NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 60
(2001, chapter 68)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 15 November 2001
Passage in principle 11 December 2001
Passage 19 December 2001
Assented to 20 December 2001

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EXPLANATORY NOTES

This bill introduces various rules relating to municipal governance.

The bill amends the Act respecting the Pension Plan of Elected Municipal Officers, in particular as regards the redemption of years of prior service and the distribution of the actuarial surpluses as at 31 December 2000. It also provides for special rules that are to apply to the participation of the chairman of the executive committee of the Kativik Regional Government in the Pension Plan of Elected Municipal Officers and to the participation of the members of a council governed by the Act respecting Northern villages and the Kativik Regional Government. Certain changes are also made to the rules in the Cities and Towns Act and the Municipal Code of Québec that apply to the pension plans of officers and employees, particularly as regards the composition of pension committees that administer the pension plans of which those persons are members.

The bill introduces changes to the formula for determining the appropriations for the office of chief auditor that are to be provided for in the budget of a local municipality having a population of 100,000 or more. As well, the bill authorizes municipalities, intermunicipal boards and metropolitan communities to establish financial reserves for the financing of capital expenditure.

The bill introduces changes to the electoral procedure, providing in particular for the establishment of mobile polling stations, and for polling day to be the date on which a person must have reached full age in order to be entitled to vote. The bill fixes 1 May of the calendar year in which the election is to be held as the date on which a rural regional county municipality must have a by-law in force ordering the election of the warden by universal suffrage.

The bill provides that the Communauté métropolitaine de Québec, the regional county municipalities of Fjord-du-Saguenay and des Chenaux, and the cities of Lévis, Gatineau, Sherbrooke, Trois-Rivières, Saguenay and Shawinigan have two years, as of 1 January 2002, to draw up a residual materials management plan. It also authorizes the council of the Communauté métropolitaine de Québec to appoint one person to fill two or more of the offices of director general, treasurer and secretary.

The bill provides that in the area of land use planning and development in the national capital region, the Minister of Municipal Affairs and Greater Montréal must seek the advice of the Commission de la capitale nationale before giving an opinion under the Act respecting land use planning and development.

The bill contains provisions under which agricultural operations whose gross income is between $5,000 and $10,000 are to be eligible for reimbursement of property taxes and compensations, and makes certain modifications to the method for calculating the reimbursement.

The bill contains various provisions that apply to regional county municipalities affected by the constitution of new cities, and in this regard makes a number of changes to the territories of municipalities. An obligation is imposed on the municipalities to enter into an agreement fixing the terms and conditions that are to govern those matters.

The bill makes various amendments to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, primarily to give a casting vote to the chair of each borough in Ville de Montréal, to provide for the designation of two vice-chairs to the executive committees of the cities of Montréal and Québec, to provide for the appointment of associate councillors to assist the executive committee of Ville de Québec, and to change the composition of the executive committee of the new Ville de Lévis and give the mayor a casting vote should there be a tie in a committee vote.

Lastly, the bill contains various provisions that address certain particular situations concerning municipal affairs.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;

– Cities and Towns Act (R.S.Q., chapter C-19) ;

– Municipal Code of Québec (R.S.Q., chapter C-27.1) ;

– Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) ;

– Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) ;

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

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

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

– Environment Quality Act (R.S.Q., chapter Q-2);

– Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

– Act respecting certain facilities of Ville de Montréal (1998, chapter 47);

– Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27);

– Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

– Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

– Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25).

Bill 60

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 117.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by replacing "first" in the second line of the fourth paragraph by "second";

(2) by replacing "second" in the third line of the fourth paragraph by "first".

2. Section 264.0.2 of the said Act, enacted by section 100 of chapter 56 of the statutes of 2000 replaced by section 218 of chapter 25 of the statutes of 2001, is amended in the French text by inserting "loi" after "présente" in the second line of the first paragraph.

3. Section 267.2 of the said Act, replaced by section 102 of chapter 56 of the statutes of 2000 and by section 8 of chapter 25 of the statutes of 2001, is amended by replacing "second" in the second line of subparagraph 2 of the third paragraph by "third".

4. The said Act is amended by inserting the following section after section 267.2:

"267.3. The Minister shall, before giving an opinion pursuant to any of sections 51, 53.7, 56.14 and 65 to Ville de Québec, Ville de Lévis or a regional county municipality whose territory is situated in whole or in part in that of the Communauté métropolitaine de Québec, request an opinion from the Commission de la capitale nationale on the submitted document. The first sentence of the second paragraph of section 267.2 applies, with the necessary modifications.

On the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Québec, the first paragraph applies to the opinions given to the Community pursuant to the sections referred to in that paragraph."

CITIES AND TOWNS ACT

5. Section 107.5 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 15 of chapter 25 of the statutes of 2001, is amended

(1) by striking out the second sentence;

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

"Subject to the third paragraph, the appropriation must be equal to or greater than the product obtained by multiplying the total of the other appropriations provided for in the budget for operating expenses by

(1) 0.17% where the total of those appropriations is less than $100,000,000;

(2) 0.16% where the total of those appropriations is at least $100,000,000 and less than $200,000,000;

(3) 0.15% where the total of those appropriations is at least $200,000,000 and less than $400,000,000;

(4) 0.14% where the total of those appropriations is at least $400,000,000 and less than $600,000,000;

(5) 0.13% where the total of those appropriations is at least $600,000,000 and less than $800,000,000;

(6) 0.12% where the total of those appropriations is at least $800,000,000 and less than $1,000,000,000;

(7) 0.11% where the total of those appropriations is at least $1,000,000,000.

Where the budget of the municipality provides for appropriations for operating expenses related to the operation of a system of production, transmission or distribution of electric power, 50% only of those appropriations shall be taken into account in establishing the total of the appropriations referred to in the second paragraph."

6. Section 107.8 of the said Act, enacted by section 15 of chapter 25 of the statutes of 2001, is amended by inserting "or any legal person referred to in paragraph 2 of section 107.7" after "municipality" in the first line of subparagraph 2 of the third paragraph.

7. Section 108.2.1 of the said Act, enacted by section 20 of chapter 25 of the statutes of 2001, is amended by replacing "activities of" in subparagraph 1 of the first paragraph by "accounts relating to".

8. Section 108.3 of the said Act, enacted by section 21 of chapter 25 of the statutes of 2001, is amended in the French text by inserting "tard" after "plus" in the first line of the first paragraph.

9. Section 324 of the said Act is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, the requisition in relation to the calling of a special sitting of a borough council which is composed of three members may be presented by two members of that council."

10. Section 327 of the said Act is amended by inserting the following paragraph after the first paragraph:

"Where a sitting of a borough council has a quorum of two members, the sitting shall be adjourned as soon as it is established that there is no quorum."

11. Section 464 of the said Act is amended

(1) by replacing the first paragraph of subparagraph 8 of the first paragraph by the following paragraph:

"(8) To establish and maintain, on the conditions prescribed by the by-law, a pension plan for the benefit of the officers and employees of the municipality or to participate in such a plan; to make, for that purpose, if need be, any agreement with a life insurance company or a trust company or with a legal person or government issuing life annuities; to grant subsidies for the establishment and maintenance of the plan; to fix the maximum age of the officers and employees and the contributions which they and the municipality must pay into the plan's pension fund; to cause to be assumed by the municipality the contributions required to enable the officers and employees to be credited, for the purposes of the pension plan, with their previous years of service, and borrow the sums required for that purpose by the by-law creating or amending the plan.";

(2) by replacing the fourth, fifth and sixth paragraphs of subparagraph 8 of the first paragraph by the following paragraphs:

"A by-law establishing a pension plan requires only the approval of the majority of the officers and employees referred to in the by-law even if the by-law prescribes a loan. Such approval may, in respect of the officers and employees represented by a certified association, be given by the association.

The Supplemental Pension Plans Act (chapter R-15.1) applies to a pension plan referred to in this subparagraph, except where the plan is referred to in section 2 of that Act. Every by-law to establish or amend a pension plan may have effect retroactively to the first effective date of the pension plan or any amendment to it under the Supplemental Pension Plans Act."

12. Section 468.45.1 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended

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

"468.45.1. The management board may, by by-law, for the benefit of all of the municipalities in whose territory it has jurisdiction, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

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

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities in whose territory the management board has jurisdiction, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

13. Section 468.45.2 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended

(1) by inserting "from a contribution payable by the municipalities for whose benefit the reserve is established" after "468.45," in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities in whose territory the management board has jurisdiction, the reserve may not be made up of sums from the surpluses or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

14. Section 468.45.3 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

15. Section 468.45.4 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by replacing "in the territory under the jurisdiction of the management board" in the fourth and fifth lines of the third paragraph by "for whose benefit the reserve was established".

16. Section 468.45.5 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is replaced by the following section:

"468.45.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves

already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of section 468.45.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

17. Section 468.51 of the said Act, amended by section 4 of chapter 54 of the statutes of 2000 and by section 29 of chapter 25 of the statutes of 2001, is again amended by inserting "73.2," after "73.1," in the first line.

18. Section 474.0.1 of the said Act, enacted by section 30 of chapter 25 of the statutes of 2001, is amended

(1) by replacing "The" in the first line of the second paragraph by "Subject to the third paragraph, the";

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

"Where the budget of the municipality provides for appropriations for expenses related to the operation of a system of production, transmission or distribution of electric power, 50% only of those appropriations shall be taken into account in establishing the total of the appropriations referred to in the second paragraph."

19. Section 569.1 of the said Act is amended by striking out "other than capital expenditures" in the third and fourth lines of the first paragraph.

20. Section 569.2 of the said Act is amended

(1) by inserting ", of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act," after "council" in the third line of the second paragraph;

(2) by inserting "or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality in respect of that sector under section 244.1 of that Act" after "sector" in the third line of the third paragraph.

21. Section 569.3 of the said Act is amended by adding the following paragraph after the second paragraph:

"The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

22. Section 569.5 of the said Act is replaced by the following section:

"569.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 569, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the third paragraph of section 569.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

23. Section 573 of the said Act, amended by section 33 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out ", except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions" in the third, fourth and fifth lines of subparagraph 2 of the fourth paragraph of subsection 1;

(2) by striking out ", except a contract in respect of services related to cultural or artistic fields than can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the fourth paragraph of subsection 1;

(3) by striking out the fifth paragraph of subsection 1.

24. Section 573.3 of the said Act, amended by section 36 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting "a contract in respect of movable property or services related to cultural or artistic fields, a contract in respect of subscriptions or computer software for educational purposes or" after "apply to" in the first line of the second paragraph;

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

"Sections 573.1 and 573.3.0.2 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

Section 573.1 does not apply to a contract covered by the regulation in force made under section 573.3.0.1."

25. Section 573.3.0.1 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of section 573.1 or the third paragraph of section 573.1.0.1 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

26. Section 573.3.0.2 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001, is amended by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line.

MUNICIPAL CODE OF QUÉBEC

27. Article 614.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 7 of chapter 19 of the statutes of 2000, is amended

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

"614.1. The management board may, by by-law, for the benefit of all of the municipalities in whose territory it has jurisdiction, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

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

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities in whose territory the management board has jurisdiction, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

28. Article 614.2 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended

(1) by inserting "from a contribution payable by the municipalities for whose benefit the reserve is established" after "614," in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities in whose territory the management board has jurisdiction, the reserve may not be made up of sums from the surpluses or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

29. Article 614.3 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

30. Article 614.4 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended by replacing "in the territory under the jurisdiction of the management board" in the fourth and fifth lines of the third paragraph by "for whose benefit the reserve was established".

31. Article 614.5 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is replaced by the following article:

"614.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of article 614.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

32. Article 620 of the said Code, amended by section 11 of chapter 54 of the statutes of 2000 and by section 48 of chapter 25 of the statutes of 2001, is again amended by inserting "73.2," after "73.1," in the first line.

33. Article 678.0.5 of the said Code, enacted by section 49 of chapter 25 of the statutes of 2001, is replaced by the following article:

"678.0.5. The Government may, at the request of a regional county municipality designated as rural, allow it to affirm its jurisdiction with respect to residual materials management, local roads, the management of social housing or the transportation of handicapped persons in accordance with article 678.0.1, and a local municipality may not express its disagreement under articles 678.0.2 and 10.1.

The resolution making the request referred to in the first paragraph shall specify, among the matters and parts of matters mentioned therein, those to which the request applies and, where applicable, the name of the local municipalities in whose territory the jurisdiction will be exercised."

34. The said Code is amended by inserting the following article after article 678.1:

"678.2. Every regional county municipality may make an agreement with Hydro-Québec under which the regional county municipality is entrusted with the management of any land designated in the agreement.

The agreement may contain any condition relating to its application. It may in particular provide that the regional county municipality may, subject to any act or contract concerning the land and any applicable Act or regulation, lease the land as lessor or entrust its operation to a third person and develop the land for purposes within the regional county municipality's jurisdiction."

35. Article 704 of the said Code is amended by replacing the first paragraph by the following paragraph:

"704. A municipality may, by by-law, establish and maintain, on the conditions prescribed by the by-law, a pension plan for the benefit of the officers and employees of the municipality or to participate in such a plan; to make, for that purpose, if need be, any agreement with a life insurance company or a trust company or with a legal person or government issuing life annuities; grant subsidies for the establishment and maintenance of the plan; fix the maximum age of the officers and employees and the contributions

which they and the municipality must pay into the plan's pension fund; cause to be assumed by the municipality the contributions required to enable the officers and employees to be credited, for the purposes of the pension plan, with their previous years of service, and borrow the sums required for that purpose by the by-law creating or amending the plan."

36. Article 706 of the said Code is replaced by the following article:

"706. A by-law establishing a pension plan requires only the approval of the majority of the officers and employees referred to in the by-law even if the by-law prescribes a loan. Such approval may, in respect of the officers and employees represented by a certified association, be given by the association.

The Supplemental Pension Plans Act (chapter R-15.1) applies to a pension plan referred to in this article, except where the plan is referred to in section 2 of that Act. Every by-law to establish or amend a pension plan may have effect retroactively to the first effective date of the pension plan or any amendment to it under the Supplemental Pension Plans Act."

37. The said Code is amended by inserting the following articles after article 738:

"738.1. To determine the site of land that belongs to the municipality under article 738, the council shall approve by resolution the description of the land prepared by a land surveyor according to the cadastre in force.

The original of the description must be filed at the office of the secretary-treasurer of the municipality and a copy authenticated by a land surveyor must be filed at the registry office of the registration division in which the land concerned is located.

"738.2. The secretary-treasurer shall cause to be published twice, in a newspaper circulated in the territory of the municipality, a notice

(1) identifying the land that is the subject of a resolution referred to in article 738.1, using the name of the road or street concerned wherever possible;

(2) identifying the resolution approving the description of the land and mentioning its date and the date of the filing of the description at the registry office and the fact that the site of the land is determined pursuant to that description;

(3) mentioning that the real rights which could be asserted by any person in the land forming the subject of the notice are extinguished, that any such person may claim an indemnity as compensation for the extinction from the municipality and that failing an agreement with the municipality, the amount of the indemnity will be fixed by the Administrative Tribunal of Québec in accordance with the Expropriation Act (chapter E-24).

The second publication must be made after the 60th and not later than the 90th day following the first.

"738.3. Every real right which could be asserted by a person in a part of land that is the subject of a description referred to in article 738.1 is extinguished as of the filing of the description at the registry office in accordance with that article.

The holder of a real right extinguished under the first paragraph may, however, claim an indemnity as compensation for the extinction from the municipality. Failing an agreement, the amount of the indemnity shall be fixed by the Administrative Tribunal of Québec on the application of the person claiming the indemnity or the municipality, and sections 58 to 68 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

The right to the indemnity under the second paragraph is prescribed three years after the second publication made in accordance with article 738.2."

38. Article 935 of the said Code, amended by section 53 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out ", except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subcriptions" in the third, fourth and fifth lines of subparagraph 2 of the fourth paragraph of subarticle 1 of the first paragraph;

(2) by striking out ", except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the fourth paragraph of subarticle 1 of the first paragraph;

(3) by striking out the fifth paragraph of subarticle 1 of the first paragraph.

39. Article 938 of the said Code, amended by section 56 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting "a contract in respect of movable property or services related to cultural or artistic fields, a contract in respect of subscriptions or computer software for educational purposes or" after "apply to" in the first line of the second paragraph;

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

"Articles 936 and 938.0.2 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

Article 936 does not apply to a contract covered by the regulation in force made under article 938.0.1."

40. Article 938.0.1 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of article 936 or the third paragraph of article 936.0.1 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

41. Article 938.0.2 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001, is amended by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line.

42. Article 1094.1 of the said Code, amended by section 10 of chapter 19 of the statutes of 2000, is again amended by replacing "other than capital expenditures. However, no regional county municipality may establish such a reserve for the benefit of a specific sector" in the first paragraph by ". The sector determined by a regional county municipality must correspond to the whole territory of one or more local municipalities".

43. Article 1094.2 of the said Code, amended by section 11 of chapter 19 of the statutes of 2000, is again amended

(1) by inserting ", of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act or, in the case

of a reserve established by a regional county municipality, of a special share payable by all the municipalities whose territory is situated within the territory of the regional county municipality," after "council" in the third line of the second paragraph;

(2) by inserting "by a local municipality" after "established" in the first line of the third paragraph;

(3) by inserting "or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality in respect of that sector under section 244.1 of that Act" after "sector" in the third line of the third paragraph;

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

"Where the reserve is established by a regional county municipality for the benefit of a specific sector, the reserve may not be made up of sums from a special share payable by the local municipalities for whose benefit the reserve is established or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the regional county municipality in respect of that sector under section 244.1 of that Act."

44. Article 1094.3 of the said Code, amended by section 12 of chapter 19 of the statutes of 2000, is again amended

(1) by striking out "of a local municipality" in the first line of the second paragraph;

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

"The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

45. Article 1094.4 of the said Code is amended by inserting "or, if the reserve was established by a regional county municipality for the benefit of a specific sector, to the municipalities in that sector" after "fund" in the fourth line of the third paragraph.

46. Article 1094.5 of the said Code is replaced by the following article:

"1094.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under article 1094, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the third paragraph of article 1094.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph."

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

47. Section 19.1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by adding the following paragraph at the end:

"However, special duties may not be imposed where, voluntarily, the transferee referred to in the first paragraph pays to the municipality, before the special duties become payable, the transfer duties that would have been payable if section 19 had not been applicable. In such a case, the interest provided for in the first paragraph of section 11 is added to the amount of the transfer duties, where applicable, as if an account had been sent on the thirtieth day following receipt of the documents transmitted pursuant to the first paragraph of section 10."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

48. Section 54 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 19 of chapter 19 of the statutes of 2000, is again amended by inserting the following paragraph after the first paragraph:

"The same applies to any person who, on that date, is not an elector solely because the person is not then of full age but will have attained full age on polling day. For the purposes of any other provision relating to entry on the list of electors, such a person is deemed to be an elector on the date mentioned in the first paragraph."

49. Section 100 of the said Act is amended by adding the following paragraph after the fourth paragraph:

"Except where they apply by reference for purposes other than the establishment of the list of electors of the municipality, the first two paragraphs apply with the following modifications:

(1) the reference in the first paragraph to electors whose names are entered on the permanent list of electors is also a reference to the persons referred to

in the second paragraph of section 54 who would be such electors if they were of full age;

(2) the request referred to in the second paragraph must also specify the date of polling day."

50. The said Act is amended by inserting the following section after section 134:

"**134.1.** Notwithstanding section 132, any person domiciled in a facility referred to in the second paragraph of section 50 or lodged in such a facility who wishes to avail himself of the third paragraph of that section may, not later than the last day fixed for making an application, forward to the returning officer a written application for entry, striking off or correction along with the documents referred to in the second paragraph of section 133.

The returning officer shall transmit all applications and documents received to the competent board of revisors."

51. Section 175 of the said Act is amended by adding the following paragraphs at the end:

"Any person whose name is entered on the list of electors as a person domiciled in a facility referred to in the second paragraph of section 50 may vote at a mobile polling station determined under section 177 if the following conditions are fulfilled:

(1) the person is unable to move about;

(2) the person applies therefor in writing to the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors.

The returning officer shall draw up a list of the persons who have made an application under subparagraph 2 of the second paragraph and shall send a copy of the list to each authorized party or recognized ticket and to each independent candidate concerned."

52. Section 177 of the said Act is amended

(1) by inserting "and determine, where applicable, any such station that is a mobile polling station" after "necessary" in the second line of the first paragraph;

(2) by replacing "en établit plusieurs" in the first line of the second paragraph of the French text by "établit plusieurs bureaux de vote par anticipation".

53. The said Act is amended by inserting the following section after section 177:

"177.1. Where the returning officer establishes a mobile polling station, the only persons from among the persons to which Divisions III and V of Chapter V apply who may be present in the polling station are the deputy returning officer and the poll clerk."

54. Section 178 of the said Act is amended by adding the following paragraph at the end:

"The executive director of an institution referred to in the second paragraph of section 50 shall ensure that the mobile polling station is made accessible to the electors."

55. Section 179 of the said Act is amended by adding the following paragraph at the end:

"However, a mobile polling station may receive the vote of electors from 8:00 a.m. to 11:00 a.m."

56. Section 284 of the said Act is amended by inserting "or officers or employees of a mandatary body of the municipality within the meaning of paragraph 1 or 2 of section 307" after "paragraph" in the third line of the second paragraph.

57. Section 318 of the said Act is amended

(1) by inserting ", he became a warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)" after "63" in the second line of the second paragraph;

(2) by replacing "that section or" in the fourth line of the second paragraph by "section 62 or 63, becomes a warden or".

58. Section 400.1 of the said Act, enacted by section 93 of chapter 25 of the statutes of 2001, is amended by replacing "seat" in the third line of the second paragraph by "office".

ACT RESPECTING MUNICIPAL TAXATION

59. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 37 of chapter 54 of the statutes of 2000 and by section 143 of chapter 56 of the statutes of 2000, is again amended by replacing the third paragraph by the following paragraph:

"As regards an immovable referred to in paragraph 1 of the definition of "immovable" in the first paragraph and in paragraphs 1, 1.2, 2.1 and 13 to 17 of section 204, paragraph 2 of that definition refers only to a movable that, in addition to being permanently attached to the immovable, ensures the utility of the immovable. However, that paragraph does not refer to such a movable

that is used, to whatever extent, for the operation of an enterprise or for the carrying on of activities in the immovable."

60. Section 208 of the said Act, amended by section 63 of chapter 54 of the statutes of 2000, is again amended by inserting "unless the immovable belongs to the Société immobilière du Québec," after "State," in the third line of the first paragraph.

61. Section 231.5 of the said Act, enacted by section 121 of chapter 25 of the statutes of 2001, is amended in the English text by replacing "Government" in the third line of the fourth paragraph by "Crown in right".

62. Section 232.2 of the said Act, enacted by section 66 of chapter 54 of the statutes of 2000, is amended by replacing the second and third paragraphs by the following paragraph:

"However, in the case of a municipality mentioned in this paragraph, the number 5.5 is replaced by the number mentioned in the following subparagraphs:

(1) in the case of Ville de Montréal: 9.0;

(2) in the case of Ville de Laval: 7.5;

(3) in the case of Ville de Longueuil: 10.0;

(4) in the case of Ville de Gatineau: 6.9;

(5) in the case of Ville de Québec: 6.7;

(6) in the case of Ville de Sherbrooke: 7.1;

(7) in the case of Ville de Trois-Rivières: 5.6;

(8) in the case of Ville de Lévis: 6.2;

(9) in the case of Ville de Saguenay: 5.8."

63. Section 233 of the said Act, amended by section 67 of chapter 54 of the statutes of 2000, is again amended by replacing the second and third paragraphs by the following paragraph:

"In the case of a municipality mentioned in this paragraph, the coefficients mentioned in subparagraphs 1 and 2 of the first paragraph are replaced, respectively, by the two coefficients mentioned in the following subparagraphs:

(1) in the case of Ville de Montréal: 1.50 and 9.0;

(2) in the case of Ville de Laval: 1.18 and 7.5;

(3) in the case of Ville de Longueuil : 1.42 and 10.0 ;

(4) in the case of Ville de Gatineau : 1.05 and 6.9 ;

(5) in the case of Ville de Québec : 1.13 and 6.7 ;

(6) in the case of Ville de Sherbrooke : 1.22 and 7.1 ;

(7) in the case of Ville de Trois-Rivières : 0.97 and 5.6 ;

(8) in the case of Ville de Lévis : 1.05 and 6.2 ;

(9) in the case of Ville de Saguenay : 0.99 and 5.8."

64. Section 243.8 of the said Act, enacted by section 76 of chapter 54 of the statutes of 2000, is amended by inserting ", sex, sexual orientation, race, colour" after "language" in the second line of subparagraph *a* of subparagraph 3 of the second paragraph.

65. Section 244.40 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing the second and third paragraphs by the following paragraph :

"However, in the case of a municipality mentioned in this paragraph, the applicable coefficient is the coefficient mentioned in the following subparagraphs :

(1) in the case of Ville de Montréal : 2.50 ;

(2) in the case of Ville de Laval : 2.18 ;

(3) in the case of Ville de Longueuil : 2.42 ;

(4) in the case of Ville de Gatineau : 2.05 ;

(5) in the case of Ville de Québec : 2.13 ;

(6) in the case of Ville de Sherbrooke : 2.22 ;

(7) in the case of Ville de Trois-Rivières : 1.97 ;

(8) in the case of Ville de Lévis : 2.05 ;

(9) in the case of Ville de Saguenay : 1.99."

66. Sections 261.6 and 261.7 of the said Act are repealed.

ACT RESPECTING ADMINISTRATIVE JUSTICE

67. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 164 of chapter 56 of the statutes of 2000, is again amended

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

"(3.0.1) proceedings under article 738.3 of the Municipal Code of Québec (chapter C-27.1);";

(2) by adding the following paragraphs after paragraph 11:

"(12) proceedings under sections 184 and 192 of Schedule I-C to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

"(13) proceedings under sections 56 and 86 of Schedule II-C to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais."

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

68. Section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by replacing "the amount prescribed by regulation" in the first and second lines of subparagraph 4 of the first paragraph by "$5,000".

69. Section 36.4 of the said Act is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraph:

"(2) where the amount of property taxes and compensations qualified for reimbursement is greater than $300, the Minister shall reimburse an amount corresponding to the result obtained by adding the following amounts:

(*a*) $300; and

(*b*) 70% of the amount of the property taxes and compensations qualified for reimbursement that exceeds $300."

70. Section 36.12 of the said Act is amended

(1) by striking out paragraph 4;

(2) by striking out paragraph 6.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

71. The Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following section after section 125.6, enacted by section 1 of chapter 27 of the statutes of 2000 and amended by section 99 of chapter 54 of the statutes of 2000:

"125.6.1. If the Commission broadens the scope of its study to include a municipality that has not received the writing referred to in section 125.2 or that is not mentioned in the notice published pursuant to section 125.6, it must publish as soon as possible a public notice in a newspaper circulated in the territory of the municipality and in the territories of the other municipalities concerned by the study. Section 125.6, with the necessary modifications, applies to the public notice.

Following the publication of such a notice, the period of time provided for in section 125.7 is 15 days."

72. The said Act is amended by inserting the following section after section 125.8, enacted by section 1 of chapter 27 of the statutes of 2000:

"125.8.1. Ten days before the holding of a public hearing, the Commission shall publish a notice indicating the place and time of the hearing in a newspaper circulated in the territory of the municipalities that are part of an amalgamation in respect of which the Commission may make a positive recommendation."

73. Section 125.10 of the said Act, enacted by section 1 of chapter 27 of the statutes of 2000, is amended by adding the following paragraph after the second paragraph:

"The first paragraph applies to a municipality that has not received the writing referred to in section 125.2 or that is not mentioned in the notice published pursuant to section 125.6 and in respect of which the Commission broadens the scope of its study if, on the date on which the public notice is published pursuant to section 125.6.1, the returning officer has not issued a notice of election in respect of the municipality."

74. Section 176.10 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing "60" in the first line of the second paragraph by "75".

75. Section 176.19 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000 and amended by section 177 of chapter 56 of the statutes of 2000 and by section 151 of chapter 26 of the statutes of 2001, is again amended by replacing the first, second and third paragraphs by the following paragraphs:

"176.19. Section 76, the first paragraph of section 80, sections 81 to 89, 91 to 93, 93.5 and 93.7 of the Labour Code (chapter C-27) and sections 176.20 to 176.21 of this Act apply to the arbitration.

Notwithstanding section 81 of that Code, the arbitrator shall hear the dispute within 210 days following the date of the notice given by the Minister pursuant to section 176.18. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, grant an extension for such time as is determined by the Minister.

The arbitrator must render an award within the earlier of 60 days after the last arbitration sitting and 60 days after the lapse of the period specified in the second paragraph. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the period within which the award must be rendered for such time as is determined by the Minister."

76. Section 176.22 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000 and amended by section 180 of chapter 56 of the statutes of 2000, is replaced by the following section:

"176.22. Sections 176.15 to 176.18 and the first, second and third paragraphs of section 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), except section 90, and by the fourth paragraph of section 176.19 and sections 176.20 to 176.21 of this Act.

Notwithstanding section 81 of that Code, the arbitrator shall hear the dispute within 210 days following the date of the notice the arbitrator has given to the parties and to the Minister pursuant to section 99.1.1 of that Code. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, grant an extension for such time as is determined by the Minister.

The arbitrator must render an award within the earlier of 60 days after the last arbitration sitting and 60 days after the lapse of the period specified in the third paragraph. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the period within which the award must be rendered for such time as is determined by the Minister."

77. Section 210.29.1 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended by replacing "during the calendar year preceding" in the first and second lines of the second paragraph by "on or before 1 May of".

78. Section 210.29.3 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after paragraph 2:

"(3) section 318 is amended by replacing the second paragraph by the following paragraph:

"Where the disqualification of the warden results from the fact that, after his election, he became ineligible pursuant to section 62 or 63, he became a member of the council of a local municipality or he became a Member of the Parliament of Québec or Canada, his term ends on the day he begins to hold the office referred to in that section or becomes a member of the council of a local municipality or a Member of Parliament."."

ENVIRONMENT QUALITY ACT

79. Section 53.9 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 242 of chapter 34 of the statutes of 2000 and by section 192 of chapter 56 of the statutes of 2000, is again amended by adding the following paragraphs after the third paragraph:

"However, a regional county municipality and a metropolitan community referred to in subparagraph 1 of the third paragraph may agree

(1) that the territory to which the regional county municipality's plan applies includes the territory of one or more local municipalities that is part of the territory of the regional county municipality and of the territory of the metropolitan community;

(2) that the territory to which the metropolitan community's plan applies includes the territory of all or part of the local municipalities and unorganized territories that is part of the territory of the regional county municipality.

A regional county municipality referred to in subparagraph 1 of the third paragraph is exempt from the requirement to establish a residual materials management plan where, as a result of an agreement entered into pursuant to the third paragraph of section 53.7 or subparagraph 2 of the fourth paragraph of this section, all its territory is covered by the management plan of another regional county municipality or that of a metropolitan community."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

80. Section 26 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by adding the following paragraph at the end:

"Every contribution paid pursuant to the first paragraph must be a qualifying employer premium within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement)."

81. The said Act is amended by inserting the following section after section 27:

"27.1. For the purposes of sections 27, 51 and 52, a person eligible under the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) or a similar compensation program established by an amalgamation order made under the Act respecting municipal territorial organization (chapter O-9) is deemed to cease to be a member of the council of a municipality only at the end of the period covered by the program."

82. The heading of Chapter VI.0.1 of the said Act, enacted by section 166 of chapter 25 of the statutes of 2001, is amended by replacing "1989" by "2002".

83. Section 63.0.1 of the said Act, enacted by section 166 of chapter 25 of the statutes of 2001, is replaced by the following section:

"63.0.1. Every person who is a member of the council of a municipality that is a party to this plan in that person's respect may, for all or part of any year subsequent to 31 December 1974 and prior to 1 January 1989 during which the person was a member of the council of that municipality, obtain pension credits equivalent to those granted under this plan if the person has not already obtained such pension credits in respect of all or part of such a year. Section 58 applies to the determination of pensionable salary in relation to the years or parts of years redeemed in accordance with this paragraph.

Any person who, during the period referred to in the first paragraph, participated in a pension plan in which the municipality on whose council the person was a member was participating in respect of the members of its council, may be credited under this plan with all or part of his or her years of service, rather than under the plan he or she was participating in. The amounts accumulated in the plan in respect of the years credited pursuant to this chapter shall be applied to the payment of the cost of such pension credits determined pursuant to section 63.0.3 and the third and fourth paragraphs of section 59 apply, with the necessary modifications, in respect of those amounts.

Every person who is a member of the council of a municipality that is a party to this plan in that person's respect may obtain, for all or part of any year subsequent to 31 December 1988 and prior to 1 January 2002 during which the person was a member of the council of that municipality and did not participate in the plan, pension credits equivalent to those granted under this plan. Section 17 and the first paragraph of section 58 apply to the determination of pensionable salary in relation to the years or parts of years redeemed in accordance with this paragraph.

A person who has received a reimbursement of contributions paid to a plan referred to in this section is deemed not to have participated in that plan in respect of the period to which the reimbursed contributions pertain.

The credits obtained under this chapter in respect of years of service prior to 1 January 1992 may not exceed 2% of the pensionable salary paid."

84. The said Act is amended by inserting the following after section 63.0.4, enacted by section 166 of chapter 25 of the statutes of 2001:

"**CHAPTER VI.0.2**

"SPECIAL RULES APPLICABLE TO THE PARTICIPATION IN THE PLAN OF MEMBERS OF A COUNCIL GOVERNED BY THE ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

"**63.0.5.** Every person who is a member of the council of a northern village that is a party to this plan in that person's respect may obtain, for all or part of any year subsequent to 31 December 1988 and prior to 1 January 2002 during which the person was a member of the council of that municipality and did not participate in this plan, pension credits equivalent to those granted under this plan in respect of the person's pensionable salary determined in accordance with section 17.

The chairman of the executive committee of the Kativik Regional Government may, as of the time he becomes a member of this plan, obtain pension credits equivalent to those granted under this plan in respect of his pensionable salary in respect of any period referred to in the first paragraph during which he held the office of chairman and did not participate in this plan. The second paragraph of section 280.2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) applies, where applicable, in respect of that period of past service. The chairman may also obtain pension credits in respect of any such period during which he was also a member of the council of a northern village that has not become a party to the plan in his respect. In relation to the period redeemed for services as a member of the council of that village, the village is deemed to have been a party to the plan in respect of the chairman.

The credits obtained under this chapter in respect of years of service prior to 1 January 1992 may not exceed 2% of the pensionable salary paid.

"**63.0.6.** Every person referred to in section 63.0.5 must, in order to exercise the right provided for therein, apply to the Commission in writing. A copy of the application must be forwarded to the municipality of whose council the person is a member or, in the case of the chairman of the executive committee of the Kativik Regional Government, to that supramunicipal body. The notice shall in particular indicate all the years or parts of years to which the application pertains. All or part of a year of past service referred to in section 63.0.5 that has not been the subject of an application for redemption may, subject to the second paragraph, be the subject of a subsequent application.

Every application for redemption made under this chapter must be received by the Commission within 90 days following the date on which the person ceases to be a member of the council of the municipality or, in the case of the chairman of the executive committee of the Kativik Regional Government, of that supramunicipal body.

"63.0.7. The pensionable salary for the purposes of any redemption under this chapter is deemed to be the pensionable salary the person was receiving on 1 January 2001, calculated on an annual basis.

"63.0.8. A person who exercises the right provided for in section 63.0.5 must pay to the Commission the amount required so that the cost of redemption is borne entirely by the person, in accordance with the terms and conditions determined by regulation of the Government.

Section 61 applies in respect of the payment of the amount under the first paragraph.

"63.0.9. A person who is credited with years of service in accordance with this chapter is deemed, for every purpose other than the payment of surpluses, to have participated in this plan in respect of the years of service credited.

"63.0.10. Every person referred to in section 63.0.5 who participates in this plan is, notwithstanding section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), eligible for the severance allowance provided for in section 30.1 of that Act."

85. Section 67 of the said Act is amended by replacing "A" in the first line of the first paragraph by "Unless the rules governing the amalgamation or annexation provide otherwise, a".

86. The said Act is amended by inserting the following sections after section 67:

"67.1. Every municipality resulting from an amalgamation that adopts a by-law to become a party to this plan may provide, if at least one of the municipalities whose territory has been amalgamated was a party to this plan at the time of the amalgamation, notwithstanding section 2, that the by-law has effect from the date on which a majority of the council members of the new municipality make the oath provided for in section 313 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

The by-law referred to in the first paragraph must, to take effect in accordance with that paragraph, come into force before 31 December of the year following the year in which the new municipality is constituted.

"67.2. Every city constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and

the Outaouais (2000, chapter 56) that adopts a by-law to become a party to this plan may provide, if it pays remuneration to the members of its council for the period between the date on which a majority of the council members make the oath provided for in section 313 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and 31 December 2001, notwithstanding section 2, that the by-law has effect from the beginning of that period.

The by-law referred to in the first paragraph must, to take effect in accordance with that paragraph, come into force before 31 December 2002."

87. Section 75 of the said Act, amended by section 170 of chapter 25 of the statutes of 2001, is again amended

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

"(3.1) establish, for the purposes of section 80.2, the limit applicable to pensionable salary, the limit applicable to service that may be credited, and the rules and procedures for computing the pension;";

(2) by adding "or 63.0.8" at the end of subparagraph 6.

88. Section 76.1 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended by replacing "municipalities that, on that date, had become parties to the plan" in the third line by "local municipalities that, on that date, had become parties to the plan or to the bodies to which, on that date, section 20 applied".

89. Section 76.2 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is replaced by the following section:

"76.2. The portion of the surplus allocated to an eligible municipality or body must be in the proportion that the total of the sums paid, as the case may be, in accordance with sections 20 and 26, the second paragraph of section 57, the second paragraph of section 59 or section 60, until 31 December 2000, by each municipality or body, with interest compounded annually, is of the total of the sums paid, with interest compounded annually, by all the municipalities and bodies referred to in section 76.1.

The portion of the surplus allocated to an eligible body shall be paid to the local municipalities whose territories are situated within the territory of the body and that were parties to this plan on 31 December 2000. The amount so apportioned among those municipalities must be in proportion to the special shares paid by the municipalities to the bodies."

90. Section 76.4 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended

(1) by replacing "complémentaires" in the fourth line of the first paragraph of the French text by "supplémentaires";

(2) by adding "or having participated in the general retirement plan referred to in section 4 before 1 January 1989 and the sums of which were transferred to this plan" at the end of the first paragraph;

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

"Benefits accrued under the supplementary benefits plan during marriage form part of the family patrimony established under the Civil Code of Québec. Chapter VI.1 of this Act applies, with the necessary modifications, to that plan.

In addition, the amounts paid under that plan are inalienable and unseizable. However, they are unseizable only up to 50% in the case of partition of the family patrimony between spouses, the payment of support or the payment of a compensatory allowance.

Any regulation made under Chapter VI.1 in respect of the supplementary benefits plan may provide that it takes effect on 1 January 2002."

91. Section 76.5 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended by adding the following sentence at the end: "The order shall take effect on 1 January 2002."

92. Section 76.6 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is replaced by the following section:

"**76.6.** The Commission is responsible for the administration of the supplementary benefits plan. At least once every three years, the Commission shall cause an actuarial valuation of the plan to be prepared by the actuaries it designates.

Chapter X applies, subject to section 63.7, in respect of the Commission's decisions concerning the supplementary benefits plan."

93. The said Act is amended by inserting the following sections after section 80:

"**80.1.** The pension amounts computed pursuant to this Act shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

Any pension amount acquired under this plan, other than by redemption in accordance with Chapter VI.0.1 and Chapter VI.0.2, that exceeds the defined benefit limit established under the Income Tax Act shall be paid to the person who participated in the plan in the form of a supplementary benefits plan

established by order of the Government. That order shall determine the date on which such a plan takes effect; that date may be prior to the date on which the order is made.

The plan referred to in this section must, in particular, provide for the sums required of the municipalities or the computation method for determining those sums, the time limit within which any payment must be made, the rate of interest payable on any payable amount and the characteristics and conditions of any benefit to be paid.

The third, fourth and fifth paragraphs of section 76.4 and section 76.6 apply to the supplementary benefits plan, with the necessary modifications.

"80.2. No benefit resulting from the redemption under this plan of years or parts of years of prior service may exceed the applicable limits in respect of such years or parts of years under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation of the Government."

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

94. The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting the following section after section 280.2:

"280.3. The chairman of the executive committee, who is a member of the council of a northern village that has not become a party to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) in the chairman's respect, may at any time give written notice to the northern village of whose council he is a member, to the Regional Government and to the Commission administrative des régimes de retraite et d'assurances to the effect that he intends to participate in the plan.

The chairman of the executive committee may elect in the notice to participate in the plan in respect of the pensionable salary he is receiving both from the northern village of whose council he is a member and from the Regional Government or only in respect of the pensionable salary he is receiving from the Regional Government. If the chairman elects to participate in the pension plan in respect only of the pensionable salary he is receiving from the Regional Government, he may at any time give written notice of the same type as that referred to in the first paragraph, to modify his participation in the plan by electing to also participate therein in respect of the pensionable salary he is receiving from the northern village of whose council he is a member.

Participation in the pension plan and any modification to participation takes effect on the first day of the month following receipt of the notice by the Commission administrative des régimes de retraite et d'assurances. The Act respecting the Pension Plan of Elected Municipal Officers shall then apply, with the necessary modifications, in respect of the chairman of the executive committee as if the Regional Government and, as the case may be, the northern village, of whose council the chairman is a member, had become a party to the pension plan in the chairman's respect."

ACT RESPECTING CERTAIN FACILITIES OF VILLE DE MONTRÉAL

95. Section 21 of the Act respecting certain facilities of Ville de Montréal (1998, chapter 47) is amended by adding the following paragraph after the third paragraph:

"The transfer of ownership as a result of the failure to settle the claim mentioned in the second paragraph shall be registered in the land register on presentation of the order in council fixing the due date under that paragraph, the order in council authorizing the transfer, containing a description of the immovable property transferred under the second paragraph of section 20, and a certificate of the clerk of the city attesting that the claim was not settled on the due date referred to in the second paragraph."

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

96. Sections 15 and 16 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27) are repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

97. Section 17 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) is amended by adding the following paragraph after the first paragraph:

"However, a member of the council, other than a member by virtue of office, may be replaced at any time before the expiry of the member's term in accordance with the rules that apply to the member's designation, subject to the requirement that the decision to replace a member be made by a two-thirds majority of the votes cast."

98. Section 106 of the said Act, amended by section 204 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out subparagraph 5 of the third paragraph;

(2) by adding the following subparagraph after subparagraph 8 of the third paragraph :

"(9) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes.";

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

"The second paragraph does not apply

(1) to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders;

(2) to a contract covered by the regulation in force made under section 112.1."

99. Section 108 of the said Act is amended

(1) by striking out ", except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions" in the third, fourth and fifth lines of subparagraph 2 of the third paragraph;

(2) by striking out ", except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the third paragraph.

100. Section 112.l of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of section 107 or the third paragraph of section 109 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

101. Section 112.2 of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001, is amended

(1) by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line;

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

"This section does not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders."

102. Section 190 of the said Act is amended

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

"190. The Community may, by by-law, for the benefit of all of the municipalities whose territory is situated within the territory of the Community, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

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

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities whose territory is situated within the territory of the Community, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

103. Section 191 of the said Act is amended

(1) by inserting ", from a special share payable by the municipalities for whose benefit the reserve is established" after "council" in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, the reserve may not be made up of sums from the general fund or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

104. Section 192 of the said Act is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

105. Section 193 of the said Act is amended by inserting "or, if the reserve was established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, to those municipalities" after "fund" in the fourth line of the third paragraph.

106. Section 194 of the said Act is replaced by the following section:

"194. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 189, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the second paragraph of section 192, the amount of such a reserve shall not enter into the calculation of the amount provided for in the first paragraph."

107. Schedule I to the said Act is amended by inserting "Municipalité de Saint-Jean-Baptiste," after "Paroisse de Saint-Isidore," in the twenty-seventh line.

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

108. Section 127 of the Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54) is amended by adding the following paragraphs at the end:

"The Minister of Municipal Affairs and Greater Montréal may pay a compensation to replace the amount provided for in section 254 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) which the Government ceases to pay by reason of the application of section 46.

The amount of the compensation provided for in either of the first two paragraphs may be determined according to rules which vary according to the immovables that are withdrawn from the property assessment roll under section 46."

109. Section 143 of the said Act is amended by striking out the second paragraph.

110. Section 144 of the said Act is repealed.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

111. Section 232.3 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), enacted by section 225 of chapter 25 of the statutes of 2001, is amended in the French text by inserting "de comté" after "régionale" in the sixth line of the first paragraph.

112. Section 247 of the said Act, amended by section 227 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraphs after the fourth paragraph:

"A revised planning program must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

113. Section 248 of the said Act, amended by section 228 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out the second sentence of the fourth paragraph;

(2) by adding the following paragraphs after the fourth paragraph:

"A revised planning program applicable to the whole territory of the city must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

114. Section 249 of the said Act, amended by section 229 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraphs after the fourth paragraph:

"A revised planning program must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

115. Section 250 of the said Act, amended by section 230 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraphs after the fourth paragraph:

"A revised planning program must be adopted by the city council in accordance with section 110.3.1 of the Act respecting land use planning and development not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the fifth paragraph, replaced by a time limit of 12 months."

116. Section 8 of Schedule I to the said Act, amended by section 238 of chapter 25 of the statutes of 2001 and by section 1 of Order in Council 1308-2001 dated 1 November 2001, is again amended by replacing subparagraph 4 of the fifth paragraph by the following subparagraph:

"(4) (*a*) subject to subparagraph *b*, revenues from the tax provided for in section 101 of Schedule I-C, where the occupants of residential immovables are, under the third paragraph of that section, exempt from the payment of that tax or where the tax is levied in accordance with the sixth paragraph of that section;

(*b*) revenues from the tax provided for in article 808 of the Charter of the city of Montréal (1959-60, chapter 102), where the occupants of residential immovables are, under subarticle 3 of that article, exempt from the payment of that tax or where that tax is imposed under subarticle 4 of that article, if the revenues considered for the purposes of the division provided for in the third paragraph of this section are the revenues for the fiscal year 2001; and".

117. Section 8.4 of Schedule I to the said Act, enacted by section 239 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

118. Section 9 of Schedule I to the said Act is amended by striking out the third paragraph.

119. Schedule I to the said Act is amended by inserting the following section after section 20:

"20.1. Where a vote taken by a borough council results in a tie-vote, the vote of the chair cast and forming part of the tie-vote becomes the casting vote."

120. Section 23 of Schedule I to the said Act is amended by replacing "the vice-chair" in the first line by "two vice-chairs".

121. Section 27 of Schedule I to the said Act is replaced by the following section:

"27. The chair may designate the vice-chair who shall replace the chair in the event that the chair is unable to act or if the office of chair is vacant. The designation may establish the order in which the vice-chairs are to replace the chair, on a periodic basis or according to any other criteria the chair determines.

The chair may designate a vice-chair to preside at any meeting of the executive committee."

122. Section 35 of Schedule I to the said Act, amended by section 249 of chapter 25 of the statutes of 2001 and by section 6 of Order in Council 1308-2001 dated 1 November 2001, is again amended by inserting "or Schedule I-C" after "in section 34.1".

123. Section 83.6 of Schedule I to the said Act, enacted by section 261 of chapter 25 of the statutes of 2001, is replaced by the following section:

"83.6. The city council may, by a by-law adopted by a two-thirds majority of the votes cast, fix the remuneration of the president and vice-president of the intercultural board. The other members are not remunerated. All are entitled to reimbursement by the intercultural board for expenses authorized by the intercultural board and incurred by them in the exercise of their functions."

124. Section 83.8 of Schedule I to the said Act, enacted by section 261 of chapter 25 of the statutes of 2001, is amended by inserting "council" after "city" in the fourth line of the English text.

125. The heading of subdivision 6 of Division III of Chapter III of Schedule I to the said Act, amended by section 278 of chapter 25 of the statutes of 2001, is replaced by the following heading:

"§6. — *Local economic, community, cultural and social development*".

126. Section 137 of Schedule I to the said Act, amended by section 279 of chapter 25 of the statutes of 2001, is again amended by replacing "local economic, cultural, community" in the fifth line by "local economic, community, cultural".

127. Section 150.1 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001 and amended by section 17 of Order in Council 1308-2001 dated 1 November 2001, is again amended by replacing the fourth paragraph by the following paragraph:

"The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation is not a general property tax rate to which the first paragraph and subparagraph 1 of the second paragraph applies. For the purposes of subparagraphs 2 and 3 of the second paragraph, "immovables" means business establishments when the business tax or the sum in lieu thereof is involved."

128. Section 150.2 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

129. Section 150.5 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 150.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 of that Act."

130. Section 151.1 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

131. Section 151.3 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"For each of the fiscal years from 2002 to 2006, the city must impose the general property tax under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.36 of

that Act, or impose the surtax on vacant land, and for that purpose comply with the rules provided for in the following paragraphs the effect of which, among other things, is to allow rates to be fixed that differ according to the sectors.

As regards a sector in which the general property tax was imposed for the fiscal year 2001 with such a specific rate or a sector in which the surtax was imposed for that fiscal year, the city is required, for each of the fiscal years from 2002 to 2006, to impose that tax or surtax, subject to any provision of an Act or order determining the fiscal year until which the city may impose the surtax. If the city imposes the general property tax with such a specific rate, the rate it fixes for that sector must be equal to the maximum provided for in section 244.49 of the Act respecting municipal taxation; if the city imposes the surtax under subsection 3 of section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the amount of the surtax for each immovable concerned in the sector must be equal to the maximum provided for in that subsection.

As regards a sector in which the general property tax was not imposed for the fiscal year 2001 with a rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation, and in which the surtax on vacant land was not imposed for that fiscal year:

(1) notwithstanding section 244.49 of that Act, the maximum applicable in respect of the particular rate fixed under the second paragraph for the sector is equal to the result of the increase in the basic rate provided for in section 244.38 of that Act that is applicable for the sector, that increase resulting in the maximum being increased by equal annual segments, from 2002 to 2006, to twice that basic rate; and

(2) the amount of the surtax fixed in subsection 1 of section 486 of the Cities and Towns Act or, as the case may be, the maximum of that amount provided for in subsection 3 of that section is not applicable for the sector and is replaced by a maximum applicable in respect of the rate of surtax fixed under the second paragraph for the sector, that maximum being equal to the maximum that would be established under subparagraph 1 if the expression "basic rate" were to mean the general property tax rate, and if only the portion of the increased rate that corresponds to the increase were taken into consideration."

132. Schedule I to the said Act is amended by inserting the following section after section 151.4, enacted by section 286 of chapter 25 of the statutes of 2001:

"**151.4.1.** For a fiscal year prior to the fiscal year in which the first property assessment roll drawn up specifically for the city comes into force, the city may avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) to impose the general property tax with a rate specific to the category provided for in section 244.35

of that Act, if it does not do so for the whole of its territory, separately for any of the sectors in which that tax was imposed with such a rate for the fiscal year 2001.

In such a case,

(1) the only other specific rate of the general property tax that may be fixed separately for the sector is the basic rate provided for in section 244.38 of the Act respecting municipal taxation;

(2) notwithstanding section 151.4, the coefficient referred to in section 244.47 of the Act respecting municipal taxation is the coefficient established for the fiscal year 2001 in respect of the municipality referred to in section 5 whose territory constitutes the sector."

133. Schedule I to the said Act is amended by inserting the following section after section 151.5, enacted by section 286 of chapter 25 of the statutes of 2001:

"151.5.1. For the fiscal year 2002,

(1) section 432.1 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted for Cité de Côte-Saint-Luc by section 1 of chapter 83 of the statutes of 1984, continues to apply in the sector corresponding to the territory of that municipality;

(2) the first paragraph of paragraph 13 of Order in Council 1276-99 dated 24 November 1999 respecting the constitution of Ville de Lachine continues to apply in the sector corresponding to the territory of that municipality."

134. Section 151.6 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

135. Schedule I to the said Act is amended by inserting the following section after section 186:

"186.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program."

136. Section 197.1 of Schedule I to the said Act, enacted by section 303 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

137. Section 27 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing the second paragraph by the following paragraph:

"The secretary shall, with the necessary modifications and for the purposes of the powers of the borough council, have the powers and perform the duties of the clerk of a municipality provided for in any law."

138. Section 33 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by adding the following paragraph at the end:

"A member of the council of the former Ville de Montréal, to whom the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) applies may participate in the group insurance taken out by the city for the period covered by the program. The member shall pay the full amount of the premium."

139. Section 95 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is repealed.

140. Section 115 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting "section 543," after "except".

141. Section 128 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 of 1 November 2001, is amended by adding the following paragraph at the end:

"The commitments arising from those loans constitute direct and general obligations of the city and rank concurrently and *pari passu* with all other general obligations of the city."

142. Section 192 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing the third paragraph by the following paragraph:

"The owner of the immovable expropriated under this section may claim an indemnity from the city. Where no agreement is reached, the indemnity shall be fixed by the Administrative Tribunal of Québec at the request of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., chapter E-24) apply, with the necessary modifications."

143. Section 202 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by striking out "transmission and" in the first paragraph.

144. Section 204 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing "control" in the third paragraph by "jurisdiction".

145. Section 207 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by striking out "or overhead constructions" in the second paragraph;

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

"Whenever the overhead network on the public domain is extended or altered, the commission shall approve the location of the proposed support structures."

146. Section 216 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "the underground conduits and overhead constructions under its jurisdiction" in the first paragraph by "its underground conduits and overhead constructions".

147. Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 255:

"255.1. The filing of a document of the Société de l'assurance automobile du Québec containing information relating to the identity of the owner of a vehicle the registration number of which is indicated on the statement of offence, whether the document is transmitted by the Société or obtained with its authorization in accordance with law, constitutes, failing any evidence to the contrary, proof of the identity of the owner of the vehicle in penal proceedings instituted before the municipal court for an offence against a provision of a traffic by-law, a motor vehicle parking by-law or a by-law respecting the use of a motor vehicle or its accessories, or for any offence against a provision of the Highway Safety Code (R.S.Q., chapter C-24.2), the Transport Act (R.S.Q., chapter T-12) or a regulation under any of those Acts.

To be admissible as evidence, the document need only bear the attestation of an employee of the city to the effect that the document emanates from the Société de l'assurance automobile du Québec."

148. Section 8.4 of Schedule II to the said Act, enacted by section 311 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

149. Section 9 of Schedule II to the said Act is amended by striking out the third paragraph.

150. Section 21 of Schedule II to the said Act is amended by replacing "vice-chair" in the second line by "two vice-chairs".

151. Section 25 of Schedule II to the said Act is replaced by the following section:

"25. The chair may designate the vice-chair who shall replace the chair in the event that the chair is unable to act or if the office of chair is vacant. The designation may also establish the order in which the vice-chairs are to replace the chair, on a periodic basis or according to any other criteria the chair determines.

The chair may designate a vice-chair to preside at any meeting of the executive committee."

152. Section 130.2 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

153. Section 130.5 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 130.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

154. Section 131.1 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

155. Section 131.3 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 130.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 130.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 130.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

156. Section 131.6 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

157. Schedule II to the said Act is amended by inserting the following section after section 165:

"165.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program."

158. Section 175.1 of Schedule II to the said Act, enacted by section 355 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

159. Part I of Schedule II-B to the said Act, replaced by section 359 of chapter 25 of the statutes of 2001, is amended by inserting "estuary" after "river" in the second line of the fourth paragraph of the English text of the description of Borough 6.

160. Section 10 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section:

"10. In the event that the chair and vice-chairs of the executive committee are simultaneously absent or unable to act, the committee may designate one of its members to exercise the duties and powers of the chair of the executive committee during that absence or inability.

The executive committee may also designate, if the chair has not already done so, the vice-chair who is to replace the chair in the event that the chair is absent or unable to act."

161. Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting the following sections after section 25:

"25.1. The mayor may, subject to section 25.2, appoint up to four councillors responsible for assisting the members of the executive committee as associate councillors. An associate councillor does not sit on the executive committee.

The mayor may at any time replace an associate councillor.

"25.2. The number of associate councillors and members of the executive committee shall not exceed the total of 11."

162. Section 29 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by replacing "Subject to the powers of a borough council, it" by "The executive committee".

163. Section 31 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by striking out ", the borough council" in the first paragraph.

164. Section 115 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is repealed.

165. Section 149 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section:

"149. The aggregate of the contributions that the city must pay into the pension fund of the Régime de retraite de la Ville de Québec, registered by the Régie des rentes du Québec under number 24450, may not be less, for each year between 1 January 2002 and 31 December 2010, than 13% of the total payroll of the participants.

The supplemental contributions which the city must pay pursuant to the first paragraph, with respect to supplemental contributions resulting from the application of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), shall burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of Ville de Québec as it existed on 31 December 2001."

166. Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting the following section after section 187:

"187.1. The filing of a document of the Société de l'assurance automobile du Québec containing information relating to the identity of the owner of a vehicle the registration number of which is indicated on the statement of offence, or indicating the classes, conditions and restrictions of the driver's licence of a prosecuted person, whether the document is transmitted by the Société or obtained with its authorization in accordance with law, constitutes, failing any evidence to the contrary, proof of the identity of the owner of the vehicle in penal proceedings instituted before the municipal court for an offence against a provision of a traffic by-law, a motor vehicle parking by-law or a by-law respecting the use of a motor vehicle or its accessories, or for any offence against a provision of the Highway Safety Code (R.S.Q., chapter C-24.2), the Transport Act (R.S.Q., chapter T-12) or a regulation under any of those Acts.

To be admissible as evidence, the document need only bear the attestation of an employee of the city to the effect that the document emanates from the Société de l'assurance automobile du Québec."

167. Section 8.4 of Schedule III to the said Act, enacted by section 362 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

168. Section 9 of Schedule III to the said Act is amended by striking out the third paragraph.

169. Sections 46 to 54 of Schedule III to the said Act are repealed.

170. Section 54.14 of Schedule III to the said Act, enacted by section 369 of chapter 25 of the statutes of 2001, is amended in the French text by replacing "du présent chapitre" in the first line by "de la présente section".

171. Schedule III to the said Act is amended by inserting the following sections after section 60:

"60.1. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may, to promote the economic development of the city, create a legal person

(1) to promote the economic development of the city; and

(2) to promote the establishment and maintenance of enterprises in its territory.

The board of directors of a legal person created under the first paragraph must have as a member a representative of a local development centre, although that member is not entitled to vote.

The chief auditor of the city shall audit the accounts and business of the legal person created under the first paragraph.

"60.2. Notwithstanding section 466.3 of the Cities and Towns Act (R.S.Q., chapter C-19), the city shall make an annual contribution to the support of the local development centre in its territory in the manner set out in the agreement provided for in section 12 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001).

The city shall enter into a first agreement under the first paragraph before 1 April 2002."

172. Section 87.2 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

173. Section 87.4 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001 and amended by section 15 of Order in Council 1310-2001 dated 1 November 2001, is again amended by inserting ", even after the contract expires" after "the related contract" in the second paragraph.

174. Section 87.5 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 87.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

175. Section 87.7 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001 and replaced by section 17 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting ", or by the Crown in right of Canada or one of its mandataries," after "Act" in the last line of the second paragraph.

176. Section 88.1 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

177. Section 88.3 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 87.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 87.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 87.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

178. Section 88.6 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

179. Schedule III to the said Act is amended by inserting the following section after section 122:

"122.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5, make with any such officer or employee any agreement necessary to the implementation of the program."

180. Section 134.1 of Schedule III to the said Act, enacted by section 403 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

181. Schedule III-B to the said Act is amended

(1) by replacing "**Longueuil Borough**" in Part I by "**Vieux-Longueuil Borough**";

(2) by replacing "Longueuil" in the seventh line of Part II by "Vieux-Longueuil".

182. Schedule III-C to the said Act, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting the following section after section 25:

"25.1. The city may enter into an agreement with any private educational institution or any university for the purpose of the joint establishment and use of a fibre optics communications network."

183. Section 27 of Schedule III-C to the said Act, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting "with a legal person created under section 60.1 of Schedule III" after "Montréal" in the second paragraph.

184. Section 8 of Schedule IV to the said Act, amended by section 408 of chapter 25 of the statutes of 2001 and by section 3 of Order in Council 1312-2001 dated 1 November 2001, is again amended

(1) by adding "to the extent of the commitments made before 4 November 2001" at the end of the sixth paragraph;

(2) by replacing "21 June 2001" in the seventh paragraph by "1 January 2002";

(3) by adding the following at the end of the seventh paragraph: "Every pension plan to which a municipality referred to in section 5 was required to contribute must, if it is subject to Chapter X of the Supplemental Pension Plans Act, be the subject of an actuarial valuation as at 31 December 2001. The executive committee must cause a report of each actuarial valuation to be prepared by the actuary it designates. Section 119 of the Supplemental Pension Plans Act applies, with the necessary modifications, to each report."

185. Section 8.4 of Schedule IV to the said Act, enacted by section 409 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

186. Section 9 of Schedule IV to the said Act is amended by striking out the third paragraph.

187. Section 76.2 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

188. Section 76.5 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 76.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

189. Section 77.1 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

190. Section 77.3 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 76.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 76.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 76.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

191. Section 77.6 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

192. Schedule IV to the said Act is amended by inserting the following section after section 123:

"123.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program."

193. Section 135.1 of Schedule IV to the said Act, enacted by section 435 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

194. Section 7 of Schedule IV-B to the said Act, enacted by section 15 of Order in Council 1312-2001 dated 1 November 2001, is repealed.

195. Section 22 of Schedule IV-B to the said Act, enacted by section 15 of Order in Council 1312-2001 dated 1 November 2001, is amended by striking out the second sentence of the third paragraph.

196. Section 8.4 of Schedule V to the said Act, enacted by section 441 of chapter 25 of the statutes of 2001, is amended by inserting ", except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (R.S.Q., chapter C-72.01)" after "2002" in the fifth line.

197. Section 9 of Schedule V to the said Act is amended by striking out the third paragraph.

198. Section 20 of Schedule V to the said Act is amended by replacing "four" in the first line by "five".

199. Section 29 of Schedule V to the said Act is amended by adding the following paragraph at the end:

"However, in the case of a tie-vote, the vote of the mayor cast and forming part of the tie-vote becomes the casting vote. The mayor's casting vote cannot be exercised by the vice-chair who is presiding at the meeting, where that is the case."

200. Section 101.2 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

201. Section 101.5 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by replacing the third paragraph by the following paragraph:

"If the city avails itself of the power provided for in section 101.1 and if, for any fiscal year referred to in that section, the surtax or the tax on non-residential immovables or the surtax on vacant land is imposed, the city must prescribe the rules to enable the appropriate correspondences to be made so as to obtain

the same results, as regards the application of that section, were the general property tax imposed for the fiscal year, pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.33 or 244.36, as the case may be, of that Act."

202. Section 102.1 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by inserting ", or that must be paid by the Crown in right of Canada or one of its mandataries," after "(R.S.Q., chapter F-2.1)" in the fourth line of the second paragraph.

203. Section 102.3 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by adding the following paragraphs at the end:

"Where under section 244.29 of the Act respecting municipal taxation, the city imposes the general property tax, for a fiscal year, with a rate specific to the category provided for in section 244.36 of that Act, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 244.49 of that Act, the city may, for that fiscal year, fix several such rates that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 101.1 or subparagraph 1 of the second paragraph of that section.

Where the city imposes the surtax on vacant land, for a fiscal year, and it is impossible to comply with both the limitation of the variation in the tax burden applicable under the provisions of subdivision 2 or 3 and the minimum and maximum provided for in section 486 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may, for that fiscal year, fix several rates of the surtax that differ according to the sectors and that comply with such minimum and maximum. In such a case, none of the rates is a rate referred to in the first paragraph of section 101.1 or subparagraph 1 of the second paragraph of that section as a result of the correspondence rules adopted under the third paragraph of section 101.5.

The difference between a rate fixed under the second or third paragraph and the rate that would be fixed if the limitation of the variation in the tax burden were complied with may not exceed whatever is strictly necessary for compliance with the minimum or maximum referred to in that paragraph."

204. Section 102.6 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended

(1) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the first and second lines of the fifth paragraph;

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

"For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries."

205. Schedule V to the said Act is amended by inserting the following section after section 136:

"136.1. The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5, make with any such officer or employee any agreement necessary to the implementation of the program."

206. Section 147.1 of Schedule V to the said Act, enacted by section 480 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

207. Section 61 of Schedule VI to the said Act is amended by adding the following paragraph after the third paragraph:

"The council may appoint a single person to hold more than one position referred to in the first paragraph. The person shall have the same rights, powers and privileges and shall be liable to the same obligations and penalties as those determined and prescribed for the positions in respect of which the person is appointed."

208. Section 99 of Schedule VI to the said Act, amended by section 485 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out subparagraph 5 of the third paragraph;

(2) by adding the following subparagraph after subparagraph 8 of the third paragraph:

"(9) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes.";

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

"The second paragraph does not apply to

(1) a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders; or

(2) a contract covered by the regulation in force made under article 105.1."

209. Section 101 of Schedule VI to the said Act is amended

(1) by striking out ", except a contract in respect of property related to artistic or cultural fields as well as computer software for educational purposes, and subscriptions" in the third, fourth and fifth lines of subparagraph 2 of the third paragraph;

(2) by striking out ", except a contract in respect of services related to artistic or cultural fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary" in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the third paragraph.

210. Section 105.1 of Schedule VI to the said Act, enacted by section 488 of chapter 25 of the statutes of 2001, is amended

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

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the second paragraph of article 100 or the third paragraph of article 102 applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria.";

(2) by replacing "the contract" in the first line of the third paragraph by "a contract";

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

"The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality."

211. Section 105.2 of Schedule VI to the said Act, enacted by section 488 of chapter 25 of the statutes of 2001, is amended

(1) by inserting "or an expenditure of less than that amount where the regulation so provides," after "more," in the second line;

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

"This section does not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders."

212. Section 120 of Schedule VI to the said Act is amended by replacing "31 March" in the first line by "15 November".

213. Section 121 of Schedule VI to the said Act is amended by replacing "1 July" in the second line of the first paragraph by "15 December".

214. Schedule VI to the said Act is amended by inserting the following section after section 133:

"133.1. The Minister shall, before giving an opinion under section 130 or 133, seek the advice of the Commission de la capitale nationale.

In addition to reasons relating to the government aims referred to in sections 130 and 133, an objection or disapproval expressed by the Minister may be based on the opinion of the Commission de la capitale nationale."

215. Section 180 of Schedule VI to the said Act is amended

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

"180. The Community may, by by-law, for the benefit of all of the municipalities whose territory is situated within its territory, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.";

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

"The by-law must also indicate that the reserve is established for the benefit of all of the municipalities whose territory is situated within the territory of the Community, or of some of those municipalities, and in the latter case, specify the municipalities concerned."

216. Section 181 of Schedule VI to the said Act is amended

(1) by inserting ", from a special share payable by the municipalities for whose benefit the reserve is established," after "council" in the third line of the second paragraph;

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

"Where the reserve is established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, the reserve

may not be made up of sums from the general fund or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory."

217. Section 182 of Schedule VI to the said Act is amended by adding the following paragraph at the end:

"The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation."

218. Section 183 of Schedule VI to the said Act is amended by inserting "or, if the reserve was established for the benefit of some of the municipalities whose territory is situated within the territory of the Community, to those municipalities" after "fund" in the fourth line of the third paragraph.

219. Section 184 of Schedule VI to the said Act is replaced by the following section:

"184. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 179, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the second paragraph of section 182, the amount of such a reserve shall not enter into the calculation of the amount provided for in the first paragraph."

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

220. Section 507 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) is amended by replacing "31 March 2002" in the first and second lines of the first paragraph by "31 December 2002".

221. Section 508 of the said Act is amended by replacing "January" wherever it appears in the third line of subparagraph 2 of the first paragraph by "May".

222. Section 512 of the said Act is amended

(1) by striking out "465," in the seventh line of the first paragraph;

(2) by inserting "465," after "464," in the fourth line of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

223. Notwithstanding the provisions enacted by paragraph 2 of section 24, paragraph 2 of section 39, paragraph 3 of section 98, paragraph 2 of section 101, paragraph 3 of section 208 and paragraph 2 of section 211, the contracting party may be chosen by agreement in the case of a professional services contract entered into with the designer of preliminary or final plans and specifications or other documents of the same nature prepared before 21 June 2001 for additional or supervision work in relation to those plans and specifications or other documents, even if the contract relating to their design was not the subject of a call for tenders.

224. Section 59 has effect for the purposes of any municipal fiscal year from the municipal fiscal year 2001.

225. Section 60 has effect for the purposes of any municipal fiscal year from the fiscal year 2002.

However, an assessor who has not altered the property assessment roll before 20 December 2001 is dispensed from doing so, for a fiscal year preceding the fiscal year 2002, to enter thereon, pursuant to the third paragraph of section 208 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as it read before that date, the name of the lessee or occupant of an immovable belonging to the Société immobilière du Québec.

In addition, any certificate signed by the assessor to make an alteration referred to in the second paragraph is null if, on the date mentioned therein, a copy of the notice of alteration has not been sent to the lessee or occupant in accordance with section 180 of the Act respecting municipal taxation.

226. For the purposes of subparagraph 4 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), enacted by section 68, and until the coming into force of the first amendment made, after 20 December 2001, to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 340-97 (1997, G.O. 2, 1275), any reference to a gross revenue of $10,000 in section 9 of that regulation shall be read as a reference to a gross revenue of $5,000.

227. Sections 68 to 70 and 226 apply for the purposes of any school fiscal year from the fiscal year 2001-2002 and for the purposes of any municipal fiscal year from the fiscal year 2002.

228. Any authorization or approval that a transition committee may give under section 177 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), section 157 of Schedule II to that Act, section 114 of Schedule III to that Act, section 115 of Schedule IV to that Act, section 128 of Schedule V to that Act or an order under section 125.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) may, after the mandate of the committee has ended, be given by the Minister of Municipal Affairs and Greater Montréal.

229. Every committee established before 20 December 2001, in accordance with subparagraph 8 of the first paragraph of section 464 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 704 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as those provisions read before that date, must, as of 1 April 2002, be in conformity with sections 147 and 147.1 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

230. Ville de Rouyn-Noranda, Ville de La Malbaie and Ville de Windsor must, to avail themselves of the first paragraph of section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 86, become a party to the plan by the adoption of a by-law that will come into force at the latest on 20 December 2002.

231. The agreement entered into between Hydro-Québec and Municipalité régionale de comté de Beauharnois-Salaberry on 25 August 1998 may not be contested on the ground that one of the parties lacked authority to enter into the agreement.

The first paragraph has effect from 21 June 2001.

232. A local municipality which, on 1 September 2002, is included in the list provided for in section 14 or 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27), applicable for the fiscal year 2002, may not receive an equalization amount for that fiscal year greater than 50% of the amount computed in accordance with the rules prescribed by the regulation made under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

233. For each of the municipal fiscal years 2002 and 2003, the sums which, by reason of the application of section 232 or the regulatory provision under subparagraph *e* of paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), are not paid as they would otherwise have been pursuant to the regulation made under that paragraph must, up to a maximum of $3,500,000, be used to finance any program of the Government, a minister or a government body developed to assist regional county municipalities in the exercise of their functions relating to residual materials management, fire safety or civil protection.

For each municipal fiscal year, the part of those sums exceeding $3,500,000 shall be paid, in the manner determined by the Government, to the local municipalities entitled to receive an equalization amount for the fiscal year under the regulation and that have not lost all or part of that right, proportionately to the amounts thus payable to them.

234. Ville de Montréal may amend the by-law passed under article 808 of the Charter of the city of Montréal (1959-60, chapter 102) to provide that, in the case of a business establishment referred to in the fourth paragraph of section 232 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the amount of the water-rate and service tax is established by applying 20% of the rate.

It may provide that the amendment referred to in the first paragraph has effect from 1 January 2001.

This section has effect from 15 November 2001.

235. A revised planning program must be adopted by the council of Ville de Gatineau in accordance with section 110.3.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) not later than 31 December 2004.

The time limit of 90 days provided for in section 110.4 of that Act is, for the adoption of a concordance by-law necessary to ensure conformity with the revised program adopted pursuant to the first paragraph, replaced by a time limit of 12 months.

236. By-laws 2000-313 and 2000-314 adopted by the council of Municipalité de Sainte-Brigide-d'Iberville may not be contested on the ground that the public notice required under section 572 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) was not given in their respect prior to the referendum poll.

The secretary-treasurer shall enter a reference to this section in the book of by-laws of the municipality, after each by-law referred to in the first paragraph.

The first paragraph has effect from 21 June 2001.

237. For the purposes of the application of section 53.7 of the Environment Quality Act (R.S.Q., chapter Q-2) by the Communauté métropolitaine de Québec, Municipalité régionale de comté des Chenaux, Municipalité régionale de comté du Fjord-du-Saguenay, Ville de Lévis, Ville de Gatineau, Ville de Sherbrooke, Ville de Trois-Rivières, Ville de Saguenay and Ville de Shawinigan, the date of 1 January 2001 set out in the first paragraph of that section is replaced by the date of 1 January 2002.

238. As of 15 November 2001, the cities of Chicoutimi, Jonquière, La Baie and Laterrière, the municipalities of Lac-Kénogami and Shipshaw and Canton de Tremblay may not adopt a budget for the fiscal year 2002.

Any budget already adopted for the fiscal year 2002 by one of those municipalities has no effect.

239. The budget relating to the fiscal year 2002 of Ville de Saguenay, constituted as of 18 February 2002 under Order in Council 841-2001 dated 27 June 2001, must include, for the period that begins on 1 January 2002 and that ends on 17 February 2002, the revenues and expenditures of the municipalities referred to in the first paragraph of section 238.

Notwithstanding section 474 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 954 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), the appropriations allocated to each of the municipalities for that period are the following:

(1) Ville de Chicoutimi: $15,000,000;

(2) Ville de La Baie: $3,900,000;

(3) Ville de Jonquière: $15,500,000;

(4) Ville de Laterrière: $480,000;

(5) Canton de Tremblay: $330,000;

(6) Municipalité de Shipshaw: $275,000;

(7) Municipalité de Lac-Kénogami: $210,000.

No temporary loan ordered for the payment of current administration expenses by any of those municipalities may exceed the amount of the appropriations allocated to the municipality under the second paragraph, except with the authorization of the Minister of Municipal Affairs and Greater Montréal.

240. The clerk of Ville de Saguenay appointed under section 132 of Order in Council 841-2001 dated 27 June 2001 may, before 18 February 2002, send the documents referred to in section 81 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) for the fiscal year 2002. The same applies with respect to the treasurer of Municipalité de Saint-Honoré to take into account the inclusion in the territory of that municipality, pursuant to that order in council, of part of the territory of Canton de Tremblay.

The first paragraph applies subject to the first and second paragraphs of section 503 of the Cities and Towns Act (R.S.Q., chapter C-19) and of article 1007 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

241. The treasurer or secretary-treasurer of a municipality mentioned in the first paragraph of section 238 is required to produce, before the adoption of the budget of Ville de Saguenay for the fiscal year 2002, at least the comparative statement on revenues provided for in section 105.4 of the Cities and Towns Act (R.S.Q., chapter C-19) or in article 176.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) for the fiscal year 2001, based on the data current to 31 December 2001.

242. For the purposes of Chapter IX of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and Chapter XV of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), Ville de Saguenay is considered to be the employer of the workers of the municipalities referred to in the first paragraph of section 238 for the period that begins on 1 January 2002 and that ends on 17 February 2002.

243. Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the vacancy in the office of councillor No. 3 of Ville d'Amos need not be filled before the holding of the next general election.

244. The Morin dam agreement entered into on 3 July 2001 between the Minister of the Environment and Municipalité régionale de comté de Rivière-du-Loup and the partnership agreement entered into between the dam beneficiaries to which the first agreement refers may not be contested on the ground that the regional county municipality lacked jurisdiction to enter into the agreements.

245. In accordance with the agreement signed between 23 October 2001 and 22 November 2001 by the cities of Sherbrooke, Bromptonville, Fleurimont, Lennoxville, Rock Forest and Waterville and the municipalities of Ascot, Deauville and Saint-Élie-d'Orford and under the terms and conditions set out therein, the intermunicipal agreement providing for the establishment of the Régie intermunicipale de police de la région sherbrookoise ends on 31 December 2001. The Board ceases its activities and is dissolved on that same date.

246. The name of Municipalité régionale de comté de Francheville is changed to Municipalité régionale de comté des Chenaux.

247. As of 1 January 2002, Ville de Trois-Rivières, Ville de Shawinigan, Municipalité régionale de comté des Chenaux, Municipalité régionale de comté de Maskinongé and Municipalité régionale de comté de Mékinac are parties to the intermunicipal agreement providing for the establishment of the Régie intermunicipale de gestion des déchets de la Mauricie.

On that same date, a transitional board of directors shall be formed and for that purpose, sections 8 and 9 of the agreement are replaced by the following sections:

"8. The board of directors of the Board is composed of six members, including two delegates appointed by Municipalité régionale de comté de Maskinongé and one delegate appointed by each of the other municipalities.

"9. The delegate of Ville de Trois-Rivières has four votes, the delegates of Ville de Shawinigan, Municipalité régionale de comté des Chenaux and Municipalité régionale de comté de Mékinac have two votes each and the delegates of Municipalité régionale de comté de Maskinongé have one vote each."

The municipalities that are parties to the agreement must, not later than 31 May 2002, determine the number of delegates who will compose the board of directors of the Board and agree on an apportionment of the votes and, for that purpose, enter into an intermunicipal agreement amending sections 8 and 9 replaced by the second paragraph. If on that date the Minister of Municipal Affairs and Greater Montréal has not received the agreement, the Minister shall appoint a conciliator who is to submit a conciliation report to the Minister within the time specified by the Minister.

At the request of a municipality or the conciliator, the Minister may grant additional time for the entering into of an agreement.

If the conciliator fails to bring the parties to an agreement within the time granted, the Minister shall request the Commission municipale du Québec to render the decision it considers equitable after hearing the municipalities and the Board and examining the conciliation report transmitted to it by the Minister.

The decision rendered by the Commission is final and is binding on the municipalities and the Board.

The provisions of the Code of Civil Procedure (R.S.Q., chapter C-25) respecting the homologation of arbitration awards apply, with the necessary modifications, to the decision of the Commission.

The intermunicipal agreement providing for the establishment of the Régie intermunicipale de gestion des déchets de la Mauricie, as amended by the decision of the Commission, is an agreement referred to in subdivision 23 of Division XI of the Cities and Towns Act (R.S.Q., chapter C-19) and in Division XXV of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and may be amended in accordance with section 468.1 of the Cities and Towns Act and article 570 of the Municipal Code of Québec.

248. Ville de Québec and Municipalité régionale de comté de La Côte-de-Beaupré may be the co-owners of a sanitary landfill situated in the territory of the regional county municipality. The city and the regional county municipality must enter into an agreement to establish the terms and conditions of the co-ownership, in particular as regards operating and capital expenditures and the apportioning of the assets and liabilities upon termination of the co-ownership.

The agreement may provide for special rules, for Ville de Québec, for the adoption of the budget and loan by-laws and for the authorization of expenditures.

The agreement provided for in the first paragraph must be approved by the Minister of Municipal Affairs and Greater Montréal.

249. For the purposes of sections 7 and 181 to 184 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), the Régie intermunicipale des déchets sur l'Île de Montréal, the Régie intermunicipale des bibliothèques publiques Pierrefonds-Dollard-des-Ormeaux and the Régie de la sécurité publique LaSalle-Verdun are considered to be municipalities referred to in section 5 of that schedule.

250. Ville de Longueuil must enter into an agreement with the regional county municipalities of Lajemmerais and La Vallée-du-Richelieu concerning the conditions for the withdrawal of the territories of the cities of Boucherville and Saint-Bruno-de-Montarville from their respective territories.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

251. Ville de Shawinigan succeeds to the rights, obligations and charges of Municipalité régionale de comté du Centre-de-la-Mauricie.

The unorganized territory within the territory of the regional county municipality is included in the territory of the city.

252. Ville de Shawinigan is considered to be a regional county municipality for the purposes of the following Acts, with the necessary modifications:

(1) the Fire Safety Act (2000, chapter 20);

(2) the Forest Act (R.S.Q., chapter F-4.1);

(3) the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(4) the Environment Quality Act (R.S.Q., chapter Q-2);

(5) the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

253. The provisions of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) that concern regional county municipalities as well as the provisions concerning local municipalities apply to Ville de Shawinigan, subject to the necessary modifications. The powers and responsibilities assigned by that Act to the warden, the council and the secretary-treasurer of the regional county municipality shall be exercised respectively by the mayor, the city council and the clerk.

However, the conformity of the planning program or a planning by-law with the development plan shall be examined in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of that Act, with the necessary modifications, instead of sections 109.6 to 110 in the case of the planning program or sections 137.2 to 137.8 in the case of a planning by-law.

The development plan of the city is made up of the part of the development plan of Municipalité régionale de comté du Centre-de-la-Mauricie, in force on 31 December 2001, that is applicable in the territory of the city.

254. The territory of Paroisse de Notre-Dame-du-Mont-Carmel is detached from the territory of Municipalité régionale de comté du Centre-de-la-Mauricie and is attached to the territory of Municipalité régionale de comté des Chenaux.

255. The territories of the municipalities of Charrette and Saint-Mathieu-du-Parc, of Paroisse de Saint-Élie and of Village de Saint-Boniface-de-Shawinigan are detached from the territory of Municipalité régionale de comté du Centre-de-la-Mauricie and are attached to the territory of Municipalité régionale de comté de Maskinongé.

256. Ville de Shawinigan must enter into an agreement with the municipalities referred to in sections 254 and 255 concerning the conditions for the transfer of the officers and employees and the apportioning of the assets and liabilities of Municipalité régionale de comté du Centre-de-la-Mauricie at 31 December 2001. The agreement must also provide for the conditions of transfer of territory from the local municipalities to the regional county municipalities concerned.

The agreement with Municipalité régionale de comté de Maskinongé must also contain provisions for the apportioning of the payments made to Ville de Shawinigan under the Municipal Grants Act (R.S.C., chapter M-13) in respect of federal property within the meaning of that Act situated in the unorganized territory included in the territory of the city pursuant to the second paragraph of section 251.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

257. The officers and employees of Municipalité régionale de comté du Centre-de-la-Mauricie covered by the agreement provided for in section 256 become, without salary reduction, officers and employees of the municipality identified in that agreement and retain their seniority and other employment benefits.

No officer or employee may be laid off or dismissed solely by reason of the dissolution of Municipalité régionale de comté du Centre-de-la-Mauricie.

258. The letters patent constituting Municipalité régionale de comté des Chenaux are amended by striking out the third and fourth paragraphs of the purview.

259. The territory of Paroisse de Saint-Étienne-des-Grès is detached from the territory of Municipalité régionale de comté des Chenaux and is attached to the territory of Municipalité régionale de comté de Maskinongé.

260. Paroisse de Saint-Étienne-des-Grès must enter into an agreement with Municipalité régionale de comté des Chenaux and, where applicable, with Municipalité régionale de comté de Maskinongé concerning the conditions for the transfer of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

261. Ville de Sherbrooke succeeds to the rights, obligations and charges of Municipalité régionale de comté de La Région-Sherbrookoise.

262. The territory of Ville de Waterville is detached from the territory of Municipalité régionale de comté de La Région-Sherbrookoise and is attached to the territory of Municipalité régionale de comté de Coaticook.

263. Ville de Waterville must enter into an agreement with Ville de Sherbrooke and, where applicable, with Municipalité régionale de comté de Coaticook concerning the conditions for the transfer of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must

be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

264. The territory of Municipalité de Saint-Henri is detached from the territory of Municipalité régionale de comté de Desjardins and is attached to the territory of Municipalité régionale de comté de Bellechasse.

265. Municipalité de Saint-Henri must enter into an agreement with Ville de Lévis and, where applicable, with Municipalité régionale de comté de Bellechasse concerning the conditions for the transfer of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

266. The territory of Paroisse de Saint-Lambert-de-Lauzon is detached from the territory of Municipalité régionale de comté des Chutes-de-la-Chaudière and is attached to the territory of Municipalité régionale de comté de La Nouvelle-Beauce.

267. The conditions for detaching the territory of Paroisse de Saint-Lambert-de-Lauzon from the territory of Municipalité régionale de comté des Chutes-de-la-Chaudière are those set out in the agreement entered into by those municipalities on 10 December 2001.

Paroisse de Saint-Lambert-de-Lauzon must enter into an agreement with Municipalité régionale de comté de La Nouvelle-Beauce concerning the conditions for the attaching of its territory.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to assist the parties in reaching an agreement. The agreement must be approved by the Government and if no agreement is reached, the Government shall impose its content.

The agreement must be entered into not later than 31 March 2002. At the request of a municipality or the conciliator, the Minister may grant additional time.

268. Sections 210.83 and 210.84 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply to the transfers of the local municipalities referred to in sections 254, 255, 259, 262, 264 and 266 subject to the conditions of transfer provided for in the agreements.

269. The limits of the territory of Ville de Shawinigan and those of the territories of the regional county municipalities of Bellechasse, Coaticook, des Chenaux, Maskinongé and La Nouvelle-Beauce are the limits described by the Minister of Natural Resources in the official description to be published in the *Gazette officielle du Québec*.

270. A municipality constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) and a municipality constituted by an order under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 1 of chapter 27 of the statutes of 2000, may, by a resolution requiring only the approval of the Minister of Municipal Affairs and Greater Montréal, adopt a loan by-law to consolidate the liabilities of the transition committee whose mission was to establish the conditions most conducive to facilitating the transition between the municipality and the existing administrations.

271. The council of Ville de Longueuil may, in accordance with section 252 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), prescribe by by-law that the municipal taxes or compensations payable for the fiscal year 2002 may be paid in a number of instalments that differs from one sector to another.

Where the by-law referred to in the first paragraph provides for a sector that the taxes or compensations may be paid in a number of instalments greater than the smallest number of instalments provided for another sector, all the interest lost to the city because of the application of that rule and the costs arising from the administration of such a rule must be set off for the city by revenues deriving exclusively from the sector benefiting from the rule.

For the purposes of the first and second paragraphs, "sector" means the territory of each of the local municipalities referred to in section 5 of Schedule III to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

272. Until 30 June 2002 and in respect of Municipalité régionale de comté de Sept-Rivières, Municipalité régionale de comté de Rimouski-Neigette, Municipalité régionale de comté de La Rivière-du-Nord and Municipalité régionale de comté de Vallée-de-l'Or, section 202 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) shall be read with the following paragraph appearing after the first paragraph:

"Notwithstanding the first paragraph, in the case of a municipality whose population is equivalent to half of the population of the regional county

municipality and the representative of which has, in accordance with that paragraph, a number of votes equivalent to more than half of the number of votes that all the representatives have, the representative of that municipality has, for the application of section 201 in respect of a proposal, the number of votes obtained by multiplying, by the percentage that the municipality's population is of the population of the regional county municipality, the number of votes cast by the other representatives in respect of the proposal. Where the number obtained has a decimal fraction, the decimal fraction is omitted; if the first decimal is greater than 5, the number is increased by 1."

273. Notwithstanding section 12 of Order in Council 1480-2001 dated 12 December 2001 constituting Ville de Saint-Hyacinthe, the polling for the first general election will take place on 14 April 2002.

274. Subject to article 2930 of the Civil Code of Québec, the prescriptive period provided for in subsection 5 of section 585 and in section 586 of the Cities and Towns Act (R.S.Q., chapter C-19) runs from 1 January 2002 in respect of a claim resulting for an act or omission of the Communauté urbaine de Montréal, the Communauté urbaine de Québec or the Communauté urbaine de l'Outaouais or any of its employees having occurred before that date. The former prescriptive period is maintained if applying the new prescriptive period would operate to extend the former period.

275. If by-law 198-2001 adopted on 17 September 2001 by the council of Municipalité de Saint-Paul-de-l'Île-aux-Noix is approved by the qualified voters within 60 days following 20 December 2001, the by-law may not be contested on the ground that the object of the by-law is to finance an expenditure already made.

276. Sections 135, 157, 179, 192, 205 and 222 have effect from 20 December 2000.

Sections 81, 83, 84, 86, 89, 90, 93, 118, 149, 168, 186 and 197 have effect from 21 June 2001.

277. This Act comes into force on 20 December 2001, subject to the following provisions:

(1) sections 1, 2, 4 to 8, 62, 63, 65, 66, paragraph 2 of section 67, sections 96, 109, 110, 112 to 117, 119 to 121, 123 to 126, 128, 130, 134, 136 to 152, 154, 156, 158 to 173, 175, 176, 178, 180 to 187, 189, 191, 193 to 200, 202, 204, 206 to 214, 220, 235, 246, 248, 250 to 269 and 271 come into force on 1 January 2002;

(2) sections 12 to 17, 19 to 22, 27 to 31, 42 to 46, 102 to 106 and 215 to 219 come into force on 1 January 2003.