

Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 130
23 December 1998
No. 52

Summary

Table of Contents
Regulations and other acts
Draft Regulations
Municipal Affairs
Index

Legal deposit — 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 1998

All rights reserved in all countries. No part of this publication may be translated, used or reproduced by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

Table of Contents

Page

Regulations and other acts

1428-98	Partition and assignment of benefits accrued — Government and Public Employees (Amend.)	4779
1429-98	Partition and assignment of benefits accrued — Certain teachers (Amend.)	4781
1430-98	Partition and assignment of benefits accrued — Judges of the Court of Québec (Amend.) ...	4782
1431-98	Partition and assignment of benefits accrued — Elected Municipal Officers (Amend.)	4783
1432-98	Partition and assignment of benefits accrued — Federal employees (Amend.)	4784

Draft Regulations

	Environmental impact assessment and review	4787
	Municipal taxation, An Act respecting ... — Compensations in lieu of taxes	4788

Municipal Affairs

1435-98	Amalgamation of Ville de Saint-Tite and Paroisse de Saint-Tite	4791
---------	--	------

Regulations and other acts

Gouvernement du Québec

O.C. 1428-98, 27 November 1998

An Act respecting the Government
and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Partition and assignment of benefits accrued — Government and public employees — Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan

WHEREAS under paragraphs 14.2 to 14.6 of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, after consultation with the Comité de retraite, make a regulation concerning the matters set out therein;

WHEREAS by Order in Council 351-91 dated 20 March 1991 amended by the Regulation made by Order in Council 1191-95 dated 6 September 1995, the Government, pursuant to paragraphs 14.2 to 14.6 of that section, made the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan in order to provide for certain amendments that will facilitate its application following the passage, on 15 December 1995, of Chapter 70 of the Statutes of Québec of 1995 and the making of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan by Order in Council 690-96 dated 12 June 1996, which has effect from 1 January 1996;

WHEREAS under section 66 of Chapter 70 of the Statutes of 1995, the first regulation made after 31 December 1995 to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan may, if it so provides, have effect from any date not prior to 1 January 1996 if it gives effect to an amendment resulting from the provisions of that Act;

WHEREAS the Comité de retraite established within the Commission administrative des régimes de retraite et d'assurances has been consulted;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan(*)

An Act respecting the Government
and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, pars. 14.2 to 14.6)

1. The Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan is amended by inserting the following at the beginning of subparagraph 3

* The Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, made by Order in Council 351-91 dated 20 March 1991 (1991, *G.O.* 2, 1307), was last amended by the Regulation made by Order in Council 1191-95 dated 6 September 1995 (1995, *G.O.* 2, 2819).

of the first paragraph of section 1: “confirmation in writing from a certified mediator that he has obtained a family mediation mandate, or”.

2. The following is inserted after subparagraph 3 of the first paragraph of section 3:

“(3.1) where the employee has ceased to be a member of the plan after 31 December 1995 while he was entitled to a reduced pension that he was not receiving at the date of assessment, the accrued benefits are deemed to correspond to a pension payable on the closest date on which a pension would otherwise have been granted to him without actuarial reduction at the time of his ceasing to be a member of that plan;”.

3. The following is substituted for paragraph 1 of section 16:

“(1) where the employee or former employee is entitled to a refund of contributions, to a payment of actuarial value or is entitled to transfer an amount under a transfer agreement entered into in accordance with section 158 of the Act, the amount of the refund of contributions, of the payment of actuarial value or the amount to be transferred shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to the Act and accrued from the date of assessment to the date on which the refund, payment or transfer is made. Notwithstanding the foregoing, no interest is calculated on the portion of those sums that relate to years or parts of years of service under the Teachers Pension Plan or the Civil Service Superannuation Plan, if those sums come from an entitlement to a refund of contributions. A separate calculation shall be made in the case of a pension credit;”.

4. The following is inserted after section 16:

“**16.1** If the amount paid to the spouse comes from the entitlement to a pension referred to in subparagraph 3.1 of the first paragraph of section 3 or to a pension credit payable at the date on which that pension is payable, the benefits of the employee or former employee shall be established in accordance with the Act and his pension or pension credit shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.”.

5. Section 19 is amended

(1) by substituting the following for the third paragraph:

“If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit obtained pursuant to the first paragraph begins to apply before the date of the pensioner’s 65th birthday, the amount of pension or pension credit shall be reduced by 0.50 % per month, calculated for each month between the date on which the amount of pension or pension credit begins to apply and the date of his 65th birthday, without exceeding 65 % in the case of the reduction applicable to the amount of pension.”;

(2) by substituting the following for the fifth paragraph:

“If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the date of the pensioner’s 65th birthday, it shall be increased by 0.75 % per month, calculated for each month between the date on which it begins to apply and the date of his 65th birthday.”.

6. The following is inserted after section 19:

“**19.1** For the purposes of sections 16.1 and 18, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 7. The amount is presumed applicable at the date determined pursuant to subparagraph 3.1 of the first paragraph of section 3.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension would be if it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit obtained pursuant to the first paragraph begins to apply before the determined date, the amount of pension or pension credit shall be reduced by 0.50 % per month, calculated for each month between the date on which the amount of pension or pension credit begins to apply and that determined date, without exceeding 65 % in the case of the reduction applicable to the amount of pension.

If the pensioner retired before the date of payment and if that date occurs after the determined date, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50 % per month, calculated for each month between the determined date and the date on which the amount of pension begins to apply, if the pensioner retired before the deter-

mined date, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the determined date or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50 % per month, calculated for each month between the determined date and the date on which the amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or after that date, it shall be increased by 0.50 % per month, calculated for each month between the determined date and the date of his 65th birthday, and by 0.75 % per month, calculated for each month between the latter date and the date on which the amount of pension credit begins to apply."

7. The following paragraph is substituted for the last two paragraphs of section 20:

"The amount of pension credit obtained pursuant to the first paragraph shall be increased, for each month between the date of assessment and the date on which it begins to apply, by 0.50 % for each month before the date of the pensioner's 65th birthday and by 0.75 % for each month after that date."

8. The following is substituted for section 24:

"**24.** Any refund of contributions to be made following a death shall be reduced by the sums awarded to the spouse with interest compounded annually at the rate determined for each period under Schedule VI to the Act and accrued from the date of assessment to the date on which the refund is made, except for the period during which a pension is paid.

Notwithstanding the foregoing, no interest shall be calculated on the portion of those sums that relates to years or parts of years of service under the Teachers Pension Plan or the Civil Service Superannuation Plan, if those sums come from an entitlement to a refund of contributions. A separate calculation shall be made for the refund of the sums paid for the purchase of a pension credit."

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 1996.

Gouvernement du Québec

O.C. 1429-98, 27 November 1998

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1)

Partition and assignment of benefits accrued — Certain teachers — Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers

WHEREAS under paragraphs 1 to 5 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), the Government may, after consultation with the Comité de retraite, make regulations on the matters mentioned therein;

WHEREAS pursuant to paragraphs 1 to 5 of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers by Order in Council 840-91 dated 19 June 1991, amended by the Regulation made by Order in Council 1190-95 dated 6 September 1995;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers in order to specify what conditions are to be met by a member of the Pension Plan of Certain Teachers and his spouse to obtain a statement of the benefits accrued under that plan for the purposes of mediation conducted prior to proceedings in family matters;

WHEREAS the Comité de retraite established within the Commission administrative des régimes de retraite et d'assurances has been consulted;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were made;

WHEREAS it is expedient to make that Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers^(*)

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1, s. 41.8, pars. 1 to 5)

1. The Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers is amended at the beginning of subparagraph 3 of the first paragraph of section 1 by inserting the words “confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate, or”.

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

2620

Gouvernement du Québec

O.C. 1430-98, 27 November 1998

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

Partition and assignment of benefits accrued — Judges of the Court of Québec — Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec

WHEREAS under section 246.22 of the Courts of Justice Act (R.S.Q., c. T-16), the Government may make regulations on the matters mentioned therein;

WHEREAS under paragraphs *a* to *d* of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec by Order in Council 460-92 dated 1 April 1992 and amended by the Regulation made by Order in Council 1189-95 dated 6 September 1995;

WHEREAS under section 60 of Chapter 70 of the Statutes of Québec of 1995, it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec in order to specify the conditions to be met by a participant in those pension plans and his spouse to obtain a statement of the benefits accrued under those plans for the purposes of mediation conducted prior to proceedings in family matters;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS following that publication, no comments were made;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

* The Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers, made by Order in Council 840-91 dated 19 June 1991 (1991, *G.O.* 2, 2114), was last amended by the Regulation made by Order in Council 1190-95 dated 6 September 1995 (1995, *G.O.* 2, 2816).

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec^(*)

Courts of Justice Act
(R.S.Q., c. T-16, s. 246.22, pars. a to d)

1. The Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec is amended at the beginning of subparagraph 3 of the first paragraph of section 1 by inserting the words “confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate, or”.

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

2621

Gouvernement du Québec

O.C. 1431-98, 27 November 1998

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3)

Partition and assignment of benefits accrued — Elected municipal officers — Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers

WHEREAS under the first paragraph of section 75 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), the Government may make regulations on the matters mentioned therein;

WHEREAS under subparagraphs 4.1 to 4.5 of the first paragraph of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected

Municipal Officers by Order in Council 1753-91 dated 18 December 1991, amended by the Regulation made by Order in Council 1188-95 dated 6 September 1995;

WHEREAS under section 14 of Chapter 70 of the Statutes of Québec of 1995, it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers in order to specify the conditions to be met by a participant in that pension plan and his spouse to obtain a statement of the benefits accrued under that pension plan for the purposes of mediation conducted prior to proceedings in family matters;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS following that publication, no comments were made;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers^(*)

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3, s. 75, 1st par., subpars. 4.1 to 4.5)

1. The Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of

^{*} The Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec, made by Order in Council 460-92 dated 1 April 1992 (1992, *G.O.* 2, 1945), was last amended by the Regulation made by Order in Council 1189-95 dated 6 September 1995 (1995, *G.O.* 2, 2814).

^{*} The Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers, made by Order in Council 1753-91 dated 18 December 1991 (1992, *G.O.* 2, 7), was last amended by the Regulation made by Order in Council 1188-95 dated 6 September 1995 (1995, *G.O.* 2, 2811).

Elected Municipal Officers is amended at the beginning of subparagraph 3 of the first paragraph of section 1 by inserting the words “confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate, or”.

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

2622

Gouvernement du Québec

O.C. 1432-98, 27 November 1998

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Partition and assignment of benefits accrued — Federal employees — Amendment

Amendment to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec

WHEREAS under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), as amended by section 27 of Chapter 71 of the Statutes of 1997, employees of the federal government who transfer to an employment that is pensionable employment under that plan within the framework of an agreement between the government of Canada and the gouvernement du Québec may elect, in accordance with the rules and conditions fixed by the Government, to become members of that plan or of a pension plan established by the Government in respect of those employees or of each group of employees affected by such an agreement and similar to the plan to which they formerly belonged;

WHEREAS by Order in Council 430-93 dated 31 March 1993, the Government made the Pension plan for federal employees transferred to employment with the gouvernement du Québec;

WHEREAS under section 10.2 of that Act, the Government may, for the purposes of partition of the family patrimony, render wholly or partly applicable to the plan established pursuant to section 10.0.1 of that Act the rules, adapted as required, prescribed in Chapter VII.1 of Title I of that Act or enacted by it under the provisions of that Chapter;

WHEREAS the Government made Order in Council 1193-95 dated 6 September 1995 respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec;

WHEREAS section 122.1 of that Act was amended by section 34 of Chapter 70 of the Statutes of Québec of 1995 in order to provide that an employee or former employee and his spouse are also entitled to obtain a statement, upon application to the Commission administrative des régimes de retraite et d'assurances and according to the terms and conditions prescribed by regulation, for the purposes of mediation conducted prior to proceedings in family matters;

WHEREAS it is expedient to amend the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec in order to provide for the conditions for obtaining a statement for the purposes of mediation conducted prior to proceedings in family matters;

WHEREAS the Comité de retraite established within the Commission administrative des régimes de retraite et d'assurances has been consulted;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were made;

WHEREAS it is expedient to make that Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendment to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE

Amendment to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec(*)

1. The Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec is amended by inserting “confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate, or” at the beginning of subparagraph 3 of the first paragraph of section 1 of the Schedule.

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

2623

* The Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec was made by Order in Council 1193-95 dated 6 September 1995 (1995, *G.O.* 2, 2827).

Draft Regulations

Draft Regulation

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

Environmental impact assessment and review — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting environmental impact assessment and review, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to exempt the projects or programmes for aerial spraying of the biopesticide *Bacillus thuringiensis* subsp. *kurstaki* (B.t.k.) from the environmental impact assessment and review procedure provided for in Division IV.1 of the Environment Quality Act.

Study of the matter has shown no particular impact on small and medium-sized businesses; it shows however the following impact on the bodies that carry out aerial spraying.

For all intents and purposes, only the Société de protection des forêts contre les insectes et les maladies (SOPFIM) carries out such projects under the spruce budworm management programme. The projects will be subject to the authorization scheme provided for in section 22 of the Environment Quality Act whereas they are currently subject to the authorization scheme provided for in Division IV.1. The change of scheme will represent a noticeable saving since the last impact assessment statement prepared by SOPFIM under the 1996-2000 spraying programme cost \$1.5 million. The change of procedure will also shorten the time period for obtaining authorization.

Even though the public would no longer be able to request that public hearings be held, it is necessary to point out that, under the spruce budworm management programme, three public hearings have been held since 1982, as well as a general hearing on the Stratégie de protection des forêts. The hearings resulted in the elaboration of a very strict supervision program for the use of insecticides in forests.

Further information may be obtained by contacting Mr. Louis Germain, Direction de l'évaluation environnementale des projets en milieu terrestre, Ministère de l'Environnement et de la Faune, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6^e étage, boîte 81, Québec (Québec) G1R 5V7; tel. (418) 521-3900, ext. 4569; fax: (418) 644-8222; e-mail: louis.germain@mef.qc.ca.

Any person having comments to make on the draft Regulation to amend the Regulation respecting environmental impact assessment and review is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

PAUL BÉGIN,
*Minister of the Environment
and Wildlife*

Regulation to amend the Regulation respecting environmental impact assess- ment and review(*)

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.9, 1st par., subpar. a)

1. The Regulation respecting environmental impact assessment and review is amended by inserting the words “spraying of the biological insecticide *Bacillus thuringiensis* subsp. *kurstaki* and” after the word “except for” in subparagraph *q* of the first paragraph of section 2.

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

2617

* The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r. 9) was last amended by the Regulation made by Order in Council 1514-97 dated 26 November 1997 (1997, *G.O.* 2, 5804). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

Draft Regulation

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

Compensations in lieu of taxes — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting compensations in lieu of taxes, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make adjustments to the Regulation respecting compensations in lieu of taxes in order to simplify the management of the program of compensations in lieu of taxes and to solve an interpretation problem, that is, whether or not to exclude certain immovables from the compensation program.

To that end, the draft Regulation proposes, for the purposes of the computation and payment of a compensation payable for any fiscal year as of the 1999 fiscal year, to reduce the number of payments that the Government must make where the amount of the required compensation is equal to or greater than \$3 000 and to provide that the structures forming part of the road network and intended to lodge persons, shelter animals or store things are not excluded from the compensation payment scheme.

To date, study of the matter has shown no impact on citizens and businesses.

Further information may be obtained by contacting Élène Delisle, 20, rue Pierre-Olivier-Chauveau, 2^e étage, Québec (Québec) G1R 4J3; tel. (418) 691-2030; fax: (418) 643-3455.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, rue Pierre-Olivier-Chauveau, 3^e étage, Québec (Québec) G1R 4J3.

RÉMY TRUDEL,
Minister of Municipal Affairs

Regulation to amend the Regulation respecting compensations in lieu of taxes^(*)

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 2; 1997, c. 43, s. 292)

1. The Regulation respecting compensations in lieu of taxes is amended by adding “to the exclusion of structures intended to lodge persons, shelter animals or store things and their bed” after the word “network” in subparagraph 1 of the first paragraph of section 1.

2. Section 9 is amended

(1) by substituting the following for the first and second paragraphs:

“**9.** The Minister of Municipal Affairs shall pay to the municipality 90 % of the amount for which it has applied based on its provisional aggregate taxation rate established in accordance with section 10, for the fiscal period for which the compensation is payable.

The payment shall be made

(1) where the amount of the demand is less than \$3 000, not later than 31 May of the fiscal period or, where the demand is received after 2 March of that fiscal period, within 90 days following its receipt;

(2) where the amount of the demand is equal to or greater than \$3 000, not later than 10 June of the fiscal period or, where the demand is received after 2 March of that fiscal period, within 100 days following its receipt.”;

(2) by substituting the words “the second paragraph” for the words “the first and second paragraphs” in the third paragraph.

3. Section 11 is revoked.

4. Section 12 is amended by striking out “and, where applicable, section 11” in the second paragraph.

5. Section 14 is amended

* The Regulation respecting compensations in lieu of taxes, made by Order in Council 1086-92 dated 22 July 1992 (1992, *G.O.* 2, 4058), was last amended by the Regulation made by Order in Council 82-98 dated 28 January 1998 (1998, *G.O.* 2, 1105). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

(1) by substituting the following for the first and second paragraphs:

“**14.** The competent person under section 6 shall pay to the municipality the amount for which it has applied.

The payment shall be made

(1) where the amount of the demand is less than \$3 000, not later than 31 May of the fiscal period for which the compensation is payable or, where the demand is received after 2 March of that fiscal period, within 90 days following its receipt;

(2) where the amount of the demand is equal to or greater than \$3 000, not later than 10 June of the fiscal period for which the compensation is payable or, where the demand is received after 2 March of that fiscal period, within 100 days following its receipt.”;

(2) by substituting the words “the second paragraph” for the words “the first and second paragraphs” in the third paragraph.

6. Section 15 is revoked.

7. Section 22 is amended by substituting “in section 12” for “in sections 12 and 15” in subparagraph 3 of the second paragraph.

8. Sections 1 to 7 have effect for the purposes of the computation and payment of an amount payable for any fiscal period as of the 1999 fiscal period.

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

Municipal Affairs

Gouvernement du Québec

O.C. 1435-98, 27 November 1998

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of Ville de Saint-Tite and Paroisse de Saint-Tite

WHEREAS each of the municipal councils of Ville de Saint-Tite and Paroisse de Saint-Tite adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objection was sent to the Minister of Municipal Affairs and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, amended by section 133 of Chapter 93 of the Statutes of 1997, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Saint-Tite and Paroisse de Saint-Tite, on the following conditions:

1. The name of the new town is "Ville de Saint-Tite".
2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 28 August 1998; that description is attached as a Schedule to this Order in Council.
3. The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).
4. The Act respecting Ville de Saint-Tite (1995, c. 77) applies to the new town.

5. The new town is part of the Municipalité régionale de comté de Mékinac.

6. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The mayors of the former Ville de Saint-Tite and the former Paroisse de Saint-Tite will alternate as mayor and deputy mayor every month. The mayor of the former Paroisse de Saint-Tite will act as mayor of the new town for the first calendar month.

For the term of the provisional council, the mayors of the former municipalities shall keep the qualities required to act within the provisional council of the Municipalité régionale de comté de Mékinac.

For the term of the provisional council, the members of the council shall receive the same remuneration as they were receiving before the coming into force of this Order in Council.

7. The first sitting of the provisional council shall be held at the town hall of the former municipalities, at number 540, rue Notre-Dame, located on the territory of the former Ville de Saint-Tite.

8. The first general election shall be held on the first Sunday of October 1999. The second general election shall be held in 2003.

9. For the first general election, and until the council decides otherwise, the council of the new town shall be composed of seven members, that is a mayor and six councillors.

For that election, the only persons eligible for seats 1, 2 and 3 are the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Ville de Saint-Tite and the only persons eligible for seats 4, 5 and 6 are the persons who would be eligible under that Act if such election were an election of the members of the council of the former Paroisse de Saint-Tite.

Only qualified voters entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Ville de Saint-Tite shall take part in

the election of the members of the council for seats 1, 2 and 3 and only qualified voters entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Paroisse de Saint-Tite shall take part in the election of the members of the council for seats 4, 5 and 6.

10. Mr. Pierre Massicotte, secretary-treasurer of the former Ville de Saint-Tite, shall act as first secretary-treasurer of the new town. Ms. Alyne Trépanier, secretary-treasurer of the former Paroisse de Saint-Tite, shall act as deputy secretary-treasurer of the new town.

11. Any budgets adopted by each of the former municipalities for the fiscal year in which this Order in Council comes into force, shall continue to be applied by the council of the new town. The expenditures and revenues must be accounted for separately as if those former municipalities continued to exist.

Notwithstanding the foregoing, the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation shall constitute a reserve to be paid into the general fund of the new town for the first year for which it does not apply separate budgets.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. At the end of the last fiscal year for which the new town applied separate budgets, an amount of \$200 000 shall be paid into the general fund of the new town from the surplus accumulated on behalf of each of the former municipalities, as follows:

— 51.12 % from the surplus accumulated on behalf of the former Ville de Saint-Tite, that is, an amount of \$102 240;

— 48.88 % from the surplus accumulated on behalf of the former Paroisse de Saint-Tite, that is, an amount of \$97 760.

Any balance or surplus accumulated on behalf of each of the former municipalities shall be used for the benefit of the ratepayers of the former municipality which accumulated it; it shall be used for capital expenditures in the sector made up of the territory of that former municipality.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted separate budgets will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the working fund of the former Ville de Saint-Tite shall be abolished. The amount of the fund that is not committed on that date, interests included, shall be added to the surplus accumulated on behalf of that former municipality and dealt with as such.

16. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the repayment in principal and interest of loans made under By-laws 655-96 and A-89 by the former Ville de Saint-Tite respecting water treatment, the waterworks system and the cost for maintaining the waterworks system and sewer network shall be charged to all the users served by the waterworks system and sewer network of the new town.

The new town shall impose a special tax or fees accordingly.

17. At the end of the last fiscal year for which the municipalities adopted separate budgets, the repayments in principal and interest for loans made under By-laws 550-91 and 537-90 by the former Ville de Saint-Tite respecting the roof of the arena and the municipal garage shall be charged to all taxable immovables of the new town on the base of their value as it appears on the assessment roll in force each year.

The taxation clauses provided for in the By-laws shall be amended accordingly.

18. A municipal housing bureau is incorporated under the name "Office municipal d'habitation de la Ville de Saint-Tite".

That municipal bureau shall succeed to the former Office municipal d'habitation de Ville de Saint-Tite, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau of the new municipality as if it had been incorporated by letters patent under section 57 of that Act.

19. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sec-

tions 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

20. The new town shall inherit the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are consistent with this Order in Council.

21. Any debt or gain that may result from legal proceedings for an act performed by one former municipality shall be charged or credited to all the taxable immovables of that former municipality.

22. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS
OF THE TERRITORY OF THE NEW VILLE
DE SAINT-TITE, IN THE MUNICIPALITÉ
RÉGIONALE DE COMTÉ DE MÉKINAC

The current territory of Paroisse de Saint-Tite and Ville de Saint-Tite, in the Municipalité régionale de comté de Mékinac, comprising, in reference to the original and revised cadastres of the parishes of Saint-Tite and Saint-Stanislas, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way (not shown in the original cadastre of Paroisse de Saint-Tite), lakes, islands, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the dividing line between the cadastres

of Paroisse de Saint-Tite and Saint-Jacques-des-Piles with the southwestern line of the cadastre of Paroisse de Sainte-Thècle; thence, successively, the following lines and demarcations: successively, southeasterly, north-easterly and southeasterly, the broken dividing line between the cadastres of the parishes of Saint-Tite and Sainte-Thècle, that line crossing secondary roads, Rivière des Envies, À la Peinture and Bourdais lakes, Route 153 and watercourses that it meets; northeasterly, part of the dividing line between the cadastres of the parishes of Saint-Stanislas and Sainte-Thècle to the dividing line between lots 351-128 and 351-127 of the cadastre of Paroisse de Saint-Stanislas, that line crossing the railway (lot 255 of the cadastre of Paroisse de Sainte-Thècle); in reference to the cadastre of Paroisse de Saint-Stanislas, southeasterly, the said dividing line between lots, that line crossing a secondary road that it meets; southwesterly, the southeastern line of lots 351-128 to 351-131; southeasterly, the dividing line between lots 351-181, 351-180, 351-179 and 351-178 of lot 351-63; southwesterly, the dividing line between lots 351-178 and 351-177, that line crossing a secondary road that it meets; southeasterly, part of the dividing line between the cadastres of the parishes of Saint-Tite and Saint-Stanislas to the apex of the eastern angle of lot 13 of the cadastre of Paroisse de Saint-Tite, that line crossing a secondary road and watercourses that it meets; in reference to that cadastre, successively, southwesterly, the southeastern line of lot 13 extended across Route Saint-Pierre, then the southeastern line of lot 59; successively, northwesterly and westerly, the northeastern and northern lines of lot 135; northwesterly, the northeastern line of lot 139; southwesterly, successively, the northwestern line of lot 139, the northwest side of the right-of-way of Route 159, then the northwest side of the right-of-way of Route Bordeleau extended to the right bank of Rivière des Envies; in a general northwesterly direction, the right bank of the said river along its meanders to its meeting point with the dividing line between lots 485 and 486; southwesterly, the said dividing line between lots extended across a secondary road that it meets; northwesterly, successively, the southwestern line of lots 485, 484, 483, 481, 479, 478, 477, then the northeastern line of lots 560 and 561, that latter segment crossing a railway (lot 2072 of the revised cadastre of Paroisse de Saint-Tite) and extended across Route 153 that it meets; southwesterly, part of the southeastern line of lot 430 and the southeastern line of lots 429 to 424 in declining order; northwesterly, successively, the southwestern line of lot 424 crossing an unnamed lake, then the southwestern line of lot 409 crossing a secondary road that it meets; northeasterly, the northwestern line of lots 409 to 398 in declining order, that line extended across Rivière Mékinac du Nord and crossing Route 159 that it meets; northwesterly, part of the southwestern line of lot 397 to the apex of the western angle of the

said lot; finally, northeasterly, successively, the southeastern line of lot 691 and the dividing line between the cadastres of the parishes of Saint-Tite and Saint-Jacques-des-Piles to the starting point, that line crossing watercourses that it meets; the said limits describe the territory of the new Ville de Saint-Tite.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 28 August 1998

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

T-103/1

2624

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
Compensations in lieu of taxes (An Act respecting municipal taxation, R.S.Q., c. F-2.1)	4788	Draft
Court of Justice Act — Partition and assignment of benefits accrued — Judges of the Court of Québec (R.S.Q., c. T-16)	4782	M
Environmental impact assessment and review (Environmental Quality Act, R.S.Q., c. Q-2)	4787	Draft
Environmental Quality Act — Environmental impact assessment and review . . . (R.S.Q., c. Q-2)	4787	Draft
Government and Public Employees Retirement Plan, An Act respecting... — Partition and assignment of benefits accrued — Government and Public Employees (R.S.Q., c. R-10)	4779	M
Government and Public Employees Retirement Plan, An Act respecting... — Partition and assignment of benefits accrued — Federal employees (R.S.Q., c. R-10)	4784	M
Municipal taxation, An Act respecting ... — Compensations in lieu of taxes . . . (R.S.Q., c. F-2.1)	4788	Draft
Municipal territorial organization, An Act respecting... — Saint-Tite, Ville and Paroisse de... — Amalgamation (R.S.Q., C. O-9)	4791	
Partition and assignment of benefits accrued — Certain teachers (An Act respecting the Pension Plan of Certain Teachers, R.S.Q., c. R-9.1)	4781	M
Partition and assignment of benefits accrued — Elected Municipal Officers . . . (An Act respecting the Pension Plan of Elected and Municipal officers, R.S.Q., c. R-9.3)	4783	M
Partition and assignment of benefits accrued — Federal employees (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	4784	M
Partition and assignment of benefits accrued — Government and Public Employees (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	4779	M
Partition and assignment of benefits accrued — Judges of the Court of Québec . . . (Court of Justice Act, R.S.Q., c. T-16)	4782	M
Pension Plan of Certain Teachers, An Act respecting... — Partition and assignment of benefits accrued — Certain teachers (R.S.Q., c. R-9.1)	4781	M
Pension Plan of Elected and Municipal officers, An Act respecting... — Partition and assignment of benefits accrued — Elected Municipal Officers (R.S.Q., c. R-9.3)	4783	M
Saint-Tite, Ville and Paroisse de... — Amalgamation (An Act respecting municipal territorial organization, R.S.Q., C. O-9)	4791	

