

(1) the carrier has not owned or leased apportioned vehicles in the 18 months preceding the date of the application; and

(2) the carrier has not accrued kilometres with apportioned vehicles in the territory of any administrative authority in the preceding year.”.

8. Section 60.31 is amended by replacing “60 days or less” in paragraph 2 by “more than 60 days”.

9. Section 60.38.1 is amended by replacing “as well as documents” in paragraph 1 by “, trip certificates and any other document”.

10. Section 112.2 is amended by replacing “any of Divisions II and” by “Division”.

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

9239

M.O., 2009

Order of the Minister of Municipal Affairs, Regions and Land Occupancy dated 21 April 2009

Cities and Towns Act
(R.S.Q., c. C-19)

Municipal Code of Québec
(R.S.Q., c. C-27.1)

Granting of a general authorization to allow all municipalities and intermunicipal management boards to amend, until 31 March 2010, certain contracts entered into with an enterprise operating a recycling plant

WHEREAS, under the first paragraph of section 573.3.1 of the Cities and Towns Act (R.S.Q., c. C-19) and section 938.1 of the Municipal Code of Québec (R.S.Q., c. C-27.1), the Minister of Municipal Affairs and Regions may authorize a municipality to award a contract without calling for tenders and the Minister may, on her own initiative, exercise that power in respect of all municipalities for a contract or any class thereof;

WHEREAS section 468.51 of the Cities and Towns Act and section 620 of the Municipal Code of Québec provide that section 573.3.1 of the Cities and Towns Act apply to an intermunicipal management board;

WHEREAS the Minister may use the power provided for in the first paragraph of section 573.3.1 of the Cities and Towns Act and section 938.1 of the Municipal Code of Québec to authorize a municipality or an intermunicipal management board to make amendments to a contract already awarded without having to call for tenders;

WHEREAS, under the second paragraph of those sections, the exercise of such a power by the Minister is not applicable where calls for tenders are required to be public under an intergovernmental trade liberalisation agreement applicable to municipalities and intermunicipal management boards;

WHEREAS the Agreement on the Opening of Public Procurement for Québec and Ontario, the Agreement on the Opening of Public Procurement for New Brunswick and Québec (2008) and Annex 502.4 of the Agreement on Internal Trade are applicable;

WHEREAS the three agreements provide exceptions from the public tender process where an unforeseeable emergency situation arises then allowing the amendment of existing contracts in order to mitigate the negative impact resulting from such a situation;

WHEREAS the extraordinary situation of the market for recyclable materials due in particular to the drop in the resale price of certain of those materials constitutes an unforeseeable emergency situation;

CONSIDERING the possible interest in authorizing municipalities and intermunicipal management boards to amend certain contracts entered into with an enterprise operating a recycling plant in order to mitigate the negative impact resulting from that situation;

THEREFORE, the Minister of Municipal Affairs, Regions and Land Occupancy orders as follows:

1. Every municipality or intermunicipal management board that, before the date of coming into force of this Order, has entered into a contract with an enterprise that operates a recycling plant, whose activities are compromised by the drop in the resale price of recyclable materials, may until 31 March 2010 enter into an agreement with the enterprise to make amendments to the contract insofar as the amendments:

(1) do not operate to extend the term of the contract, be retroactive or compromise the principle of equal treatment of tenderers;

(2) provide that an additional amount will be added to the price set in the contract where the value per tonne of recyclable materials considered as a whole or per category, depending on the choice of the parties, is below the financial threshold corresponding to that choice, the threshold being:

(a) where the parties have chosen to consider the recyclable materials as a whole, \$92.05 per tonne;

(b) in the other case, \$229.63 per tonne for plastic (bundled), \$86.20 per tonne for fibre (bundled), \$1,196.95 per tonne for aluminum (bundled), \$92.35 per tonne for ferrous metal (bundled) and \$-1.15 (negative price) per tonne for glass (non-decontaminated);

(3) provide that the following elements will be taken into consideration to set the additional amount:

(a) the quantity of recyclable materials to which the additional amount applies;

(b) the proportion of the various categories of materials, where the parties have chosen to consider the recyclable materials per category;

(c) the value per tonne of recyclable materials considered as a whole or per category, depending on the choice of the parties; that value must be the highest amount between the most up-to-date value determined, as the case may be, by the overall index of the monthly price of recyclable materials or by the indexes of the average monthly prices per category of recyclable materials established by RECYC-QUÉBEC and the monthly revenue from the sale of the materials by the recycling plant in the period to which the index used applies;

(4) may not cause the additional amount to be higher than the difference between the financial threshold and the value per tonne of recyclable materials used for the purposes of paragraphs 2 and 3;

(5) provide a monthly or quarterly procedure to adjust the additional amount to which the preceding paragraphs apply, with the necessary modifications;

(6) provide a procedure to determine the compensation that the municipality or intermunicipal management board, as the case may be, is entitled to receive if, in relation to the overall index of monthly prices of recyclable materials or the average monthly price index per category of recyclable materials established by RECYC-QUÉBEC, depending on the choice of the parties, the market takes an upswing during the term of the contract.

2. The municipality or intermunicipal management board, as the case may be, is to send to the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire a copy of the amended contract.

3. The municipality or intermunicipal management board, as the case may be, is to publish in a newspaper circulated in its territory a notice informing that the contract has been amended and mentioning this general authorization.

4. This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 21 April 2009

NATHALIE NORMANDEAU,
*Minister of Municipal Affairs,
Regions and Land Occupancy*

9229

M.O., 2009

Order number AM 2009-021 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 22 April 2009

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Regulation to amend the Regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may make regulations on the matters set forth therein;

CONSIDERING section 164 of the Act, which provides that a regulation made under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting hunting by Minister's Order 99021 dated 27 July 1999, which prescribes, in particular, the conditions for the hunting of any animal or any animal of a class of animals;