



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 55
(1999, chapter 59)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 13 May 1999
Passage in principle 1 June 1999
Passage 9 November 1999
Assented to 11 November 1999

Québec Official Publisher
1999

EXPLANATORY NOTES

The object of this bill is to grant new powers to municipalities and supramunicipal bodies or to clarify the scope of powers they currently exercise. In that regard, the bill amends several Acts that concern municipal affairs.

The bill empowers local municipalities, regional county municipalities, intermunicipal boards, urban communities, Northern villages, the Kativik Regional Government and public transit corporations to obtain movable property and certain services from or through the General Purchasing Director of the Government. Where such a means of acquisition is authorized, those municipalities and municipal bodies are exempted from the obligation to observe the rules applicable with respect to calls for public tenders or invitations to tender.

The bill clarifies the powers of the regional county municipalities and urban communities in respect of regional parks. Under the bill, a corridor for recreational and sports activities is considered to be a regional park, and that legislative status is declaratory.

The bill amends the Act respecting municipal industrial immovables to allow a municipality to borrow from its working fund any sum required to cover its expenses relating to municipal industrial immovables and industrial rental buildings. It also amends that Act to specify that a local municipality's power to grant a subsidy to a non-profit body so as to assist the body in operating an industrial rental building and its power to become surety for such a body may be exercised upon the construction of such a building or upon the conversion of an immovable into such a building.

The bill amends the Act respecting the remuneration of elected municipal officers by abolishing the obligation imposed on a local municipality to obtain the approval of the qualified voters in order to bring into force a by-law allowing compensation to be paid to council members for any loss of income sustained by them in the performance of their duties in exceptional circumstances.

The bill amends several other Acts concerning municipal affairs, in particular to abolish the obligation for the body responsible for assessment to obtain the authorization of the Minister of Municipal Affairs and Greater Montréal in order to defer the deposit of the

roll; to provide that expenditures incurred as a result of a court transaction need not be accompanied with a certificate from the treasurer; to confer on municipalities new powers in relation to environment rehabilitation; to grant to intermunicipal boards the power to decide, by a majority of two-thirds of the votes cast, to use a surplus in a fiscal period for any purpose within their jurisdiction; to permit Northern villages to allocate additional remuneration to the person holding the office of acting mayor; to provide that the rate of compensation for municipal services which may be imposed by a local municipality in respect of a regional park belonging to a supramunicipal body may not exceed \$0.50 per \$100 of assessment; to grant to the Communauté urbaine de Québec the power to entrust the management of its bicycle paths to a non-profit body; to establish a rule allowing certain waste management system agreements to be continued after 8 May 1999; to confer on the Communauté urbaine de l'Outaouais the power to apportion its expenses according to any criteria other than fiscal potential; and to allow the Municipalité régionale de comté de Caniapiscau to hold sittings of its council by telephone or other means of communication.

The bill amends the Building Act to provide that a mixed enterprise company in the municipal sector may hold a contractor's licence in cases where such a licence is required for the performance of its activities.

The bill amends the Act respecting the Régie des installations olympiques to enable the board to alienate, with the authorization of the Government and subject to the terms and conditions determined by the Government, an immovable forming part of the olympic installations.

The bill amends the Charter of the city of Montréal to confer on the city additional powers in relation to its day-to-day management. It also incorporates into the Charter certain provisions relating to the replacement of a member of the executive committee and the functions of the associate councillors of the executive committee.

Lastly, the bill amends the Act respecting safety in sports to grant protection from prosecution to the persons authorized under that Act to perform specific acts. As well, it amends that Act to enable the Minister responsible for its administration to pay compensation to the non-profit organization entrusted with the responsibility for qualification of underwater divers and instructors.

LEGISLATION AMENDED BY THIS BILL :

- Building Act (R.S.Q., chapter B-1.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the 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 authorities (R.S.Q., chapter C-70);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);
- Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4);
- 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).

Bill 55

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

BUILDING ACT

1. Section 47 of the Building Act (R.S.Q., chapter B-1.1) is amended by adding “or to a mixed enterprise company established in accordance with the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41)” at the end of the second paragraph.

CITIES AND TOWNS ACT

2. Section 468.45 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by striking out “or” in subparagraph 1 of the second paragraph;

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

“(3) be used for any purpose within the jurisdiction of the management board as determined by the board of directors by a majority of two-thirds of the votes cast.”

3. Section 468.51 of the said Act is amended by replacing “573.3.1” in the fourth line of the first paragraph by “573.3.2”.

4. Section 477.1 of the said Act is amended by adding “or that authorizes the conclusion of a transaction” at the end of the third paragraph.

5. The said Act is amended by inserting the following sections after section 542.5 :

“542.5.1. The council may, by by-law, adopt an environmental restoration program, in particular for soil decontamination or restoration, to apply in all or part of the territory of the municipality. It may, on the conditions it determines, order that the municipality grant a subsidy for work relating to an immovable consistent with that program. In no case may the amount of the subsidy exceed the actual cost of the work.

The municipality may, with the consent of the owner, carry out on an immovable any work required within the framework of such a program.

“542.5.2. The council may, on the conditions it determines, order that the municipality be the settlor of a social trust to be constituted for environmental purposes in the territory of the municipality. It may also give to such a trust the mandate to see to the carrying out of work relating to an immovable and resulting from a program referred to in section 542.5.1.”

6. Section 542.6 of the said Act is amended by replacing “and 542.5” in the first and second lines of the first paragraph by “to 542.5.2”.

7. Section 542.7 of the said Act is amended by replacing “, 542.4 and 542.5” in the first line by “and 542.4 to 542.5.2”.

8. The said Act is amended by inserting the following section after section 573.3.1:

“573.3.2. A municipality may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). A municipality may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the municipality are observed, sections 573 and 573.1 do not apply to contracts entered into by the municipality with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

9. Section 573.4 of the said Act is amended by replacing “573.3.1” in the first line by “573.3.2”.

MUNICIPAL CODE OF QUÉBEC

10. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 164:

“164.1. To the extent that all the members consent thereto, any member of the council of Municipalité régionale de comté de Caniapiscou may participate, deliberate and vote at a sitting of the council by telephone or other means of communication that permits all persons participating or present at the sitting to hear one another.

The members of the council may avail themselves of that right only if the secretary-treasurer of the municipality and the person presiding at the sitting are present at the place where the council is sitting.

The minutes of the sitting shall indicate the name of every member of the council who participated by telephone or other means of communication, and be ratified by the council at the next regular sitting.

The members of the council who avail themselves of the right provided for in this section are deemed to be present at the sitting.”

11. Article 614 of the said Code is amended

(1) by striking out “or” in subparagraph 1 of the second paragraph;

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

“(3) be used for any purpose within the jurisdiction of the management board as determined by the board of directors by a majority of two-thirds of the votes cast.”

12. Article 620 of the said Code is amended by replacing “573.3.1” in the fourth line of the first paragraph by “573.3.2”.

13. Article 688 of the said Code is amended by replacing the third paragraph by the following paragraph :

“For the purposes of this article and articles 688.1 to 688.4, a natural area or a corridor for recreational and sports activities is considered to be a park. Ville de Laval and Ville de Mirabel are considered to be regional county municipalities.”

14. The said Code is amended by inserting the following article after article 938.1 :

“938.2. A municipality may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). A municipality may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the municipality are observed, articles 935 and 936 do not apply to contracts entered into by the municipality with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

15. Article 961 of the said Code is amended by adding “or that authorizes the conclusion of a transaction” at the end of the second paragraph.

16. The said Code is amended by inserting the following articles after article 1011.1 :

“1011.1.1. The council may, by by-law, adopt an environmental restoration program, in particular for soil decontamination or restoration, to apply in all or part of the territory of the municipality. It may, on the conditions it determines, order that the municipality grant a subsidy for work relating to an immovable consistent with that program. In no case may the amount of the subsidy exceed the actual cost of the work.

The municipality may, with the consent of the owner, carry out on an immovable any work required within the framework of such a program.

“1011.1.2. The council may, on the conditions it determines, order that the municipality be the settlor of a social trust to be constituted for environmental purposes in the territory of the municipality. It may also give to such a trust the mandate to see to the carrying out of work relating to an immovable and resulting from a program referred to in article 1011.1.1.”

17. Article 1011.2 of the said Code is amended by replacing “and 1011.1” in the first and second lines of the first paragraph by “to 1011.1.2”.

18. Article 1011.3 of the said Code is amended by replacing “, 1011 and 1011.1” in the first line by “and 1011 to 1011.1.2”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

19. Section 77 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the first paragraph by the following paragraph :

“77. The Community may, in accordance with law, enter into an agreement respecting the exercise of its competence with a government, with a department of that government, with an international organization or with an agency of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

20. The said Act is amended by inserting the following section after section 83.0.1 :

“83.0.2. The Community may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). The Community may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the Community are observed, section 82.1 does not apply to contracts entered into by the Community with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

21. Section 129 of the said Act is amended by replacing the third paragraph by the following paragraph :

“For the purposes of this subdivision, a natural area or a corridor for recreational and sports activities is considered to be a park.”

22. Section 143.1 of the said Act is amended by adding “, or according to any other criterion determined, by by-law, by the Community for all or part of the expenses” at the end of the first paragraph.

23. Section 171 of the said Act is amended by replacing “83.0.1” in the first line of the first paragraph by “83.0.2”.

24. Section 172 of the said Act is replaced by the following section :

“172. The Corporation may, in accordance with law, make an agreement respecting the exercise of its jurisdiction with a government, one of its departments, an international organization and any body of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

25. Section 114 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the first paragraph by the following paragraph :

“114. The Community may, in accordance with law, enter into an agreement respecting the exercise of its competence with a government, with a department of that government, with an international organization or with an agency of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

26. The said Act is amended by inserting the following section after section 120.0.3.1 :

“120.0.3.2. The Community may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). The Community may also obtain any service through the General Purchasing

Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the Community are observed, section 120.0.1 does not apply to contracts entered into by the Community with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

27. Section 156 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of this subdivision, a natural area or a corridor for recreational and sports activities is considered to be a park. However, a corridor to be used exclusively for the purposes referred to in section 158.3 is governed by that section rather than by the other provisions of this subdivision.”

28. Section 210.1 of the said Act is amended by replacing “last four” in the second paragraph by “sixth, seventh, eighth and ninth”.

29. Section 291.28 of the said Act is amended by replacing “120.0.3.1” in the first line by “120.0.3.2”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

30. Section 86 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing the first paragraph by the following paragraph:

“86. The Community may, in accordance with law, enter into an agreement respecting the exercise of its competence with a government, with a department of that government, with an international organization or with an agency of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

31. The said Act is amended by inserting the following section after section 92.0.2.1:

“92.0.2.1.1. The Community may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). The Community may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the Community are observed, section 92 does not apply to contracts entered into by the Community with or through the General

Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

32. Section 142 of the said Act is amended by replacing the third paragraph by the following paragraph :

“For the purposes of this subdivision, a natural area or a corridor for recreational and sports activities is considered to be a park. However, a corridor to be used exclusively for the purposes referred to in section 144 is governed by that section and by section 144.1 rather than by the other provisions of this subdivision.”

33. The said Act is amended by inserting the following section after section 144 :

“144.1. The Community may establish and maintain in its territory a non-profit body the object of which is to manage and maintain, in accordance with an agreement entered into with the Community, all or part of the paths or corridors considered to be a park under the third paragraph of section 142 or the bicycle paths and lanes referred to in section 144, or entrust, by agreement, all or part of that responsibility to any other non-profit body. The Community may grant such a body the funds necessary for the performance of the obligations arising from the agreement.”

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT AUTHORITIES

34. The Act respecting municipal and intermunicipal transit authorities (R.S.Q., chapter C-70) is amended by inserting the following section after section 41.1 :

“41.2. The transit authority may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). The transit authority may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the transit authority are observed, sections 40 and 41 do not apply to contracts entered into by the transit authority with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

ACT RESPECTING MUNICIPAL TAXATION

35. Section 71 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is replaced by the following section :

“71. The municipal body responsible for assessment may, where the roll cannot be deposited before 16 September, defer the deposit to such later date as it fixes, which shall in no case be later than the ensuing 1 November.

The clerk of the body shall, as soon as possible after the passing of the resolution that fixes the deadline for deposit, transmit a certified copy thereof to the Minister.”

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

36. Section 4 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by inserting “, borrow money from its working fund, so long as the term of repayment does not exceed five years,” after “fund” in the third line.

37. Section 6.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

“6.1. A local municipality may become surety for a non-profit body or grant a non-profit body a subsidy in order to assist in the operation of an industrial rental building. It may also, with the authorization of the Minister of Municipal Affairs and Greater Montréal, become surety for such a body or grant such a body a subsidy in order to assist in the construction of an industrial rental building or the conversion of a building into an industrial rental building.”

ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

38. The Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by inserting the following section after section 23.1:

“23.2. The Régie may, with the authorization of the Government and subject to the terms and conditions the Government determines, alienate any immovable referred to in section 13.

The second paragraph of section 23 does not apply to an immovable covered by an authorization referred to in the first paragraph.”

ACT RESPECTING SAFETY IN SPORTS

39. The Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by inserting the following section after section 25:

“25.1. In no case may proceedings be instituted against a person by reason of an official act done in good faith in the performance of the person’s duties under a delegation, designation or authorization obtained pursuant to this Act.”

40. The said Act is amended by inserting the following section after section 46.22 enacted by section 2 of chapter 37 of the statutes of 1997 :

“46.22.1. The Minister may pay compensation to the organization designated under section 46.15. The amount of the compensation shall be set in the manner determined by the Minister.”

ACT RESPECTING THE SERVICE DES ACHATS DU GOUVERNEMENT

41. Section 4 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by replacing the third paragraph by the following paragraph :

“The Director may, at their request, purchase and hire movable property for the following persons :

(1) the legal persons in the education, higher education and health care and social services sectors and universities ;

(2) the municipal bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

42. Section 30.0.4 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 102 of chapter 31 of the statutes of 1998, is amended by striking out the last sentence of the third paragraph.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

43. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by adding the following sentence at the end of subsection 5 : “The by-law may provide for additional remuneration for the office of acting mayor and specify the conditions the office holder must satisfy to be entitled to the remuneration ; the amount of the remuneration paid to the office holder shall not exceed the remuneration paid to the office holder as a councillor for the same period.”

44. The said Act is amended by inserting the following section after section 207 :

“207.1. A municipality may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). A

municipality may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the municipality are observed, sections 204 and 204.1 do not apply to contracts entered into by the municipality with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

45. Section 228 of the said Act is amended by replacing “60” in the first line of subsection 3 by “120”.

46. The said Act is amended by inserting the following section after section 358.4 enacted by section 170 of chapter 93 of the statutes of 1997 :

“358.5. The Regional Government may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). The Regional Government may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any intergovernmental trade liberalization agreement applicable to the Regional Government are observed, sections 358 and 358.1 do not apply to contracts entered into by the Regional Government with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

47. Section 399 of the said Act is amended by replacing “60” in the first line of subsection 3 by “120”.

CHARTER OF THE CITY OF MONTRÉAL

48. The Charter of the city of Montréal (1959-60, chapter 102) is amended by inserting the following article after article 79 :

“79.1. The council may, on the recommendation of the mayor presented by way of a motion, replace a member of the executive committee. The motion shall designate the member of the executive committee whose replacement is proposed by the mayor and name the councillor designated by the mayor to replace the member.

A motion under the first paragraph may not be amended. Should it not be adopted, the council shall proceed with the replacement of the member of the executive committee designated in the motion referred to in the first paragraph in accordance with the procedure provided for in article 79, adapted as required.”

49. Article 79a of the said Charter, enacted by section 4 of chapter 111 of the statutes of 1987, is replaced by the following article :

“79a. The mayor may present, for approval by the council, a motion concerning the appointment, for a given period, of not more than eight councillors to assist the members of the executive committee as associate councillors. Such a motion may not be amended. The term of an associate councillor terminates at the end of the given period or at the same time as the associate councillor’s term as member of the council, unless the associate councillor is replaced in that capacity by the council on a motion presented by the mayor. Associate councillors do not sit on the executive committee.”

50. Article 80 of the said Charter, amended by section 11 of chapter 1 of the statutes of 1960, is again amended by adding “in the manner prescribed for a replacement referred to in article 79.1” at the end of the first paragraph.

51. The said Charter is amended by inserting the following article after article 107.1 :

“107.2. The city may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4). The city may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the city are observed, article 107 does not apply to contracts entered into by the city with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

52. Article 176 of the said Charter, amended by section 2 of chapter 112 of the statutes of 1987, is again amended by adding the following paragraph after the second paragraph :

“The city may, by by-law, authorize the members of the council who, under a plan of which the members of the city council are members, receive a retirement pension immediately on the expiry of their term, to be members of the group insurance plans contracted by the city. The members must pay the full amount of the premium.”

53. Article 528 of the said Charter, amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 of the statutes of 1968, section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977, section 12 of chapter 40 of the statutes of 1980, section 23 of chapter 71 of the statutes of 1982, section 26 of chapter 64 of the statutes of 1982, section 5 of chapter 86 of the statutes of 1988, section 14 of chapter 87 of the statutes of 1988, section 19 of

chapter 82 of the statutes of 1993, section 119 of chapter 30 of the statutes of 1994 and section 12 of chapter 7 of the statutes of 1995, is again amended by inserting the following subparagraph after subparagraph 6.1 of the first paragraph :

“6.2 Establish a program under which the city grants, in accordance with this subparagraph, subsidies or tax credits to operators of bed and breakfast establishments within the meaning of the Tourist Establishments Act (R.S.Q., chapter E-15.1).

The council shall prescribe the rules allowing the establishment of the amount of the subsidy or of the tax credit, which shall not exceed the amount of the business tax, the water-rate and service tax, the special tax referred to in articles 801 to 807*b* and the tax or surtax on non-residential immovables for which the operator is indebted in respect of the bed and breakfast establishment, the conditions required to be met for the subsidy or tax credit to be granted and the terms under which the subsidy is paid or the tax credit is granted.

This subparagraph applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

54. Article 528*b* of the said Charter, replaced by section 15 of chapter 87 of the statutes of 1988 and amended by section 20 of chapter 82 of the statutes of 1993, is again amended by adding the following paragraph at the end :

“The council may, by by-law, delegate to the executive committee the power to grant any subsidy provided for in subparagraph 5 of article 9*c* or any aid provided for in subparagraph 6 of the first paragraph of article 528, up to the amount or value determined by the by-law and that shall not exceed \$50,000. The executive committee shall, at the first meeting of the council following the granting of such subsidy or aid, table a report before the council indicating the amount or value of the subsidy or aid granted and to whom it has been granted.”

55. Article 1102 of the said Charter, replaced by section 55 of chapter 86 of the statutes of 1966-67, is amended

(1) by replacing “twelve municipal judges” in the first paragraph by “a sufficient number of judges to ensure its proper functioning”;

(2) by striking out the second paragraph.

56. Article 1103 of the said Charter is replaced by the following article :

“1103. The Court shall sit within the territory of the city.

It may sit on all juridical days as often as necessary and simultaneously in several divisions. In the evening, it shall not begin to sit before 6:00 p.m.”

57. Article 1123 of the said Charter is repealed.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT
DE LA VILLE DE LAVAL

58. The Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting the following section after section 73 :

“73.1. The corporation may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4). The corporation may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the corporation are observed, sections 69 and 70 do not apply to contracts entered into by the corporation with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

59. Section 143 of the said Act is amended by replacing “73” in the second line by “73.1”.

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

60. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting the following section after section 95 :

“95.1. The corporation may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4). The corporation may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the corporation are observed, sections 90 and 91 do not apply to contracts entered into by the corporation with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

61. Section 172 of the said Act is amended by replacing “, 95” in the second line by “to 95.1”.

TRANSITIONAL AND FINAL PROVISIONS

62. Every by-law having an object within the scope of any of the provisions relating to land occupation density contained in the complementary document included in the development plan of the Communauté urbaine de Montréal, that has been adopted since 20 April 1994 by a local municipality whose territory is within the territory of the Community and that has not been examined for conformity as regards the objectives of the development plan and the provisions of the complementary document, is deemed, notwithstanding sections 137.15 and 237.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), to have come into force in accordance with the Act governing the municipality in that respect.

63. Notwithstanding section 1112 of the Act to amend various legislative provisions to further the implementation of the Act respecting municipal territorial organization (1996, chapter 2), an agreement made under subarticle 1 or 7 of article 549 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as it read before being repealed by section 296 of chapter 2 of the statutes of 1996, that was in force on 7 May 1999 continues to apply up to the earliest of the date provided for its expiry, the date on which the parties terminate the agreement and the date on which this section ceases to have effect.

Article 549 of the Municipal Code of Québec, as it read on 7 May 1996, retains its effects for the purposes of an agreement to which the first paragraph applies.

This section has effect from 8 May 1999. It ceases to have effect on 11 November 2002 or on such earlier date as may be fixed by the Government.

64. The council of Ville de Montréal may, by by-law, reduce or abolish, for the fiscal year 1999, any compensation for municipal services payable under section 205 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) by the Communauté urbaine de Montréal or the Société de transport de la Communauté urbaine de Montréal, provided that the director of finance of the city certifies that the decrease in revenue resulting from the reduction or abolition does not result in expenses exceeding probable revenue for the fiscal year.

65. The acts performed and the contracts awarded before 11 November 1999 by Ville de Saint-Jean-sur-Richelieu on behalf of an environmental trust to be constituted for the decontamination of certain immovables situated in its territory may not be invalidated on the ground that work has been carried out on privately owned immovables, that the town has participated in the constitution of a social trust for environmental purposes or that the town has given such a trust the mandate to carry out and finance work.

66. Sections 13, 21, 27 and 32 have effect from 1 May 1993.

67. An act performed by a local municipality between 28 June 1989 and 11 November 1999, in order to grant a subsidy to a non-profit body or to become surety for such a body for the construction of an industrial rental building or the conversion of a building into an industrial rental building cannot be invalidated on the ground that the municipality did not have the jurisdiction to perform that act under section 6.1 of the Act respecting municipal industrial immovables (R.S.Q, chapter I-0.1).

68. Every program established by Ville de Montréal under subparagraph 6.2 of the first paragraph of article 528 of the Charter of the city of Montréal (1959-60, chapter 102), enacted by section 53, may provide for the granting of a subsidy or a credit related to a tax payable for any fiscal year from the fiscal year 1999.

69. Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), any vacancy in the office of councillor for District No. 3 of Ville de Beauport need not be filled until the next regular election.

70. This Act comes into force on 11 November 1999.