



Part 2

LAWS AND REGULATIONS

16 February 2022 / Volume 154

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Part 2 – LAWS AND REGULATIONS

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- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

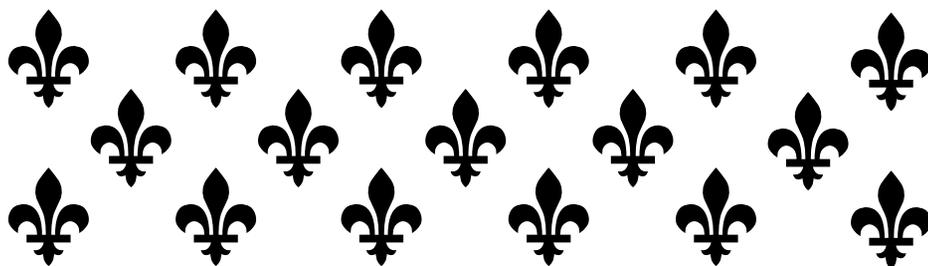
QUÉBEC, 5 NOVEMBER 2021

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 5 November 2021*

This day, at noon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 49 An Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions

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



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 49
(2021, chapter 31)

**An Act to amend the Act respecting
elections and referendums in
municipalities, the Municipal Ethics
and Good Conduct Act and various
legislative provisions**

**Introduced 13 November 2019
Passed in principle 25 May 2021
Passed 4 November 2021
Assented to 5 November 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This Act makes various amendments to the Act respecting elections and referendums in municipalities regarding, in particular,

(1) the grounds for ineligibility for a position as a member of the council of a municipality, and the grounds for disqualification applicable to such members, including that of conduct that seriously undermines the honour and dignity of the office;

(2) the returning officer's responsibilities when receiving nomination papers;

(3) the testing of new methods of signing the register and the implementation of pilot projects for the organization and conduct of elections and referendums;

(4) the establishment of a fund dedicated to the financing of expenses related to holding elections.

The Act also amends the Municipal Ethics and Good Conduct Act regarding, in particular,

(1) the rules regarding professional development of the members of the council of a municipality and the content of the code of ethics and conduct applicable to those members, including the addition of rules regarding honour, respect and civility;

(2) the power of the Commission municipale du Québec to bring an action for declaration of disqualification or to impose new penalties for violations of the code of ethics and conduct; and

(3) the obligation for municipalities that have office personnel to adopt a code of ethics and conduct applicable to such personnel.

The Act grants the Régie du bâtiment du Québec the power to make a regulation to require any person who acquires a building to have it inspected prior to purchase by a certified building inspector.

The Act grants the Minister of Municipal Affairs and Housing and the Commission municipale du Québec new powers concerning the renewal of intermunicipal agreements. It also grants the Minister the power to give certain instructions to the council of a municipal

body as well as the power to withhold amounts due to such a body if the latter fails to comply with an instruction of the Minister. The Act amends the financial protection regime applicable in the case of proceedings brought against members of the council of a municipality or municipal employees. In addition, the Act allows images or sounds to be recorded using technological devices during sittings of municipal councils and requires those sittings to be made available via the Internet where such recording is prohibited.

The Act allows municipalities to operate an enterprise that produces electricity from a renewable energy source. Furthermore, it grants local municipalities the power to grant assistance to a social non-profit body and amends the conditions on which such municipalities grant assistance intended to mitigate the economic consequences, in the agriculture sector, of protection measures for drinking water intakes. The Act also provides that local municipalities may adopt a financial assistance program aimed at promoting the construction, renovation and annual leasing of rental dwellings used for residential purposes, whose eligibility period may not extend beyond 1 January 2027.

The Act entrusts the Commission municipale with responsibility for processing disclosures of wrongdoings concerning municipal bodies. It gives the Commission the power to assist municipalities in the exercise of their functions, as well as investigation powers with regard to municipalities and control powers with regard to the management of their human resources.

The Act amends the Act respecting municipal taxation to, among other things, allow the Minister to extend the period of application of a property assessment roll or a roll of rental values if the Minister is shown that the work overload inherent in the simultaneous preparation of a certain number of rolls so warrants. Furthermore, it amends the rules relating to sums to be paid to local municipalities as a government participation and those relating to the establishment of the standardized property value. In addition, it increases to \$200,000 the value at which certain immovables or parts of immovables occupied by a third person become taxable.

The Act provides that municipalities are obliged to produce a statement setting the effective aggregate taxation rate if the Minister requests such a statement.

The Act respecting duties on transfers of immovables is amended to adjust the period during which former de facto spouses may be exonerated from paying duties on transfers of immovables.

The charters of Ville de Lévis, Ville de Longueuil and Ville de Québec as well as the orders constituting Ville de Saguenay and Ville de Sherbrooke are amended to limit the borough chair's term of office to two years, which term may be renewed. The Charter of Ville de Montréal is also amended to withdraw the obligation for the treasurer of that city to file the financial statements and reports for the preceding fiscal year not later than 31 March each year.

The expression "secretary-treasurer" is replaced by "clerk-treasurer" in any Act and any regulation, excluding the Act respecting Northern villages and the Kativik Regional Government. The Municipal Code of Québec is also amended to adjust the terms according to which the offices of clerk-treasurer and director general may be entrusted to different persons.

Lastly, the Act contains miscellaneous, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Autorité des marchés publics (chapter A-33.2.1);
- Building Act (chapter B-1.1);
- Charter of Ville de Lévis (chapter C-11.2);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- 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 Commission municipale (chapter C-35);
- 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 to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);
- Act respecting duties on transfers of immovables (chapter D-15.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);
- Act respecting municipal territorial organization (chapter O-9);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);
- Act to ensure the implementation of certain measures of the 2020–2024 partnership agreement between the Gouvernement du Québec and the municipalities (2019, chapter 30).

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.

Bill 49

AN ACT TO AMEND THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES, THE MUNICIPAL ETHICS AND GOOD CONDUCT ACT AND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

1. Section 64 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting the following paragraph after the second paragraph:

“Any person who is not qualified to be elected under subparagraph 1 or 3 of the second paragraph of section 235 of the Election Act (chapter E-3.3) is also ineligible.”

2. Section 65 of the Act is amended by inserting the following paragraph after the first paragraph:

“Any person who is not qualified to be elected under subparagraph 2 of the second paragraph of section 235 of the Election Act (chapter E-3.3) is also ineligible for the same period as that prescribed in the first paragraph.”

3. Section 165 of the Act is replaced by the following section:

“165. On the filing of a nomination paper, the returning officer shall verify whether it appears to comply with the requirements of this division and whether all the required documents are attached to it. In particular, the returning officer shall verify that

(1) the address provided by the candidate is situated in the territory of the municipality;

(2) the number of supporting signatures corresponds to the number required under section 160; and

(3) the proof of the candidate’s identity makes it possible to establish that the candidate is of full age.

Following those verifications, the returning officer shall issue a receipt and a notice of compliance that constitutes proof of the nomination.

However, the returning officer shall refuse the filing of the nomination paper of a person whose name appears on the list of ineligible persons drawn up and sent by the Chief Electoral Officer.”

4. Section 171 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the address of each of the independent candidates for the same office who have the same name, if applicable;”.

5. The Act is amended by inserting the following chapter after section 278:

“CHAPTER VI.1

“FUND DEDICATED TO EXPENSES RELATED TO HOLDING AN ELECTION

“278.1. Every municipality shall establish a fund dedicated to the financing of expenses related to holding an election.

“278.2. The fund is made up of the sums allocated to it annually and of the interest earned on those sums.

After consultation with the returning officer, the council shall allocate to the fund, on an annual basis, the sums that are necessary to ensure that the fund is sufficient to cover the cost of the next general election in the year it is to be held.

If the fund is used to finance a by-election, the council must, before the next general election is held, provide for the reimbursement of the sums used.

For the purposes of the second paragraph, the cost of the next general election is presumed to be at least equal to the cost of the last general election or of the general election preceding the last one, whichever is higher.”

6. Section 300 of the Act is amended

(1) by inserting “, a designated member of the board of directors of a French-language school service centre, an elected, appointed or designated member of the board of directors of an English-language school service centre” after “(chapter O-9)” in paragraph 4;

(2) by inserting “, as a designated member of the board of directors of a French-language school service centre, as an elected, appointed or designated member of the board of directors of an English-language school service centre” after “organization” in paragraph 5.

7. Section 301 of the Act is amended by inserting “under paragraph 1 of section 632 or an offence” after “offence” in the first paragraph.

8. Section 302 of the Act is amended

(1) by inserting “or which, if the prosecutor had proceeded by indictment, would have been punishable by two years of imprisonment or more” after “two years or more” in the first paragraph;

(2) by striking out “or the day the final sentence is pronounced, whichever is later” in the second paragraph.

9. Section 305 of the Act is amended by inserting “as a council member” after “duties” in subparagraph 3 of the first paragraph.

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

“305.1. A person whose conduct seriously undermines the honour and dignity of the office of member of the council of a municipality is disqualified from holding that office.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*, unless the judgment fixes a shorter period.”

11. Section 308 of the Act is amended by replacing “and the municipality” in the second paragraph by “, the municipality and the Commission municipale du Québec, in accordance, if applicable, with the first paragraph of section 22 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1),”.

12. Section 312.1 of the Act is amended

(1) by replacing “proceedings have been brought for an offence under an Act of the Parliament of Québec or Canada that is punishable by a term of imprisonment of two years or more” in the first paragraph by “an action for declaration of disqualification for a reason provided for in section 305.1 or proceedings for an offence under an Act of the Parliament of Québec or Canada that is punishable by a term of imprisonment of two years or more have been brought”;

(2) by inserting “or that, if the prosecutor had proceeded by indictment, would have been punishable by two years of imprisonment or more” at the end of the first paragraph;

(3) by inserting “, the Commission municipale du Québec” after “General” in the second paragraph;

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

“To assess whether it is warranted in the public interest, the court considers the seriousness of the offence or misconduct and the extent to which the offence or misconduct is likely to discredit the administration of the municipality.”

13. Section 312.2 of the Act is repealed.

14. Section 312.4 of the Act is amended by inserting the following paragraphs after paragraph 2:

“(2.1) the date on which the elector, Attorney General, Commission municipale du Québec or municipality discontinues the action for declaration of disqualification on which the application was based;

“(2.2) the date of the judgment, having become a *res judicata*, dismissing the action for declaration of disqualification; and”.

15. Section 312.5 of the Act is amended by inserting “or the action” after “proceedings” in the first paragraph.

16. Section 312.6 of the Act is amended, in the first paragraph,

(1) by inserting “or declared disqualified” after “guilty”;

(2) by replacing “the offence” by “an offence or for misconduct”;

(3) by inserting “or action” after “proceedings”.

17. Section 317 of the Act is amended by replacing “for a violation of a rule of the code of ethics and conduct of the municipality” in the fifth paragraph by “under section 31 or 31.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1)”.

18. Section 318 of the Act is amended

(1) by inserting “a designated member of the board of directors of a French-language school service centre, an elected, appointed or designated member of the board of directors of an English-language school service centre or” after “or he became” and “or becomes” in the second paragraph;

(2) by striking out “or on the day the final sentence is pronounced, whichever is later” in the third paragraph.

19. Section 362 of the Act is amended by inserting “as a council member” after “duties” in the first paragraph.

20. Section 659.2 of the Act is amended

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

“A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer,

(1) implement pilot projects for the organization and conduct of an election or a referendum; and

(2) test new methods of signing a register or voting during a procedure for registering qualified voters or during a poll.

The agreement shall provide for its period of application if it has been entered into for more than one election, referendum, registration procedure or poll.”;

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

“(1) describe the pilot projects or the new methods of signing a register or voting, as the case may be;”.

21. Section 659.3 of the Act is replaced by the following section:

“**659.3.** After the pilot project or test referred to in section 659.2 and within the time prescribed in the agreement, the municipality shall send a report assessing the pilot project or test to the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer that indicates, in particular, the rate of participation of electors or qualified voters in the poll, as applicable.”

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

22. Section 2 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by adding the following sentence at the end of the first paragraph: “A municipality referred to in Division II.1 must also have the code of ethics and conduct described in that division.”

23. Section 4 of the Act is amended by inserting “and civility” after “respect” in subparagraph 4 of the first paragraph.

24. Section 5 of the Act is amended by striking out subparagraph 2 of the second paragraph.

25. Section 6 of the Act is amended

(1) by adding the following subparagraphs before subparagraph 1 of the first paragraph:

“(0.1) behaving in a disrespectful manner toward other members of the municipal council, municipal employees or citizens, in particular by using vexatious, denigrating or intimidating language, writings or gestures or any form of vexatious incivility;

“(0.2) behaving in a way that undermines the honour and dignity of the office of elected officer;”;

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

“(2.1) contravening sections 304 and 361 of the Act respecting elections and referendums in municipalities (chapter E-2.2);”;

(3) by inserting “that is offered by a supplier of goods or services or” after “value,” in subparagraph 4 of the first paragraph;

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

“The code of ethics and conduct must include the obligation, for each member of the council in charge of office personnel, to see to it that the personnel members under his or her authority participate in the professional development program provided for in section 15.”

26. Section 7.1 of the Act is amended by striking out the second paragraph.**27.** The Act is amended by inserting the following section after section 7.1:

“**7.2.** The rules prescribed in sections 6 and 7.1 are deemed to form part of the municipality’s code of ethics and conduct and prevail over any inconsistent rule set out in that code.”

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

“**15.** Any member of a council of a municipality must, within six months after the beginning of his or her first term and of any subsequent term, participate in a professional development program on municipal ethics and good conduct.

In addition to containing any compulsory minimum content that must be determined by the Commission municipale du Québec, the program must be aimed at encouraging participants to reflect on municipal ethics and adhere to the values set out in the code of ethics and conduct, and help them acquire the

competencies they need to understand and observe the rules set out in the code. The program must also address the role and responsibilities of elected municipal officers.

Only the persons or bodies authorized by the Commission may deliver the program provided for in this section. The Commission grants its authorization based on the competency and experience criteria it determines. A list of the authorized persons or bodies must be posted on the Commission's website.

Within 30 days after participating in such a program, a council member must report his or her participation to the clerk or the clerk-treasurer of the municipality, who in turn reports it to the council.

The municipality keeps up to date on its website a list of the council members who have participated in the program.

Where a council member fails to participate in the program within the period prescribed in the first paragraph, the clerk or clerk-treasurer of the municipality must notify the Commission of that fact 30 days after the expiry of that period. The Commission may impose a suspension on that member in accordance with the second paragraph of section 31.1.

Failure to participate in such a program constitutes an aggravating factor for the purposes of section 26.”

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

“DIVISION II.1

“CODE OF ETHICS AND CONDUCT OF OFFICE PERSONNEL

“15.1. The council of the municipality must, once office personnel has been appointed, adopt, by by-law, a code of ethics and conduct applicable to such personnel, in accordance with sections 10 to 12.

Subdivision 2 of Division II of this Chapter applies, with the necessary modifications, to the code of ethics and conduct of office personnel. The code must also set out rules that must require the director of such an office to file with the clerk or clerk-treasurer of the municipality a written statement of his or her pecuniary interests that complies with section 357 of the Act respecting elections and referendums in municipalities (chapter E-2.2), with the necessary modifications.

“15.2. Sections 13 to 15, except the fifth and sixth paragraphs of the latter section, apply, with the necessary modifications, when a municipality adopts the code referred to in section 15.1.

“15.3. A council member who employs office personnel must ensure that those employees participate in the professional development program provided for in section 15 within the prescribed time. The same applies regarding the professional development program imposed by the Commission municipale du Québec under subparagraph 1.1 of the first paragraph of section 31.

The clerk or clerk-treasurer of the municipality must, 30 days after the expiry of the period prescribed for participating in the program, notify the Commission in writing if a personnel member failed to participate in the program within that period.

“15.4. Divisions I and II of Chapter III apply, with the necessary modifications, if an office personnel member violates a rule of the applicable code of ethics and conduct.

However, the Commission may not impose the sanctions set out in subparagraphs 3 and 4 of the first paragraph of section 31 but it may recommend that those sanctions, or any other sanction, be imposed on the council member who is responsible for the office personnel member concerned.

Furthermore, the Commission may not suspend a member of the office personnel under the second paragraph of section 31.1.

“15.5. Any office personnel member may consult, at the municipality’s expense, an ethics and conduct adviser to the extent provided for in section 35.”

30. Section 16.1 of the Act is amended by inserting “provided for in subparagraph 4 of the first paragraph of section 6 and the prohibition” after “prohibition” in the first paragraph.

31. Section 21 of the Act is amended by replacing “two” by “three”.

32. Section 22 of the Act is amended

(1) by inserting “or, without it being possible at that stage to conduct an inquiry, bring an action for declaration of disqualification against a member of the council of a municipality, in accordance with Division II of Chapter IX of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2)” at the end of the first paragraph;

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

“However, the Commission is foreclosed from conducting an inquiry into a violation that has been the subject of an action for declaration of disqualification brought under the first paragraph.”

33. Section 22.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “That person may not be a person designated under section 19 of the Act respecting the Commission municipale (chapter C-35) for the purposes of sections 20 to 22 and 36.3 to 36.7 of this Act.”

34. Section 27 of the Act is replaced by the following section:

“27. Not later than 90 days after the day on which all the parties’ evidence and arguments concerning the alleged violation of the code of ethics and conduct were presented to the member designated under section 22.1, the Commission must send its decision to the council member and the municipality or, if the inquiry is still under way, inform the council member of the progress of the inquiry and the date on which the Commission will send its decision.”

35. Section 31 of the Act is amended

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

“(1.1) participation in a professional development program on municipal ethics and good conduct, at the council member’s expense, within the time prescribed by the Commission municipale du Québec;”;

(2) by replacing “while the violation of a rule of the code continued” in subparagraph 3 of the first paragraph by “, for the period determined by the Commission”;

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

“(3.1) a penalty not exceeding \$4,000, to be paid to the municipality;”;

(4) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the suspension of the council member for a period of up to 90 days; such a suspension may continue after the expiry of the member’s term if he or she is re-elected in an election during the suspension and the latter has not expired on the day the member’s new term begins.”;

(5) by inserting “perform any duty related to the office of mayor or councillor and, in particular, may not” after “may not” in the second paragraph.

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

“31.1. Where the sanction consists in undergoing a professional development program on ethics and good conduct, the council member must, within 30 days after participating in such a program, report his or her participation to the Commission and to the clerk or the clerk-treasurer of the municipality, who in turn reports it to the council.

The Commission may suspend a council member who, without a serious reason, failed to participate in the program within the prescribed time. Subparagraph 4 of the first paragraph and the second paragraph of section 31 apply to such a suspension, except that its duration is indeterminate and ends only following a decision of the Commission stating that the council member has participated in the program.”

37. Section 32 of the Act is amended by inserting “a penalty or” after “imposes” in the first paragraph.

38. The Act is amended by inserting the following section after section 32:

“32.1. Where the Commission imposes on a council member a suspension for a period of 90 days or for periods whose total duration is 90 days or more, it must send the Attorney General of Québec its decision and all the information that was communicated as evidence to the member designated under section 22.1.”

39. Section 35 of the Act is amended

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

“Any lawyer or notary who requests to be on the list is entered on the list, provided that the lawyer or notary practises municipal law and meets the competency and experience requirements set by the Commission.”;

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

“Any member of a council of a municipality may obtain, at the municipality’s expense, an advisory opinion from an ethics and conduct adviser, provided that

(1) the opinion is requested as a preventive measure to help the council member observe the rules of the code of ethics and conduct applicable to the member;

(2) the adviser who prepares the opinion is entered on the list; and

(3) the fees charged by the adviser to prepare the opinion are reasonable.

The municipality pays the reasonable fees on presentation of a written attestation from the ethics and conduct adviser stating the name of the council member who requested the opinion and certifying that the requirements in subparagraphs 1 to 3 of the fourth paragraph are met.”

40. Section 36 of the Act is amended by inserting “provisional incapacity proceedings or” after “bringing of”.

41. Section 36.5 of the Act is amended by striking out “or the minister responsible for municipal affairs, as applicable,” in subparagraph 2 of the first paragraph.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

42. Section 71 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by replacing “the minister responsible for municipal affairs” in subparagraph 2 of the first paragraph by “the Commission municipale du Québec”.

BUILDING ACT

43. The Building Act (chapter B-1.1) is amended by inserting the following section after section 86.11, enacted by section 10 of chapter 28 of the statutes of 2019:

“86.11.1. The Board may, by regulation, require any person who acquires a building to have it inspected prior to purchase by a certified building inspector.

The regulation must determine in which cases such a requirement applies, as well as the terms and conditions of the requirement.”

44. Section 185 of the Act is amended by inserting the following paragraph after paragraph 19.9, enacted by paragraph 9 of section 25 of chapter 28 of the statutes of 2019:

“(19.9.1) determine the cases in which a person who acquires a building is required to have it inspected prior to purchase by a building inspector who holds a certificate referred to in section 86.8, as well as the terms and conditions of that requirement;”.

CHARTER OF VILLE DE LÉVIS

45. Section 18 of the Charter of Ville de Lévis (chapter C-11.2) is amended

(1) by inserting “or any vacancy in that office” after “general election” in the first paragraph;

(2) by striking out the second paragraph.

46. The Charter is amended by inserting the following section after section 18:

“18.1. The term of office of the borough chair is two years and may be renewed.

If the office of the borough chair becomes vacant before the expiry of his or her term, a new borough chair must be designated as soon as possible for the remainder of the term.”

CHARTER OF VILLE DE LONGUEUIL

47. Section 20 of the Charter of Ville de Longueuil (chapter C-11.3) is amended

(1) by inserting “or any vacancy in that office” after “general election” in the first paragraph;

(2) by striking out the second paragraph.

48. The Charter is amended by inserting the following section after section 20:

“20.1. The term of office of the borough chair is two years and may be renewed.

If the office of the borough chair becomes vacant before the expiry of his or her term, a new borough chair must be designated as soon as possible for the remainder of the term.”

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

49. Section 40.1 of Schedule C to the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by striking out “and section 323 of the Cities and Towns Act (chapter C-19)”.

50. Section 91 of Schedule C to the Charter is amended by striking out the second paragraph.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

51. Section 18 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended

(1) by inserting “or any vacancy in that office” after “general election” in the first paragraph;

(2) by striking out the second paragraph.

52. The Charter is amended by inserting the following section after section 18:

“18.1. The term of office of the borough chair is two years and may be renewed.

If the office of the borough chair becomes vacant before the expiry of his or her term, a new borough chair must be designated as soon as possible for the remainder of the term.”

CITIES AND TOWNS ACT

53. Section 105 of the Cities and Towns Act (chapter C-19) is amended, in the second paragraph,

(1) by inserting “, at the Minister’s request,” after “also”;

(2) by replacing “le ministre” in the French text by “ce dernier”.

54. Section 108.2 of the Act is amended by inserting “established by the treasurer” after “rate” in paragraph 2.

55. Section 108.2.0.2 of the Act is amended by striking out the third paragraph.

56. Section 108.2.1 of the Act is amended by inserting “established by the treasurer” after “rate” in paragraph 3.

57. Section 108.3 of the Act is amended by replacing “not later than 30 September following the last fiscal year to which the report pertains” in the third paragraph by “within 30 days after it is filed with the council”.

58. Section 114.1 of the Act is amended by adding the following paragraph at the end:

“(9) he shall send the Commission municipale du Québec or the Public Protector, as applicable, the information brought to his attention that could show that a wrongdoing, within the meaning of section 4 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), has been committed or is about to be committed in relation to the municipality.”

59. The Act is amended by inserting the following section after section 322:

“322.1. Any person may, at a sitting of the council, record images or sounds by means of a technological device. The council may, under section 331, make rules to prevent the use of technological devices from hampering the proper conduct of sittings.

Despite the first paragraph, the council may prohibit the recording of images or sounds if the video recording of each sitting is made available free of charge on the municipality's website or on any other website designated by resolution of the municipality. The video recording must be so available from the working day following the day on which the sitting ended and for at least five years."

60. Section 323 of the Act is amended by inserting "or by a technological means in accordance with articles 133 and 134 of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications" at the end of the first paragraph.

61. Section 328 of the Act is amended by inserting ", or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality" at the end of the second paragraph.

62. Section 468.21 of the Act is amended by inserting ", or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality he represents" after "(chapter E-2.2)" in the first paragraph.

63. Section 468.49 of the Act is amended by replacing "However, if an" in the third paragraph by "However, if the Minister has not exercised the power provided for in section 469.2 and an".

64. Section 468.51 of the Act is amended by replacing "and 108 to 108.6" in the first paragraph by ", 108 to 108.2 and 108.2.1 to 108.6".

65. The Act is amended by inserting the following sections after section 469.1:

"469.2. If the municipalities that are parties to an agreement referred to in this division are in disagreement as to its renewal, the Minister may refer the dispute to mediation by the Commission municipale du Québec according to the procedure provided for in Division III.1 of the Act respecting the Commission municipale (chapter C-35).

"469.3. The Commission municipale du Québec shall send the Minister a copy of the mediation report and, if applicable, a copy of the agreement entered into by the parties.

"469.4. If the municipalities have not entered into an agreement by the end of the mediation process and the situation, in the Minister's opinion, jeopardizes the provision of an essential service, the Minister may, by order, renew the original agreement in whole or in part and impose any other condition the Minister considers necessary to maintain the service.

The Minister shall send a copy of the order to the clerk or clerk-treasurer of each municipality concerned."

66. Section 604.6 of the Act is amended

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

“The costs incurred under the second paragraph shall be proportional to the nature and complexity of the judicial proceedings concerned.”;

(2) by adding the following sentence at the end of the third paragraph: “The municipality is also exempt from those obligations in the case of criminal proceedings, unless the proceedings are withdrawn or dismissed or the person is acquitted by a judgment that has become final.”

67. Section 604.7 of the Act is amended, in the first paragraph,

(1) by replacing “or accused in the penal or criminal proceedings” in subparagraph 3 by “in the penal proceedings”;

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

“(4) the person, member of the council of the municipality, has been declared disqualified from holding that office;

“(5) the person, member of the council of the municipality, was the subject of a decision made by the Commission municipale du Québec in accordance with section 26 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) and the decision

(a) suspended that person for 90 days or more; or

(b) was the subject of an application for judicial review presented by that person, which was dismissed.”

MUNICIPAL CODE OF QUÉBEC

68. The Municipal Code of Québec (chapter C-27.1) is amended by inserting the following article after article 149:

149.1. Any person may, at a sitting of the council, record images or sounds by means of a technological device. The council may, under paragraph 2 of article 491, make rules to prevent the use of technological devices from hampering the proper conduct of sittings.

Despite the first paragraph, the council may prohibit the recording of images or sounds if the video recording of each sitting is made available free of charge on the municipality’s website or on any other website designated by resolution of the municipality. The video recording must be so available from the working day following the day on which the sitting ended and for at least five years.”

69. Article 152 of the Code is amended

- (1) by replacing “secretary-treasurer” by “clerk-treasurer”;
- (2) by adding the following paragraph at the end:

“The notice of meeting may be notified to the members by a technological means in accordance with articles 133 and 134 of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications.”

70. Article 164 of the Code is amended, in the first paragraph,

- (1) by striking out “under penalty of a fine of \$10.”;
- (2) by inserting “, or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality” at the end.

71. Article 176 of the Code is amended

- (1) by replacing “secretary-treasurer” in the first paragraph by “clerk-treasurer”;
- (2) in the second paragraph,
 - (a) by inserting “, at the Minister’s request,” after “also”;
 - (b) by replacing “le ministre” in the French text by “ce dernier”.

72. Article 184 of the Code is amended

- (1) by replacing all occurrences of “secretary-treasurer” by “clerk-treasurer”;
- (2) by inserting “or, if there is no assistant clerk-treasurer, the director general” after “assistant clerk-treasurer” in the second paragraph;
- (3) by striking out the third paragraph.

73. Article 210 of the Code is replaced by the following article:

“210. Every municipality must have a director general, who is the chief officer of the municipality, and a clerk-treasurer.

If the council considers it expedient, it may appoint a single person to hold the offices of director general and clerk-treasurer.”

74. Article 212 of the Code is amended by adding the following paragraph at the end:

“(7) he shall send the Commission municipale du Québec or the Public Protector, as applicable, the information brought to his attention that could show that a wrongdoing, within the meaning of section 4 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), has been committed or is about to be committed in relation to the municipality.”

75. Article 212.1 of the Code is amended by striking out the second paragraph.

76. Article 212.2 of the Code is repealed.

77. Article 212.3 of the Code is amended by replacing the first and second paragraphs by the following paragraphs:

“Every municipality may have an assistant director general and an assistant clerk-treasurer.

If the council considers it expedient, it may appoint a single person to hold the offices of assistant director general and assistant clerk-treasurer.”

78. Article 590 of the Code is amended by inserting “, or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality he represents” after “(chapter E-2.2)” in the first paragraph.

79. Article 618 of the Code is amended by replacing “However, if an” in the third paragraph by “However, if the Minister has not exercised the power provided for in article 624.1 and an”.

80. Article 620 of the Code is amended by replacing “and 108 to 108.6” in the first paragraph by “, 108 to 108.2 and 108.2.1 to 108.6”.

81. The Code is amended by inserting the following articles after article 624:

“624.1. If the municipalities that are parties to an agreement referred to in this division are in disagreement as to its renewal, the Minister may refer the dispute to mediation by the Commission municipale du Québec according to the procedure provided for in Division III.1 of the Act respecting the Commission municipale (chapter C-35).

“624.2. The Commission municipale du Québec shall send the Minister a copy of the mediation report and, if applicable, a copy of the agreement entered into by the parties.

624.3. If the municipalities have not entered into an agreement by the end of the mediation process and the situation, in the Minister’s opinion, jeopardizes the provision of an essential service, the Minister may, by order, renew the original agreement in whole or in part and impose any other condition the Minister considers necessary to maintain the service.

The Minister shall send a copy of the order to the clerk or clerk-treasurer of each municipality concerned.”

82. Article 711.19.1 of the Code is amended

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

“The costs incurred under the second paragraph shall be proportional to the nature and complexity of the judicial proceedings concerned.”;

(2) by adding the following sentence at the end of the third paragraph: “The municipality is also exempt from those obligations in the case of criminal proceedings, unless the proceedings are withdrawn or dismissed or the person is acquitted by a judgment that has become final.”

83. Article 711.19.2 of the Code is amended, in the first paragraph,

(1) by replacing “or accused in the penal or criminal proceedings” in subparagraph 3 by “in the penal proceedings”;

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

“(4) the person, member of the council of the municipality, has been declared disqualified from holding that office;

“(5) the person, member of the council of the municipality, was the subject of a decision made by the Commission municipale du Québec in accordance with section 26 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) and the decision

(a) suspended that person for 90 days or more; or

(b) was the subject of an application for judicial review presented by that person, which was dismissed.”

84. Article 966.2 of the Code is amended by inserting “established by the clerk-treasurer” after “rate” in paragraph 2.

85. Article 966.2.2 of the Code is amended by striking out the third paragraph.

86. Article 966.3 of the Code is amended by replacing “not later than 30 September following the last fiscal year to which the report pertains” in the third paragraph by “within 30 days after it is filed with the council”.

ACT RESPECTING THE COMMISSION MUNICIPALE

87. Section 8 of the Act respecting the Commission municipale (chapter C-35) is amended by adding the following sentence at the end of the first paragraph: “The Commission shall also investigate the administration of a municipality if the Minister so requests; in such a case, it has the same right of access to books and documents.”

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

“**8.1.** The Minister may, where recommendations are made by the Commission at the conclusion of an investigation requested by the Minister under the first paragraph of section 8, ask the Commission to conduct, on the conditions determined by the Minister, the follow-up with regard to those recommendations.”

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

“**19.** The president may designate, generally or specifically, from among the persons working within the Commission, those who are to be responsible for the application of sections 17.1 and 17.2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) and sections 20 to 22 and 36.3 to 36.7 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1).”

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

“DIVISION II.1

“SUPPORT TO MUNICIPALITIES

“**21.1.** The Commission may, at the Minister’s request, intervene in a municipality facing difficulties that hinder its proper operation. The purpose of such an intervention by the Commission is to assist a municipality in the exercise of its functions.

A framework agreement entered into between the Minister and the Commission fixes the terms and conditions of such interventions.”

91. The Act is amended by inserting the following section after section 46.1:

“46.2. The Minister may, on the recommendation of the Commission or following a verification conducted under section 15 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1), place a municipality under the control of the Commission to the extent provided for in paragraph *g* and *g.1* of section 48.

The Commission shall publish, in the *Gazette officielle du Québec*, a notice stating that the municipality has been placed under the control of the Commission, and the effective date thereof. It shall, in the same manner, publish a notice stating that the municipality has ceased to be under the control of the Commission.”

92. Section 47 of the Act is amended by replacing “The” by “Except in the cases provided for in section 46.2, the”.

93. Section 85 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) every intermunicipal management board;”.

94. Section 86 of the Act is amended by inserting “of intermunicipal management boards,” after “regional county municipalities,” in the first paragraph.

95. Section 86.6 of the Act is amended by striking out “that the Commission conducted for the fiscal year ended on the preceding 31 December” in the first paragraph.

96. Section 100.1 of the Act is amended by inserting the following paragraph after the first paragraph:

“The report shall also contain the following information relating to the disclosures and complaints received by the Commission under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1):

(1) the number of disclosures received;

(2) the number of disclosures transferred to the Public Protector under the first paragraph of section 17.2 of that Act;

(3) the number of disclosures whose processing or examination was put to an end under section 12 of that Act;

(4) the number of undertaken, ongoing or concluded investigations;

(5) the number of well-founded disclosures;

(6) the number of disclosures broken down according to the categories of wrongdoings set out in section 4 of that Act;

(7) the number of complaints received regarding reprisals;

(8) the number of well-founded complaints regarding reprisals;

(9) the number of times information was forwarded under the first three paragraphs of section 14 of that Act; and

(10) whether the time limits for the processing of disclosures were complied with.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

97. The Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by inserting the following section after section 28:

“**28.1.** Any person may, at a meeting of the council, record images or sounds by means of a technological device. The council may, in its internal management by-laws, make rules to prevent the use of technological devices from hampering the proper conduct of meetings.

Despite the first paragraph, the council may prohibit the recording of images or sounds if the video recording of each meeting is made available free of charge on the Community’s website or on any other website designated by resolution of the Community. The video recording must be so available from the working day following the day on which the meeting ended and for at least five years.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

98. The Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by inserting the following section after section 20:

“**20.1.** Any person may, at a meeting of the council, record images or sounds by means of a technological device. The council may, in its internal management by-laws, make rules to prevent the use of technological devices from hampering the proper conduct of meetings.

Despite the first paragraph, the council may prohibit the recording of images or sounds if the video recording of each meeting is made available free of charge on the Community’s website or on any other website designated by resolution of the Community. The video recording must be so available from the working day following the day on which the meeting ended and for at least five years.”

MUNICIPAL POWERS ACT

99. Section 17.1 of the Municipal Powers Act (chapter C-47.1) is amended by replacing “at a wind farm or a hydro-electric power plant” in the first paragraph by “from a source of renewable energy. The enterprise may carry on any storage activity that is incidental to its production activities.”

100. Section 17.5 of the Act is amended by replacing “a wind farm with a generating capacity of 50 megawatts or a hydro-electric power plant with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State” by “electricity production equipment with a generating capacity of 50 megawatts and incidental storage equipment”.

101. Section 91 of the Act is amended by adding the following paragraph at the end:

“The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under subparagraph 4 of the first paragraph to mitigate the economic consequences of the protection measures applicable near a municipal drinking water withdrawal facility.”

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

“**91.0.1.** A local municipality may grant assistance, including in the form of a tax credit, to any social non-profit body that offers assistance or services to natural persons.”

103. Section 111 of the Act is amended by replacing “at a wind farm or at a hydro-electric power plant” in the first paragraph by “from a source of renewable energy. The enterprise may carry on any storage activity that is incidental to its production activities.”

104. Section 111.3 of the Act is amended by replacing “a wind farm with a generating capacity of 50 megawatts or a hydro-electric power plant with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State” by “electricity production equipment with a generating capacity of 50 megawatts and incidental storage equipment”.

ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING TO PUBLIC BODIES

105. Section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is amended by replacing “the minister responsible for municipal affairs” in the last paragraph by “the Commission municipale du Québec”.

106. Section 12.1 of the Act is amended

(1) by replacing “to the minister responsible for municipal affairs” in the first paragraph by “to the Commission municipale du Québec”;

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

“However, if a disclosure concerns both a body referred to in paragraph 9.1 of section 2 and a body referred to in another paragraph of that section, the Public Protector and the Commission municipale du Québec must agree on the terms for processing the disclosure, unless the Commission or the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire is involved in the disclosure, in which case the Public Protector processes it alone.”;

(3) by replacing “the minister” in the third paragraph by “the Commission municipale du Québec”.

107. The heading of Chapter III.1 of the Act is amended by replacing “THE MINISTER RESPONSIBLE FOR MUNICIPAL AFFAIRS” by “THE COMMISSION MUNICIPALE DU QUÉBEC”.

108. Section 17.1 of the Act is amended

(1) by replacing “the minister responsible for municipal affairs” by “the Commission municipale du Québec”;

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

“The Commission municipale du Québec must notify the minister responsible for municipal affairs if, after making recommendations to a public body, it considers that the public body has failed to take satisfactory measures within a reasonable time.”

109. Section 17.2 of the Act is amended

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

“The Commission municipale du Québec sends the information relating to a disclosure to the Public Protector for processing in either of the following cases:

(1) the Commission considers that the disclosure does not pertain to the administration of a public body referred to in paragraph 9.1 of section 2 or to compliance with the Acts under the administration of the minister responsible for municipal affairs; or

(2) the Commission or the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire is involved in the disclosure.”;

(2) by replacing “the minister” in the second and third paragraphs by “the Commission municipale du Québec”.

II0. Section 29 of the Act is amended, in the second paragraph,

(1) by replacing “to the minister responsible for municipal affairs” by “to the Commission municipale du Québec”;

(2) by replacing “the minister conducts” and “the minister carries” by “it conducts” and “it carries”, respectively.

III. Section 32 of the Act is amended

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

“Any complaint regarding a reprisal that concerns a public body referred to in paragraph 9.1 of section 2 may be addressed, at the complainant’s choice, either to the Public Protector or to the Commission municipale du Québec, but the latter may not examine a complaint that concerns a disclosure involving the Commission or the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire and must transfer it to the Public Protector for examination. Once the examination is completed, the Public Protector or the Commission municipale du Québec submits recommendations, if any, to the highest ranking administrative official within the public body concerned and, if warranted by the circumstances, to the body’s board of directors and to any local municipality having ties with the body if the body is not a local municipality.”;

(2) by replacing “minister responsible for municipal affairs” in the last paragraph by “Commission municipale du Québec”.

II2. Section 34 of the Act is amended by replacing “the minister responsible for municipal affairs” in the first paragraph by “the Commission municipale du Québec”.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

II3. Section 20 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended

(1) by replacing “within 12 months after the date on which they began to live apart because of the breakdown of their union;” in subparagraph *d.1* of the first paragraph by “, as the case may be,

i. within 12 months after the date on which they began to live apart because of the breakdown of their union;

ii. within 30 days after the date of the summary of the agreements, addressing in particular the transfer of the immovable concerned, signed by a certified mediator;

iii. within 30 days after the date of the homologation of the agreement reached following family mediation, addressing in particular the transfer of the immovable concerned; or

iv. within 30 days after the date of the final judgment relating to the transfer of the immovable concerned.”;

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

“For the purposes of subparagraphs ii and iii of subparagraph *d.1* of the first paragraph, family mediation must have begun within 12 months after the date on which the former de facto spouses began to live apart because of the breakdown of their union and it must have a maximum duration of 24 months.

For the purposes of subparagraph iv of subparagraph *d.1* of the first paragraph, the proceeding leading to the final judgement relating to the transfer of the immovable concerned must have begun during the maximum period granted for mediation.”

ACT RESPECTING MUNICIPAL TAXATION

114. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 14.1:

“14.2. Despite sections 14 and 14.1, the Minister may extend the period of application of the roll in force or of the next roll of one or more local municipalities in respect of which a single municipal body responsible for assessment has jurisdiction.

The Minister may exercise the power provided for in the first paragraph following a request, with reasons, made by the body if the latter shows the Minister that the work overload inherent in the simultaneous preparation of a certain number of rolls so warrants.

The request must be accompanied by the agreement of every local municipality concerned and must be the subject of a public notice. The notice must also indicate that any person may submit his objection to the request in writing to the Minister within 30 days after its publication and must indicate the place where the objection is to be addressed. The body shall transmit a copy of the notice to the Minister as soon as possible after its publication, with proof of its date of publication.

The Minister shall notify the body in writing of every objection received within the prescribed time.

If the Minister’s decision is affirmative, the Minister shall publish a notice of it in the *Gazette officielle du Québec*. The last fiscal year of the new period of application of the roll is then deemed to be the third fiscal year of application of the roll.

The power provided for in this section applies subject to section 81 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).”

115. Section 208 of the Act is amended

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

“Where the value of an immovable referred to in any of paragraphs 3 or 13 to 17 of section 204 that is occupied by a person other than a person referred to in that section is less than \$200,000, the second and fifth paragraphs of this section do not apply. The same applies, notwithstanding section 2, where the value of the part thus occupied of an immovable referred to in any of those paragraphs is less than \$200,000. Those rules also apply in the case of an immovable referred to in the second sentence of the second paragraph.”;

(2) by striking out the seventh paragraph.

116. Section 243.1 of the Act is amended by replacing “ninth” in the first paragraph by “eighth”.

117. Section 254.1 of the Act is replaced by the following section:

“254.1. The amount referred to in section 254, in respect of an immovable referred to in the first paragraph of section 255 whose owner is the Société québécoise des infrastructures or a person mentioned in paragraph 2.1 of section 204 or in respect of a business establishment whose occupant is such a person, may not be paid unless the local municipality has sent a statement specifying the total amount of municipal taxes that would be payable in respect of the immovable, if it was taxable, to the person required to pay that amount.

The amount referred to in section 254, in respect of another immovable referred to in section 255, may not be paid unless the local municipality has produced a demand for payment on the form supplied by the person required to pay that amount and within the time limit prescribed by the regulation made under subparagraph g of subparagraph 2 of the first paragraph of section 262.

The amount referred to in the second paragraph may be modified only in the case of an alteration to the roll made under paragraph 1 of section 174, paragraph 1 of section 174.2 or section 182. In such a case, the forwarding, required under subparagraph 3 of the second paragraph of section 179, of a copy of the certificate of alteration concerning the immovable constitutes, in respect of the immovable, an application for alteration.”

118. Section 256 of the Act is amended

(1) by replacing “types of immovables or business establishments” in the first paragraph by “immovables or business establishments”;

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

“For the purpose of calculating the amount payable under section 254 for a fiscal year in respect of an immovable referred to in any of those paragraphs, the aggregate taxation rate established for the preceding fiscal year under Division III of Chapter XVIII.1 or established according to the calculation rules prescribed by a regulation referred to in the first paragraph, if those rules are prescribed, and the non-taxable value of the immovable for the preceding fiscal year are used.

The rules for establishing the amount of money paid by the Government in respect of an immovable or business establishment contemplated in the first paragraph of section 255 whose owner or occupant is the State may be amended by the regulation referred to in the first paragraph.”

119. Section 261.3.1 of the Act is amended, in the third paragraph,

(1) by replacing “be greater than the percentage mentioned in the applicable paragraph of section 255, so as to take into account all or nearly all of” by “take into account”;

(2) by adding the following sentence at the end: “The percentage fixed by the Minister may not be greater than 100%.”

120. Section 262 of the Act is amended, in subparagraph 2 of the first paragraph,

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

“(a.1) amend the rules for establishing the amount of money paid by the Government in respect of an immovable or business establishment referred to in the first paragraph of section 255 whose owner or occupant is the State;”;

(2) by replacing “types of immovables or of business establishments” in subparagraph *b* by “immovables or business establishments”;

(3) by striking out subparagraph *b.1*;

(4) by inserting the following subparagraph after subparagraph *b.1*:

“(c) prescribe the rules for calculating the aggregate taxation rate of a local municipality, for the purposes of section 210 or 255, which may differ from those provided for in Division III of Chapter XVIII.1;”;

(5) by striking out “in the case of changes made to the roll” in subparagraph *e*;

(6) by inserting the following subparagraph after subparagraph g:

“(h) determine the cases in which a summary of the roll, produced in accordance with the regulation made under subparagraph 1 of the first paragraph of section 263, stands in lieu of a demand for payment referred to in section 210 or 254.1;”

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

121. Section 14 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended

(1) by replacing “subsection 1 of section 22 of the Act respecting the Commission municipale (chapter C-35) or” in the first paragraph by “under the first paragraph of section 8 or subsection 1 of section 22 of the Act respecting the Commission municipale (chapter C-35) or under”;

(2) by inserting the following sentence after the first sentence of the first paragraph: “The Minister may also, at any time, give instructions to order the council of a municipal body to comply with the provisions of an Act or regulation under the administration of the Minister or to send documents or information.”;

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

“If the municipal body fails to comply with the instructions, the Minister may, as long as the default lasts, withhold any amount due to the body pursuant to an Act, a regulation or a program under the Minister’s responsibility.”

122. Section 17.8 of the Act is amended by striking out the last paragraph.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

123. The Act respecting municipal territorial organization (chapter O-9) is amended by inserting the following section after section 210.29.2:

“**210.29.2.1.** Chapter VI.1 of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) applies, for the financing of expenses related to the election of a warden and with the necessary modifications, to every regional county municipality in respect of which the by-law provided for in section 210.29.1 has effect.”

124. Section 30 of Schedule I to the Act is amended

(1) by replacing the first paragraph of section 659.2 by the following paragraphs:

“A regional county municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer,

(1) implement pilot projects for the organization and conduct of an election or a referendum in its territory or in an unorganized territory; and

(2) test new methods of signing a register or voting, during a procedure for registering qualified voters or a poll taking place in its territory or in an unorganized territory.

The agreement shall provide for its period of application if it is entered into for more than one election, referendum, registration procedure or poll.”;

(2) by replacing “new methods of voting” in the second paragraph of section 659.2 by “pilot projects or the new methods of signing a register or voting, as the case may be”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

125. The Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended by inserting the following section after section 116:

116.1. Any person may, at a sitting of the council, record images or sounds by means of a technological device. The council may, under section 116, make rules to prevent the use of technological devices from hampering the proper conduct of sittings.

Despite the first paragraph, the council may prohibit the recording of images or sounds if the video recording of each sitting is made available free of charge on the municipality’s website or on any other website designated by resolution of the municipality. The video recording must be so available from the working day following the day on which the sitting ended and for at least five years.”

126. The Act is amended by inserting the following section after section 263:

263.1. Any person may, at a meeting of the board, record images or sounds by means of a technological device. The council may make rules to prevent the use of technological devices from hampering the proper conduct of meetings.

Despite the first paragraph, the council may prohibit the recording of images or sounds if the video recording of each meeting is made available free of charge on the Regional Government’s website or on any other website designated by resolution of the Regional Government. The video recording must be so available from the working day following the day on which the meeting ended and for at least five years.”

ACT TO ENSURE THE IMPLEMENTATION OF CERTAIN MEASURES OF THE 2020–2024 PARTNERSHIP AGREEMENT BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE MUNICIPALITIES

127. Sections 5 and 6 of the Act to ensure the implementation of certain measures of the 2020–2024 partnership agreement between the Gouvernement du Québec and the municipalities (2019, chapter 30) are repealed.

OTHER AMENDING PROVISIONS

128. Section 13 of Order in Council 841-2001 (2001, G.O. 2, 3660), respecting Ville de Saguenay, is amended

(1) by inserting “or any vacancy in that office” after “general election” in the first paragraph;

(2) by striking out the second paragraph.

129. The Order in Council is amended by inserting the following section after section 13:

“**13.1.** The term of office of the borough chair is two years and may be renewed.

If the office of the borough chair becomes vacant before the expiry of his or her term, a new borough chair must be designated as soon as possible for the remainder of the term.”

130. Section 16 of Order in Council 850-2001 (2001, G.O. 2, 3695), respecting Ville de Sherbrooke, is amended

(1) by inserting “or any vacancy in that office” after “general election” in the first paragraph;

(2) by striking out the second paragraph.

131. The Order in Council is amended by inserting the following section after section 16:

“**16.1.** The term of office of the borough chair is two years and may be renewed.

If the office of the borough chair becomes vacant before the expiry of his or her term, a new borough chair must be designated as soon as possible for the remainder of the term.”

132. Unless the context indicates otherwise, in any Act and any regulation, excluding the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), the terms “secretary-treasurer”, “secretary-treasurers” and “assistant secretary-treasurer”, when used in connection with a local municipality or a regional county municipality, are replaced by “clerk-treasurer”, “clerk-treasurers” and “assistant clerk-treasurer”, respectively.

Unless the context indicates otherwise, in any other document, a reference to “secretary-treasurer”, “secretary-treasurers” or “assistant secretary-treasurer”, where those terms concern a local municipality or a regional county municipality, is a reference to “clerk-treasurer”, “clerk-treasurers” or “assistant clerk-treasurer”, respectively.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

133. Despite the Municipal Aid Prohibition Act (chapter I-15), any local municipality may, by by-law, adopt a financial assistance program aimed at promoting the construction, renovation and annual leasing of rental dwellings used for residential purposes.

Any by-law referred to in the first paragraph must be approved by the Minister of Municipal Affairs and Housing.

The assistance under the program may not be used for dwellings that are leased in whole or in part for tourism purposes.

The program may apply to the entire territory of the municipality or with regard to certain sectors determined in the by-law and may also provide that only certain types of dwellings are eligible for financial assistance. The program must indicate, for each type of dwelling, the maximum amount of rent above which a dwelling is no longer eligible under the program.

The program must provide that a beneficiary of assistance for the construction and renovation of a dwelling must, except for a serious reason, preserve the rental and residential vocation of the dwelling for a minimum period of five years. The program must provide that the municipality may require a beneficiary who fails to meet that obligation to repay all or part of the financial assistance.

The program must provide for maximum rent increases during the first five years of leasing of a dwelling built with assistance under the program, and the cases in which and conditions on which those maximum increases are applicable.

The program must also prescribe the time limit for beginning and finishing the construction or renovation work, as applicable.

The eligibility period under the program is five years from 1 January 2022. However, the municipality may, by a by-law approved by the Minister of Municipal Affairs and Housing, extend the eligibility period by a period not exceeding five years.

The total financial assistance granted annually by the municipality under the program may not exceed 1% of the appropriations provided for in the municipality's budget for its operating expenses for the current fiscal year. The municipality may, by a by-law approved by the qualified voters, grant an annual amount of assistance exceeding that limit.

The financial assistance granted to a beneficiary under the program may take the form of a subsidy, loan or tax credit. It is granted for a period not exceeding five years or, in the case of a loan, 20 years.

To secure the performance of the obligations of a beneficiary under the program, and to protect the value and ensure the conservation of an immovable, the municipality may, among other things, acquire a hypothec or another real right, obtain revenues from the immovable or receive part of the appreciation in its value since the work was done.

134. Sections 64, 65, 165 and 171 of the Act respecting elections and referendums in municipalities (chapter E-2.2), as they read on 4 November 2021, continue to apply to municipal electoral proceedings under way on 5 November 2021.

135. For the purposes of the fourth paragraph of section 278.2 of the Act respecting elections and referendums in municipalities, enacted by section 5, for the 2025 and 2029 general municipal elections, a municipality must take into account the cost of the two most recent general elections, excluding the 2021 general election.

136. A person who, on 5 December 2021, is also a designated member of the board of directors of a French-language school service centre or an elected, appointed or designated member of the board of directors of an English-language school service centre becomes disqualified from holding office as a member of the council of a municipality.

137. Any office personnel member in office on the date of coming into force of the code of ethics and conduct applicable to the member and who has not yet participated in a professional development program referred to in section 15.3 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1), enacted by section 29, must participate in such a program not later than six months after that coming into force.

138. The amendments made by sections 66, 67, 82 and 83 of this Act apply, in the case of judicial proceedings under way on 5 November 2021, to expenses incurred from that date.

139. If, on 5 November 2021, the positions of director general and secretary-treasurer of a municipality are held by a single person in accordance with the second paragraph of article 210 of the Municipal Code of Québec (chapter C-27.1), as it reads on 4 November 2021, the council is deemed to have appointed a single person to hold the offices of director general and clerk-treasurer.

140. The Régie du bâtiment du Québec must, for the purpose of making a first regulation under paragraph 19.9.1 of section 185 of the Building Act (chapter B-1.1), enacted by section 44, publish the draft regulation in the *Gazette officielle du Québec* in accordance with section 8 of the Regulations Act (chapter R-18.1), not later than 1 March 2022.

141. Assistance granted by a local municipality under subparagraph 4 of the first paragraph of section 91 of the Municipal Powers Act (chapter C-47.1), before the coming into force of section 101, is not invalid for the sole reason that it contravenes the Municipal Aid Prohibition Act.

142. The disclosures, wrongdoings and complaints under examination by the Minister of Municipal Affairs, Regions and Land Occupancy under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) are, as of 1 April 2022, examined by the Commission municipale du Québec.

The Minister transfers to the Commission municipale the documents and records the Minister holds regarding those disclosures, wrongdoings and complaints.

143. Section 208 and the first regulation made under subparagraph 2 of the first paragraph of section 262 of the Act respecting municipal taxation (chapter F-2.1), as amended by sections 115 and 120, have effect with regard to any property assessment roll and, as applicable, any roll of rental values as of the municipal fiscal year determined by the Government.

If need be, the assessor alters the property assessment roll and, as applicable, the roll of rental values to include the changes resulting from the application of the first paragraph. The alterations made by the assessor are deemed to be made under section 174 or 174.2 of the Act respecting municipal taxation and have effect as of the first day of the municipal fiscal year determined in accordance with the first paragraph.

144. A regulation made under subparagraph 2 of the first paragraph of section 262 of the Act respecting municipal taxation to increase a percentage set out in the second, third or fourth paragraph of section 255 of that Act may not prescribe, for the purpose of calculating an amount paid for any of the municipal fiscal years 2022 to 2024, a percentage lower than the one set out in section 5 of the Act to ensure the implementation of certain measures of the 2020–2024 partnership agreement between the Gouvernement du Québec and the municipalities (2019, chapter 30), as it reads on 5 November 2021.

145. The report referred to in section 17.8 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) that concerns the fiscal year 2021–2022 must contain the information mentioned in the last paragraph of that section, as it reads on 31 March 2022.

146. This Act comes into force on 5 November 2021, except

- (1) sections 5 and 123, which come into force on 1 January 2022;
- (2) sections 22 to 26, 29 and 30, which come into force on 5 May 2022;
- (3) sections 41, 42, 58, 74, 96, 105 to 112 and 122, which come into force on 1 April 2022;
- (4) sections 53, 54 and 56, paragraph 2 of section 71 and sections 84, 115 to 120, 127, 143 and 144, which come into force on the date or dates to be set by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 132-2022, 9 février 2022

**Act to amend the Public Service Act
and other provisions (2021, chapter 11)
— Coming into force of certain provisions**

Coming into force of certain provisions of the Act to amend the Public Service Act and other provisions

WHEREAS the Act to amend the Public Service Act and other provisions (2021, chapter 11) was assented to on 20 April 2021;

WHEREAS section 58 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government, except sections 1 to 3, 26 and 54 to 56, which come into force on 20 April 2021;

WHEREAS it is expedient to set 21 February 2022 as the date of coming into force of the Act, except the provisions that came into force on 20 April 2021;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT 21 February 2022 be set as the date of coming into force of the Act to amend the Public Service Act and other provisions (2021, chapter 11), except the provisions that came into force on 20 April 2021.

YVES OUELLET
Clerk of the Conseil exécutif

105530

Draft Regulations

Draft Regulation

Education Act
(chapter I-13.3)

Childcare services provided at school — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting childcare services provided at school, appearing below, may be made on the expiry of 45 days following this publication.

The draft Regulation updates the standards for childcare services at school. It specifies the content of the operating rules to be sent to parents, provides for the establishment of a program of activities and requires childcare staff members to receive training on severe allergic reactions. A new division on financial contributions payable is also added.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Caroline Beauvais, Direction des encadrements pédagogiques et scolaires, Ministère de l'Éducation, 600, rue Fullum, 10^e étage, Montréal (Québec) H2K 4L1; email: Caroline.Beauvais@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Ève Chamberland, Secretary General, Ministère de l'Éducation 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; courriel: marie-eve.chamberland@education.gouv.qc.ca.

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation to amend the Regulation respecting childcare services provided at school

Education Act
(chapter I-13.3, s. 454.1)

1. The Regulation respecting childcare services provided at school (chapter I-13.3, r. 11) is amended in section 1

(1) by replacing “ensure care to” by “be offered to”;

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

“They shall be part of the children’s environment and contribute, in accordance with the educational project of the school, to their global development.”.

2. Section 2 is amended by replacing “pursuing, within the scope of the school’s educational project, the global development of children through activities taking into account their interests and needs, complementing the school’s educational services” in paragraph 1 by “offering an atmosphere conducive to their development”.

3. The heading of Division I of Chapter II is amended by replacing “ACCESS” by “GENERAL”.

4. The following is inserted before section 3:

“**2.1.** The principal shall take the measures necessary to ensure that the provisions of this Regulation are complied with.”.

5. Section 4 is replaced by the following:

“**4.** A document in which the rules of operation of the childcare service are clearly set out shall be sent to the parent of a child registered for the service. The document shall be sent at the time of registration and each time a change is made to the document.

The document shall include

(1) the terms and conditions for the arrival and departure of children;

(2) the days and hours the service is open;

(3) the dates of the pedagogical days and days outside the school year during which childcare services are scheduled, and the manner in which the parents are to be informed of the addition of such days;

(4) the various terms and conditions for attending the childcare service that are possible and for changing the attendance established;

(5) the financial contributions payable and the terms of payment;

(6) the special rules of conduct or behaviour of the childcare service;

(7) the cases and conditions of suspension or exclusion of a child;

(8) the terms for closing childcare services in the event of bad weather or superior force.

4.1. The principal shall ensure that a program of activities is established and implemented.

The program of activities shall be coherent with the school's educational project. It shall take into account the characteristics of the children and allow their global physical and motor, emotional, social, language and cognitive development.

The program of activities shall first be submitted to the governing board and the childcare parents' committee, where a committee is established, for their opinion. It shall be updated periodically and made public, particularly by sending it to the parents of children registered in the childcare service and to school staff members."

6. Section 5 is amended by inserting “, including training on the management of severe allergic reactions” at the end of paragraph 1.

7. The heading of Division III of Chapter II is amended by replacing “HYGIENE, SALUBRITY AND SAFETY” by “HEALTH AND SAFETY”.

8. Section 6 is amended by adding the following paragraph at the end:

“Only the childcare staff members present with the children may be taken into account for calculating the ratio provided for in the first paragraph.”

9. Section 8 is amended by replacing “a physician or by going to the nearest medical emergency service” at the end of the first paragraph by “the emergency services or Info-Santé”.

10. Section 9 is amended by replacing “The childcare provider shall lock medication, toxic and household cleaning products” by “Medication, toxic products and household cleaning products shall be locked”.

11. Section 10 is amended

(1) in the first paragraph

(a) by replacing the portion before subparagraph 1 by “A list of the following telephone numbers shall be posted near the telephone:”

(b) by replacing subparagraphs 1 to 6 by the following:

“(1) the Centre anti-poison du Québec;

(2) the emergency services;

(3) the Info-Santé service;

(4) the nearest health services and social services centre or the centre serving the territory.”;

(2) by replacing the portion before subparagraph 1 of the second paragraph by “The following must also be kept close to the telephone:”.

12. Section 12 is amended

(1) by inserting “, safe and adapted to the needs of the children” after “condition”;

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

“As part of the proposition concerning the use of premises or immovables made available to the school submitted by the principal to the governing board, the principal shall provide for a sufficient number of premises for childcare services. The principal may, to that end, resort to the sharing of premises.”.

13. Section 14 is amended by adding the following paragraph at the end:

“Every departure of a child shall comply with the terms and conditions provided for that purpose in the rules of operation determined under section 4.”.

14. Section 15 is amended by replacing the second and third paragraphs by the following:

“A registration card of all the children attending childcare services shall also be kept and updated daily.

A parent has a right of access, on request, to the cards or a right to receive written or verbal communication thereof.”.

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

“(3) the child’s grade for the school year concerned;”.

16. The following is inserted after section 17:

**“DIVISION IV.1
FINANCIAL CONTRIBUTIONS**

17.1. The financial contribution required for children attending childcare services for a period during a day of the school year devoted to educational services may not exceed the amount obtained by multiplying \$3.00 by the total number of hours of that period.

The financial contribution required for children attending childcare services for more than 1 period during such a day, among the usual before-class, lunch and after-class periods, may not exceed \$8.55.

The amount referred to in the second paragraph does not include the financial contribution that may be required where the childcare services are offered for more than 5 hours during such a day. The additional financial contribution may not exceed the amount obtained by multiplying \$3.00 by the total number of hours offered beyond 5 hours on the same day.

17.2. The financial contribution required for children attending childcare services during a pedagogical day may not exceed \$14.60.

The amount does not include the financial contribution that may be required where the childcare services are offered for more than 10 hours during such a day. The additional financial contribution may not exceed the amount obtained by multiplying \$3.00 by the total number of hours offered beyond 10 hours on the same day.

The amount also does not include the financial contribution that may be required for outings, for activities similar to an outing conducted with the participation of a person who is not a childcare staff member or for a special activity organized by the childcare staff and involving additional costs. The additional financial contributions required for such outings or activities may not exceed the actual cost of the outing or activity.

17.3. The financial contribution required for children attending childcare services during the school break week or any other day not referred to in section 17.1 or 17.2 may not exceed the actual cost of the service, including any outing or activity.

17.4. An additional financial contribution not exceeding the actual cost may be required where a child is attending the childcare services beyond the hours the service is open.

17.5. The governing board must consult the childcare parents’ committee, where a committee is established, before requiring any financial contribution for

(1) an outing or activity during a pedagogical day; or

(2) a period of childcare services offered during a day devoted to educational services outside the usual before-class, lunch and after-class periods.

17.6. No financial contribution may be required for services of an administrative nature related to childcare, in particular those relating to registration or the opening of a file, or for using technological means of communication.

The first paragraph does not prevent charging fees for late payment or non-payment.

17.7. The amounts referred to in this Division shall be indexed on 1 July of each year by a rate corresponding to the annual change in the overall average Québec consumer price index, excluding alcoholic beverages, tobacco products and recreational cannabis, for the 12-month period ending on 31 March of the preceding year. The result shall be rounded to the nearest multiple of \$0.05 or, if it is equidistant from two such multiples, to the higher of the two. The Minister shall publish the result of the indexation in the *Gazette officielle du Québec*.”.

17. Section 5 of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), as amended by section 6 of this Regulation, applies to the holder of an attestation valid on 1 July 2023 only as of the obtaining of a new attestation in accordance with the time period provided for therein.

18. This Regulation comes into force on 1 July 2022, except section 5, as it concerns section 4.1 of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), and sections 6 and 8, which come into force on 1 July 2023.

105524

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Distractions while driving

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

The draft Regulation determines the manner in which section 443.1 of the Highway Safety Code (chapter C-24.2) is to be applied and prescribes other exceptions to the prohibitions under that section and under section 443.2 of the Code. Those sections contain various rules to regulate sources of distraction while driving, such as the use of cellular telephones or other portable devices as well as display screens.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Émanuelle Houde, head, Service du développement en sécurité routière, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-3577; email: emanuelle.houde@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6. The comments will be sent by the Société to the Minister of Transport.

FRANÇOIS BONNARDEL
Minister of Transport

Regulation respecting distractions while driving

Highway Safety Code
(chapter C-24.2, s. 443.1, 3rd par., s. 443.2, 3rd par., and s. 621, 1st par., subpar. 51)

DIVISION I

APPLICATION OF SECTION 443.1 OF THE HIGHWAY SAFETY CODE

1. For the purposes of section 443.1 of the Highway Safety Code (chapter C-24.2), “hands-free device” means

(1) a device that can be used to operate a portable device, in particular a cellular telephone, through a vocal command or a simple manual command that the driver can activate without being distracted from driving the road vehicle; or

(2) the speaker function of a cellular telephone, to the extent that the function does not require the driver of the road vehicle to handle the telephone or use a display screen.

A part of a road vehicle on which information is projected using a technology to that effect is considered to be a display screen.

2. For the purposes of subparagraph *a* of subparagraph 2 of the first paragraph of section 443.1 of the Highway Safety Code (chapter C-24.2)

(1) information on the vehicle's conditions, use and immediate environment, real-time information on road or weather conditions, and routing and guidance information is considered to be information as is relevant to driving a road vehicle;

(2) heating and air-conditioning systems and audio system are considered to be usual equipment of a road vehicle.

3. For the purposes of subparagraph *d* of subparagraph 2 of the first paragraph of section 443.1 of the Highway Safety Code (chapter C-24.2), a display screen is considered to be positioned and designed in such a way that the driver of a road vehicle can operate and consult it easily if it is positioned so as to display information in the driver's line of sight in the normal driving position and displays short, simple messages.

DIVISION II**OTHER EXCEPTIONS TO THE PROHIBITIONS
UNDER SECTIONS 443.1 AND 443.2
OF THE HIGHWAY SAFETY CODE**

4. The driver of a road vehicle may use a cellular telephone or any other portable device if

(1) the device is used by a peace officer or the driver of an emergency vehicle in the performance of their duties;

(2) the device is used to make a call to 911 emergency services;

(3) the device is a cordless voice communication device, also known as a two-way radio, which does not allow the callers to speak simultaneously; or

(4) the device is used for contactless payment or to show proof of payment, proof relating to in-vehicle pickup, proof confirming a right of access, or any other proof of the same nature, when the vehicle is stationary without being parked.

5. The driver of a road vehicle may consult the following information displayed on a display screen, including that of a portable device, or use a screen command, provided the screen meets the standards set out in subparagraphs *b* to *d* of subparagraph 2 of the first paragraph of section 443.1 of the Highway Safety Code (chapter C-24.2):

(1) information that is used by a peace officer or the driver of an emergency vehicle in the performance of their duties;

(2) information that, in a vehicle used by an enterprise, is used to manage messages or, in the case of an enterprise providing remunerated passenger transportation, to collect fees payable by the vehicle's passenger;

(3) information that, in a public utility or telecommunications enterprise vehicle, is useful to their business.

6. The driver of a road vehicle or a cyclist may check the time on a smartwatch.

7. A peace officer who is riding a bicycle in the performance of their duties may wear only one earphone.

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

105529

Draft Regulation

Education Act
(chapter I-13.3)

**Free instructional material and certain financial contributions that may be required
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required, appearing below, may be made on the expiry of 45 days following this publication.

The draft Regulation sets the standards for the financial contributions that may be required for the supervision of students who stay at school at lunch time.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Caroline Beauvais, Direction des encadrements pédagogiques et scolaires, Ministère de l'Éducation, 600, rue Fullum, 10^e étage, Montréal (Québec) H2K 4L1; email: Caroline.Beauvais@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Ève Chamberland, Secretary General, Ministère de l'Éducation 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; email: marie-eve.chamberland@education.gouv.qc.ca.

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required

Education Act
(chapter I-13.3, s. 457.2.1).

1. The Regulation respecting free instructional material and certain financial contributions that may be required (chapter I-13.3, r. 6.2) is amended in section 9 by replacing “or for material to which the right of free use does not apply” by “, for material to which the right of free use does not apply or for the supervision of students at lunch time”.

2. The following is added after section 11:

“**11.1.** The financial contribution required for the supervision of a child at the preschool and elementary school level at lunch time must be determined by taking into account the number of days during which the child stays at school for lunch. That number is established with the parents, according to the conditions set by the school service centre or the school board.

In addition to the actual cost of the service, the financial contribution may not exceed the amount obtained by multiplying \$3.00 by the total number of hours of the lunch period.

The amount provided for in the second paragraph is adjusted on 1 July of each year by a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 31 March of the preceding year. The result is rounded to the nearest multiple of \$0.05, or if it is equidistant from two such multiples, to the higher of the two. The Minister publishes the result of the adjustment in the *Gazette officielle du Québec*.

11.2. No financial contribution may be required for the supervision of a secondary school student at lunch time when the student eats lunch throughout the school year outside the premises of the educational institution the student attends and the student’s parents so notify in writing the school service centre or the school board.”

3. This Regulation comes into force on 1 July 2022.

105536