

The resolution of the council of the regional county municipality establishing the investment fund must

(1) set the amount invested in the fund by the regional county municipality, which may not exceed $1,000,000, except with the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy;

(2) indicate that the regional county municipality itself is responsible for administering the fund or that it entrusts the administration of the fund to a non-profit body engaged in economic development activities; and

(3) prescribe the eligibility period for financial assistance granted under the fund, which may not exceed 25 March 2024.

The regional county municipality must send the Minister of Municipal Affairs, Regions and Land Occupancy the resolution referred to in the second paragraph within 30 days after it is passed.

The regional county municipality may entrust to a committee it establishes for that purpose, composed of representatives of the business community and any other civil society stakeholder considered relevant, the selection of beneficiaries of financial assistance that may be granted in accordance with the rules it determines. The regional county municipality establishes the committee's mode of operation.

A local municipality may not exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development in respect of deliberations regarding a contribution to the fund established under this section.

Each year, a report on the assistance granted under the fund is submitted to the council of the regional county municipality and published on its website.

This section also applies, with the necessary modifications, to any local municipality whose territory is not included in that of a regional county municipality.

In a case referred to in the seventh paragraph and where an urban agglomeration council establishes an investment fund, the amount invested in the fund under subparagraph 1 of the second paragraph is apportioned between the related municipalities in proportion to the aliquot share paid respectively by each of them to finance urban agglomeration expenditures, or in proportion to the contribution of each to urban agglomeration revenues through taxation and compensations to stand in lieu of taxes.

In the case provided for in the eighth paragraph, any amount remaining in the fund on the dissolution of the fund is apportioned between the related municipalities in accordance with the rule set out in that paragraph.

131. Any vacancy in the office of councillor of a municipality, or in the office of warden of a regional county municipality, that occurs more than 12 months before the day set for the 2021 general election need not be filled by a by-election, unless the council decides otherwise within 15 days after 25 March 2021.

Where a vacancy occurs in the office of warden and the council has not decided that it must be filled by a by-election, the vacancy must nevertheless be filled in the manner set out in section 336 of the Act respecting elections and referendums in municipalities, with the necessary modifications.

The first paragraph does not apply if the vacancy entails a loss of quorum on the council of the municipality.

132. The municipal body responsible for assessment may, with the consent of the municipality concerned, set 1 January 2021 as the date of coming into force of any roll referred to in the Act respecting municipal taxation (chapter F-2.1) deposited after 31 October 2020 and before 1 January 2021.

133. A rule imposed by the Government, a minister or a municipality to protect the health of the population during the COVID-19 pandemic, that has the effect of restricting all or part of an enterprise's activities, is not a legal restriction within the meaning of paragraph 19 of section 174 of the Act respecting municipal taxation.

This section has effect from 13 March 2020.

134. The third paragraph of section 263.2 of the Act respecting municipal taxation, as it reads on 24 March 2021, continues to apply until the municipal body responsible for assessment determines the modes of payment by a by-law made under that section 263.2, as amended by section 77.

The by-law must come into force not later than 25 March 2025.

135. The Government may, by a regulation made not later than 25 March 2022, enact any transitional measure necessary to implement any amendment made by this Act to the Act respecting land use planning and development only as regards flood risk management, the Act to affirm the collective nature of water resources and to promote better governance of waters and associated environments (chapter C-6.2) and the Environment Quality Act (chapter Q-2).

A regulation made under the first paragraph may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 10 days. Such a regulation may, if it so provides, apply from any date not prior to 25 March 2021.

136. This Act comes into force on 25 March 2021, except

(1) section 25, which comes into force on the date of coming into force of the first regulation made under section 226.1 of the Act respecting land use planning and development, replaced by section 21;

(2) sections 4, 5 and 9, subparagraph *a* of paragraph 1 of section 10 and sections 20, 79 and 87, which come into force on the date of coming into force of the first regulation made under paragraphs 10 and 11 of section 46.0.22 of the Environment Quality Act, as amended by section 90;

(3) section 91, insofar as it enacts sections 46.0.13 to 46.0.19, the second paragraph of section 46.0.20 and section 46.0.21 of the Environment Quality Act, which comes into force on the date of coming into force of the first regulation made under paragraph 15 of section 46.0.22 of the Environment Quality Act, as amended by section 90.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 85
(2021, chapter 8)

An Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic

Introduced 10 February 2021
Passed in principle 16 March 2021
Passed 25 March 2021
Assented to 25 March 2021

Québec Official Publisher
2021

EXPLANATORY NOTES

This Act gives the Chief Electoral Officer the power to modify, by regulation, the provisions of the Act respecting elections and referendums in municipalities and those of the regulations made under that Act to facilitate the conduct of the 7 November 2021 municipal general election, taking into account the consequences of the COVID-19 pandemic.

The Chief Electoral Officer is also granted, for similar purposes, the power to adapt those provisions and those of the regulation where the urgency of the situation precludes the Chief Electoral Officer from proceeding by regulatory modification.

Lastly, the Act extends the duration of the election period by one week.

Bill 85

AN ACT TO FACILITATE THE CONDUCT OF THE 7 NOVEMBER 2021 MUNICIPAL GENERAL ELECTION IN THE CONTEXT OF THE COVID-19 PANDEMIC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. This Act applies to the 7 November 2021 municipal general election and to any proceeding recommenced in accordance with section 276 of the Act respecting elections and referendums in municipalities (chapter E-2.2) following that election. It grants the Chief Electoral Officer powers to facilitate the conduct of that election, including the conduct of accountability and reporting, taking into account the consequences of the COVID-19 pandemic.

This Act and the regulations made under it apply despite any contrary or inconsistent provision of the Act respecting elections and referendums in municipalities or the regulations.

2. The election period within the meaning of section 364 of the Act respecting elections and referendums in municipalities begins on the 51st day before polling day and ends on polling day.

3. To facilitate the conduct of the election, the Chief Electoral Officer may, by regulation, modify a provision of Divisions I, III and V of Chapter V, of Chapters VI, XIII and XIV of Title I and of sections 659.2 and 659.4 of the Act respecting elections and referendums in municipalities, a provision of a regulation made under that Act or any of those provisions that applies to the election for the office of warden of a regional county municipality under section 210.29.2 of and Schedule I to the Act respecting municipal territorial organization (chapter O-9).

A modification to a provision referred to in the first paragraph facilitates the conduct of the election if its purpose is, in particular,

(1) to establish the conditions and procedure governing the exercise, by mail, of the right to vote of any elector whose name is entered on the list of electors as a person domiciled in a private seniors residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or in a facility referred to in the second paragraph of section 50 of the Act respecting elections and referendums in municipalities, of any elector unable to move about for health reasons, of any elector acting as an informal caregiver for that elector and who has the same domicile as the latter, of any elector whose isolation is ordered or recommended by public health authorities

due to the COVID-19 pandemic and, for any municipality having passed a favourable resolution not later than 1 July 2021, of any other elector 70 years of age or older;

(2) to establish the conditions and procedure for applications for entry on, striking off or correction to the list of electors;

(3) to add any polling day before the day fixed as polling day or any day for advance polling;

(4) to establish the duties of election officers and the conditions and procedure applicable to their appointment; and

(5) to establish the conditions and procedure applicable to the filing of nomination papers.

The Chief Electoral Officer sends any draft regulation made under the first paragraph to the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Health and Social Services so that they may submit written observations.

After taking those observations into consideration, the Chief Electoral Officer publishes the draft regulation in the *Gazette officielle du Québec* at least 10 days before it is enacted, with a notice stating that any person may submit comments and specifying where they should be sent. If required by the urgency of the situation, the Chief Electoral Officer may shorten the publication period, giving reasons in the publication notice.

The regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation. The Chief Electoral Officer may shorten the publication period if required by the urgency of the situation; the reason justifying such coming into force must be published with the regulation.

4. Where the Chief Electoral Officer ascertains that applying a provision referred to in section 3, including a provision modified under that section, does not facilitate the conduct of the election and that the urgency of the situation precludes the Chief Electoral Officer from making a regulation in accordance with that section, the Chief Electoral Officer may adapt the provision to achieve its object.

The Chief Electoral Officer must first inform the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Health and Social Services in writing of the decision the Chief Electoral Officer intends to make.

Within 30 days after polling day, the Chief Electoral Officer must send the President or the Secretary General of the National Assembly a report on the decisions made under the first paragraph. The President tables the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

5. This Act comes into force on 25 March 2021, except section 4, which comes into force on the date of coming into force of the first regulation made under section 3.

Regulations and other Acts

Gouvernement du Québec

O.C. 698-2021, 19 May 2021

Act respecting collective agreement decrees
(chapter D-2)

Installation of petroleum equipment
— Amendment

Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the installation of petroleum equipment (chapter D-2, r. 12);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the installation of petroleum equipment was published in Part 2 of the *Gazette officielle du Québec* of 3 February 2021 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the installation of petroleum equipment

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) is amended in section 11.02 by replacing "the sum of $33.60 as of 1 April 2004," by "the sum of $46.00".

2. Section 11.03 is amended by replacing "the sum of $33.60 as of 1 April 2004," by "the sum of $46.00".

3. Section 11.04 is amended by replacing "$0.84" in the second paragraph by "$1.15".

4. Section 11.07 is amended by replacing "a sum of $26.80, including the provincial sales tax, for the workweek defined in Division 3.00" in paragraph 2 by "the sum provided for in section 11.03, reduced by any amounts not payable by the employee under the insurance contract applicable to the employee. Where the employer agrees to maintain the employer's contribution with regard to the employee, the employer pays the parity committee the sum provided for in section 11.02.".

5. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

105060

Draft Regulations

Draft regulation

Financial Administration Act
(chapter A-6.001)

Financial commitments made by a body — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting financial commitments mad by a body, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of this draft regulation is to amend subparagraph 11 of the first paragraph of section 1 of the regulation by modifying the duration of a lease for which a body covered by this regulation is subject to authorizations by the Minister, reducing it from more than 15 years to 10 years or more including any renewal option.

The amendments provided for in the draft Regulation have no impact on the public or on enterprises.

Further information on the draft Regulation may be obtained by contacting Julie Simard, Coordinator – Documentation financière et conformité, Ministère des Finances, 390, boulevard Charest Est, 7e étage, Québec (Québec) G1K 3H4; telephone : 418-643-8887; email : julie.simard@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Simard, Coordinator – Documentation financière et conformité, Ministère des Finances, 390, boulevard Charest Est, 7e étage, Québec (Québec) G1K 3H4; telephone : 418-643-8887; email : julie.simard@finances.gouv.qc.ca.

Eric Girard
Minister of Finance

Regulation amending Regulation respecting financial commitments made by a body

Financial Admistration Act
(chapter A-6.001, s. 77.3)

1. Subparagraph 11 of first paragraph of section 1 of the Regulation respecting financial commitments made by a body (chapter A-6.001, r. 4) is amended by:

1. inserting “expected” after “whose”;

2. inserting “, including any renewal option,” after “term”

3. replacing “more than 15 years” by “10 years or more”.

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

105059

Draft Regulation

Anti-Corruption Act
(chapter L-6.1)

Act to amend various legislative provisions concerning mainly bodies in the field of public safety
(2020, chapter 31)

Selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation respecting the selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner, appearing below, may be made by the Government on the expiry of 10 days following this publication.

The draft Regulation determines the selection criteria considered for the selection of the members of the specialized investigation unit of the Anti-Corruption Commissioner. It also provides for the training that the members of the unit who exercise investigative, supervisory or management functions must undergo. In that regard, the draft Regulation provides for the terms and conditions applicable to complete the training and exercise investigative functions during the training and for the exceptions to the training obligation.

In accordance with sections 12 and 13 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the 45 days provided for in section 11 of that Act because of the urgency, in the Government's opinion, owing to the following circumstances:

— It is important that the draft Regulation, which follows up on the amendments made to the Anti-Corruption Act (chapter L-6.1) by the Act to amend various legislative provisions concerning mainly bodies in the field of public safety (2020, chapter 31), be made as soon as possible so that the Anti-Corruption Commissioner may appoint the members acting within the specialized investigation unit, in accordance with the first paragraph of section 14 of the Anti-Corruption Act, as replaced by paragraph 1 of section 2 of the Act to amend various legislative provisions concerning mainly bodies in the field of public safety.

The measures proposed by the draft Regulation have no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Vanessa Hétu-Lamy, strategic advisor and executive assistant, Direction générale adjointe Politiques, programmes et recherche, Direction générale aux affaires policières, Ministère de la Sécurité publique; email: vanessa.hetu-lamy@msp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 10-day period to Véronyck Fontaine, Secretary General, Ministère de la Sécurité publique, tour des Laurentides, 5e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; fax: 418 643–3500; email: veronyck.fontaine@msp.gouv.qc.ca.

Geneviève Guilbault
Minister of Public Security

Regulation respecting the selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner

Anti-Corruption Act
(chapter L-6.1, s. 14.01, 2nd par.)

DIVISION I
SELECTION CRITERIA FOR MEMBERS OF THE SPECIALIZED INVESTIGATION UNIT

1. The following criteria are considered for the selection of a candidate to be a member of the specialized investigation unit of the Anti-Corruption Commissioner:

(1) personal and relationship skills, in particular probity, adherence to organizational values, and sense of ethics and public service;

(2) intellectual qualities;

(3) operational abilities;

(4) motivation and interest;

(5) knowledge;

(6) experience.

The criteria are evaluated according to the office to be filled within the specialized investigation unit and the candidate profile sought to hold the office.

DIVISION II
TRAINING OF MEMBERS OF THE SPECIALIZED INVESTIGATION UNIT

2. A member of the specialized investigation unit whose main task is to exercise investigative functions must have successfully completed the investigative training program of the Anti-Corruption Commissioner offered by the École nationale de police du Québec, which includes

(1) a preparatory component;

(2) a component composed of the courses in the school's basic training program in police investigation; and

(3) an anti-corruption investigation specialization component.

A member whose main function is to supervise, as a ranking junior officer, unit members who exercise investigative functions must have successfully completed the training provided for in the first paragraph and the school's investigation supervision course.

3. The training components provided for in subparagraphs 1 and 2 of the first paragraph of section 2 must be successfully completed not later than 18 months following the date on which the member took up the functions of the office. Until such time as the component in subparagraph 2 is successfully completed, the member may exercise the investigative functions assigned, where applicable, by the Associate Commissioner for Investigations, under the supervision of another unit member whose main task is to exercise investigative functions and who satisfies the first paragraph of section 2. The training component provided for in subparagraph 3 of the first paragraph of section 2 must be successfully completed not later than 24 months following the successful completion of the component in subparagraph 2 or, if the member has already successfully completed that component on the date of taking office, not later than 24 months following that date.

The training provided for in the second paragraph of section 2 must be successfully completed not later than 24 months following the date on which the member took office in the function referred to in that paragraph.

4. A member of the specialized investigation unit is deemed to satisfy subparagraph 1 of the first paragraph of section 2 if, on the date of taking office, the member satisfied subparagraph 4 of the first paragraph of section 115 of the Police Act (chapter P-13.1).

In addition, a member is deemed to satisfy subparagraphs 1 and 2 of the first paragraph of section 2 if the member could exercise an investigative function without supervision in accordance with the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (chapter P-13.1, r. 3) in the 2 years preceding the date of taking office.

5. A member of the specialized investigation unit who exercises management functions, as a ranking senior officer, must have successfully completed a police management training course offered or recognized by the school.

The training course must be successfully completed not later than 24 months following the date on which the member took office in the functions referred to in the first paragraph.

6. An equivalence for a program or training activity provided for in this Regulation may be granted in accordance with the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4).

7. A member of the specialized investigation unit who does not exercise the functions referred to in this Regulation is not subject to this Division.

DIVISION III
TRANSITIONAL AND FINAL

8. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and who, on that date, may exercise an investigative function under supervision in accordance with section 2 of the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (chapter P-13.1, r. 3) is deemed to satisfy subparagraph 1 of the first paragraph of section 2. The training component provided for in subparagraph 2 of the first paragraph of section 2 must be successfully completed by the member not later than 18 months following the date of coming into force of this Regulation. Until such time as that component is successfully completed, the member may exercise investigative functions within the specialized investigation unit under the supervision of another unit member whose main task is to exercise investigative functions and who satisfies the first paragraph of section 2. The training component provided for in subparagraph 3 of the first paragraph of section 2 must be successfully completed not later than 24 months following the successful completion of the component provided for in subparagraph 2.

9. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and who, on that date, may exercise an investigative function without supervision in accordance with the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (chapter P-13.1, r. 3) is deemed to satisfy the first paragraph of section 2.

10. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and whose main function, on that date, is to supervise, as a ranking junior officer, unit members who exercise investigative functions is deemed to satisfy the second paragraph of section 2.

11. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and who, on that date, exercises management functions, as a ranking senior officer, is deemed to satisfy the first paragraph of section 5.

12. The Commissioner may, for a valid reason, grant an extension of a time period provided for in this Regulation. The Commissioner informs the Minister of Public Security once a year of the reason for each extension that is granted.

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

105069

Draft Rules

Act respecting racing
(chapter C-72.1)

Standardbred horse races held at a professional race track
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Rules to amend the Rules respecting Standardbred horse races held at a professional race track, appearing below, may be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following this publication.

The draft Rules amend the use of the whip during Standardbred horse races held at a professional race track.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Rules may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca. Any person wishing to comment on the draft Rules is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3.

Mtre. Denis Dolbec
President

Rules to amend the Rules respecting Standardbred horse races held at a professional race track

Act respecting racing
(chapter C-72.1, s. 103)

1. The Rules respecting Standardbred horse races held at a professional race track (chapter C-72.1, r. 4) are amended in section 278

(1) by replacing "4 ft 8 in, including the snapper which may not exceed 8 in" by "48 in, including a snapper measuring between 6 in and 12 in long";

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

"The whip must not be made of leather and its snapper must not have been altered or knotted.".

2. Section 279 is replaced by the following:

"**279.** A driver, trainer or groom shall not make excessive use of a whip at a race track.

He shall also not use a whip in any of the following ways:

(1) by touching the horse with the butt end of the whip;

(2) by placing the whip under the arch of the sulky;

(3) by placing the whip between the legs of the horse.

He may use a whip to stimulate the horse only by making a wrist movement. In addition, the movement of the whip may be made only between the shafts of the sulky.".

3. The following is inserted after section 279:

"**279.1.** A driver, trainer or groom shall not use a whip in any of the following situations:

(a) the horse is not responding to the stimulation of the whip;

(b) the horse can no longer improve its position in the race;

(c) the horse is not maintaining or improving its position in the race;

(d) the horse is winning;

(e) the horse has passed the finishing post at the end of the race;

(f) so as to cut the horse or leave marks on it.".

4. Section 281 is amended by replacing "strike with" in the first paragraph by "use".

5. Section 283 is amended by replacing the first paragraph by the following:

"The driver shall keep both hands on the reins during a race, except to adjust equipment.".

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

105057

Draft Rules

Act respecting racing
(chapter C-72.1)

Standardbred horse races held at an amateur race track
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Rules to amend the Rules respecting Standardbred horse races held at an amateur race track, appearing below, may be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following this publication.

The draft Rules amend the use of the whip during Standardbred horse races held at an amateur race track.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Rules may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca. Any person wishing to comment on the draft Rules is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3.

Mtre. Denis Dolbec
President

Rules to amend the Rules respecting Standardbred horse races held at an amateur race track

Act respecting racing
(chapter C-72.1, s. 103)

1. The Rules respecting Standardbred horse races held at an amateur race track (chapter C-72.1, r. 5) are amended in section 194

(1) by replacing "4 ft 8 in, including the snapper which may not exceed 8 in" by "48 in, including a snapper measuring between 6 in and 12 in long";

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

"The whip must not be made of leather and its snapper must not have been altered or knotted.".

2. Section 195 is replaced by the following:

"**195.** A driver, trainer or groom may not make excessive use of a whip at a race track.

He or she may also not use a whip in any of the following ways:

(1) by touching the horse with the butt end of the whip;

(2) by placing the whip under the arch of the sulky;

(3) by placing the whip between the legs of the horse.

He or she may use a whip to stimulate the horse only by making a wrist movement. In addition, the movement of the whip may be made only between the shafts of the sulky.".

3. The following is inserted after section 195:

"**195.1.** A driver, trainer or groom must not use a whip in any of the following situations:

(a) the horse is not responding to the stimulation of the whip;

(b) the horse can no longer improve its position in the race;

(c) the horse is not maintaining or improving its position in the race;

(d) the horse is winning;

(e) the horse has passed the finishing post at the end of the race;

(f) so as to cut the horse or leave marks on it.".

4. Section 197 is amended by replacing "may not strike with" by "must not use".

5. Section 198 is amended by inserting "or another horse" after "another driver".

6. Section 199 is amended

(1) by inserting ", except to adjust equipment" after "reins";

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

"The driver must not snap his or her reins during a race.".

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

105056