

13. REGISTER OF THE DOMAIN OF THE STATE

The Minister enters in the Register of the domain of the State, or in any other register the Minister designates, the rights granted by the RCM on the lands concerned and issues written attestations of the information recorded in the register. The terms and conditions of transmission of the information will be subsequently indicated to the RCM. Where the Minister will have implemented a formal framework for registering land rights, the Minister will contact the RCM to adjust the terms and conditions provided for that purpose in the delegation agreement.

14. RESPONSIBILITIES

The RCM that exercises the powers and responsibilities in the program acts on its behalf.

15. TERM

The Minister may enter into a delegation agreement with an RCM for five (5) years. The agreement may be renewed for the same period and according to the conditions defined by the parties.

At any time and by mutual agreement, the parties may make changes to or terminate the delegation agreement.

The RCM may terminate the agreement following a written notice of one hundred and twenty (120) days sent to the Minister.

The Minister or the RCM may notify the other party of the intention not to renew the delegation agreement by sending a written notice no later than one hundred and twenty (120) days before its expiry.

The Minister may revoke a delegation agreement if the RCM does not comply with the exercise conditions and provisions of the program or the delegation.

16. SUBDELEGATION

As provided in section 14.18 of the Municipal Code of Québec (R.S.Q., c. C-27.1), the RCM that has concluded a delegation agreement under the program may, with the authorization of the Minister, subdelegate to a municipality the exercise of the powers and responsibilities of the delegation agreement. The parties will have to sign an intermunicipal agreement provided for in section 569 and following of the Municipal Code and send a copy to the Minister.

17. EXERCISE BY THE MINISTER

Where the Minister exercises again the powers and responsibilities relating to the land management of lands in the domain of the State delegated by the Minister, the RCM must send the Minister all information or documents the Minister may request, including updated books and files the RCM maintained for the management of lands. The RCM must also give the Minister all files the Minister has entrusted to the RCM and the files the RCM opened during the exercise of the delegation.

9343

Gouvernement du Québec

O.C. 859-2009, 23 June 2009

An Act respecting the Ministère des Ressources naturelles et de la Faune
(R.S.Q., c. M-25.2)

Agreement related to the transfer of responsibilities as regards the management of the mining of sand and gravel on the lands in the domain of the State

WHEREAS the Government has initiated discussions with the municipal sector to delegate activities related to land management and the management of the mining of sand and gravel;

WHEREAS the Fédération québécoise des municipalités and the Union des municipalités du Québec signed, on 24 September 2008, with the Minister of Municipal Affairs and Regions and the Minister of Natural Resources and Wildlife, an agreement in principle on the decentralization of land management and the management of the mining of sand and gravel on the lands in the domain of the State;

WHEREAS, under paragraph 1 of section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2), the Minister of Natural Resources and Wildlife is empowered to grant and manage rights of ownership and rights of use of mineral resources of the domain of the State;

WHEREAS, under the first paragraph of section 140 of the Mining Act (R.S.Q., c. M-13.1), no person may extract or mine surface mineral substances unless the person has obtained a lease to mine surface mineral substances from the Minister of Natural Resources and Wildlife;

WHEREAS, under the second paragraph of section 140 of that Act, the Minister of Natural Resources and Wildlife may authorize a person who is not a lessee to extract in a year a fixed quantity of surface mineral substances, subject to certain conditions;

WHEREAS section 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1), allows a municipality to enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality;

WHEREAS section 10.8 of the Municipal Code of Québec provides that such an agreement prevails over any inconsistent provision of any general law or special Act or of any regulation thereunder;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife, the Minister for Natural Resources and Wildlife and the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT the Minister of Natural Resources and Wildlife be authorized to sign, for and on behalf of the Government, an agreement with regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM under which each of them will exercise the following responsibilities as regards the management of the mining of sand and gravel on the lands in the domain of the State:

(1) the granting, renewal, revocation and registration in the register of real and immovable mining rights of leases to mine sand and gravel and authorizations for the extraction of those substances, and the obtaining of any permit or certificate required under any Act, in particular, certificates of authorization pursuant to section 22 of the Environment Quality Act (R.S.Q., c. Q-2);

(2) the inspection and supervision of the mining of those substances;

(3) the collection of rentals and royalties;

(4) the restoration of non-exclusive use sand pits and gravel pits when the resource is exhausted;

(5) the general or special appointment of any person to exercise, as an inspector, the powers listed in section 251 of the Mining Act (R.S.Q., c. M-13.1);

THAT the delegation agreement specify, in particular, that the RCM or municipality whose territory is not included in an RCM

(1) will keep 50% of the total revenues related to the delegated activities and will return 50% of the revenues to the Government;

(2) will have to comply with the applicable statutes and regulations, and the rights granted by the State until their expiry date;

(3) will have to pay the revenues into a fund intended to financially support the territory management and development activities;

(4) will have to send to the Minister of Natural Resources and Wildlife all the information required for the registration of authorizations for extraction and leases to mine sand and gravel in the register of real and immovable mining rights;

(5) will have to send to the Minister of Natural Resources and Wildlife all the information required to ensure a follow-up of the delegated activities;

(6) will have to comply with the Government's Native orientations when authorizations for extraction and leases to mine sand and gravel are issued;

(7) will be allowed, with the prior authorization of the Minister of Natural Resources and Wildlife, acting for and on behalf of the Government, to subdelegate the delegated responsibilities to a municipality or inter-municipal management board;

(8) will not in any way incur the Government's liability for acts the RCM or municipality performs in the exercise of the powers and responsibilities delegated to it under the delegation agreement;

THAT the delegation agreement specify, in particular, that the Minister of Natural Resources and Wildlife

(1) may, after sending a notice, suspend the power of the RCM or municipality whose territory is not included in the territory of an RCM to issue rights on lands being the subject of Native concerns, claims or negotiations made known following consultations with the community concerned; the Minister may then, if applicable, recover the delegated powers and responsibilities for the lands concerned;

(2) may, after sending a notice, recover, on the lands of the domain of the State that the Minister designates, the powers and responsibilities that the Minister entrusted to the RCM or municipality whose territory is not included in the territory of an RCM in the cases in which the Minister requires the land for purposes of public utility or public interest or for any other purpose

indicated in an Order in Council or deemed necessary by the Government or the Minister of Natural Resources and Wildlife;

(3) may, if the RCM or municipality whose territory is not included in the territory of an RCM does not comply with the conditions and provisions of the delegation agreement or if the RCM or municipality contravenes the statutes and regulations in force, require that the RCM or municipality take the necessary remedial measures within 30 days. Failing that, the Minister of Natural Resources and Wildlife may, by written notice sent to the municipality concerned, recover certain powers and responsibilities delegated by the delegation agreement, or revoke the agreement, without compensation;

THAT the agreement have a term of five years and be renewable.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9344

M.O., 2009

Order number D-9.2-2009-03 of the Minister of Finance dated 18 June 2009

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

CONCERNING the Regulation amending the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages

CONSIDERING that paragraph 2° of section 202.1 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) stipulates that the Autorité des marchés financiers shall determine, by regulation, the rules governing compulsory professional development for representatives of each sector or class of sector other than financial planning;

CONSIDERING that the fourth paragraph of section 312 of such Act stipulates that the mission of a Chamber includes, in particular, exercising, in respect of its members, the regulatory power stipulated in section 202.1 of such Act;

CONSIDERING that the first paragraph of section 217 of such Act stipulates that a regulation made by the Autorité des marchés financiers, as well as a regulation made by a Chamber under the fourth provision of section 312 of such Act, is subject to the approval, with or without amendment, of the Minister of Finance;

CONSIDERING that the third paragraph of this section stipulates that a draft regulation may not be submitted for approval or be made before 30 days have elapsed since the publication of the draft in the Bulletin of the Autorité des marchés financiers and that it enters into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified therein;

CONSIDERING that the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages was approved by order-in-council n° 1452-2001 of December 5, 2001 (2001, *G.O.* 2, 6191);

CONSIDERING that it is expedient to amend this regulation;

CONSIDERING the Regulation amending the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages was published in the Bulletin of the Autorité des marchés financiers, volume 6, n° 13 of April 3, 2009;

CONSIDERING that it is expedient to amend this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves, without amendment, the Regulation amending the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages, whose text is appended to this decision.

June 18, 2009

RAYMOND BACHAND,
Minister of Finance

Regulation to amend the Regulation respecting the compulsory professional development of the chambre de l'assurance de dommages*

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 202.1, par. (2); s. 312, par. 4)

1. Section 4 of the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages is amended:

* The only amendment to the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages, made by Order in Council 1452-2001 dated December 5, 2001 (2001, *G.O.* 2, 6189), was made by the regulation made by Order in Council 608-2004 dated June 23, 2004 (2004, *G.O.* 2, 2153).