NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 124

(2000, chapter 27)

An Act to amend the Act respecting municipal territorial organization and other legislative provisions

Introduced 11 May 2000
Passage in principle 15 June 2000
Passage 15 June 2000
Assented to 16 June 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

The bill provides for various measures to foster, in particular, the amalgamation of territories of local municipalities.

The Minister of Municipal Affairs and Greater Montréal is empowered to require, where authorized to do so by the Government, that certain local municipalities file with the Minister a joint application for amalgamation within the time prescribed. The bill provides that the Minister may appoint a conciliator to assist the municipalities in fulfilling that obligation. It also provides that if the Minister does not receive any application within the prescribed time, the Minister may request the appointed conciliator or, if there is none, the conciliator appointed by the Minister, to make a report on the situation.

The bill provides that the Minister may have the Commission municipale du Québec carry out an opportunity study in respect of amalgamations of municipal territories. The intervention of the Commission may be requested as well by local municipalities whose number and aggregate population are greater than half of the number and aggregate population of the local municipalities affected by the amalgamation. The bill indicates that the Commission must file a report in which it makes a recommendation concerning the amalgamation that was studied or another amalgamation involving the territory of one or more local municipalities in respect of which the request was made. The bill specifies, however, that the Commission may make a favourable recommendation in relation to an amalgamation only if it has held a public hearing on the amalgamation.

The Government is authorized to order, following the filing of the report of the conciliator or of the Commission containing the recommendation, the constitution of a local municipality resulting from the amalgamation of the territories of the local municipalities covered in the report. The bill provides that the Government may, before ordering the constitution of such a municipality, create a transition committee that is, among other things, to reach an agreement with all the certified associations representing the employees of the local municipalities referred to in the report on the procedure for the reassignment of the employees as members of the personnel of the local municipality to be constituted. The bill provides

for the appointment of a mediator-arbitrator entrusted with settling any disagreement between the committee and the associations. The committee may also propose any other measure for the purposes of the transition, including reassignment procedures to apply to the other employees of the local municipalities referred to in the report.

The bill specifies that as of the date of publication in the Gazette officielle du Québec *of an order constituting the new municipality or creating the transition committee, a local municipality referred to in the report may not, except with the authorization of the Minister of Municipal Affairs and Greater Montréal, increase the expenditures relating to the remuneration and employee benefits of any of its employees or hire new employees, unless the increase or hiring results from the application of a clause in a collective agreement or contract of employment in force on that date.*

The bill includes provisions to ensure expeditious determination of bargaining units and certified associations and to facilitate the resolution of difficulties arising from the simultaneous application of conditions of employment that differ for groups of employees of local municipalities that ceased to exist on amalgamation or total annexation. It also establishes rules to facilitate the negotiation and signing of first collective labour agreements in the municipalities concerned.

The Minister of Municipal Affairs and Greater Montréal is authorized by the bill to request the Commission municipale du Québec to carry out a study for the purpose of determining the local or supralocal nature of equipment, an infrastructure, service or activity, the municipal body that is to be responsible for managing the equipment, infrastructure, service or activity, and how the related revenues and expenditures are to be shared. The Minister may, following the report of the Commission, request that the municipal bodies concerned enter into an agreement in relation to the equipment, infrastructure, service or activity. Failing an agreement, the Government may adopt any measure regarding the management and financing of the equipment, infrastructure, service or activity.

The bill requires every regional county municipality to send to the Minister of Municipal Affairs and Greater Montréal, not later than 30 September 2000, a list of the equipment, infrastructures, services and activities that meet certain criteria, along with a document proposing rules as to how they are to be managed and financed.

Lastly, the bill provides for adjustments to the equalization scheme in respect of certain municipalities.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting the Commission municipale (R.S.Q., chapter C-35);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011);

– Act respecting municipal territorial organization (R.S.Q., chapter O-9).

Bill 124

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

1. The Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following division after section 125:

"DIVISION IX

"INITIATIVES OF THE MINISTER OR OF LOCAL MUNICIPALITIES

"§1. — *Object*

"125.1. The object of subdivisions 2 to 4 is the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost.

"§2. — *Time limit for the filing of a joint application*

"125.2. The Minister may, with the authorization of the Government and by means of a writing transmitted by registered or certified mail to certain local municipalities whose territories may be amalgamated, require the municipalities to file with the Minister a joint application for amalgamation, accompanied with any document indicated by the Minister, within the time prescribed by the Minister.

For the purpose of assisting the municipalities in fulfilling the obligation to file such a joint application, the Minister may appoint a conciliator.

The Minister may, upon a request by a municipality or the conciliator, grant an extension to the municipalities.

"125.3. If the joint application with any document required is not received within the time prescribed, the Minister may request the conciliator appointed under section 125.2, or if there is no such conciliator, the conciliator the Minister appoints, to make a report to the Minister on the situation.

"§3. — *Study by the Commission municipale du Québec*

"125.4. This subdivision does not apply in respect of the local municipalities whose territory is situated in any of the census metropolitan areas of Montréal, Québec and the Outaouais defined by Statistics Canada.

"125.5. The Minister may request the Commission municipale du Québec to carry out a study into the advantages and disadvantages of amalgamation as regards certain local municipalities whose territories may be amalgamated.

Such a request may also be made by local municipalities if their number and aggregate population are greater than half of the number and aggregate population of the local municipalities concerned.

The Commission shall transmit a copy of the request to every local municipality concerned, to every regional county municipality in which the territory of such a local municipality is situated and, where the request is made by local municipalities, to the Minister.

"125.6. Before commencing its study, the Commission shall publish a notice in a daily newspaper circulated in the territory of the local municipalities concerned stating

(1) that a request has been made and identifying the local municipalities concerned;

(2) the right provided for in section 125.7;

(3) the place to which the opinion referred to in section 125.7 must be sent.

"125.7. Any interested person may, within 30 days after publication of the notice, submit in writing to the Commission an opinion on the amalgamation in respect of which the request has been made or on any other amalgamation that concerns the territory of one or more local municipalities to which the request pertains.

"125.8. The Commission may hold a public hearing on the amalgamation in respect of which the request has been made or on any other amalgamation that concerns the territory of one or more local municipalities to which the request pertains.

"125.9. The Commission shall make a report to the Government containing a recommendation, with reasons, in relation to the amalgamation in respect of which the request has been made.

The Commission may also make a subsidiary recommendation, with reasons, in relation to any other amalgamation that concerns the territory of one or more local municipalities to which the request pertains.

The Commission may make a positive recommendation in relation to an amalgamation only if it has held a public hearing on the amalgamation.

The Commission shall transmit its report to the Minister.

"§4. — *Effects of initiatives on the local municipalities*

"125.10. Section 111 applies to any local municipality that receives the writing transmitted pursuant to section 125.2 or that is mentioned in the notice published pursuant to section 125.6, as of the day of receipt of the writing or of publication of the notice, as if the local municipality were a party to a joint application for amalgamation the text of which is published on that day.

However, where the text of a joint application for amalgamation to which the local municipality is a party is published before or after the day referred to in the first paragraph, the day to be considered for the purposes of the application of section 111 is the day of publication of the text.

"125.11. Subject to sections 125.12 to 125.25, the Government may, after the report of the conciliator or of the Commission containing a recommendation for amalgamation has been made, order the constitution of a local municipality resulting from the amalgamation of the territories of the local municipalities referred to in the report, as if the municipalities had filed a joint application for amalgamation, and sections 113 to 125 shall apply.

"125.12. The Government may, before exercising the power provided for in section 125.11, order the creation of a transition committee consisting of the mayors and main public servants of the local municipalities referred to in the report and any other person it designates.

"125.13. Where employees of a local municipality referred to in the report are represented by a certified association within the meaning of the Labour Code (chapter C-27), the transition committee must, within the time prescribed by the Minister of Municipal Affairs and Greater Montréal, agree with that certified association or, if the employees are represented by two or more such associations, with all of them on the procedure for the reassignment of the employees as members of the personnel of the local municipality to be constituted, as well as on the rights of and remedies available to any employee who believes he or she has been wronged by the application of that procedure.

In addition, parties may agree on conditions of employment incidental to the reassignment of employees.

The Minister may, at the request of the committee or a certified association, grant an extension.

The reassignment procedure applicable to employees is set out in provisions concerning the application of the assignment process provided for in the applicable conditions of employment or, failing such a process, that allow employees to be assigned a position and a place of work.

"125.14. The committee may propose any other transitional measure.

The committee may, in particular, propose

(1) a reassignment procedure applicable to the public servants and employees of the local municipalities referred to in the report that are not represented by a certified association, and the rights of and remedies available to an employee who believes he or she has been wronged by the application of that procedure;

(2) rules governing the organization of administrative units that specify, in particular, who should exercise the functions that are mandatory according to law;

(3) a budget for the first fiscal year of the local municipality to be constituted.

"125.15. If no agreement is reached within the prescribed time on all of the questions referred to in section 125.13, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour.

"125.16. The Minister of Labour shall refer the disagreement to a mediator-arbitrator, specify a time within which the disagreement is to be settled and notify the parties.

"125.17. The mediator-arbitrator shall, before proceeding with arbitration, attempt to bring the parties to an agreement on the questions referred to in section 125.13 in respect of which no agreement has been reached.

The mediator-arbitrator shall proceed with arbitration on the questions in respect of which no agreement has been reached before or during the mediation where, in the opinion of the mediator-arbitrator, there is no likelihood of the parties reaching agreement within a reasonable time. In such case, the mediator-arbitrator shall so inform the parties and the Minister.

"125.18. Subject to sections 125.16, 125.17, 125.19 and 125.21 to 125.23 of this Act, sections 76 and 77, the first paragraph of sections 79 and 80, sections 81 to 89, 91, 91.1, 93, 139 and 140 of the Labour Code (chapter C-27) apply to the arbitration, with the necessary modifications.

"125.19. The mediator-arbitrator shall proceed with arbitration upon examination of the record. The mediator-arbitrator may, if he or she considers it necessary, hold arbitration hearings.

"125.20. The parties may at all times agree on any of the questions on which there has been disagreement. The agreement shall be recorded in the arbitration award which may not amend it.

"125.21. The mediator-arbitrator shall determine the reassignment procedure and the rights of and remedies available to an employee who believes he or she has been wronged by the application of that procedure.

In addition, the mediator-arbitrator may decide on any condition of employment that the mediator-arbitrator believes is incidental to an employee's reassignment.

The award may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on the date of coming into force of the order made under section 125.12, or increase the staff.

"125.22. The award must be rendered by the mediator-arbitrator within the time prescribed by the Minister of Labour.

If the Minister considers that exceptional circumstances justify it, the Minister may, at the request of the mediator-arbitrator, grant an extension determined by the Minister.

"125.23. The arbitration award is binding on the associations that have been certified to represent the employees of the local municipalities referred to in the report, the committee, the local municipalities referred to in the report and the local municipality to be constituted.

If a collective agreement is in force, the award operates to amend the agreement. If the renewal of the collective agreement is being negotiated, the provisions of the award are, as of the date on which the award takes effect, deemed to form part of the last collective agreement. If a first collective agreement is being negotiated, the provisions of the award amend the applicable conditions of employment.

"125.24. The committee shall make a report on its proposed measures to the Government.

The committee must transmit its report to the Minister of Municipal Affairs and Greater Montréal within the time prescribed by the Minister.

If an award referred to in section 125.22 has been rendered, it must be appended to the report.

The Minister may, at the request of the committee, grant an extension.

"125.25. If a committee has been created, the order made under section 125.11 must take into account the committee's report and any arbitration award appended thereto.

"125.26. As of the date of publication in the *Gazette officielle du Québec* of the order made under section 125.11 or 125.12, a local municipality referred to in the report of the conciliator or the Commission may not, except with the authorization of the Minister of Municipal Affairs and Greater Montréal, increase the expenditures relating to the remuneration and employee benefits of any of its employees or hire new employees unless the increase or hiring results from the application of a clause of a collective agreement or contract of employment in force on that date.

The first paragraph also applies to a local municipality resulting from the amalgamation of the territories of the municipalities referred to in the first paragraph, until a majority of the council members elected at the first general election take office."

2. The said Act is amended by inserting the following section after section 173:

"173.1. The officers and employees of a municipality whose territory is annexed in its entirety shall become, without salary reduction, officers and employees of the annexing municipality and shall retain their seniority and employee benefits.

No officer or employee may be laid off or dismissed by reason of the annexation."

3. The said Act is amended by inserting the following chapter after section 176:

"CHAPTER V.1

"EFFECTS OF AMALGAMATION OR TOTAL ANNEXATION ON LABOUR RELATIONS

"176.1. The purpose of this chapter is to ensure, in applying the Labour Code (chapter C-27), expeditious determination of bargaining units and certified associations following an amalgamation, to facilitate the resolution of difficulties arising, in particular, from the simultaneous application of conditions of employment that differ for the groups of employees of municipalities that ceased to exist on the amalgamation and to establish general rules concerning the negotiations and arbitration of disputes relating to the making of the first collective agreements to which the municipality resulting from the amalgamation is a party.

The provisions of the Labour Code apply with the necessary modifications to the extent that the provisions are not inconsistent with the provisions of this chapter.

A labour commissioner to whom a petition addressed to the labour commissioner general is referred and an arbitrator responsible for determining

the content of a first collective agreement may, for the purposes of the decision or award they are to render, rule on any question arising from the application of the second paragraph.

"176.2. A comprehensive agreement on the description of the bargaining units may be made by the municipality resulting from the amalgamation, the associations certified in respect of the employees of the municipalities that ceased to exist on the amalgamation and, where applicable, any association of employees having presented, within the time applicable under any of paragraphs *c* to *e* of section 22 of the Labour Code (chapter C-27) and in respect of a group of employees of a municipality that ceased to exist on the amalgamation, an application for certification that is pending on the date of the coming into force of the order relating to the amalgamation.

No such agreement shall operate to include firefighters in a bargaining unit that is not composed exclusively of firefighters.

"176.3. The associations described in section 176.2 may agree on the designation of one of them to represent a group of employees covered by a bargaining unit described in an agreement made under that section.

"176.4. An agreement made under section 176.2 or 176.3 must be evidenced in writing and a copy of the agreement must be transmitted as soon as possible to the labour commissioner general.

"176.5. The labour commissioner to whom an agreement made under section 176.3 is referred shall certify the association designated in the agreement.

If, however, the agreement concerns a bargaining unit in which at least 40% of the employees were not represented by a certified association on the date of the coming into force of the order, the commissioner must ascertain the representativeness of the designated association by holding a vote by secret ballot before granting certification.

The labour commissioner shall render a decision within 150 days after the date of the coming into force of the order.

"176.6. If no agreement on the description of the bargaining units is made within the 30-day period following the date of the coming into force of the order, the municipality may make an application to the labour commissioner general requesting that a labour commissioner determine the description.

"176.7. An association described in section 176.2 may, within the 30-day period following the expiry of the period provided for in section 176.6, make an application to the labour commissioner general requesting certification in respect of a group of employees of the municipality. However, where an agreement is made under that section, the application is receivable only if the group of employees it covers corresponds to a bargaining unit described in the agreement.

The application must be accompanied by a copy of the decision, if any, granting the certification, before the date of the coming into force of the order, to the association in respect of all or part of the group of employees covered by the association's request, or by the application for certification previously made for that purpose by the association before that date.

"176.8. Where the labour commissioner general considers it appropriate to do so, the labour commissioner general may at any time designate a person and request that person to attempt to bring the municipality and the associations concerned to agree on the description of the bargaining units and the associations concerned to agree on the designation of an association to represent a group of employees covered by a bargaining unit.

"176.9. The labour commissioner to whom an application made to the labour commissioner general is referred pursuant to section 176.6 or 176.7 shall render a decision within 150 days from the date of the coming into force of the order.

The labour commissioner's decision may, in particular, address a matter relating to the inclusion of persons in or the exclusion of persons from a bargaining unit.

Before rendering a decision, the labour commissioner shall allow the interested parties to make representations in the manner the labour commissioner considers appropriate. The labour commissioner is not bound to call the parties to a hearing.

The municipality and the association of employees having presented an application for certification in respect of the group of employees covered by a bargaining unit are the interested parties in relation to any matter concerning the description of the bargaining unit or the persons it covers.

In rendering a decision, the labour commissioner is bound by any agreement under section 176.2. Subject to the first paragraph of section 176.5, the labour commissioner must, however, ascertain the representativeness of the association or associations having presented an application, by holding a vote by secret ballot.

The labour commissioner general may, having regard to the circumstances and the interests of the parties, extend the time period provided for in the first paragraph.

"176.10. As of the date of the coming into force of the order,

(1) the following are terminated:

(*a*) any procedure to obtain certification in respect of a group of employees of a municipality that ceased to exist on amalgamation;

(*b*) any dispute arbitration and any negotiation to make, renew or review a collective agreement involving a municipality that ceased to exist on amalgamation;

(2) the conditions of employment of the employees concerned by the procedure, arbitration or negotiation are the conditions of employment maintained pursuant to section 59 of the Labour Code (chapter C-27); and

(3) the application of section 22 of the Code is, subject to section 176.7 of this Act, suspended as regards every group of employees of the municipality.

In the case of paragraph *a* of section 22, the suspension terminates 60 days after the date of the coming into force of the order; in the case of the other provisions of section 22, the suspension terminates nine months after the first anniversary of that date.

"176.11. Where an interested party makes a motion to the labour commissioner general seeking a ruling on a question or the settlement of a difficulty referred to in section 46 of the Labour Code (chapter C-27) arising out of the simultaneous application of conditions of employment that differ for the groups of employees of municipalities that ceased to exist on amalgamation, the labour commissioner general must give priority to the matter.

The labour commissioner to whom the matter is referred may make a ruling on the question or settle the difficulty in the manner the labour commissioner considers most appropriate. The decision of the labour commissioner cannot be appealed.

"176.12. As of the date of the coming into force of the order, the exercise by the employees of the municipality of their right to strike is suspended until the 90th day following the first anniversary of that date.

"176.13. Every collective agreement binding upon a municipality that ceased to exist on amalgamation expires on the date provided for its expiry or on the date of the first anniversary of the coming into force of the order, whichever is earlier.

Where a collective agreement expires on the latter date, the only conditions of employment to be maintained pursuant to section 59 of the Labour Code (chapter C-27) are the conditions of employment in force on that date.

"176.14. Unless the parties agree to start negotiations to make a new collective agreement on an earlier date, the notice provided for in section 52 of the Labour Code (chapter C-27) may not be given before the date of the first anniversary of the coming into force of the order and section 52.2 of the Code shall not apply in its respect.

Such an agreement must be evidenced in writing and a copy of the agreement must be transmitted as soon as possible to the Minister of Labour.

"176.15. At any time after a conciliator has intervened, a party to the negotiations to make a first collective agreement in respect of a group of employees of the municipality may request the Minister of Labour in writing to refer the dispute to an arbitrator. A copy of the request must be forwarded at the same time to the other party.

In such a case, the Minister may, where the Minister is of the opinion that the conciliator's intervention has been unsuccessful, appoint a mediator from a list specially drawn up by the Minister for the purposes of this chapter.

"176.16. The mediator has 45 days to attempt to bring the parties to an agreement. The Minister may, only once and at the request of the mediator, extend the period of mediation by not more than 15 days.

"176.17. If there is no agreement at the expiry of the period of mediation, the mediator shall give the parties a report specifying the matters on which there has been agreement and the matters which are still in dispute. The mediator may, where considered appropriate by the mediator, make a recommendation to the parties with a view to settling the dispute. The mediator shall also submit a copy of the report to the Minister with comments and a recommendation as to the arbitration of the dispute.

Where the mediator has made a recommendation to the parties, the recommendation must be submitted to the municipality for approval and be submitted to the group of employees concerned for a secret ballot to be held in accordance with the provisions of Division II of Chapter II of the Labour Code (chapter C-27).

The municipality must inform the Minister of its decision and the certified association must inform the Minister of the result of the vote.

"176.18. Where, in the opinion of the Minister, there is no likelihood of the parties reaching agreement on a collective agreement within a reasonable time, the Minister may request the mediator to arbitrate the dispute. The Minister shall so inform the parties.

"176.19. Section 76, the first paragraph of section 80, sections 81 to 93, 93.5 and 93.7 of the Labour Code (chapter C-27) and sections 176.20 and 176.21 of this Act apply to the arbitration.

Notwithstanding section 92 of the said Code, the award of the arbitrator shall bind the parties for a period of not more than three years.

"176.20. In making an award, the arbitrator must take into consideration, on the basis of the evidence collected at the inquiry, the conditions of employment of the other employees of the municipality, the conditions of employment prevailing in similar municipalities or in similar circumstances, the situation in Québec and the wage and economic prospects for Québec.

No arbitration award shall operate to guarantee a minimum workforce for a group of employees that did not have such a guarantee, to increase the minimum workforce guaranteed for a group of employees that had such a guarantee or to increase the workforce formed by the employees covered by the bargaining unit.

If, for the purposes of the award, the arbitrator harmonizes different conditions of employment applied to the employees covered by the award, the harmonization alone shall not operate to increase the total of the municipality's annual expenditures related, in respect of those employees, to remuneration and to employee benefits of the following nature:

(1) wages, bonuses, allowances and income replacement indemnities;

(2) contributions of the municipality, as an employer, to pension plans and group insurance plans and to public plans such as health insurance, employment insurance and the Québec Pension Plan;

(3) contributions paid to the Commission de la santé et de la sécurité du travail and to the Commission des normes du travail;

(4) other employee benefits such as redemption of sick-leave days, vacation bonuses, moving costs, and free room and board.

"176.21. Where the arbitration award contains a provision relating to a pension plan, the arbitrator shall forward a copy to the administrator of the plan and to the Régie des rentes du Québec.

"176.22. Sections 176.15 to 176.19 do not apply to a dispute relating to the negotiation to make a first collective agreement for a group of employees made up of police officers or firefighters.

The settlement of such a dispute is governed by sections 94 to 99.4 and 99.7 to 99.9 of the Labour Code (chapter C-27) and by sections 176.20 and 176.21 of this Act.

"176.23. The provisions of this chapter apply, with the necessary modifications, in the case of a total annexation.

"176.24. The provisions of this chapter apply in the case of an amalgamation or a total annexation that comes into force between 16 June 2000 and 16 June 2004."

4. Section 289 of the said Act, amended by section 13 of chapter 43 of the statutes of 1999, is again amended by inserting "except the provisions of Chapter V.1 of Title II, which are under the administration of the Minister of Labour" after "Act" in the second line.

ACT RESPECTING THE COMMISSION MUNICIPALE

5. Section 6 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 65 of chapter 40 of the statutes of 1999, is again amended by replacing "the members" in the first line of the second paragraph by "each member".

6. Section 7 of the said Act is amended by adding "where a matter has been referred to two or more members" after "Commission" in the first paragraph.

7. Section 24.2 of the said Act is amended by replacing "Notwithstanding section 7, arbitration" in the first line of the first paragraph by "Arbitration".

8. The said Act is amended by inserting the following division after section 24.4:

"DIVISION IV.1

"EQUIPMENT OF A SUPRALOCAL NATURE

"24.5. For the purposes of this division, any equipment belonging to a local municipality or to a mandatary of a local municipality and that is at the disposal of the citizens and ratepayers of more than one local municipality, and in respect of which it may be appropriate

(1) that a municipal body other than its owner manage the equipment;

(2) that two or more local municipalities finance the expenditures relating to the equipment; or

(3) that two or more local municipalities share the revenue generated by the equipment,

is of a supralocal nature.

"24.6. Where an application is made to the Minister by a local municipality owning equipment which it believes is of a supralocal nature, the Minister may request the Commission to carry out a study for the purpose of determining, in particular, the local or supralocal nature of the equipment.

An application may be made by a local municipality to the Minister if such equipment is owned by one of its mandataries.

The Minister may, on the Minister's own initiative and if in the Minister's opinion the intervention of the Commission may be useful to settle a dispute over the local or supralocal nature of equipment, the management of supralocal equipment, the financing of expenditures relating to supralocal equipment or the sharing of the revenue generated by such equipment, request the Commission to carry out the study provided for in the first paragraph.

"24.7. Before commencing its study, the Commission shall publish in a daily newspaper circulated in the territory of the local municipality where the equipment is situated, a notice stating

(1) that a request has been made and identifying the equipment concerned;

(2) the right provided for in section 24.8;

(3) the place to which the opinion referred to in section 24.8 must be sent.

"24.8. Any interested person may, within 30 days after publication of the notice, submit in writing to the Commission an opinion on the local or supralocal nature of the equipment in respect of which the request has been made, the management of the equipment, the financing of the expenditures relating to the equipment or the sharing of the revenue generated by the equipment.

"24.9. The Commission may hold a public hearing on the equipment in respect of which the request has been made.

"24.10. The Commission shall report to the Minister on completion of its study.

Where the Commission is of the opinion that the equipment is of a supralocal nature, its report must contain a recommendation stating which municipal body is to be responsible for managing the equipment.

In such a case, the report must determine the local municipalities that are to participate in the financing of the expenditures relating to the equipment or in the sharing of the revenue generated by the equipment, and provide the rules enabling each municipality's share to be established.

"24.11. If the Commission's report states that the equipment is of a supralocal nature, the Minister may request the bodies concerned to enter into an agreement on the management and financing of the equipment and to transmit a copy of the agreement to the Minister within the time the Minister prescribes.

For the purposes of the first paragraph, a body concerned means

(1) the local municipality that owns the equipment or whose mandatary owns the equipment;

(2) the mandatary referred to in subparagraph 1;

(3) any other local municipality determined in the Commission's report as a local municipality that is to participate in the financing of the expenditures relating to the equipment and in the sharing of the revenue generated by the equipment;

(4) any other municipal body determined in the Commission's report as a municipal body that is to be responsible for managing the equipment.

For the purpose of facilitating agreement among the bodies concerned, the Minister may appoint a conciliator.

At the request of a body concerned or of the conciliator, the Minister may grant an extension to enable an agreement to be reached and transmitted to the Minister.

"24.12. If a copy of the agreement is not received within the time prescribed, the Minister may request the conciliator appointed under section 24.11 or, if there is no such conciliator, the conciliator the Minister appoints, to make a report to the Minister on the situation.

"24.13. In the absence of an agreement entered into under section 24.11, the Government may adopt any measure related to the management of the equipment, the financing of the expenditures relating to the equipment and the sharing of the revenue generated by the equipment.

"24.14. The order comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

The order may be revoked without a new study under section 24.6 being carried out in relation to the equipment.

"24.15. The Minister may, if new circumstances justify it, request the Commission to carry out a new study in respect of any equipment determined by the Minister.

"24.16. This division also applies, with the necessary modifications, in respect of an infrastructure, a service or an activity.

If the service is supplied or the activity is carried on in relation to an event, it makes no difference whether the event is organized by the local municipality or by a third person.

"24.17. This division also applies, to the extent provided in the third paragraph, in respect of equipment or an infrastructure that is situated in the territory of a local municipality, is at the disposal of the citizens and ratepayers of more than one such municipality and is referred to in one of the last three paragraphs of section 255 of the Act respecting municipal taxation (chapter F-2.1).

Equipment or an infrastructure that meets those conditions is deemed to be of a supralocal nature.

Only the provisions of this division that concern the determination of supralocal nature and the participation of local municipalities in the financing

of expenditures apply, with the necessary modifications and in particular the modifications provided in the fourth paragraph, in respect of that equipment or that infrastructure.

The compensation for any loss of revenue suffered by a local municipality to which the amount of money provided for in section 254 of the Act respecting municipal taxation is paid in respect of the equipment or infrastructure is deemed to constitute the financing of expenditures relating to the equipment or the infrastructure. The loss of revenue is determined by comparing the amount received by the municipality and the amount it would receive if the rate used to compute the amount were 100% of the aggregate taxation rate of the municipality rather than the percentage mentioned in the applicable paragraph of section 255 of that Act. The municipality is deemed to own the equipment or infrastructure."

ACT RESPECTING MUNICIPAL TAXATION

9. Section 261 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 133 of chapter 40 of the statutes of 1999, is again amended by replacing "every" in the third line by "a".

10. Section 262 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, is again amended by inserting "declare a local municipality ineligible for payments under the scheme provided for in section 261;" after "category;" in the eighth line of paragraph 7.

ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

11. The Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011) is amended by inserting the following section after section 4:

"4.1. Where the Government so requests, the Institut shall also inform the public on the comparative state and evolution of the total remuneration of the employees governed by a collective agreement of the municipalities and on the total remuneration of any other category of persons employed in Québec that it determines."

TRANSITIONAL AND FINAL PROVISIONS

12. On or before 30 September 2000, every regional county municipality shall transmit to the Minister of Municipal Affairs and Greater Montréal a list of the equipment, infrastructures, services and activities that

(1) are, on 1 September 2000, situated, supplied and carried on in its territory;

(2) are, in the opinion of the regional county municipality concerned, of a supralocal nature within the meaning of Division IV.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) enacted by section 8; and

(3) have been pooled throughout its territory.

The regional county municipality shall attach to the list a document proposing rules relating to the management of the equipment, infrastructures, services or activities mentioned in the list, the financing of the expenditures relating to the equipment, infrastructures, services or activities and the sharing of the revenue generated by the equipment, infrastructures, services or activities.

In the case of equipment or an infrastructure referred to in section 24.17 of the Act respecting the Commission municipale enacted by section 8, the document must propose rules governing compensation of the loss of revenue referred to in that section 24.17.

The Minister may, at the request of a regional county municipality, grant an extension.

If the list accompanied with the document required under the second paragraph is not received within the time prescribed, the Minister may request the Commission municipale du Québec to make such a list. In such a case, sections 24.7 to 24.17 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), enacted by section 8, apply as if the list were a study carried out under section 24.6 of that Act.

13. Section 111 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) applies to every local municipality in respect of whose territory a recommendation for amalgamation has been formulated by one of the committees of elected municipal officers established or, as the case may be, by one of the mandataries designated to act in any of the census metropolitan areas of Montréal, Québec and the Outaouais as defined by Statistics Canada, as of the date on which the local municipality is informed by the Minister of Municipal Affairs and Greater Montréal of the fact that amalgamation has been recommended in respect of its territory, as if that local municipality were a party to a joint application for amalgamation the text of which is published on that day.

However, the day to be considered for the purposes of the application of section 111 as provided in the first paragraph is, as the case may be,

(1) where the text of a joint application for amalgamation concerning the territory of that local municipality is published before or after the day on which the local municipality is informed in accordance with the first paragraph, the day of publication of the text; or

(2) the day specified in the first paragraph of section 125.10 of the Act respecting municipal territorial organization enacted by section 1.

The committees of elected municipal officers and the mandataries referred to in the first paragraph are those established or designated, as the case may be, pursuant to the white paper on municipal reorganization.

14. The Government shall establish a list of local municipalities from among those to which Volet I of the Politique de consolidation des communautés locales applies.

The following municipalities shall not be included in that list:

(1) a municipality that adopted, before 1 July 1999, a resolution by which, in the opinion of the Government, it has signified its true intention of being a party to a joint application for amalgamation the text of which was to be published, in accordance with section 90 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), not later than 15 September 1999;

(2) a municipality that was a party to a joint application for amalgamation which, in the opinion of the Government, is consistent with the objectives of the Politique de consolidation des communautés locales and the text of which was published not later than 1 December 1999;

(3) a municipality whose territory is situated in a census agglomeration or a census metropolitan area defined by Statistics Canada.

For the purpose of determining the true intention of the municipality, the Government may consider any acts or omissions, even those subsequent to the adoption of the resolution referred to in subparagraph 1 of the second paragraph, of members of the council.

15. For a municipality included in the list and a local municipality whose territory is situated in a census agglomeration or a census metropolitan area, other than those listed in the schedule, the equalization amount referred to in section 17 or 23, as the case may be, of the Regulation respecting the equalization scheme, made by Order in Council 1087-92 (1992, G.O. 2, 4065), is deemed to be

(1) for the fiscal year 2001, an amount equal to 50% of the amount established in accordance with section 16 or 22 of the said regulation, as the case may be; and

(2) for any subsequent fiscal year, nil.

Subject to the third paragraph, where the territory of a municipality included in the list is subsequently amalgamated or is annexed in its entirety, the municipality resulting from the amalgamation or the annexing municipality is not affected, notwithstanding section 114 or 166 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), by the operation of the first paragraph.

For the purposes of the first paragraph, where a municipality resulting from an amalgamation has a territory situated in a census agglomeration or a census metropolitan area, or has annexed such a territory in its entirety, the municipality is deemed to be a local municipality whose territory is situated in such an

agglomeration or area. That presumption applies until the amalgamation or annexation is reflected in the data compiled by Statistics Canada.

16. The amount of the equalization payment payable to a municipality for a fiscal year shall be computed on the basis of the list and the data compiled by Statistics Canada as they exist on 15 July of that fiscal year.

17. This Act comes into force on 16 June 2000, except subdivision 3 of Division IX of Chapter IV of Title II of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 1, which comes into force on 1 January 2001.

SCHEDULE

Ville d'Alma, Ville de Baie-Comeau, Ville de Chicoutimi, Ville de Cowansville, Ville de Dolbeau-Mistassini, Ville de Drummondville, Ville de Granby, Ville de Hull, Ville de Joliette, Ville de La Tuque, Ville de Lachute, Ville de Magog, Ville de Matane, Ville de Montréal, Ville de Québec, Ville de Rimouski, Ville de Rivière-du-Loup, Ville de Rouyn-Noranda, Ville de Saint-Georges, Ville de Saint-Hyacinthe, Ville de Saint-Jean-sur-Richelieu, Ville de Saint-Jérôme, Ville de Salaberry-de-Valleyfield, Ville de Sept-Îles, Ville de Shawinigan, Ville de Sherbrooke, Ville de Sorel-Tracy, Ville de Thetford Mines, Ville de Trois-Rivières, Ville de Val-d'Or, Ville de Victoriaville.