



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 175
(1997, chapter 93)

**An Act to again amend various
legislative provisions concerning
municipal affairs**

**Introduced 13 November 1997
Passage in principle 27 November 1997
Passage 18 December 1997
Assented to 19 December 1997**

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EXPLANATORY NOTES

This bill amends various municipal laws. As concerns land use planning and development, the bill institutes a system for the revision every five years of municipal planning programs and by-laws, subject to a simplified procedure for consulting qualified voters. The bill also broadens the rules governing the information required at the time an application for a building permit is made. It empowers regional county municipalities and local municipalities to adopt provisions in by-laws that relate to the planting and felling of trees in private forests, amends the Forest Act so that those municipalities are considered to be in the same category as holders of a forest management agreement, and provides that a regional county municipality must in all cases examine a zoning by-law to determine whether it complies with government policy concerning the preservation of agricultural activities in agricultural areas.

The bill changes the rules that govern the decision-making process within the council of regional county municipalities. In addition, it introduces a provision granting Ville de Québec a right of veto within the council of the Communauté urbaine de Québec.

New rules are set out in the bill to govern the dissolution of commercial development associations. The membership of the boards of directors of the associations is also modified by the bill. Amendments are made to the rules governing financing by municipalities and urban communities of promotional and economic organizations designated by the Government.

The bill requires the treasurer of a municipality to issue a certificate indicating that funds are available at the time an employee is to be hired by an authorized officer. It also requires the mayor to report each year all contracts involving an expenditure in excess of \$5,000 entered into by a municipality with a population of fewer than 50,000 persons, and all contracts involving an expenditure in excess of \$10,000 entered into by a municipality with a population of over 50,000 persons.

As concerns the powers of municipalities, the bill introduces amendments to define their power to construct private conduits and sewer outlets and authorizes municipalities to enter into agreements with school boards or educational institutions for the establishment of libraries. Under the bill, municipalities may also create financial

reserves for specific purposes. In addition, the bill grants certain powers regarding management of lands in the public domain. It empowers an executive committee created by a special Act that has the power to authorize expenditures to allow an officer to incur an expenditure and to enter into a contract as a result. The bill also empowers local municipalities to create limited partnerships with Hydro-Québec and enables school boards to invest sums in mutual funds in which municipalities invest. Lastly, the bill amends the Act respecting elections and referendums in municipalities to allow municipalities to test new voting procedures in by-elections and referendums.

The bill empowers intermunicipal management boards to enter into certain types of intermunicipal agreements. The Communauté urbaine de Québec is granted powers already available to municipalities and that pertain to transfers of certain types of property and to the financing of its working fund. Northern villages and the Kativik Regional Government are made subject to the same rules as other Québec municipalities as concerns the alienation of movable and immovable property, the awarding of municipal contracts and penal proceedings that may be instituted in cases of offences under the law, a by-law or an order. In addition, the bill grants to Northern villages the property leasing powers that other municipalities currently have. Generally, new provisions will allow Northern villages and the Kativik Regional Government to accept delegations of power from the Government and to subdelegate those powers.

The bill introduces several amendments to existing provisions. In particular, it lengthens the time limit for publication by the clerk of a municipality governed by the Cities and Towns Act of a notice of the sale of an immovable for non-payment of taxes, and broadens the publication requirement for calls for public tenders relating to construction, supply or services contracts involving an expenditure in excess of \$100,000. The bill also clarifies the rules allowing a person to be exempted from a special tax imposed for loan repayment if the person pays in a single instalment.

As concerns municipal taxation, the bill widens the exemption applicable to trusts in respect of duties on transfers of immovables, sets out clearly the public nature of the graphic register, changes the rule that determines in whose name a trailer belonging to an owner other than the owner of the land on which it is situated is to be entered on the assessment roll, and permits charges payable on the filing of an application for review in matters of real estate assessment to be paid by cheque or other negotiable instrument. The bill also extends to the year 2000 a temporary provision relating to the

application of the sales tax to parking spaces situated in the territory of Ville de Montréal. For 1998 only, it allows for the sending of a tax account that takes the place of a notice of assessment in municipalities having rolls that expire in 1998. Lastly, the bill excludes gas distribution networks from the special tax regime applicable to them where the link between the network structures and the consumer is effected essentially by means of vehicle transport.

In addition, the bill makes adjustments to certain rules governing the constitution, annexation or amalgamation of municipalities. It also amends the Act respecting the remuneration of elected municipal officers to eliminate, from 1998, automatic indexing of the minimum remuneration of elected officers and the indexing formula imposed on municipalities that grant indexing in a remuneration by-law. As well, the Act is amended to allow for reimbursement of certain expenses incurred by the officers in the performance of their duties. The Act respecting the Société d'habitation du Québec is amended to allow municipal housing bureaus to be amalgamated.

Lastly, the bill introduces consequential amendments to ensure coherence with other existing provisions, provides for the desynchronization of the real estate assessment rolls and the rolls of rental values of the municipalities whose territory is comprised in that of Municipalité régionale de comté de Nicolet-Yamaska, validates, on certain conditions, the neighbourhood revitalization programs complementary to the Programme de revitalisation des vieux quartiers established by the Société d'habitation du Québec, and contains a provision concerning the fixing or revising by the Régie du logement of the rent payable for dwellings situated in the Olympic Village. As well, it amends the Act respecting the Régie de l'énergie to enable customers of municipal electricity networks to file complaints concerning electricity rates with the Régie.

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 the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);

- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- 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);
- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Charter of the City of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26);

- Act respecting the Régie de l'énergie (1996, chapter 61);
- Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67);
- Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41);
- Act respecting the implementation of the Act respecting administrative justice (1997, chapter 43).

Bill 175

AN ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

- 1.** Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 21 of chapter 14 of the statutes of 1996, is again amended by inserting the words “12.1 or” after the words “adopt by-laws under subparagraph” in the fourth line of subparagraph 2 of the third paragraph.
- 2.** Section 48 of the said Act, amended by section 9 of chapter 25 of the statutes of 1996, is again amended by striking out the words “, by a majority vote of its members,” in the first paragraph.
- 3.** Section 53.5 of the said Act is amended by striking out the words “, by a majority vote of its members,” in the second line of the first paragraph.
- 4.** Section 56.3 of the said Act, amended by section 16 of chapter 25 of the statutes of 1996, is again amended by striking out the words “, by a majority vote of its members,” in the first paragraph.
- 5.** Section 56.6 of the said Act, amended by section 18 of chapter 25 of the statutes of 1996, is again amended by striking out the words “, by a majority vote of its members,” in the first paragraph.
- 6.** Section 56.13 of the said Act, amended by section 19 of chapter 25 of the statutes of 1996, is again amended by striking out the words “, by a majority vote of its members,” in the second line of the first paragraph.
- 7.** Section 56.15 of the said Act is amended by striking out the second sentence of the second paragraph.
- 8.** Section 62 of the said Act, replaced by section 26 of chapter 25 of the statutes of 1996, is amended by striking out the words “, by a majority vote of its members,” in the first and second lines of the first paragraph.
- 9.** Section 64 of the said Act, replaced by section 26 of chapter 25 of the statutes of 1996, is amended by replacing the words “a by-law adopted by a

majority vote of its members” in the first and second lines of the first paragraph by the word “by-law”.

10. The said Act is amended by inserting, after section 110.3, the following:

“DIVISION VI.0.1

“REVISION OF PLANNING PROGRAM

“110.3.1. The council of the municipality may, from the fifth anniversary of the coming into force of the first planning program or of the latest revised planning program, as the case may be, revise the planning program in accordance with the process set out in sections 109.1 to 109.8, 109.9 and 110 to 110.3, adapted as required.

Where, however, to comply with the obligation under section 110.10.1 to adopt on the same day the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the council is required to readopt the by-law revising the planning program without amendment, sections 109.1 to 109.4 shall not apply to the readopted by-law.

Furthermore, where, pursuant to section 110.10.1, the council adopts on the same day the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the issue and transmission of the certificate of conformity under section 109.7 or 109.9 in respect of the by-law revising the planning program may not be effected as long as the issue and transmission under section 137.3 or 137.5 cannot be effected in respect of any other by-law so adopted on the same day. The issue and transmission are effected on the same day in respect of all the by-laws.”

11. The heading of Division VI.1 of Chapter III of Title I of the said Act is amended by replacing the words “AMENDMENTS TO” by the words “AMENDMENT TO OR REVISION OF”.

12. The said Act is amended by inserting, after the heading of Division VI.1 of Chapter III of Title I of the said Act, the following:

“§1. — *Concordance by-laws*”.

13. Section 110.4 of the said Act is amended

(1) by inserting the words “or revising” after the word “amending” in the first line of the first paragraph;

(2) by inserting the words “amended or revised planning” after the words “with the” in the third line of the first paragraph;

(3) by inserting the words “or revised” after the word “amended” in the first line of the third paragraph.

14. Section 110.5 of the said Act is amended

(1) by inserting the words “or revising” after the word “amending” in the first line of the second paragraph;

(2) by inserting the words “or revised” after the word “amended” in the fifth line of the second paragraph.

15. Section 110.6 of the said Act, amended by section 51 of chapter 25 of the statutes of 1996, is again amended

(1) by inserting the words “or revising” after the word “amending” in the first line of the first paragraph;

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

“If the by-law revising the planning program that came into force is the by-law adopted on the same day as the by-law that replaces the zoning or subdivision by-law, pursuant to section 110.10.1, the council is exempted from being required to indicate that the zoning or subdivision by-law need not be amended to bring it into conformity with the planning program.”

16. Section 110.8 of the said Act is amended by inserting the words “or revised” after the word “amended” in the third line of the second paragraph.

17. The said Act is amended by inserting, after section 110.9, the following heading:

“§2. — Equipment and infrastructures in the amended or revised planning program”.

18. Section 110.10 of the said Act is amended

(1) by inserting the words “or revising” after the word “amending” in the second line;

(2) by inserting the words “or revised” after the word “amended” in the third line.

19. The said Act is amended by inserting, after section 110.10, the following:

“§3. — Replacement of the zoning or subdivision by-law

“110.10.1. To replace the zoning or subdivision by-law, the council of the municipality shall, on pain of nullity, adopt the replacement by-law on the same day as it adopts the by-law revising the planning program.

The zoning or subdivision by-law must be in conformity with the revised planning program, as provided by the by-laws adopted on the same day.”

20. Section 111 of the said Act, replaced by section 53 of chapter 25 of the statutes of 1996, is amended by inserting the words “or revision” after the word “amendment” in the second line.

21. Section 112.6 of the said Act, enacted by section 53 of chapter 25 of the statutes of 1996, is amended by inserting the words “or revising” after the word “amending” in the third line of subparagraph 1 of the first paragraph.

22. Section 112.7 of the said Act, enacted by section 53 of chapter 25 of the statutes of 1996, is amended

- (1) by striking out the words “the amendment” in the fourth line of paragraph 1 ;
- (2) by inserting the words “or revision” after the word “amendment” in the third line of paragraph 3 ;
- (3) by inserting the words “or revised” after the word “amended” in the fifth line of paragraph 3 ;
- (4) by adding, at the end, the following paragraph :

“For the purposes of subparagraph 3 of the first paragraph, no account shall be taken of a zoning or subdivision by-law which, under the third paragraph of section 110.6, has not been the subject of a resolution indicating that it need not be amended to bring it into conformity with the planning program.”

23. Section 113 of the said Act, amended by section 54 of chapter 25 of the statutes of 1996 and by section 67 of chapter 26 of the statutes of 1996, is again amended

- (1) by inserting, after subparagraph 12 of the second paragraph, the following subparagraph :

“(12.1) to regulate or restrict the planting or felling of trees to ensure protection of the forest cover and promote sustainable development of private forests ;”;

- (2) by inserting, after the third paragraph, the following paragraph :

“For the purposes of subparagraph 12.1 of the second paragraph, the zoning by-law may establish rules that vary according to the parts of the territory it determines.”

24. Section 114 of the said Act is amended

- (1) by inserting the words “adopt or” after the words “given to” in the first line of the first paragraph ;

(2) by replacing the words “amending by-law” in the third and fourth lines of the first paragraph by the words “by-law that is the subject of the notice of motion”;

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

“The first paragraph ceases to be applicable to the works or use in question on the date occurring two months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after the date of its adoption if the by-law is not in force on that date.

Where, however, within two months after the filing of the notice of motion, the amending by-law is the subject, under section 128, of a second draft by-law, the first paragraph ceases to be applicable to the works or use in question on the date occurring four months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after the date of its adoption if the by-law is not in force on that date.”

25. Section 117 of the said Act is amended

(1) by inserting the words “adopt or” after the words “given to” in the first line of the first paragraph;

(2) by replacing the words “amending by-law” in the second and third lines of the first paragraph by the words “by-law that is the subject of the notice of motion”;

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

“The first paragraph ceases to be applicable to the subdivision in question on the date occurring two months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after its date of adoption if the by-law is not in force on that date.

Where, however, within two months after the filing of the notice of motion, the amending by-law is the subject, under section 128, of a second draft by-law, the first paragraph ceases to be applicable to the subdivision in question on the date occurring four months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four months after its date of adoption if the by-law is not in force on that date.”

26. Section 119 of the said Act, amended by section 56 of chapter 25 of the statutes of 1996 and by section 875 of chapter 43 of the statutes of 1997, is again amended by inserting the figure “12.1,” after the figure “12,” in the second line of paragraph 2.

27. Section 120 of the said Act, amended by section 875 of chapter 43 of the statutes of 1997, is again amended

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

“(1.1) the applicant has provided the information required by the officer to complete the form referred to in section 120.1;”;

(2) by striking out the second, third and fourth paragraphs.

28. The said Act is amended by inserting, after section 120, the following sections :

“**120.1.** In the case of work for which a building permit is required pursuant to paragraph 1 of section 119, the officer designated under paragraph 7 of that section shall, in accordance with the regulation under section 120.2, transmit to the recipient the form containing the information, prescribed by the regulation, that relates to the carrying out of the work.

“**120.2.** The Government may, by regulation,

(1) prescribe the form and content of the form referred to in section 120.1 ;

(2) prescribe the computer-drawn equivalent of such a form ;

(3) designate the recipient of the form ;

(4) prescribe the period within which the form, or its computer-drawn equivalent, must be transmitted to the recipient ;

(5) prescribe the cases in which the form need not be filled out and transmitted.

“**120.3.** Paragraph 1.1 of section 120 and sections 120.1 and 120.2, adapted as required, apply notwithstanding any inconsistent provision of any charter or special Act applicable to a municipality.”

29. Section 123 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

(1) by inserting the words “or replace” after the word “amend” in the first line of subparagraph 4 of the first paragraph ;

(2) by adding, at the end of the second paragraph, the following : “Moreover, if, in order to fulfil the obligation under section 110.10.1 to adopt, on the same day, the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the council must readopt the replacement by-law without amendment, sections 123 to 127 do not apply in respect of the

readopted by-law. For the purposes of section 134, that by-law is deemed to have been the subject of a draft by-law as provided in section 124.”;

(3) by replacing the words “or amendment of the planning program” in the fourth and fifth lines of subparagraph 2 of the third paragraph by the words “of the original planning program or of the amendment to or revision of the planning program”.

30. Section 126 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by replacing the word “fifth” in the second line of subparagraph 1 of the third paragraph and in the fourth line of subparagraph 2 of that paragraph by the word “sixth”.

31. Section 130 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996 and amended by section 4 of chapter 77 of the statutes of 1996, is again amended

(1) by replacing the word “fifth” in the second line of the third paragraph by the word “sixth”;

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

“For the purposes of the first seven paragraphs and of sections 133 to 137, a provision that changes the limits of a zone or a sector of a zone so as to amend the rules adopted pursuant to a power referred to in the fifth or sixth paragraph that are applicable to that zone or sector is considered to be a provision referred to in the fifth or sixth paragraph, as the case may be.”

32. The said Act is amended by inserting, after section 136, the following section :

“136.0.1. Any by-law adopted under section 134 that, pursuant to section 110.10.1, replaces the zoning or subdivision by-law must be approved by all qualified voters in accordance, having regard to any adaptation under the third paragraph, with the Act respecting elections and referendums in municipalities (chapter E-2.2).

Where, however, to comply with the obligation under section 110.10.1 to adopt on the same day the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the council is required to readopt without amendment a by-law that has received the approval of the qualified voters, the readopted by-law is deemed to have received that approval without having been subject to the process set out in the Act respecting elections and referendums in municipalities.

The 45-day and 120-day periods provided, respectively, by sections 535 and 568 of that Act shall begin to run on the day after either the day referred to in subparagraph 1 or 2 or the later of those days, according to whether, from among the sections of this Act mentioned in those subparagraphs, only one

section mentioned in only one subparagraph applies in respect of the by-law or more than one section mentioned in both subparagraphs applies thereto:

(1) the day on which the regional county municipality approves the by-law under section 137.3 or the day the municipality receives a copy of the notice of the Commission, provided for in section 137.5, according to which the by-law conforms to the objectives of the development plan and to the provisions of the complementary document;

(2) the day on which the by-law is deemed, under section 137.13, to be in conformity with the planning program.”

33. Section 137.2 of the said Act, amended by section 58 of chapter 25 of the statutes of 1996, is again amended

(1) by inserting the words “or replacing” after the word “amending” in the first and sixth lines of the first paragraph;

(2) by inserting the words “; the second case applies mandatorily where, under the third paragraph of section 136.0.1, the beginning of the periods provided for in sections 535 and 568 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is delayed” after the word “by-law” in the fourth line of the second paragraph.

34. Section 137.3 of the said Act, amended by section 59 of chapter 25 of the statutes of 1996, is again amended by adding, at the end of the third paragraph, the following: “Furthermore, where, pursuant to section 110.10.1, the council of the municipality adopts on the same day the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the issue and transmission in respect of the by-law approved by the council of the regional county municipality may not be effected as long as the issue and transmission provided for in this section or in any of sections 109.7, 109.9 and 137.5 cannot be effected in respect of any other by-law so adopted on the same day; the issue and transmission in such a case are effected on the same day in respect of all the by-laws.”

35. Section 137.4.1 of the said Act, enacted by section 61 of chapter 25 of the statutes of 1996, is amended by adding, after the third paragraph, the following paragraph:

“The first three paragraphs do not apply in respect of a by-law that replaces a by-law in force.”

36. Section 137.5 of the said Act, amended by section 62 of chapter 25 of the statutes of 1996, is again amended by adding, at the end of the fourth paragraph, the following: “Furthermore, where, pursuant to section 110.10.1, the council of the municipality adopts on the same day the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the issue and transmission in respect of the by-law that is the subject of

the notice of the Commission may not be effected as long as the issue and transmission provided for in this section or in any of sections 109.7, 109.9 and 137.3 cannot be effected in respect of any other by-law so adopted on the same day; the issue and transmission in such a case are effected on the same day in respect of all the by-laws.”

37. Section 137.9 of the said Act is amended

(1) by striking out the word “concordance” in the first line of the first paragraph;

(2) by replacing the words “or 110.5” in the third line of the first paragraph by the words “, 110.5 or 110.10.1”;

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

“Where, to comply with the obligation under section 110.10.1 to adopt on the same day the by-law revising the planning program, the by-law that replaces the zoning by-law and the by-law that replaces the subdivision by-law, the council is required to readopt without amendment the first by-law and one of the latter two by-laws that was deemed to be in conformity with the planning program under section 137.13, sections 137.10 to 137.14 do not apply in respect of the latter by-law. The latter by-law is deemed to be in conformity with the planning program as soon as it is readopted.”

38. Section 137.12 of the said Act is amended

(1) by inserting the words “or 110.10.1” after the figure “110.5” in the second line of the second paragraph;

(2) by inserting the words “or revised” after the word “amended” in the third line of the second paragraph.

39. Section 137.16 of the said Act, amended by section 67 of chapter 25 of the statutes of 1996, is again amended by adding, after the second paragraph, the following paragraph:

“Furthermore, where, pursuant to section 110.10.1, the by-law was adopted on the same day as the by-law revising the planning program, it shall come into force on the same day as the latter by-law.”

40. Section 145.14 of the said Act is amended by adding, at the end, the following paragraph:

“The council may, when it replaces a planning by-law, include the comprehensive development programme in the by-law adopted as a replacement by-law instead of effecting the inclusion by way of amendment.”

41. Section 201 of the said Act is replaced by the following section:

“201. The decisions of the council are made on the basis of a majority of votes cast representing a majority of the total population of the municipalities whose territories form part of the territory of the regional county municipality.

However, any decision in respect of which only certain council members are qualified to take part in the deliberations and in the vote is made on the basis of a majority of votes cast representing a majority of the total population of the municipalities represented by those members.

For the purposes of the first two paragraphs, the sole representative of a municipality is awarded the entire population of the municipality; each representative of the same municipality is awarded an equal share of the population of that municipality.”

42. Section 203 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the veto may be lifted by the council at a later sitting.”

43. Section 234.1 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“Where, to comply with the obligation under section 110.10.1 to adopt on the same day the by-law revising the planning program and the by-law that replaces the zoning or subdivision by-law, the council of the municipality is required to readopt a by-law without amendment and this Act requires the transmission after its readoption of a copy of the by-law to a person and that person had already received a copy of the by-law after its previous adoption, the sender may transmit to the person, instead of the copy of the by-law, a notice indicating that the text of the readopted by-law is identical to the text of the by-law adopted previously and specifying the dates of previous adoption and readoption.”

44. Section 237.2 of the said Act is amended

(1) by replacing the word “and” in the seventh line of the second paragraph by a comma;

(2) by inserting the words “, to the by-law revising the planning program and to the by-law that replaces the zoning or subdivision by-law” after the word “document” in the ninth line of the second paragraph.

45. Section 267.2 of the said Act, enacted by section 97 of chapter 44 of the statutes of 1997, is amended

(1) by replacing the words “of Municipal Affairs” in the first line by the words “designated in accordance with the first paragraph of section 267”;

(2) by inserting the words “case of” after the words “in the” in the first line.

CITIES AND TOWNS ACT

46. Section 29.14 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding, after subparagraph 4 of the second paragraph, the following subparagraph:

“(5) adopt a by-law for the purpose of exercising any power under section 71 of the Act respecting the lands in the public domain (chapter T-8.1).”

47. The said Act is amended by inserting, after section 29.14, the following sections:

“29.14.1. Every municipality that participates in a program or enters into an agreement under section 29.13 may, to the extent provided for by the program or agreement, institute penal proceedings for an offence committed in its territory under a legislative or regulatory provision the application of which is the subject of the program or agreement.

The fine belongs to the municipality if it instituted the proceedings, and must be paid into a fund established by the regional county municipality whose territory contains that of the municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1). The Minister of Natural Resources may authorize payment into such other fund the Minister determines.

Proceedings referred to in the first paragraph may be instituted in a municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings instituted before a municipal court belong to the municipality in which the court has jurisdiction, except any part of the costs remitted by the collector to another prosecuting party under article 366 of the Code of Penal Procedure (chapter C-25.1) and any costs remitted to the defendant or imposed on the municipality under article 223 of that Code.

“29.14.2. The municipality may institute any proceeding and exercise any power assigned to the Minister of Natural Resources under sections 60 to 66 of the Act respecting the lands in the public domain (chapter T-8.1) to the extent provided for by the program or agreement.”

48. Section 73.2 of the said Act, enacted by section 9 of chapter 27 of the statutes of 1996, is amended by inserting, after the first paragraph, the following paragraph:

“The hiring requires, to be valid, a certificate issued by the treasurer indicating that there are sufficient funds available for that purpose. If the hiring extends beyond one fiscal year, a certificate must be issued for the

portion of the expenditures to be made during the first fiscal year and thereafter at the beginning of each fiscal year during which the hiring is effective.”

49. Section 99 of the said Act, amended by section 12 of chapter 77 of the statutes of 1996 and by section 65 of chapter 41 of the statutes of 1997, is again amended by replacing the first sentence of the third paragraph by the following sentence: “The council may invest the moneys mentioned in the first paragraph in the purchase of shares in an unincorporated mutual fund which is managed by a financial institution, and all the shares of which are held by municipalities, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, by school boards or by two or more of such entities.”

50. Section 413 of the said Act, amended by section 153 of chapter 2 of the statutes of 1996, is again amended by striking out the first three paragraphs of paragraph 25.

51. The said Act is amended by inserting, after section 413, the following section :

“**413.1.** The municipality may, at the expense of the owner, construct private conduits, water intakes and sewer outlets and connect private conduits with public conduits. For that purpose, the council may, by by-law,

(1) prescribe that all works to effect the connection be performed by the municipality or be performed under the supervision of its representative ;

(2) prescribe that the owner deposit before the works begin a sum fixed by the council to ensure immediate payment of the total cost of the works ;

(3) prescribe the mode, materials and time of construction and connection.

Any sum owed by the owner under the first paragraph constitutes a prior claim on the immovable in respect of which the works are performed, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.”

52. The said Act is amended by inserting, after section 454, the following sections :

“**454.1.** Any municipality, including Ville de Montréal and Ville de Québec, may, with Hydro-Québec, constitute a limited partnership governed by the Civil Code of Québec having, among other objects, the object of producing electricity.

“**454.2.** Hydro-Québec must furnish, at all times, at least half of the contribution to the common stock of the partnership referred to in section 454.1, and must be the partnership’s general partner.”

53. The said Act is amended by inserting, after section 458.17, the following sections :

“**458.17.1.** Subject to section 458.17.2, sections 458.3 to 458.13, adapted as follows and as otherwise necessary, apply to a petition for dissolution :

(1) the register is to be open to receive signatures from persons who are in favour of dissolution of the association ;

(2) the petition is deemed to be disapproved if the number of persons required for the holding of a poll is not attained.

“**458.17.2.** If the petition for dissolution is approved, the clerk must send it to the board of directors of the association together with a certificate to the effect that the petition has been approved in accordance with the law.

The board of directors must, in accordance with the Companies Act (chapter C-38), file with the Inspector General of Financial Institutions an application for dissolution of the association.”

54. Section 458.19 of the said Act is amended by striking out the last sentence of the first paragraph.

55. Section 458.24 of the said Act is replaced by the following section :

“**458.24.** The board of directors is composed of nine persons. Six persons are elected by the general meeting from among the members of the association ; one person is designated by the municipal council from among its members or from among the officers or employees of the municipality ; and two persons are designated by the elected members of the board or directors. The latter two persons may not vote on financial matters.”

56. Section 466.3 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997, is amended

(1) by replacing the words “it shall determine by by-law” in the third line of the first paragraph by the words “shall be determined by a by-law it adopts or according to rules prescribed in the by-law” ;

(2) by adding, after the third paragraph, the following paragraph :

“The second and third paragraphs do not apply to Ville de Laval.”

57. Section 468.52 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraph :

“468.52. A management board and a municipality may enter into an agreement under which one provides services to the other or the management board is delegated jurisdiction by the municipality. Sections 468 to 468.9, 468.53 and 469, adapted as required, apply to the agreement.”

58. The said Act is amended by inserting, after section 468.52, the following section :

“468.52.1. Management boards may enter into an agreement under which one management board provides services to the other or delegates part of its jurisdiction to the other, provided that the management board delegating jurisdiction is authorized to do so. That authorization must be set out in the agreement under which the management board was established, or be granted by all the municipalities that are parties to the agreement.

An agreement under the first paragraph is valid only for the shortest of the unexpired periods of the agreements under which the management boards were established.

Sections 468 to 468.9, 468.53 and 469, adapted as required, apply to any agreement entered into under the first paragraph.”

59. The said Act is amended by inserting, after section 471.0.2, the following section :

“471.0.2.1. The municipality may enter into, alone or jointly with any other municipality, agreements with any other school board or any educational institution to jointly establish and maintain public libraries in the territory of the municipality or in a contiguous territory.”

60. Section 474.1 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is again amended by inserting, after the second paragraph, the following paragraphs :

“In the case of a municipality having fewer than 50,000 inhabitants, the mayor shall also table a list of all contracts involving an expenditure exceeding \$5,000 entered into by the municipality since the last sitting of the council at which the mayor made a report of the financial position of the municipality in accordance with the first paragraph. In the case of a municipality having 50,000 inhabitants or more, that obligation applies to contracts involving an expenditure exceeding \$10,000.

The mayor shall also table a list of all contracts involving an expenditure exceeding \$1,000 entered into within that period with the same contracting party, if those contracts involve a total expenditure exceeding the applicable amount under the third paragraph.

The list shall indicate, for each contract, the date it was entered into, the name of each contracting party, the amount of the consideration and the object of the contract.”

61. Section 474.8 of the said Act, replaced by section 182 of chapter 2 of the statutes of 1996, is amended by adding, at the end, the following sentence: “The obligation under the third, fourth and fifth paragraphs of section 474.1 also applies to the mayor of Ville de Montréal ; however, the mayor shall table the list as provided in that third paragraph at a sitting of the council held in the month of October or November each year, and the contracts referred to in that paragraph are the contracts entered into since the last meeting at which such a list was tabled.”

62. Section 477.2 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

“Where the executive committee is empowered to authorize an expenditure under a special Act, the first five paragraphs, adapted as follows, apply to the executive committee:

- (1) the delegation by the executive committee is made by resolution;
- (2) the application for authorization referred to in the third paragraph is made by the executive committee;
- (3) the report mentioned in the fifth paragraph must also be transmitted to the executive committee within five days following the authorization.”

63. Section 513 of the said Act, amended by section 31 of chapter 27 of the statutes of 1996, is again amended by replacing the figure “15” in the first line of the first paragraph by the figure “30”.

64. Section 547.1 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

547.1. Any by-law that, pursuant to section 547, imposes a special tax for the establishment of a sinking fund, and that is not based on the value of the immovable, may provide that the ratepayer on whose immovable the tax is imposed may exempt his immovable from the tax by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the tax imposed on that immovable.

The share payable is calculated according to the assessment roll in force at the time the ratepayer makes the payment, taking account, where applicable, of taxes paid under the by-law before the payment.

The payment must be made before the date indicated in the by-law.”

65. The said Act is amended by inserting, after section 569, the following :

“§31.1. — *Financial reserves*

“569.1. The council may, by by-law, establish for the benefit of the entire territory of the municipality or of a specific sector a financial reserve for a specific purpose for the financing of expenditures other than capital expenditures.

The duration of existence of a reserve must be determined, unless the fixing of such a limit would be incompatible with the purpose for which the reserve is established.

“569.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

A reserve established for the benefit of the entire territory of the municipality may be made up of sums from the portion of the general fund of the municipality allocated for that purpose by the council, or of sums from a special tax provided for in the budget for that purpose and imposed on the taxable immovables in the entire territory of the municipality.

A reserve established for the benefit of a specific sector may be made up only of sums from a special tax provided for in the budget for that purpose and imposed on the taxable immovables situated in that sector.

“569.3. The by-law establishing a financial reserve must be submitted for approval to the qualified voters of the entire territory of the municipality or of the sector for whose benefit the reserve is established. The by-law must set out

- (1) the purpose for which the reserve is established ;
- (2) the projected amount of the reserve ;
- (3) the mode of financing of the reserve ;
- (4) in the case of a reserve of specified duration, the duration of the existence of the reserve ;
- (5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The by-law shall also state that the reserve is established for the benefit of the entire territory of the municipality or for the benefit of a specific sector, and shall, in the latter case, describe the limits of the sector.

“569.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file not later than at the last sitting of the council before that time a statement of the income and expenditures of the reserve.

The council shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

“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 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“569.6. The sums allocated to a financial reserve established under this subdivision must be invested in accordance with section 99.”

66. Section 573 of the said Act, amended by section 35 of chapter 27 of the statutes of 1996 and by section 7 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the municipality” in the third paragraph of subsection 1 by the words “that is circulated in the territory of the municipality or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

MUNICIPAL CODE OF QUÉBEC

67. Article 10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 228 of chapter 2 of the statutes of 1996, is again amended

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

(2) by striking out the second sentence of the third paragraph.

68. Article 14.12 of the said Code is amended by adding, after subparagraph 4 of the second paragraph, the following subparagraph:

“(5) adopt a by-law for the purpose of exercising any power under section 71 of the Act respecting the lands in the public domain (chapter T-8.1).”

69. The said Code is amended by inserting, after article 14.12, the following articles:

“14.12.1. Every municipality that participates in a program or enters into an agreement under article 14.11 may, to the extent provided for by the program or agreement, institute penal proceedings for an offence committed in its territory against a legislative or regulatory provision the application of which is the subject of the program or agreement.

The fine belongs to the municipality if it instituted the proceedings, and must be paid into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality. The Minister of Natural Resources may authorize payment into such other fund the Minister determines.

Proceedings referred to in the first paragraph may be instituted in a municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings instituted before a municipal court belong to the municipality in which the court has jurisdiction, except any part of the costs remitted by the collector to another prosecuting party under article 366 of the Code of Penal Procedure (chapter C-25.1) and any costs remitted to the defendant or imposed on the municipality under article 223 of that Code.

“14.12.2. The municipality may institute any proceeding and exercise any power assigned to the Minister of Natural Resources under sections 60 to 66 of the Act respecting the lands in the public domain (chapter T-8.1) to the extent provided for by the program or agreement.”

70. Article 124 of the said Code, amended by section 244 of chapter 2 of the statutes of 1996, is again amended by striking out the words “passed by the affirmative vote of two-thirds of its members” in the first and second lines of the first paragraph.

71. Article 125 of the said Code is amended by striking out the words “passed by a majority of its members” in the first line of the second paragraph.

72. Article 144 of the said Code is amended by striking out the words “by the Minister of Municipal Affairs” in the second line.

73. Article 165.1 of the said Code, enacted by section 54 of chapter 27 of the statutes of 1996, is amended by inserting, after the first paragraph, the following paragraph :

“The hiring requires, to be valid, a certificate issued by the secretary-treasurer indicating that there are sufficient funds available for that purpose. If the hiring extends beyond one fiscal year, a certificate must be issued for the portion of the expenditures to be made during the first fiscal year and thereafter at the beginning of each fiscal year during which the hiring is effective.”

74. Article 203 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, by section 24 of chapter 77 of the statutes of 1996 and by section 66 of chapter 41 of the statutes of 1997, is again amended by replacing the first sentence of the second paragraph by the following sentence: “The council may invest the moneys mentioned in the first paragraph in the purchase of shares in an unincorporated mutual fund which is managed by a financial institution, and all the shares of which are held by municipalities, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, by school boards or by two or more such entities.”

75. The said Code is amended by inserting, after article 524.3, the following article:

“524.3.1. Any local municipality may enter into, alone or jointly with any other local municipality, agreements with any other school board or any educational institution to jointly establish and maintain public libraries in the territory of the municipality or in a contiguous territory.”

76. The said Code is amended by inserting, after article 557, the following articles:

“557.1. Any local municipality may, with Hydro-Québec, constitute a limited partnership governed by the Civil Code of Québec having, among other objects, the object of producing electricity.

“557.2. Hydro-Québec must furnish, at all times, at least half of the contribution to the common stock of the partnership referred to in article 557.1, and must be the partnership’s general partner.”

77. Article 563 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out paragraph 1.

78. The said Code is amended by inserting, after article 563, the following article:

“563.0.1. Any local municipality may, at the expense of the owner, construct private conduits, water intakes and sewer outlets and connect private conduits with public conduits. For that purpose, the council may, by by-law,

(1) prescribe that all works to effect the connection be performed by the municipality or be performed under the supervision of its representative;

(2) prescribe that the owner deposit before the works begin a sum fixed by the council to ensure immediate payment of the total cost of the works;

(3) prescribe the mode, materials and time of construction and connection.

Any sum owed by the owner under the first paragraph constitutes a prior claim on the immovable in respect of which the works are performed, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.”

79. Article 621 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraph:

“621. A management board and a municipality may enter into an agreement under which one provides services to the other or the management board is delegated jurisdiction by the municipality. Articles 569 to 578, 622 and 623, adapted as required, apply to the agreement.”

80. The said Code is amended by inserting, after article 621, the following article:

“621.1. Management boards may enter into an agreement under which one management board provides services to the other or delegates part of its jurisdiction to the other, provided that the management board delegating jurisdiction is authorized to do so. That authorization must be set out in the agreement under which the management board was established, or be granted by all the municipalities that are parties to the agreement.

An agreement under the first paragraph is valid only for the shortest of the unexpired periods of the agreements under which the management boards were established.

Articles 569 to 578, 622 and 623, adapted as required, apply to any agreement entered into under the first paragraph.”

81. Article 627.3 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997, is amended by replacing the words “it shall determine by by-law” in the third line of the first paragraph by the words “shall be determined by a by-law it adopts or according to rules prescribed in the by-law”.

82. The said Code is amended by inserting, after article 650, the following articles :

“650.1. Subject to article 650.2, articles 636 to 646, adapted as follows and as otherwise necessary, apply to a petition for dissolution :

(1) the register is to be open to receive signatures from persons who are in favour of dissolution of the association ;

(2) the petition is deemed to be disapproved if the number of persons required for the holding of a poll is not attained.

“650.2. If the petition for dissolution is approved, the secretary-treasurer must send it to the board of directors of the association together with a certificate to the effect that the petition has been approved in accordance with the law.

The board of directors must, in accordance with the Companies Act (chapter C-38), file with the Inspector General of Financial Institutions an application for dissolution of the association.”

83. Article 652 of the said Code is amended by striking out the last sentence of the first paragraph.

84. Article 657 of the said Code is replaced by the following article :

“**657.** The board of directors is composed of nine persons. Six persons are elected by the general meeting from among the members of the association ; one person is designated by the municipal council from among its members or from among the officers or employees of the municipality ; and two persons are designated by the elected members of the board or directors. The latter two persons may not vote on financial matters.”

85. Article 678.0.1 of the said Code, amended by section 319 of chapter 2 of the statutes of 1996, is again amended by striking out the words “, by a resolution adopted by a majority vote of two-thirds of the members of its council,” in the first and second lines of the first paragraph.

86. Article 678.1 of the said Code is amended

(1) by replacing the word “which” in the fifth line of the first paragraph by the words “whose representative or the majority of whose representatives, as the case may be,”;

(2) by striking out the second and third paragraphs.

87. Article 688 of the said Code is amended by striking out the fourth paragraph.

88. Article 688.6 of the said Code is repealed.

89. Article 688.11 of the said Code, enacted by section 17 of chapter 53 of the statutes of 1997, is amended

(1) by inserting the words “or according to rules prescribed in the by-law” after the word “municipality” in the fifth line of the first paragraph ;

(2) by striking out the fifth paragraph.

90. Article 935 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, by section 85 of chapter 27 of the statutes of 1996 and by section 18 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the municipality” in the third paragraph of subparagraph 1 of the first paragraph by the words “that is circulated in the territory of the municipality or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

91. Article 955 of the said Code, amended by section 395 of chapter 2 of the statutes of 1996 and by section 91 of chapter 27 of the statutes of 1996, is again amended by inserting, after the second paragraph, the following paragraphs :

“In the case of a municipality having fewer than 50,000 inhabitants, the mayor shall also table a list of all contracts involving an expenditure exceeding \$5,000 entered into by the municipality since the last sitting of the council at which the mayor made a report of the financial position of the municipality in accordance with the first paragraph. In the case of a municipality having 50,000 inhabitants or more, that obligation applies to contracts involving an expenditure exceeding \$10,000.

The mayor shall also table a list of all contracts involving an expenditure exceeding \$1,000 entered into within that period with the same contracting party, if those contracts involve a total expenditure exceeding the applicable amount under the third paragraph.

The list shall indicate, for each contract, the date it was entered into, the name of each contracting party, the amount of the consideration and the object of the contract.”

92. Article 975 of the said Code, amended by section 400 of chapter 2 of the statutes of 1996, is again amended by striking out the fourth paragraph.

93. Article 1072.1 of the said Code is amended by replacing the first and second paragraphs by the following paragraphs :

“**1072.1.** Where the tax imposed is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may exempt the immovable from the tax by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the tax imposed on that immovable.

The share payable is calculated according to the assessment roll in force at the time the ratepayer makes the payment, taking account, where applicable, of taxes paid under the by-law before the payment.

The payment must be made before the date indicated in the by-law.”

94. The said Code is amended by inserting, after article 1094, the following :

“CHAPTER VI

“FINANCIAL RESERVES

“**1094.1.** Any local municipality may, by by-law, establish for the benefit of the entire territory of the municipality or of a specific sector a financial reserve for a specific purpose for the financing of expenditures other than capital expenditures.

The duration of existence of a reserve must be determined, unless the fixing of such a limit would be incompatible with the purpose for which the reserve is established.

“1094.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

A reserve established for the benefit of the entire territory of the municipality may be made up of sums from the portion of the general fund of the municipality allocated for that purpose by the council, or of sums from a special tax provided for in the budget for that purpose and imposed on the taxable immovables in the entire territory of the municipality.

A reserve established for the benefit of a specific sector may be made up only of sums from a special tax provided for in the budget for that purpose and imposed on the taxable immovables situated in that sector.

“1094.3. The by-law establishing a financial reserve must be submitted for approval to the qualified voters of the entire territory of the municipality or of the sector for whose benefit the reserve is established. The by-law must set out

- (1) the purpose for which the reserve is established;
- (2) the projected amount of the reserve;
- (3) the mode of financing of the reserve;
- (4) in the case of a reserve of specified duration, the duration of the existence of the reserve;
- (5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The by-law shall also state that the reserve is established for the benefit of the entire territory of the municipality or for the benefit of a specific sector, and shall, in the latter case, describe the limits of the sector.

“1094.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The secretary-treasurer must file not later than at the last sitting of the council before that time a statement of the income and expenditures of the reserve.

The council shall allocate the amount, if any, by which the reserve’s income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

“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 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“1094.6. The sums allocated to a financial reserve established under this chapter must be invested in accordance with article 203.”

ACT RESPECTING THE COMMISSION MUNICIPALE

95. Section 63 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 472 of chapter 2 of the statutes of 1996, is again amended by replacing the figure “15” in the first line of the first paragraph by the figure “30”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

96. Section 36.3.2 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1), enacted by section 110 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a meeting of the Council or another authority of the Community or another municipal body, or at any other meeting held in connection with such a meeting, to the extent that no member of the Council or of the authority concerned was excluded from the meeting for any cause other than the member’s disqualification.”

97. Section 83 of the said Act, amended by section 111 of chapter 27 of the statutes of 1996 and by section 24 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the Community” in the second paragraph by the words “that is circulated in the territory of the Community or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

98. Section 84.5.2 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997, is amended

(1) by replacing the words “by-law of the Community” in the fourth line of the first paragraph by the words “a by-law of the Community or according to rules prescribed in the by-law”;

(2) by striking out the second and third paragraphs.

99. Section 169.0.9 of the said Act, enacted by section 117 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a meeting of the board of directors or another authority of the Corporation or another municipal body, or at any other meeting held in connection with such a meeting, to the extent that no member of the board of directors or of the authority concerned was excluded from the meeting for any cause other than the member’s disqualification.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

100. Section 25.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), enacted by section 120 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a meeting of the executive committee or another authority of the Community or another municipal body, or at any other meeting held in connection with such a meeting, to the extent that no member of the executive committee or of the authority concerned was excluded from the meeting for any cause other than the member’s disqualification.”

101. Section 120.0.3 of the said Act, amended by section 123 of chapter 27 of the statutes of 1996 and by section 29 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the Community” in the second paragraph by the words “that is circulated in the territory of the Community or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

102. Section 121.6 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997, is amended

(1) by replacing the words “by-law of the Community” in the fourth line of the first paragraph by the words “a by-law of the Community or according to rules prescribed in the by-law”;

(2) by striking out the second and third paragraphs.

103. Section 267.1 of the said Act, enacted by section 130 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a meeting of the board of directors or another authority of the corporation or another municipal body, or at any other meeting held in connection with such a meeting, to the extent that no member of the board of directors or of the authority concerned was excluded from the meeting for any cause other than the member’s disqualification.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

104. Section 39.1 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 549 of chapter 2 of the statutes of 1996, is again amended by adding, at the end of the first paragraph, the following sentence: “However, the negative votes cast by the representative of Ville de Québec suffice for a decision to be negative.”

105. Section 70.8.1 of the said Act, enacted by section 133 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a meeting of the Council, the executive committee or a select or special committee of the Community or another municipal body, or at any other meeting held in connection with such a meeting, to the extent that no member of the Council, the executive committee or the select or special committee concerned was excluded from the meeting for any cause other than the member’s disqualification.”

106. Section 84 of the said Act is amended by adding, after paragraph *i*, the following paragraph :

“(j) transfer by onerous title or lease rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing such know-how or data concerning its territory to be used, and transfer them by gratuitous title or make a loan for use of them to the Government or any of its ministers or a body thereof, a municipality, an urban community, a school board or any other non-profit organization.”

107. Section 85 of the said Act is amended by inserting, at the end of paragraph 1, the following paragraph :

“The Community may also constitute the fund or contribute to a fund that has already been constituted by allocating thereto all or part of the accumulated surplus of its general fund. The total of the sum thereby allocated and of the nominal value of the treasury bills, notes or other securities referred to in the first paragraph shall not exceed \$12,500,000.”

108. Section 92.0.2 of the said Act, amended by section 134 of chapter 27 of the statutes of 1996 and by section 33 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the Community” in the second paragraph by the words “that is circulated in the territory of the Community or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

109. Section 96.0.1.2 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997, is amended

(1) by replacing the words “by-law of the Community” in the fourth line of the first paragraph by the words “a by-law of the Community or according to rules prescribed in the by-law”;

(2) by striking out the second and third paragraphs.

110. Section 187.15.1 of the said Act, enacted by section 142 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a meeting of the board of directors or another authority of the Société or another municipal body, or at any other meeting held in connection with such a meeting, to the extent that no member of the board of directors or of the authority concerned was excluded from the meeting for any cause other than the member’s disqualification.”

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

111. Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 36 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the corporation” in the second paragraph by the words “that is circulated in the territory of the corporation or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

112. Section 20 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph :

“(c) the deed relates to the transfer of an immovable by a transferor who is a physical person or a trust to a transferee that is a trust where the latter trust has been established for the exclusive benefit of the transferor;”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

113. Section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted by section 53 of chapter 77 of the statutes of 1996, is amended by inserting, at the end of the first paragraph, the following sentence: “The agreement may provide that it also applies to polling held after the general election for which the agreement was entered into; in such case, the agreement shall provide for its period of application.”

114. Section 659.3 of the said Act, enacted by section 53 of chapter 77 of the statutes of 1996, is amended by replacing the words “an election” in the first line by the word “polling”.

ACT RESPECTING MUNICIPAL TAXATION

115. Section 40 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is replaced by the following section :

“**40.** Property that was a trailer before becoming an immovable, if it is not owned by the owner of the land on which it is located, constitutes, together with the other immovables situated on the site, a separate unit of assessment entered on the roll in the name of its owner.

Where, however, the land is composed of camping sites referred to in section 1 of the Tourist Establishments Act (chapter E-15.1), such a unit of assessment is entered on the roll in the name of the owner of the land.”

116. Section 66 of the said Act is amended by inserting, after the fourth paragraph, the following paragraph:

“The first four paragraphs do not apply in respect of a system of gas distribution where the link between the structures forming part of the system and the immovables of consumers is effected essentially by means of vehicle transport.”

117. Section 79 of the said Act, amended by section 6 of chapter 67 of the statutes of 1996 and by section 260 of chapter 43 of the statutes of 1997, is again amended

(1) by inserting the words “, except the graphic register the preparation and updating of which are provided for by the regulation under paragraph 1 of section 263 and by the Manuel d’évaluation foncière du Québec to which the regulation refers” after the figure “78” in the fourth line of the first paragraph;

(2) by replacing the words “Administrative Tribunal of Québec” in the last sentence of the second paragraph by the word “Tribunal”.

118. Section 80.1 of the said Act, amended by section 7 of chapter 67 of the statutes of 1996 and by section 261 of chapter 43 of the statutes of 1997, is again amended by replacing the words “Administrative Tribunal of Québec” in the second paragraph by the word “Tribunal”.

119. Section 174.2 of the said Act, amended by section 37 of chapter 67 of the statutes of 1996 and by section 286 of chapter 43 of the statutes of 1997, is again amended by adding, after paragraph 8, the following paragraph :

“(9) to give effect to a recognition granted by the Commission under section 236.1 or to a revocation thereof.”

120. Section 177 of the said Act is amended by replacing paragraph 7 by the following paragraph :

“(7) those contemplated in paragraph 17 of section 174 and in paragraph 9 of section 174.2 take effect from the date fixed in the recognition granted by the Commission pursuant to paragraph 10 of section 204, section 208.1 or section 236.1, as the case may be, or in the revocation of such recognition.”

121. Section 236 of the said Act, amended by section 28 of chapter 14 of the statutes of 1996, by section 65 of chapter 16 of the statutes of 1996, by section 70 of chapter 21 of the statutes of 1996, by section 101 of chapter 44 of the statutes of 1997 and by section 46 of chapter 58 of the statutes of 1997, is again amended by replacing, in the French text, the word “charité” in the first line of paragraph 8 by the word “bienfaisance”.

122. Section 263.2 of the said Act, enacted by section 60 of chapter 67 of the statutes of 1996 and amended by section 294 of chapter 43 of the statutes of 1997, is again amended by inserting, after the second paragraph, the following paragraph :

“The sum shall be payable in legal tender or by certified cheque, postal money order, bank money order or certified payment authorization drawn on a savings and credit union, to the order of the municipal body responsible for assessment.”

123. Section 495.1 of the said Act is amended by replacing the words “section 65 of the Licences Act (chapter L-3)” in the first line by the words “section 541 of the Act respecting the Québec sales tax (chapter T-0.1)”.

FOREST ACT

124. Section 104 of the Forest Act (R.S.Q., chapter F-4.1) is amended

(1) by striking out the word “local” in the first line of subparagraph 1 of the first paragraph ;

(2) by striking out the words “in cases where the contractor is a regional county municipality and” in the first line of subparagraph 2 of the first paragraph ;

(3) by striking out the second paragraph.

125. Section 106 of the said Act is amended by striking out the word “local” in the second line of the fourth paragraph.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES

126. Section 17.14 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) is amended

(1) by replacing the words “the powers provided for in the first paragraph to the extent determined” in the third and fourth lines of the second paragraph by the words “or carry out the Minister’s powers and responsibilities under the Act respecting the lands in the public domain (chapter T-8.1) to the extent and according to the terms and conditions set out”;

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

“Where the Minister entrusts the management of any land in the public domain to a legal person in accordance with the second paragraph, the Minister may, to the extent and according to the terms and conditions set out in the program, determine which powers under section 71 of the Act respecting the lands in the public domain (chapter T-8.1) may be exercised by the legal person by means of by-laws.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

127. Section 38 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by replacing subparagraph 6 of the second paragraph by the following subparagraph :

“(6) the name of the person who will be the first clerk or secretary-treasurer of the municipality;”.

128. Section 59 of the said Act is replaced by the following section :

“**59.** The Minister shall, upon a request by the representative or the regional county municipality, appoint a conciliator for the purposes of the apportionment of the assets and liabilities relating to the territory of the municipality. The Minister may grant them a time for the making of such a request; upon a request by the representative or the regional county municipality, the Minister may grant an extension.

The first paragraph does not apply if the application for constitution contains the apportionment and if the application has been approved by the regional county municipality ; the first paragraph does not apply as soon as the Minister receives a copy of an apportionment agreement entered into between the representative and the regional county municipality.”

129. Section 60 of the said Act is amended by striking out the first paragraph.

130. Section 67 of the said Act is amended

(1) by inserting, after subparagraph 4 of the first paragraph, the following subparagraphs :

“(4.1) the place of the first sitting of the council composed of the persons elected in the first election referred to in subparagraph 4;

“(4.2) the name of the person who is the first clerk or secretary-treasurer of the municipality;”;

(2) by inserting, after the first paragraph, the following paragraph:

“The appointment made under subparagraph 4.2 of the first paragraph has the same effect as an appointment by the council of the municipality.”

131. Section 70.1 of the said Act is replaced by the following section:

“70.1. The clerk or secretary-treasurer shall fix the date and time of the first sitting of the council.

Not later than the third day preceding the date fixed for the sitting, the clerk or secretary-treasurer shall give public notice, in the territory of the municipality and in accordance with the law governing the municipality, of the date, place and time of the sitting. The notice must also contain a mention of any matter which a member of the council has requested be included for discussion.

If the clerk or secretary-treasurer refuses or is unable to act or if the office of clerk or secretary-treasurer is vacant, the Minister shall, as needed, fix the date and time of the first sitting of the council and appoint a person charged with carrying out the obligations set out in the second paragraph. If the sitting cannot be held in the place determined by the constituting order, the Minister shall fix another place; for the purposes of section 318 of the Cities and Towns Act (chapter C-19), the charter of the municipality is, in such a case, deemed not to designate the place of the first sitting.”

132. Section 86 of the said Act, amended by section 751 of chapter 2 of the statutes of 1996, is again amended by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) the name of the person who will be the first clerk or secretary-treasurer of the municipality;”.

133. Section 108 of the said Act is amended

(1) by inserting, after subparagraph 5 of the first paragraph, the following subparagraphs:

“(5.1) the place of the first sitting of the provisional council;

“(5.2) the name of the person who is the first clerk or secretary-treasurer of the municipality;”;

(2) by inserting, after the first paragraph, the following paragraph:

“The appointment made under subparagraph 5.2 of the first paragraph has the same effect as an appointment by the council of the municipality.”

134. Section 110.1 of the said Act is replaced by the following section :

“**110.1.** The clerk or secretary-treasurer shall fix the date and time of the first sitting of the provisional council.

Not later than the third day preceding the date fixed for the sitting, the clerk or secretary-treasurer shall give public notice, in the territory of the municipality and in accordance with the law governing the municipality, of the date, place and time of the sitting. The notice must also contain a mention of any matter which a member of the provisional council has requested be included for discussion.

If the clerk or secretary-treasurer refuses or is unable to act or if the office of clerk or secretary-treasurer is vacant, the Minister shall, as needed, fix the date and time of the first sitting of the provisional council and shall appoint a person charged with carrying out the obligations set out in the second paragraph. If the sitting cannot be held in the place determined by the constituting order, the Minister shall fix another place ; for the purposes of section 318 of the Cities and Towns Act (chapter C-19), the charter of the municipality is, in such a case, deemed not to designate the place of the first sitting.”

135. Section 133 of the said Act, amended by section 40 of chapter 53 of the statutes of 1997, is again amended by inserting the words “in the territory affected by the annexation” after the word “voters” in the second line of the first paragraph.

136. Section 134 of the said Act is amended

(1) by replacing the word “concerned” in the third line of the first paragraph by the words “affected by the annexation”;

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

“However, the duties of the clerk or secretary-treasurer provided for in that Act shall be carried out by the clerk or secretary-treasurer of the annexing municipality ; the clerk or secretary-treasurer of the municipality whose territory is affected by the annexation shall, upon request, send any relevant document or information.”

137. Section 154 of the said Act is replaced by the following section :

“**154.** The Minister shall, upon a request by either municipality, appoint a conciliator for the purposes of the apportionment of the assets and liabilities relating to the territory of the municipality affected by the annexation. The Minister may grant them a time for the making of such a request ; upon a request by either municipality, the Minister may grant an extension.

The first paragraph does not apply if the annexation by-law contains the apportionment and if the by-law has been approved by the municipality whose

territory is affected by the annexation; the first paragraph does not apply as soon as the Minister receives a copy of an apportionment agreement entered into between the municipalities.”

138. Section 155 of the said Act is amended by striking out the first paragraph.

139. The said Act is amended by inserting, after the heading of Division VI of Chapter V of Title II, the following section :

“**160.1.** The Minister may, at any time after receiving the first of the copies sent under sections 131 and 139, give notice in writing to the annexing municipality that the annexation by-law will not receive approval from the Minister.”

140. Section 204 of the said Act is amended by replacing the words “for a” in the second line of the first paragraph by the words “for an extension or”.

141. Section 210.28 of the said Act is amended by adding, at the end of the fourth paragraph, the following sentence : “However, any person who continues to carry on the functions of warden notwithstanding the expiry of the person’s mandate as warden shall constitute, in the polling under section 210.26, the representative to whom are allocated, in place of the representative designated under section 210.27, where applicable, the votes of the mayor of the municipality on the council of the regional county municipality.”

142. Section 210.38 of the said Act is amended

(1) by replacing the words “and the description of the territory prepared by the Minister of Natural Resources” in the second and third lines of the first paragraph by the words “, the description of the territory prepared by the Minister of Natural Resources, the place of the first sitting of the council and the name of the person who is the first secretary-treasurer of the regional county municipality”;

(2) by striking out the words “for any council decision or” in the third line of the second paragraph;

(3) by striking out the words “, except decisions made pursuant to articles 10, 678.0.1 and 678.1 of the Municipal Code of Québec (chapter C-27.1) and paragraph 2 of section 210.39 of this Act” in the third, fourth and fifth lines of the second paragraph;

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

“The appointment of the secretary-treasurer made under the first paragraph has the same effect as an appointment by the council of the regional county municipality.”

143. Section 210.39 of the said Act is replaced by the following section :

“210.39. The Government may, at the request of the regional county municipality, amend the constituting order with regard to the number of representatives, the number of votes, the power of veto or the majority required for the election of the warden.”

144. Section 210.42 of the said Act is replaced by the following section :

“210.42. The secretary-treasurer shall fix the date and time of the first sitting of the council.

Not later than the third day preceding the date fixed for the sitting, the secretary-treasurer shall publish, in a newspaper circulated in the territory of the regional county municipality, a notice of the date, place and time of the sitting. The notice must also contain a mention of the election of the warden and any other matter which a member of the council has requested be included for discussion.

If the secretary-treasurer refuses or is unable to act or if the office of secretary-treasurer is vacant, the Minister shall, as needed, fix the date and time of the first sitting of the council and shall appoint a person charged with carrying out the obligations set out in the second paragraph. If the sitting cannot be held in the place determined by the constituting order, the Minister shall fix another place.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

145. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 58, the following section :

“58.1. Municipal housing bureaus may, where authorized by the Minister, be amalgamated.

Bureaus which propose to amalgamate may enter into an agreement for that purpose setting out the terms and conditions of the amalgamation and the manner in which it will be carried out and containing the information required by subsection 1 of section 57 and any other information required for the carrying out of the amalgamation and for the administration and operation of the new bureau.

Any bureaus having entered into such an agreement may, by a joint petition, request the Lieutenant-Governor to issue letters patent confirming the amalgamation.

The petition must include

(1) favorable recommendations from the Corporation and from each municipality having requested the constitution of the petitioning bureaus ;

(2) an authenticated copy of the agreement and of the resolution of the board of directors of each of the petitioning bureaus authorizing the entering into of the agreement;

(3) the authorization of the Minister.

The Lieutenant Governor may, on the conditions set out in the petition, issue letters patent to constitute the bureau resulting from the amalgamation as an association with legal personality. Subsections 1 and 2 of section 57, adapted as required, apply to the constitution of the new bureau. As of the date of issue of the letters patent, the petitioning bureaus shall be amalgamated and shall form a single bureau under the name stated in the letters patent. The bureau is the agent of each municipality having requested the constitution of the amalgamated bureaus.

The newly constituted bureau shall possess all the property, rights, privileges and franchises, and be subject to all the contracts, liabilities, disabilities and duties of each of the bureaus so amalgamated.

All rights of creditors against the property of the amalgamated bureaus, and all liens upon their property shall be unimpaired by the amalgamation. All debts and obligations of the bureaus shall, from the date of issue of the letters patent, attach to the newly constituted bureau, and may be enforced against it and be made executory to the same extent as if such debts and obligations had been contracted by it.

Subsections 3 to 6 of section 57 and section 58, adapted as required, apply to the bureau resulting from the amalgamation.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

146. Section 5 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 155 of chapter 27 of the statutes of 1996, is again amended by striking out the second, third, fourth and fifth paragraphs.

147. Section 12 of the said Act is replaced by the following section :

“**12.** The minimum annual remuneration which a mayor is entitled to receive is established in relation to the number of inhabitants of the territory of the municipality included in the population brackets established in the second paragraph.

The amounts per inhabitant applicable to each population bracket of a municipality which serve to establish the minimum annual remuneration of the municipality’s mayor are the following :

(1) 1 to 5,000 inhabitants : \$0.881 ;

- (2) 5,001 to 15,000 inhabitants: \$0.791 ;
- (3) 15,001 to 50,000 inhabitants: \$0.489 ;
- (4) 50,001 to 100,000 inhabitants: \$0.211 ;
- (5) 100,001 to 300,000 inhabitants: \$0.084 ;
- (6) 300,001 inhabitants or more : \$0.004.”

148. Section 13 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraph :

“Notwithstanding the first paragraph, any amount by which the minimum annual remuneration of the mayor exceeds the amount that would be computed on the basis of the population figure before the increase is limited to \$1,890.”

149. Section 16 of the said Act is replaced by the following section :

“**16.** Notwithstanding sections 12, 13 and 15, the annual remuneration which the mayor and a councillor are entitled to receive shall not be less than \$2,470 and \$823, respectively.”

150. Section 22 of the said Act, amended by section 164 of chapter 27 of the statutes of 1996, is again amended

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

“**22.** No member of the council of a municipality may receive an annual expense allowance greater than \$11,868.”;

(2) by striking out the third paragraph.

151. Section 30.0.2 of the said Act, enacted by section 169 of chapter 27 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraph :

“Those sections also apply in respect of acts performed or expenses incurred, for the purposes of meals, at a sitting of the council or another organ of the municipality, a mandatory body thereof or a supramunicipal body, or at any meeting held in connection with such a sitting, to the extent that no member of the council or of the organ concerned was excluded from the sitting or meeting for any cause other than the member’s disqualification.”

152. Section 30.0.3 of the said Act, enacted by section 169 of chapter 27 of the statutes of 1996, is again amended by inserting the words “, other than expenses referred to in the second paragraph of section 30.0.2,” after the word “expenses”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK
REGIONAL GOVERNMENT

153. Section 18 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 1032 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “, erect and maintain on the said immovable property a public hall and all other buildings which it may require for municipal purposes and dispose thereof for valuable consideration, by auction, by public tenders, or in any other manner approved by the Minister when not further required” in the second, third, fourth, fifth and sixth lines of paragraph *a* of subsection 1 by the words “; erect and maintain on the said immovable property a public hall and all other buildings which it may require for municipal purposes; alienate for valuable consideration any movable or immovable property; the secretary-treasurer shall publish each month a notice indicating all property of a value exceeding \$10,000 that has been alienated by the municipality otherwise than by auction or by public tenders; the notice shall describe each property and indicate, in respect of each, the alienation price and the identity of the purchaser”;

(2) by inserting, after paragraph *a* of subsection 1, the following paragraph :

“(a.1) lease its property, although such power does not enable the municipality to acquire or build property principally for leasing purposes;”.

154. Section 149 of the said Act, amended by section 1105 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**149.** Penal proceedings for an offence under a provision of this Act or of a by-law of the municipality may be instituted by the municipality.”

155. Section 168.1 of the said Act, amended by section 1105 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**168.1.** Where jurisdiction is delegated to a municipality under an agreement entered into under any of sections 168, 351.1, 351.2 and 353, the municipality has every power required to implement the agreement.”

156. The said Act is amended by inserting, after section 168.1, the following section :

“**168.2.** A municipality may accept the delegation of any power of the Government or of a minister or government body, where such delegation is permitted by law, and may exercise that power.

The municipality may, by agreement, delegate all or part of that power to the Regional Government. The agreement must first have received the approval of the Government, the minister or the body that delegated the power to the municipality.”

157. Section 204 of the said Act, amended by section 1105 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the figure “\$25 000” in the first line of subsection 1 by the figure “\$100,000”;

(2) by inserting the words “, subject to the third paragraph,” after the word “than” in the third line of subsection 1 ;

(3) by adding, after the second paragraph of subsection 1, the following paragraphs :

“A call for public tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the municipality and in a newspaper that is circulated in the territory of the municipality or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec.

For the purposes of the third paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work ;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, 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.

A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the fourth paragraph, is not a supply contract or a services contract for the purposes of the third paragraph, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the first and second paragraphs and of section 204.1.”;

(4) by inserting, after subsection 2, the following subsection:

“(2.1) A call for public tenders relating to a contract referred to in the third paragraph of subsection 1 may stipulate that only bids submitted by contractors and suppliers having an establishment in Québec or by contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the municipality will be considered.

The call for tenders referred to in the first paragraph may also stipulate that the goods concerned must be produced in a territory comprising Québec and any province or territory referred to in that paragraph.”;

(5) by replacing the words “The municipality” in the first line of subsection 8 by the words “Subject to section 204.1.1, the municipality”.

158. Section 204.1 of the said Act, amended by section 1105 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the figure “\$5 000” in the fourth line of the first paragraph by the figure “\$20,000”;

(2) by replacing the figure “\$25 000” in the fourth line of the first paragraph by the figure “\$100,000”;

(3) by replacing the word “No” in the first line of the second paragraph by the words “Subject to section 204.1.1, no”.

159. The said Act is amended by inserting, after section 204.1, the following sections:

204.1.1. The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the council shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subsection 9 of section 204, the bid having received the highest score shall be considered to be the lowest tender.

“204.1.2. The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purpose of awarding a contract referred to in the third paragraph of subsection 1 of section 204, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under subsection 2.1 of section 204.

The municipality shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary-treasurer to publish a notice to that effect in accordance with the rules set out in the third paragraph of subsection 1 of section 204.

“204.1.3. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 204.1.2.

The first paragraph does not apply where, under the process provided for in section 204.1.2, only one insurer, supplier or contractor has become qualified.

“204.1.4. Subject to subsections 2.1 and 9 of section 204, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

“204.1.5. An insurance contract awarded by tender for a period of less than five years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed five years. Premiums may, after the initial term, be modified for the duration of a new term.”

160. Section 204.3 of the said Act is amended

(1) by adding the words “, or to any contract involving the supply of equipment or materials entered into with another municipality or the Regional Government” after the word “thereof” in the fourth line ;

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

“Sections 204 and 204.1 do not apply to any contract to devise energy saving measures for the municipality if the contract involves professional services and the performance of work, or the supply of equipment, materials or services other than professional services.”

161. The said Act is amended by inserting, after section 204.3, the following section :

“204.4. The Minister may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders or authorize the municipality to award a contract after calling for tenders by written invitation rather than by publication in a newspaper.

The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalization agreement applicable to the municipality.”

162. Section 334 of the said Act is replaced by the following section :

“334. Penal proceedings for an offence under a provision of this Act or an order of the Regional Government may be instituted by the Regional Government.”

163. The said Act is amended by inserting, after section 351.1, the following section :

“351.2. The Regional Government may accept the delegation of any power of the Government or of a minister or government body, where such delegation is permitted by law, and may exercise that power.

The Regional Government may, by agreement, delegate all or part of that power to a municipality. The agreement must first have received the approval of the Government, the minister or the body that delegated the power to the Regional Government.”

164. Section 353.1 of the said Act, amended by section 1105 of chapter 2 of the statutes of 1996, is replaced by the following section :

“353.1. Where jurisdiction is delegated to the Regional Government under an agreement entered into under section 168 or 168.2, the Regional Government has every power required to implement the agreement.”

165. Section 356 of the said Act is replaced by the following section :

“356. The Regional Government may alienate for valuable consideration any movable or immovable property.

Subject to the first paragraph, the administrative committee may sell any movable or immovable property the value of which, according to the manager’s report, does not exceed \$10,000. The Minister may, from time to time, increase that amount.

Each month the secretary shall publish a notice indicating all property of a value exceeding \$10,000 that has been alienated otherwise than by auction or by public tenders; the notice shall describe each property and indicate, in respect of each, the alienation price and the identity of the purchaser.”

166. Section 358 of the said Act is amended

(1) by replacing the figure “\$25 000” in the first line of subsection 1 by the figure “\$100,000”;

(2) by inserting the words “, subject to the third paragraph,” after the word “than” in the third line of subsection 1 ;

(3) by adding, after the second paragraph of subsection 1, the following paragraphs :

“A call for public tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the Regional Government and in a newspaper that is circulated in the Territory or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec.

For the purposes of the third paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work ;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, 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.

A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the fourth paragraph, is not a supply contract or a services contract for the purposes of the third paragraph, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the first and second paragraphs and of section 358.1.”;

(4) by inserting, after subsection 2, the following subsection:

“(2.1) A call for public tenders relating to a contract referred to in the third paragraph of subsection 1 may stipulate that only bids submitted by contractors and suppliers having an establishment in Québec or by contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the Regional Government will be considered.

The call referred to in the first paragraph may also stipulate that the property that is the subject of the call must be produced in a territory comprising Québec and any other province or territory referred to in that paragraph.”;

(5) by replacing the words “The Regional” in the first line of subsection 8 by the words “Subject to section 358.1.1, the Regional”.

167. Section 358.1 of the said Act is amended

(1) by replacing the figure “\$5 000” in the fourth line of the first paragraph by the figure “\$20,000”;

(2) by replacing the figure “\$25 000” in the fourth line of the first paragraph by the figure “\$100,000”;

(3) by replacing the words “The Regional” in the first line of the second paragraph by the words “Subject to section 358.1.1, the Regional”.

168. The said Act is amended by inserting, after section 358.1, the following sections:

“358.1.1. The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the council shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subsection 9 of section 358, the bid having received the highest score shall be considered to be the lowest tender.

“358.1.2. The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purpose of awarding a contract referred to in the third paragraph of subsection 1 of section 358, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under subsection 2.1 of section 358.

The Regional Government shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the third paragraph of subsection 1 of section 358.

“358.1.3. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 358.1.2.

The first paragraph does not apply where, under the process provided for in section 358.1.2, only one insurer, supplier or contractor has become qualified.

“358.1.4. Subject to subsections 2.1 and 9 of section 358, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

“358.1.5. An insurance contract awarded by tender for a period of less than five years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed five years. Premiums may, after the initial term, be modified for the duration of a new term.”

169. Section 358.3 of the said Act is amended

(1) by adding the words “, or to any contract involving the supply of equipment or materials entered into between a municipality and the Regional Government” after the word “thereof” in the fourth line ;

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

“Sections 358 and 358.1 do not apply to any contract to devise energy saving measures for the Regional Government if the contract involves professional services and the performance of work, or the supply of equipment, materials or services other than professional services.”

170. The said Act is amended by inserting, after section 358.3, the following section:

“358.4. The Minister may, on the conditions he determines, authorize the Regional Government to award a contract without calling for tenders or authorize the Regional Government to award a contract after calling for tenders by written invitation rather than by publication in a newspaper.

The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalization agreement applicable to the Regional Government.”

171. Section 410 of the said Act, amended by section 66 of chapter 77 of the statutes of 1996, is again amended by replacing the word “third” in the second paragraph by the word “second”.

CHARTER OF THE CITY OF MONTRÉAL

172. Article 107 of the Charter of the City of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993, by section 3 of chapter 53 of the statutes of 1994, by section 82 of chapter 34 of the statutes of 1995, by section 174 of chapter 27 of the statutes of 1996 and by section 52 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the city” in the first paragraph of subarticle 3.1 by the words “that is circulated in the territory of the city or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

173. Section 70 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), amended by section 80 of chapter 34 of the statutes of 1995, by section 84 of chapter 71 of the statutes of 1995 and by section 42 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the corporation” in the second paragraph by the words “that is circulated in the territory of the corporation or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

174. Section 91 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), amended by section 81 of chapter 34 of the statutes of 1995, by section 85 of chapter 71 of the statutes of 1995 and by

section 47 of chapter 53 of the statutes of 1997, is again amended by replacing the words “circulated in the territory of the corporation” in the second paragraph by the words “that is circulated in the territory of the corporation or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec”.

ACT TO AMEND THE ACT TO PRESERVE AGRICULTURAL LAND AND OTHER LEGISLATIVE PROVISIONS IN ORDER TO PROMOTE THE PRESERVATION OF AGRICULTURAL ACTIVITIES

175. Section 78 of the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26) is amended by adding, at the end, the following paragraph :

“A by-law adopted under section 237.2 of the Act respecting land use planning and development shall not operate to prevent the examination by the regional county municipality of the conformity of a by-law referred to in the first paragraph with governmental policy referred to in the third paragraph. The fifth paragraph applies in such a case, as if no development plan were in force in the territory concerned.”

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

176. Section 98 of the Act respecting the Régie de l'énergie (1996, chapter 61) is amended by striking out the words “fixed by the Régie” in the third and fourth lines.

ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER LEGISLATIVE PROVISIONS

177. Section 68 of the Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67) is amended by replacing the words “fiscal year 1997” in the third line of the first paragraph by the words “fiscal years 1997 to 2000”.

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

178. Section 35 of the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41) is amended by striking out the second sentence of the second paragraph.

ACT RESPECTING THE IMPLEMENTATION OF THE ACT RESPECTING ADMINISTRATIVE JUSTICE

179. Section 185 of the Act respecting the implementation of the Act respecting administrative justice (1997, chapter 43) is repealed.

180. Section 833 of the said Act is amended by replacing the second paragraph by the following paragraph:

“All proceedings already before the Commission municipale du Québec in matters relating to the environment shall be continued before the territory and environment division of the Administrative Tribunal. All proceedings already before the Régie des marchés agricoles et alimentaires du Québec in matters relating to compensation or refund of real estate taxes shall be continued before the immovable property division of the Administrative Tribunal.”

181. Section 840 of the said Act is amended by striking out the words “or in respect of decisions of the Commission municipale” in the third and fourth lines.

TRANSITIONAL AND FINAL PROVISIONS

182. The real estate assessment rolls and the rolls of rental values of the municipalities mentioned in Schedule A that are to replace the rolls in force since 1 January 1995, will apply for the municipal fiscal year 1998. The fiscal year 1998 is considered, in respect of those annual rolls, to be the third fiscal year in which a roll applies.

The real estate assessment rolls and the rolls of rental values of the municipalities mentioned in Schedule B that are to replace the rolls in force since 1 January 1995, will apply for the municipal fiscal years 1998 and 1999. The fiscal year 1999 is considered, in respect of those biennial rolls, to be the third fiscal year in which a roll applies.

For the purpose of determining for which municipal fiscal years future rolls of a municipality must be drawn up, in accordance with sections 14 and 14.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the annual rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 1996, 1997 and 1998 and the biennial rolls referred to in the second paragraph are deemed to have been drawn up for the fiscal years 1997, 1998 and 1999.

183. No municipal neighbourhood revitalization program complementary to the Programme de revitalisation des vieux quartiers, implemented by the Société d’habitation du Québec and approved by the Government under Order in Council 442-96 dated 17 April 1996, as amended, that is adopted by by-law of the municipality and approved by the Société d’habitation du Québec before 1 February 1998, may not be invalidated on the ground that the Minister of Municipal Affairs did not authorize the municipality to prepare such a program and to adopt it by by-law as prescribed by section 3.1.1 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8).

No act performed by a municipality pursuant to a resolution or a by-law adopted under section 542.1 of the Cities and Towns Act (R.S.Q., chapter C-19), as it read before 23 December 1996, for the purpose of adopting a municipal neighbourhood revitalization program complementary to the

Programme de revitalisation des vieux quartiers referred to in the first paragraph may, if the complementary program is adopted by a by-law approved by the Société d'habitation du Québec before 1 February 1998, be invalidated on the ground that the act was performed in the absence of compliance with the requirements of section 3.1.1 of the Act respecting the Société d'habitation du Québec.

No agreement relating to the management of a municipal neighbourhood revitalization program, entered into between the Société d'habitation du Québec and a municipality pursuant to section 5 of the program approved by Order in Council 442-96 dated 17 April 1996, may be invalidated on the ground that it was entered into before the municipality had adopted its program by by-law and before the program had been approved by the Société d'habitation du Québec.

184. For the period during which the Olympic Village, within the meaning of the Act respecting the Olympic Village (1976, chapter 43), and the adjacent land acquired by the Régie des installations olympiques under the deed of sale signed before notary Yvon Delorme on 10 January 1997 under minute 8454 and registered in Montréal under number 4903663, are exempt from municipal and school real estate taxes, the taxes are nonetheless deemed to have been imposed on the Olympic Village and the land, for the purpose of the fixing or revising by the Régie du logement of the rent payable for dwellings in the Olympic Village, as if the Olympic Village and the land had been taxable during that period.

185. Any municipality whose real estate assessment roll and roll of rental value cease to apply at the end of the municipal fiscal year 1998 may for that fiscal year, notwithstanding section 81 of the Act respecting municipal taxation and section 12.1 of the Regulation respecting the form or minimum content of various documents relative to municipal taxation, send a tax account in the place of a notice of assessment provided all information required to be contained in the notice of assessment appears in the tax account.

186. Sections 1, 23, 26 and 30 and paragraph 1 of section 31 have effect from 18 September 1996.

187. Sections 114 and 117 of the Act respecting land use planning and development, amended respectively by sections 24 and 25, apply to the works, use or subdivision referred to in a by-law that was not adopted but in respect of which a notice of motion was given less than two months before 19 December 1997.

188. Section 27 and section 28, where the latter enacts sections 120.1 and 120.3 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), have effect from the coming into force of the first regulation made under section 120.2 of that Act enacted by section 28.

189. Paragraph 2 of section 31 has effect from 1 November 1996.

190. Any provision of an order relating to the majority required for a decision to be made by the council of a regional county municipality is without effect.

191. Any provision of a by-law adopted under a provision struck out by section 50 or by section 77 and in force on 19 December 1997 shall retain its effects to the extent that it could be adopted under section 413.1 of the Cities and Towns Act, enacted by section 51, or article 563.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 78, until the coming into force of a by-law adopted under that section 413.1 or that article 563.0.1.

Every prior claim or legal hypothec constituted under a provision struck out by section 50 is continued.

192. The persons composing the board of directors of a commercial development association shall be elected or designated in accordance with section 458.24 of the Cities and Towns Act, enacted by section 55, or with article 657 of the Municipal Code of Québec, enacted by section 84, before 19 March 1998.

193. Sections 56 and 81, paragraph 1 of section 89 and sections 98, 102 and 109 have effect from 19 June 1997.

194. Sections 58 and 80 have effect from 1 November 1997.

195. For the purposes of section 61, the contracts in respect of which the mayor's obligation applies are, for the first tabling in October or November 1998, the contracts entered into after 30 November 1997.

196. No payment by a single instalment made after 23 August 1989 and before 19 December 1997 by the owner or occupant of an immovable so as to be exempted from payment of the compensation imposed in a by-law for the purpose of repaying a loan may be invalidated for the sole reason that section 547.1 of the Cities and Towns Act and article 1072.1 of the Municipal Code of Québec did not allow such a payment except in respect of a real estate tax.

So long as a municipal by-law that came into force before 19 December 1997 and that contains a provision enacted under section 547.1 of the Cities and Towns Act or article 1072.1 of the Municipal Code of Québec has not been amended pursuant to the third paragraph of that section or that article, amended by sections 64 and 93, respectively, the date before which the instalment must be made is the date provided in the second paragraph of that section 547.1 and that article 1072.1, as they read on 18 December 1997.

197. Any agreement entered into between a municipality, the Minister of Municipal Affairs and the chief electoral officer before 19 December 1997 under section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) for the purposes of a general election

and, in the case of Ville de Hull, under section 83 of chapter 34 of the statutes of 1995 for the purposes of the general election of 1995, may be amended to provide that it also applies to polling held after that general election; in such a case, the agreement shall stipulate its period of application.

The agreement entered into for the purposes of the general election of 1995 in Ville de Hull is deemed to be entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

198. Section 115 has effect for the purposes of any municipal fiscal year from the fiscal year 1999.

199. Section 116 applies to a taxation year, within the meaning of the Taxation Act (R.S.Q., chapter I-3), that ends after 14 May 1992.

200. Section 121 applies to a taxation year, within the meaning of section 1 of the Taxation Act, that ends after 30 November 1991.

201. Section 123 has effect from 1 July 1992.

202. Sections 108 and 110.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply as they read before their amendment by sections 133 and 134 in respect of an amalgamation the application for which, transmitted pursuant to section 92 of that Act, was received by the Minister of Municipal Affairs before 19 December 1997.

203. Section 135 has effect from 1 January 1989.

204. Paragraph 1 of section 136 has effect from 17 December 1993.

205. Section 146 has effect from 1 January 1998.

206. Every process for the awarding of a contract by a Northern village or by the Kativik Regional Government that was commenced before (*insert here the date of the coming into force of sections 157 to 161 and 166 to 170*) in accordance with a provision amended on that date by this Act is continued according to that provision and according to any provision of the same Act that refers or is related thereto, notwithstanding its amendment by this Act.

207. This Act comes into force on 19 December 1997. However, sections 157 to 161 and 166 to 170 come into force on the date to be fixed by the Government for the coming into force of paragraph 3 of section 18 of chapter 53 of the statutes of 1997.

SCHEDULE A

Municipalité de La Visitation-de-Yamaska
Municipalité de Nicolet-Sud
Paroisse de Saint-Elphège
Municipalité de Sainte-Monique
Paroisse de Sainte-Perpétue
Paroisse de Saint-Jean-Baptiste-de-Nicolet
Paroisse de Saint-Zéphirin-de-Courval

SCHEDULE B

Municipalité d'Aston-Jonction
Municipalité de Grand-Saint-Esprit
Municipalité de Saint-Célestin
Village de Saint-Célestin
Municipalité de Sainte-Eulalie
Municipalité de Saint-Léonard-d'Aston
Municipalité de Saint-Wenceslas