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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

## Bill 109

(2016, chapter 31)

### **An Act to grant Ville de Québec national capital status and increase its autonomy and powers**

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**Introduced 8 June 2016**

**Passed in principle 29 November 2016**

**Passed 8 December 2016**

**Assented to 9 December 2016**

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## EXPLANATORY NOTES

*This Act changes the title of the Charter of Ville de Québec to the “Charter of Ville de Québec, national capital of Québec”.*

*The Act confirms the city’s status as Québec’s national capital. It recognizes that the city is the cradle of La Francophonie in North America and that its historic district is recognized by UNESCO as a World Heritage Site. The Act also provides that the city’s territory is the ideal and preferred setting for important meetings and the place of the Prime Minister’s working residence.*

*Under the Act, the city is granted a general power of taxation and the power to require regulatory dues. The city’s executive committee is granted the power to charge for the property, services and activities offered by the Office du tourisme de Québec.*

*The Act establishes the National Capital and National Capital Region Fund.*

*The Act provides that the city is no longer required to establish an arts council. Nor is it required to submit its loan by-laws to a referendum, subject to the power of the Minister of Municipal Affairs, Regions and Land Occupancy to require such approval in certain cases.*

*The city’s urban planning powers are broadened, thus allowing it to require contributions for parks in its planning by-laws and to increase fines for the illegal demolition of an immovable.*

*The mayor, rather than the city council, is given the responsibility of designating an acting mayor. The city council may, by a by-law adopted by a two-thirds majority of the votes cast, order that it has jurisdiction in all or part of a field under the authority of a borough council.*

*The city is granted powers enabling it to ensure that its buildings are adequately maintained. The human resources management rules applicable to the city are made more flexible, and certain executive committee powers are broadened.*

*The Act allows the city to appoint a city officer to maintain a compilation of the city's by-laws; publication of the compilation confers official status on the by-laws it contains.*

*The city is granted the power to apply the policy to integrate the arts with architecture and with the environment of government buildings and sites, provided it enters into a delegation agreement with the Minister of Culture and Communications. In addition, the Cultural Heritage Act is amended to allow the city to exercise some of that minister's authorization powers under that Act.*

*The Act stipulates that the Minister of Transport's power of disallowance with regard to certain municipal traffic by-laws does not apply to the city.*

*Under the Act, applicants for a liquor permit or an authorization under the Act respecting liquor permits are subject to a special requirement in order to ensure fuller compliance with city by-laws.*

*The Act provides that two members of the board of directors of the Commission de la capitale nationale du Québec are to be appointed on the recommendation of the city, and that another member is to be appointed on the recommendation of the Huron-Wendat Nation.*

*The Act also modifies the composition of the board of directors of the Réseau de transport de la Capitale by requiring it to be composed of nine elected municipal officials and of two users of public transportation services and one user of services adapted to the needs of handicapped persons.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Charter of Ville de Québec (chapter C-11.5);
- Act respecting the national capital commission (chapter C-33.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Cultural Heritage Act (chapter P-9.002);
- Act respecting public transit authorities (chapter S-30.01).



## Bill 109

### AN ACT TO GRANT VILLE DE QUÉBEC NATIONAL CAPITAL STATUS AND INCREASE ITS AUTONOMY AND POWERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHARTER OF VILLE DE QUÉBEC

**1.** The title of the Charter of Ville de Québec (chapter C-11.5) is replaced by the following title:

“CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC”.

**2.** Section 4 of the Charter is replaced by the following sections:

“**4.** Ville de Québec is the national capital of Québec.

It is the cradle of La Francophonie in North America and its historic district is recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Heritage Site.

The territory of the city constitutes the ideal and preferred setting for

- (1) welcoming foreign dignitaries to Québec;
- (2) diplomatic meetings and government summits; and
- (3) major political meetings and important negotiations of all kinds in which the Gouvernement du Québec takes part.

The city may affirm and uphold the status conferred on it by this section.

“**4.1.** Each new premier of Québec, as soon as possible after being sworn into office, shall be invited to the capital’s city hall to be made the city’s honorary mayor.

Ville de Québec is the place of the Prime Minister’s working residence.

“**4.2.** Subject to any other provision of this Act or any order in council made by the Government under section 9, the city is a municipality governed by the Cities and Towns Act (chapter C-19).”

**3.** The Charter is amended by inserting the following section after section 12:

**“12.1.** The city council shall maintain a borough office in the territory of each of its boroughs for, among other purposes, issuing permits and making available to the public any information concerning the city.”

**4.** Section 42 of the Charter is replaced by the following section:

**“42.** The city is the employer of all its officers and employees, whether they exercise their functions or perform their work in connection with responsibilities under the authority of the urban agglomeration council, the city council or a borough council.”

**5.** Sections 43 to 54 of the Charter are repealed.

**6.** Section 55 of the Charter is replaced by the following section:

**“55.** The city council may, by by-law, establish an arts council.”

**7.** Section 58 of the Charter is amended by inserting “or the territory of Wendake” at the end of the first paragraph.

**8.** Section 62 of the Charter is replaced by the following section:

**“62.** The arts council is provided with a special fund of which its treasurer has custody.”

**9.** Sections 70 and 70.1 of the Charter are repealed.

**10.** The Charter is amended by inserting the following section before section 72.1:

**“72.0.1.** By its zoning or subdivision by-law made under the Act respecting land use planning and development (chapter A-19.1), the city may, in addition to any measure specifically provided for by that Act and in order to promote the rational planning and harmonious development of its territory, the protection of the environment and a high-quality built environment,

(1) prescribe any measure to distribute the various uses, activities, structures and works across its territory and make them subject to standards, in accordance with any criterion or any division of the territory; such a measure may not however have the effect of restricting agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act; and

(2) govern the division of the land and prescribe the dimensions of and development standards for public and private thoroughfares.

Any provision adopted under the first paragraph that concerns a matter described in the third paragraph of section 123 of the Act respecting land use planning and development is considered to be a provision subject to approval by way of referendum for the purposes of that Act and this Charter. The procedure prescribed by subdivisions 2 and 2.1 of Division V of Chapter IV of Title I of that Act may be adapted in any reasonable manner consistent with the purposes of those subdivisions.”

**11.** Section 114 of the Charter is amended

(1) by striking out “assigned by the city to the borough” in the third paragraph;

(2) by striking out the fourth paragraph.

**12.** Section 127 of the Charter is amended by striking out “assigned by the city to the borough” in the third paragraph.

**13.** Section 128 of the Charter is replaced by the following section:

**“128.** A loan by-law need not be submitted for approval to the qualified voters and is not subject to the amendment procedure prescribed in section 565 of the Cities and Towns Act (chapter C-19).

The Minister may, however, where repayment of 75% or more of a loan is to be borne by the owners of immovables in only a part of the territory of the city, require the loan by-law to be submitted for approval to the qualified voters in that part of the territory in the manner prescribed in sections 561.1 to 561.3 of the Cities and Towns Act.”

**14.** The Charter is amended by inserting the following before Chapter V:

**“DIVISION III**

**“GENERAL TAXATION POWER**

**“131.3.** The city may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The city is not authorized to impose the following taxes:

(1) a tax in respect of the supply of a property or a service;

(2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;

(3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;

(4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;

(5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;

(6) a tax on wealth, including an inheritance tax;

(7) a tax on an individual because the latter is present or resides in the territory of the city;

(8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the city.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;



- (3) collection fees and fees for insufficient funds;
- (4) interest and specific interest rates on outstanding taxes, penalties or fees;
- (5) assessment, audit, inspection and inquiry powers;
- (6) refunds and remittances;
- (7) the keeping of registers;
- (8) the establishment and use of dispute resolution mechanisms;
- (9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;
- (10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and
- (11) criteria according to which the rate and the amount of the tax payable may vary.

**“131.9.** The city is not authorized to impose a tax under section 131.8 in respect of

- (1) the State, the Crown in right of Canada or one of their mandataries;
- (2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;
- (3) a private educational institution operated by a non-profit body in respect of an activity that is carried on in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);
- (4) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1);
- (5) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(6) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is carried on in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act; or

(7) any other person determined by a regulation of the Government.

For the purposes of Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1), a tax imposed under section 131.8 does not give entitlement to an amount determined under the first paragraph of section 255 of that Act, nor to a payment provided for in the first paragraph of section 257 of that Act.

**“131.10.** This division does not limit any other taxation power granted by law to the city.

**“131.11.** The use of an enforcement measure established by a by-law adopted under section 131.8 does not prevent the city from using any other remedy provided by law to recover the amounts owing under this division.

**“131.12.** The city may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under section 131.8 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the city’s behalf.

#### **“DIVISION IV**

##### **“DUES**

**“131.13.** The city may, in its territory, charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction; in the case of a regulatory regime applicable to a power other than an urban agglomeration power, dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

This division applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are collected from a building or subdivision permit applicant or an applicant for a certificate of authorization or occupancy and are used to finance an expense referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act.

**“131.14.** The decision to charge dues is made by a by-law adopted by the regular city council.

The by-law must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The city shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

**“131.15.** The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

**“131.16.** The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 131.8, with the necessary modifications, or on the basis of residency in the city’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

**“131.17.** The city may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

**“131.18.** The city is not authorized to require dues under section 131.13 from a person mentioned in any of paragraphs 1 to 6 of the first paragraph of section 131.9.

The Government may prohibit the collection of dues by the city under section 131.13 or impose restrictions on the city with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government's decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision."

**15.** Section 5 of Schedule C to the Charter is amended

(1) by replacing "at its first meeting the council shall elect an acting mayor from among its members for the term it determines" in the first paragraph by "at the first council meeting, the mayor shall designate an acting mayor from among the council members for the term the mayor determines";

(2) by replacing "If the council does not elect an acting mayor at its first meeting" in the third paragraph by "If an acting mayor is not designated at the first meeting";

(3) by replacing "elected" in the third paragraph by "designated";

(4) by replacing "council" in the fourth paragraph by "mayor".

**16.** Section 13 of Schedule C to the Charter is amended by replacing "a borough" by "a borough council".

**17.** Section 15 of Schedule C to the Charter is amended by replacing "laws, by-laws, resolutions and contracts under the jurisdiction of the city council" by "the city's laws, by-laws, resolutions and contracts".

**18.** Section 16 of Schedule C to the Charter is replaced by the following section:

**16.** The city council and borough councils shall communicate with the departments and boroughs through the executive committee. In its dealings with the executive committee, every council shall act by resolution. Council members must apply to the director general for information concerning a department or borough."

**19.** Section 17 of Schedule C to the Charter is replaced by the following section:

**17.** Despite section 16, the borough council shall communicate with the heads of the administrative units responsible for acting in any matter under its authority through the borough or department manager."

**20.** Schedule C to the Charter is amended by inserting the following section after section 25.3:

**25.4.** Despite section 244.1 of the Act respecting municipal taxation (chapter F-2.1), the executive committee may, by resolution, prescribe that all or part of the property, services or activities offered by the Office du tourisme de Québec are to be financed by means of a mode of tariffing that consists in

charging a fixed amount, either on an ad hoc basis, in the form of a subscription or under terms similar to those of a subscription.”

**21.** Section 28 of Schedule C to the Charter is amended by striking out “and, in respect of a borough manager, after receiving the advice of the borough council”.

**22.** Section 30 of Schedule C to the Charter is amended by replacing “assigned to the borough by the city” by “borough”.

**23.** Section 35 of Schedule C to the Charter is repealed.

**24.** Schedule C to the Charter is amended by inserting the following sections after section 84.1:

**“84.2.** The city council may, by a by-law adopted by a two-thirds majority of the votes cast, order that it has jurisdiction in all or part of a field under the authority of the borough council.

**“84.3.** The city may, by resolution and in addition to any other recourse provided for by law, require the owner of an immovable to carry out anything the owner is required to carry out under the law or a by-law with respect to the immovable or may, on the owner’s failure to comply, carry out any such thing at the owner’s expense.

The expense constitutes a prior claim on the immovable of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

The expense is secured by a legal hypothec on the immovable.

The first paragraph does not apply to an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

**“84.4.** For by-laws concerning fire prevention, noise, residual material management, deterioration of buildings due to lack of maintenance or to abuse or defacement, or the alteration of residential buildings involving a reduction in the number of housing units or in the housing surface, the city may prescribe a minimum fine of not more than \$2,000 and a maximum fine of not more than \$10,000.

For a subsequent offence, the city may prescribe a minimum fine of not more than \$4,000 and a maximum fine of not more than \$20,000.

The fine prescribed for a subsequent offence relating to the deterioration of a building may be imposed, regardless of a change in owner, if a notice of deterioration was registered in the land register in accordance with section 105.2 before the new owner acquired the building.”

**25.** Section 92 of Schedule C to the Charter is amended by striking out the second paragraph.

**26.** Schedule C to the Charter is amended by inserting the following sections after section 92:

**“92.1.** The council may, by by-law, make the issue of a building permit subject to the requirement that the applicant provide a contribution for the purposes of parks, playgrounds and natural areas provided for in Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development (chapter A-19.1), provided that the building permit relates to work that will make it possible to carry on new activities or intensify existing activities on the immovable.

The city must take into account, in favour of the owner, any transfer or payment made previously with regard to all or part of the site.

**“92.2.** Despite section 117.4 of the Act respecting land use planning and development (chapter A-19.1), the council may, in exercising the powers provided for in section 92.1 or in Division II.1 of Chapter IV of Title I of that Act, require the transfer of an immovable whose surface area is greater than 10% of the surface area of the site if the immovable in respect of which the subdivision or construction permit is applied for is situated in a central sector of the city and if all or part of the immovable is green space.

If the city requires both the transfer of an immovable and the payment of a sum, the amount paid must not exceed 10% of the value of the site.

The council must, by by-law, determine the boundaries of the central sectors of the city and define what constitutes green space for the purposes of the first paragraph.”

**27.** Section 98 of Schedule C to the Charter is replaced by the following section:

**“98.** The city may, in a zoning by-law, require that a use protected by acquired rights and involving the presentation of erotic shows or the sale of goods or services of an erotic nature cease within two years after the use becomes non-compliant.”

**28.** Section 99 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“The city may, in a zoning by-law, require an antenna protected by acquired rights to be made compliant with the regulations in force within a specified

time limit, or be removed. The time limit may vary according to the type of antenna but may not be less than one year after the antenna becomes non-compliant.”

**29.** Schedule C to the Charter is amended by inserting the following section after section 99:

“**99.1.** An applicant for a permit under the Act respecting liquor permits (chapter P-9.1) or for an authorization under section 73 or 74 of that Act must, to obtain the permit or authorization and in addition to meeting any other requirement set out in that Act, hold a certificate from the clerk attesting that the applicant’s establishment complies with city planning by-laws. The certificate stands in lieu of the certificate of occupancy referred to in subparagraph 3 of the first paragraph of section 39 of that Act.”

**30.** Sections 100 and 101 of Schedule C to the Charter are repealed.

**31.** Schedule C to the Charter is amended by inserting the following sections before section 106:

“**105.1.** If the deterioration of a building endangers the health or safety of the occupants of the building and if the city has a by-law establishing standards or prescribing measures relating to the maintenance of buildings, the executive committee may require restoration, repair or maintenance work to be carried out to make the building compliant with the by-law.

In such a case, the executive committee shall have a written notice sent to the owner stating the work to be carried out and the time limit for doing so. It may grant additional time.

“**105.2.** If the owner fails to comply, the executive committee may require a notice of deterioration containing the following information to be registered in the land register:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;

(3) the title and number of the by-law referred to in the first paragraph of section 105.1; and

(4) a description of the work to be carried out.

No notice of deterioration may be registered with regard to an immovable owned by a public body within the meaning of the Act respecting Access to

documents held by public bodies and the Protection of personal information (chapter A-2.1).

**“105.3.** If the city ascertains that the work prescribed in the notice of deterioration has been carried out, the executive committee shall, within 60 days after that fact is ascertained, require a notice of regularization containing the following information to be registered in the land register:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;

(3) the registration number of the notice of deterioration relating to the notice of regularization; and

(4) an entry stating that the work described in the notice of deterioration has been carried out.

**“105.4.** Within 20 days after the registration of any notice of deterioration or notice of regularization, the city shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

**“105.5.** The city shall post and keep up to date on its website a list of the immovables situated in its territory for which a notice of deterioration has been registered in the land register.

The list must mention, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the city must withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.

**“105.6.** The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register for at least 60 days previously and on which the work required in the notice has not been carried out. Such an immovable may then be alienated to any person by onerous title or to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19) by gratuitous title.”

**32.** Section 107 of Schedule C to the Charter is repealed.



**33.** Schedule C to the Charter is amended by inserting the following section after section 122:

**“122.1.** Anyone who demolishes an immovable or has it demolished in contravention of a city by-law or of an authorization issued under such a by-law is liable to a fine of not less than \$10,000 nor more than \$250,000.”

**34.** Schedule C to the Charter is amended by inserting the following section after section 164:

**“164.1.** The third and fifth paragraphs of section 626 of the Highway Safety Code (chapter C-24.2) do not apply to Ville de Québec.”

**35.** Section 185 of Schedule C to the Charter is replaced by the following section:

**“185.** The city may appoint a city officer to maintain a compilation of the city’s by-laws. The compilation shall be updated regularly by incorporating into the text of the by-laws all additions, repeals and other amendments made. Updates replace the earlier provisions concerned by new provisions.

The by-laws contained in the compilation may also be consolidated, without changing the substance of any text, in particular by reorganizing the text to ensure accessibility or intelligibility. Consolidation repeals earlier provisions that have been consolidated.

The city shall determine, by by-law, the form and content of the compilation and determine the procedures for updating and consolidating the by-laws it contains. The by-law must prescribe the manner in which the compilation is to be published and the rules that apply to the coming into force of updated and consolidated by-laws.

Publication of the compilation confers official status on the by-laws it contains.

If the provisions in the compilation of by-laws differ from the provisions in the book of by-laws kept by the clerk, the former prevail for events occurring on or after the date of coming into force of the text contained in the compilation, and the latter, for events occurring before that date.”

#### ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

**36.** Section 5 of the Act respecting the national capital commission (chapter C-33.1) is amended by adding the following sentence at the end of the first paragraph: “Two members shall be appointed on the recommendation of Ville de Québec; one member shall be appointed on the recommendation of the Huron-Wendat Nation.”

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

**37.** Section 13 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by adding the following paragraph at the end:

“An agreement entered into between the Minister and Ville de Québec may provide for the delegation to the city of all or part of the implementation of the policy in its territory, to the extent, on the conditions and with the modifications stipulated in the agreement.”

**38.** Section 22.3 of the Act is amended by replacing “under section 193 of that Act” in paragraph 4.1 by “in accordance with that Act”.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**39.** The Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by inserting the following division after section 3.41:

“**DIVISION III.1.1**

“**NATIONAL CAPITAL AND NATIONAL CAPITAL REGION FUND**

“**3.41.1.** The National Capital and National Capital Region Fund is established for the purpose of contributing to the dynamism, vitality, development, growth and influence of the national capital and its region.

“**3.41.2.** The Premier or a minister designated by the Government in accordance with section 9 of the Executive Power Act (chapter E-18), hereinafter referred to as “the Minister”, is responsible for the administration of this division.

“**3.41.3.** The following are credited to the Fund, exclusive of the interest earned:

(1) the gifts, legacies and other contributions paid into it to further achievement of the objects of this division; and

(2) the sums transferred to it by a minister out of the appropriations granted for that purpose by Parliament.

“**3.41.4.** Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance the sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

**“3.41.5.** The Minister may, as the person responsible for the Fund and in order to support the development of the national capital and its region and help further their influence, grant financial assistance to the Communauté métropolitaine de Québec, to a municipality, to any municipal or supramunicipal body under a municipality, to the band council of a Native community, to any cultural society or institution established by legislation, or to any non-profit organization.

The Minister may also, for the same purposes or for a start-up project, grant financial assistance to any private enterprise, or to any cooperative constituted under the Cooperatives Act (chapter C-67.2), that has been established for less than three years.

The sums required for payment of the financial assistance referred to in the first and second paragraphs are debited from the Fund.

**“3.41.6.** For each fiscal year, the Minister tables in the National Assembly a report on the Fund’s activities, including a detailed list of the subsidized projects, sums granted and recipient bodies.

The Committee on the National Assembly designates the committee that will study the report.”

#### CULTURAL HERITAGE ACT

**40.** The Cultural Heritage Act (chapter P-9.002) is amended by inserting the following after section 179:

##### “CHAPTER VI.1

##### “EXERCISE OF CERTAIN POWERS BY VILLE DE QUÉBEC

**“179.1.** In a protection area situated in its territory, Ville de Québec exercises the Minister’s powers under section 49 in relation to the division, subdivision, redivision or parcelling out of a lot or to the making of a construction, other than the building or erection of an immovable.

Moreover, in a land area declared a heritage site and in a classified heritage site situated in its territory, Ville de Québec exercises the Minister’s powers under section 64, except as regards the demolition of all or part of an immovable, the erection of a new construction and the excavation of ground, even inside a building, when it is incidental to such demolition or erection work. Ville de Québec also exercises the Minister’s powers under section 65.

In exercising those powers, Ville de Québec is bound by the conservation plans established by the Minister under sections 37 and 61.

**“179.2.** Despite section 179.1, Ville de Québec may not exercise the powers conferred by this chapter as regards interventions by the Government, a government department or a body that is a mandatary of the State. The Minister

exercises all the powers conferred by sections 49, 64 and 65 as regards such interventions.

**“179.3.** For the purposes of the exercise, by Ville de Québec, of the powers conferred by this chapter, sections 11, 50, 51, 66 and 67, subparagraphs 2 and 3 of the first paragraph, the second paragraph of section 80, and sections 180, 181, 183 to 192, 195, 196, 197, 201, 202 and 261 apply to Ville de Québec, with the necessary modifications, including replacing “Government” and “Minister” by “Ville de Québec”.

**“179.4.** Ville de Québec may institute penal proceedings for an offence under this Act arising from the exercise of the powers conferred by this chapter.

The fine belongs to Ville de Québec if it instituted the proceedings.

**“179.5.** The Commission d’urbanisme et de conservation de Québec set up under section 123 of Schedule C to the Charter of Ville de Québec (chapter C-11.5) must, within the time Ville de Québec specifies, give its opinion on an application for authorization filed under section 49, 64 or 65 for which the city exercises the powers conferred by this chapter.

**“179.6.** The council of Ville de Québec may, by by-law and to the extent it determines, delegate to the city’s executive committee the exercise of all or some of the powers provided for in this Act that the city exercises under this chapter, except the regulatory powers provided for in subparagraphs 2 and 3 of the first paragraph and in the second paragraph of section 80.

Likewise, it may delegate to the Commission d’urbanisme et de conservation de Québec the exercise of all or some of the powers of authorization provided for in this Act that the city exercises under this chapter. In such a case, section 179.5 does not apply.

The by-law may, among other things, provide that a power relating to a particular intervention may be excluded when such powers are delegated.

**“179.7.** The Minister communicates to Ville de Québec all documents and information, including personal information, enabling the city to ensure compliance with this Act as regards the powers it exercises under this chapter.

Ville de Québec communicates to the Minister all documents and information, including personal information, that arise from the exercise by the city of the powers conferred by this chapter and enabling the Minister to ensure compliance with this Act.

**“179.8.** Ville de Québec must, not later than 9 June 2019 and subsequently every five years, report to the Minister on the carrying out of this chapter.

The Minister tables the report within the next 30 days in the National Assembly or, if the Assembly is not sitting, within 30 days of resumption.”

**41.** The Act is amended by inserting the following sections after section 261:

**“261.1.** The processing of an application for authorization filed for an intervention referred to in section 179.1 and submitted to the Minister before 9 June 2017 is continued by the Minister until an authorization is issued or denied.

**“261.1.1.** Ville de Québec may not, under the powers conferred on it by Chapter VI.1, issue an authorization for an intervention for which authorization was denied by the Minister on or after 9 June 2012, or for which authorization was denied under section 261.1.

**“261.2.** Ville de Québec is responsible for the administration of sections 180, 183 to 192, 195 to 197, 201, 202 and 261 in relation to an authorization referred to in section 261.1 or an authorization issued by the Minister before 9 June 2017 for an intervention referred to in section 179.1. The same applies in the case of contraventions of section 49, 64 or 65 that occurred or began before that date and that concern interventions referred to in section 179.1.

To that end, the city may, among other things, institute penal proceedings before the competent municipal court for an offence under this Act. In such a case, any fine belongs to the city.

Despite the first two paragraphs, civil proceedings, brought either as plaintiff or defendant, in all contestations for or against the State, as well as penal proceedings in progress on 9 June 2017 in relation to an intervention referred to in section 179.1, are continued by the Attorney General of Québec or the Director of Criminal and Penal Prosecutions for the State, as applicable.”

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**42.** Section 9 of the Act respecting public transit authorities (chapter S-30.01) is replaced by the following section:

**“9.** Despite section 6, the board of directors of the Société de transport de Québec is composed of 12 members designated by the urban agglomeration council of Ville de Québec, of whom

(1) nine are designated from among the members of the regular council of Ville de Québec and the councils of the other municipalities whose territory is included in the urban agglomeration; and

(2) three are designated from among the residents of the urban agglomeration, two of whom are users of public transportation services and the other, a user of services adapted to the needs of handicapped persons.”

## FINAL PROVISION

**43.** This Act comes into force on 9 December 2016, except section 40 to the extent that it enacts sections 179.1 to 179.6 and 179.8 of the Cultural Heritage Act (chapter P-9.002), which comes into force on 9 June 2017.