



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 134
(2005, chapter 50)

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

**Introduced 15 November 2005
Passage in principle 29 November 2005
Passage 14 December 2005
Assented to 16 December 2005**

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EXPLANATORY NOTES

This bill amends various legislative provisions in order to take into account, among other things, the municipal reorganization occasioned by the reconstitution of certain municipalities on 1 January 2006. It specifically addresses the effect of the reorganization on metropolitan communities, public transit authorities and regional conferences of elected officers. It also adds the prevention and eradication of drug addiction and prostitution to the powers that can be exercised by an agglomeration council.

In addition, the bill grants the municipalities new delegation powers, in particular, by authorizing them to entrust any person with the operation of certain facilities and with the financing of work related to such operation. For the purposes of the application of the rules for awarding contracts, any contract by which a municipality implicitly entrusts the exercise of a municipal power to a third party is considered, under the bill, to be a contract for the supply of services.

The bill also grants local municipalities more latitude for the financing of certain expenditures. Thus, the financial reserve for the supply of water may henceforth be used to finance all the expenditures related to the supply of water, rather than only certain infrastructure expenditures. A similar financial reserve may be created to finance expenditures related to roads. In addition, the bill includes transitional provisions for Ville de Montréal related to those two elements.

The bill empowers municipalities to acquire a financial interest in certain development funds created in their territory. It also allows municipalities to form a limited partnership with a private-sector enterprise for the purpose of producing electric power by harnessing wind energy.

The bill also enacts, amends and corrects various provisions that govern municipal bodies. In particular, it broadens the rules governing the use of working funds, preserves the secrecy of confidential information when a document prepared by an assessor is consulted and relaxes the rules governing the updating of assessment rolls when more than one address must be changed.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- 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 métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- 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 Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18-2.1);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- 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);
- Act respecting Ville de Chapais (1999, chapter 98);
- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);
- Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14);
- Municipal Powers Act (2005, chapter 6);
- Act to amend various legislative provisions concerning municipal affairs (2005, chapter 28).

Bill 134

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 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 135 of chapter 6 of the statutes of 2005, is again amended by replacing “or 124” in the second line of subparagraph 7 of the fourth paragraph by “, 124 or 126.1”.

CHARTER OF VILLE DE GATINEAU

2. Section 86 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by replacing “December 2003” in the first line of the first paragraph by “March 2006”.

CHARTER OF VILLE DE MONTRÉAL

3. Section 20 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 29 of chapter 28 of the statutes of 2005, is again amended by striking out the second paragraph.

4. Section 145 of the Charter is amended by replacing “The” in the first line of the first paragraph by “Except in the cases provided for in sections 146 and 146.1, the”.

5. Section 146 of the Charter is amended by replacing “Despite section 145, and to” in the first line of the first paragraph by “To”.

6. Section 146.1 of the Charter, amended by section 35 of chapter 28 of the statutes of 2005, is again amended by inserting “or for the financing of an expense arising from the exercise of a power delegated under section 186 of Schedule C” after “city council” in the third line of the first paragraph.

7. The Charter is amended by inserting the following section after section 151.3:

“**151.3.1.** The city may avail itself of the powers provided for in section 569.11 of the Cities and Towns Act (chapter C-19) in a different manner for each sector.”

8. Section 133 of Schedule C to the Charter, amended by section 37 of chapter 28 of the statutes of 2005, is again amended

(1) by replacing “10%” in the fifth line of paragraph 1 by “20%”;

(2) by inserting “or, in the case provided for in subparagraph *b* of the first paragraph, 10 years” after “years” in the second paragraph of paragraph 4.

CITIES AND TOWNS ACT

9. Section 114.4 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 50 of chapter 28 of the statutes of 2005, is amended by replacing “under” in the first line of the second paragraph by “provided for” and by adding the following paragraph after the second paragraph:

“The mayor of a borough of Ville de Montréal also has the power provided for in the first paragraph.”

10. Section 114.11 of the Act, enacted by section 50 of chapter 28 of the statutes of 2005, is amended

(1) by replacing “estimate” in the third line of the first paragraph by “appropriation”;

(2) by adding the following sentence at the end of the first paragraph: “The same applies to the budget of a borough of Ville de Montréal if the borough mayor exercised that power before the budget was adopted.”;

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

“However, the appropriation may not exceed the amount determined by the Minister or the amount that corresponds to the percentage, determined by the Minister, of the total of the other appropriations for operating expenses provided for in the budget. If the Minister determines an amount and a percentage with regard to the same budget, the higher amount constitutes the applicable maximum.

If the budget of the municipality provides for appropriations for operating expenses related to a system of production, transmission or distribution of electric power, only 50% of the appropriations must be considered when determining the total referred to in the second paragraph.”;

(4) by adding the following paragraph after the second paragraph:

“The Minister may establish classes of municipalities and boroughs and determine a different amount or percentage for each one.”

11. Section 114.12 of the Act, enacted by section 50 of chapter 28 of the statutes of 2005, is amended by replacing “estimate” in the second line of the first paragraph by “appropriation”.

12. Section 488 of the Act is amended by replacing “a municipal or intermunicipal transit authority has jurisdiction pursuant to the Act respecting municipal and intermunicipal transit authorities (chapter S-30.1)” in the first, second and third lines by “a public transit authority has jurisdiction pursuant to the Act respecting public transit authorities (chapter S-30.01)”.

13. Section 554 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the first, third and fourth paragraphs by “Finance”.

14. Section 555 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the first paragraph by “Finance”.

15. Section 563.1 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the first paragraph by “Finance”.

16. Section 569 of the Act is amended

(1) by replacing “10%” in the first line of subsection 1.1 by “20%”;

(2) by replacing “five” in the third line of subsection 2 by “10”.

17. The heading of subdivision 31.2 of Division XI of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is replaced by the following heading:

“§31.2. — *Financial reserves for the supply of water and for roads*”.

18. Section 569.7 of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is amended by replacing “made to improve techniques and procedures and develop infrastructures related to the supply of water” in the second and third lines of the first paragraph by “related to the supply of water or to roads”.

19. Section 569.8 of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is amended by replacing “for the supply of water” in the second line of subparagraph *a* of paragraph 2 by “either for the supply of water or for roads”.

20. Section 569.11 of the Act, enacted by section 55 of chapter 28 of the statutes of 2005, is amended by replacing “for the supply of water” in the second line of the first paragraph by “either for the supply of water or for roads”.

21. The Act is amended by inserting the following section after section 573.3.3:

“573.3.3.1. For the purposes of the preceding sections of this subdivision and the sections of the regulation under section 573.3.0.1, a contract by which a municipality implicitly delegates the exercise of a municipal power is considered a contract for the supply of services.”

MUNICIPAL CODE OF QUÉBEC

22. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 938.3:

“938.3.1. For the purposes of the preceding articles of this Title and the sections of the regulation under article 938.0.1, a contract by which a municipality implicitly delegates the exercise of a municipal power is considered a contract for the supply of services.”

23. Article 992 of the Code is amended by replacing “a municipal or intermunicipal transit authority has jurisdiction pursuant to the Act respecting municipal and intermunicipal transit authorities (chapter S-30.1)” in the first, second and third lines by “a public transit authority has jurisdiction pursuant to the Act respecting public transit authorities (chapter S-30.01)”.

24. Article 1061 of the Code is amended by adding the following paragraphs after the fourth paragraph:

“Before approving a loan by-law of a regional county municipality the purpose of which is to finance a contribution to the common stock of a limited partnership formed under section 111 of the Municipal Powers Act (2005, chapter 6), the Minister may order the regional county municipality to submit the by-law for approval to the qualified voters in the local municipalities that must contribute to the payment of the expenditures relating to the partnership.

The Act respecting elections and referendums in municipalities (chapter E-2.2) applies, with the necessary modifications, to the approval required under the fifth paragraph.”

25. Article 1065 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the first and second sentences of subarticle 1 and in subarticle 2 by “Finance”.

26. Article 1066 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the first paragraph by “Finance”.

27. Article 1071.1 of the Code, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the first paragraph by “Finance”.

28. Article 1094 of the Code is amended

- (1) by replacing “10%” in the first line of subarticle 1.1 by “20%”;
- (2) by replacing “five” in the third line of subarticle 2 by “10”.

29. The heading of Chapter VII of Title XXVI of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is replaced by the following heading:

“CHAPTER VII

“FINANCIAL RESERVES FOR THE SUPPLY OF WATER AND FOR ROADS”.

30. Article 1094.7 of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is amended by replacing “made to improve techniques and procedures and develop infrastructures related to the supply of water” in the second and third lines of the first paragraph by “related to the supply of water or to roads”.

31. Article 1094.8 of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is amended by replacing “for the supply of water” in the second line of subparagraph *a* of paragraph 2 by “either for the supply of water or for roads”.

32. Article 1094.11 of the Code, enacted by section 62 of chapter 28 of the statutes of 2005, is amended by replacing “for the supply of water” in the second line of the first paragraph by “either for the supply of water or for roads”.

ACT RESPECTING THE COMMISSION MUNICIPALE

33. Section 3 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing “vice-presidents” in the first line of the second paragraph by “members”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

34. Section 4 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

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

“(1) the mayor of Ville de Montréal and 13 persons designated by the agglomeration council of that city from among the members of its regular

council and the councils of the other municipalities whose territory is situated in the agglomeration provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) the mayor of Ville de Longueuil and two persons designated by the agglomeration council of that city from among the members of its regular council and the councils of the other municipalities whose territory is situated in the agglomeration provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations;”.

35. Section 189 of the Act is amended

(1) by replacing “10%” in the fifth line of paragraph 1 by “20%”;

(2) by inserting “or, in the case provided for in subparagraph *b* of the first paragraph, 10 years” after “years” in the second paragraph of paragraph 4.

36. Schedule I to the Act is amended

(1) by inserting “Ville de Baie-D’Urfé, Ville de Beaconsfield,” before the first “Ville” in the first line;

(2) by inserting “Ville de Boucherville, Ville de Brossard,” after “Bois-des-Filion,” in the second line;

(3) by inserting “Ville de Côte-Saint-Luc,” after “Contrecoeur,” in the fourth line;

(4) by inserting “Ville de Dollard-Des Ormeaux, Ville de Dorval, Ville de Hampstead,” after “Deux-Montagnes,” in the fourth and fifth lines;

(5) by inserting “Ville de Kirkland,” after “Hudson,” in the fifth line;

(6) by inserting “Ville de L’Île-Dorval,” after “L’Île-Cadieux,” in the fifth line;

(7) by inserting “Ville de Montréal-Est, Ville de Montréal-Ouest, Ville de Mont-Royal,” after “Montréal,” in the tenth line;

(8) by inserting “Ville de Pointe-Claire,” after “Pointe-Calumet,” in the twelfth line;

(9) by inserting “Ville de Saint-Bruno-de-Montarville,” after “Saint-Basile-le-Grand,” in the fourteenth line;

(10) by inserting “Ville de Sainte-Anne-de-Bellevue,” after “Saint-Constant,” in the fifteenth line;

(11) by inserting “Ville de Saint-Lambert” after “Saint-Joseph-du-Lac,” in the eighteenth line;

(12) by inserting “Village de Senneville,” after “Saint-Sulpice,” in the twenty-first line;

(13) by inserting “, Ville de Westmount” after “Verchères” in the twenty-third line.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

37. Section 4 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing paragraph 1 by the following paragraph:

“(1) the mayor of Ville de Québec and eight persons designated by the agglomeration council of that city from among the members of its regular council and the councils of the other municipalities whose territory is situated in the agglomeration provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);”.

38. Section 177 of the Act is amended by replacing “the Minister” in the third line by “the Minister of Finance”.

39. Section 179 of the Act is amended

(1) by replacing “10%” in the fourth line of the first and second paragraphs of paragraph 1 by “20%”;

(2) by adding the following paragraph at the end of paragraph 4:

“Despite the first paragraph, the term of a loan granted under subparagraph *b* of the first paragraph must not exceed 10 years.”

40. Schedule A to the Act is amended

(1) by inserting “Ville de L’Ancienne-Lorette,” after “Lac-Saint-Joseph,” in the third line;

(2) by inserting “Ville de Saint-Augustin-de-Desmaures,” after “Québec,” in the fourth line.

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

41. Section 12 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), amended by section 196 of chapter 28 of the statutes of 2005, is

again amended by replacing “Municipal Affairs and Regions” in the first paragraph by “Finance”.

42. Section 15 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by striking out “and the Minister of Municipal Affairs and Regions” at the end of the second sentence of the first paragraph.

43. Section 15.3 of the Act is amended by replacing “the authorizations required by law for the exercise of its borrowing power” in the first and second lines by “the authorization of the Minister of Finance”.

44. Section 15.4 of the Act is amended by replacing “the authorizations required by law for the exercise of its borrowing power” in the second and third lines by “the authorization of the Minister of Finance”.

45. Section 22.1 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” by “Finance”.

46. Section 22.2 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” by “Finance”.

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

47. Section 40.3 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2), enacted by section 65 of chapter 28 of the statutes of 2005, is amended by replacing the second sentence by the following sentence: “Section 111 of the Municipal Powers Act (2005, chapter 6) then applies, with the necessary modifications.”

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

48. Section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing “Municipalité” in the second line by “Ville”.

49. Section 19 of the Act, amended by section 244 of chapter 6 of the statutes of 2005 and section 155 of chapter 28 of the statutes of 2005, is again amended by inserting the following paragraph after paragraph 10:

“(10.1) the prevention and eradication of drug addiction and prostitution;”.

50. Section 33 of the Act is amended by replacing “a new park or manage an existing park” in the third and fourth lines by “and manage a new park or

manage a park that existed on the date of the reorganization of the city to whose territory the agglomeration corresponds”.

51. Section 34 of the Act is amended by adding the following paragraph at the end:

“The adoption of the by-law need not be preceded by a notice of motion.”

52. Section 36 of the Act is amended by replacing “existing industrial park it identifies” in the second and third lines by “industrial park it identifies among those existing on the date of the reorganization of the city to whose territory the agglomeration corresponds”.

53. Section 39 of the Act is amended

(1) by inserting “, by a by-law subject to the right of objection under section 115,” after “may” in the first line of the first paragraph;

(2) by inserting “, in the manner set out in the first paragraph,” after “amend it” in the second line of the second paragraph.

54. Section 43 of the Act is amended

(1) by replacing “The resolution” in the first line of the first paragraph by “The by-law”;

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

55. Section 70 of the Act is amended by striking out the second paragraph.

56. Section 74 of the Act is amended by replacing “do not concern traffic or parking on thoroughfares” in the fifth and sixth lines of the first paragraph by “are not provisions of the Highway Safety Code (chapter C-24.2)”.

57. Section 115 of the Act is amended by inserting “39,” after “38,” in the second line of the first paragraph.

58. Section 116 of the Act is amended by adding the following paragraph at the end:

“In the case of a by-law under section 39 intended to remove an element from the list of equipment, infrastructures and activities of collective interest, the by-law may be published or approved, as the case may be, only once a resolution expressing the agreement of the municipality concerned has been adopted by the council that would have the authority to make decisions concerning a subject referred to in section 41 in relation to that element should the by-law come into force.”

59. The Act is amended by inserting the following section after section 116:

“116.1. A related municipality may waive its right of objection to a by-law it specifies.

An authenticated copy of the resolution by which the municipality waives its right is sent to the Minister and to each other related municipality simultaneously.

The by-law may be published to meet the publication requirement for its coming into force, before the period specified in section 115 has expired, if all the related municipalities have waived their right of objection to the by-law.”

60. Section 175 of the Act is amended

(1) by replacing “the urban agglomeration of Montréal” in the first and second lines by “the urban agglomeration of Montréal, Québec or Longueuil”;

(2) by replacing “the fiscal year 2006” in the third line by “either the fiscal year 2006 or the fiscal year 2007”.

61. Section 178.1 of the Act, enacted by section 173 of chapter 28 of the statutes of 2005, is amended

(1) by inserting “an insurance contract or” before “a supply or services contract” in the third line of the first paragraph;

(2) by replacing “the supply of goods or services” in the sixth line of the first paragraph by “the contract”;

(3) by inserting “supply or services” before “contract” in the first line of the fourth paragraph.

62. Section 178.2 of the Act, enacted by section 173 of chapter 28 of the statutes of 2005, is amended by replacing “the planned supply of goods or services” in the sixth line of the first paragraph by “the contract”.

63. Section 179.1 of the Act, enacted by section 175 of chapter 28 of the statutes of 2005, is amended by replacing “the planned supply of goods or services” in the fifth and sixth lines of the first paragraph by “the contract”.

ACT RESPECTING MUNICIPAL TAXATION

64. Section 79 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding the following sentence at the end of the second paragraph: “The right to examine a document granted in this paragraph is subject to section 79.1.”

65. The Act is amended by inserting the following section after section 79:

“79.1. In the case of an immovable that generates revenues due to the presence of two or more occupants, the right to examine a document granted to each occupant under the second paragraph of section 79 is subject to the rules set out in this section if the document the occupant of a part of the immovable wishes to examine contains financial information for determining the revenues generated by the immovable and that information specifically concerns another occupant or another part of the immovable.

The occupant may only examine the document if the financial information concerning any other occupant or part of the immovable is hidden or otherwise inaccessible or if it is integrated into the general information for the whole immovable in such a way that the reader is unable to match the information with another occupant or part of the immovable.

If the document is drawn up in such a way that compliance with the rule set out in the second paragraph is not practical, the document may not be examined. In such a case, another document allowing compliance with the rule must be prepared. The occupant may examine the other document or obtain a copy of it, on request.

The first three paragraphs apply to the right of an occupant, including a person who has filed an application for review or brought a proceeding before the Tribunal, to examine a document. They do not apply to the occupant of a business establishment. They do not limit the right of the Tribunal or a court before which the property value of the immovable is being contested to issue an order relating to the examination of relevant information by the occupant.”

66. Section 176 of the Act is amended by adding the following paragraph after the second paragraph:

“If several addresses must be altered as a result of the constitution of a new local municipality, a regrouping or annexation, changes in the street name or number resulting from a territorial reorganization, or the replacement of a rural postal code by several urban postal codes, the assessor may file a global certificate for all of the alterations.”

67. Section 180 of the Act is amended by adding the following sentence at the end of the first paragraph: “The clerk is not required to do so if the alteration was made by means of a global certificate under the third paragraph of section 176.”

68. The Act is amended by inserting the following section after section 180:

“180.1. If several alterations were made by means of a global certificate under the third paragraph of section 176, the clerk gives a public notice, as set out in section 75, explaining in a general manner that the roll has been altered to reflect address changes made necessary by an event, specified by the clerk, referred to in that paragraph.”

69. Section 181 of the Act is amended by adding the following paragraph after the second paragraph:

“Furthermore, no application for review may be filed or action to quash or set aside brought with regard to an alteration made by means of a global certificate under the third paragraph of section 176.”

70. Section 232.2 of the Act is amended

(1) by inserting “or to which this paragraph applies” after “mentioned in this paragraph” in the first line of the second paragraph;

(2) by replacing “Ville de Montréal” in subparagraph 1 of the second paragraph by “any municipality whose territory is included in the agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)”;

(3) by replacing “Ville de Longueuil” in subparagraph 3 of the second paragraph by “any municipality whose territory is included in the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”;

(4) by replacing “Ville de Québec” in subparagraph 5 of the second paragraph by “any municipality whose territory is included in the agglomeration of Québec provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”.

71. Section 244.40 of the Act is amended

(1) by inserting “or to which this paragraph applies” after “mentioned in this paragraph” in the first line of the second paragraph;

(2) by replacing “Ville de Montréal” in subparagraph 1 of the second paragraph by “any municipality whose territory is included in the agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)”;

(3) by replacing “Ville de Longueuil” in subparagraph 3 of the second paragraph by “any municipality whose territory is included in the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”;

(4) by replacing “Ville de Québec” in subparagraph 5 of the second paragraph by “any municipality whose territory is included in the agglomeration of Québec provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

72. Section 4 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by replacing “five” in the fourth line by “10”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

73. Section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01) is amended by replacing “the territory of Ville de Longueuil” in the third line of the second paragraph by “the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)”.

74. Section 100 of the Act is amended by replacing the sixth paragraph by the following paragraph:

“The board of directors shall be composed of,

(1) in the case of the regional conference of elected officers of the administrative region of Laval, all the members of the council of Ville de Laval;

(2) in the case of the regional conference of elected officers established for the agglomeration of Longueuil:

(a) the mayor of Ville de Longueuil and 13 other persons designated by the city council from among its members;

(b) the mayor of Ville de Brossard and three other persons designated by the town council from among its members;

(c) the mayor of Ville de Boucherville and two other persons designated by the town council from among its members;

(d) the mayor of Ville de Saint-Bruno-de-Montarville and one other person designated by the town council from among its members; and

(e) the mayor of Ville de Saint-Lambert and one other person designated by the city council from among its members; and

(3) in the case of the regional conference of elected officers of the administrative region of Montréal:

(a) all the members of the council of Ville de Montréal; and

(b) the mayors of the other local municipalities whose territory is comprised in the administrative region, except the mayor of Ville de L’Île-Dorval.”

75. Section 101 of the Act is amended by replacing “the territory of Ville de” in the third line of the second paragraph by “the agglomeration of”.

76. The schedule to the Act is amended by inserting “Ville de Rivière-Rouge” after “Ville de Richmond”.

ENVIRONMENT QUALITY ACT

77. Section 114 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing “Sections 80 to 82” in the fourth line of the second paragraph by “Sections 231 to 233 of the Act respecting land use planning and development (chapter A-19.1) and sections 57 and 58 of the Municipal Powers Act (2005, chapter 6)”.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’ASSAINISSEMENT DES EAUX

78. Section 12 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1) is amended by striking out the second paragraph.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

79. Section 1 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended

(1) by replacing “that of Ville de Montréal” in the second line of subparagraph 1 of the first paragraph by “the agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)”;

(2) by replacing “that of Ville de Québec” in the second line of subparagraph 2 of the first paragraph by “the agglomeration of Québec provided for in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”;

(3) by replacing “that of Ville de Longueuil” in the second line of subparagraph 4 of the first paragraph by “the agglomeration of Longueuil provided for in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”;

(4) by adding the following paragraph after the second paragraph:

“For the purposes of any provision of this Act that refers to the council of a city without naming the city, if the provision applies to Ville de Montréal, Ville de Québec or Ville de Longueuil, the reference is to its agglomeration council rather than its regular council. The same applies for a provision referring to the act of a city if the act is under the authority of the municipal council.”

80. Section 8 of the Act is amended

(1) by inserting “, acting through its agglomeration council,” after “Montréal” in the first line;

(2) by replacing “its council” in the second line by “its regular council and the councils of the other municipalities whose territory is included in the agglomeration”;

(3) by replacing “its residents” in the third line by “the residents of the agglomeration”.

81. Section 9 of the Act is amended

(1) by inserting “, acting through its agglomeration council,” after “Québec” in the first line;

(2) by replacing “its council” in the second line by “its regular council and the councils of the other municipalities whose territory is included in the agglomeration”;

(3) by replacing “its residents” in the third line by “the residents of the agglomeration”.

82. Section 11 of the Act is amended

(1) by inserting “, acting through its agglomeration council,” after “Longueuil” in the first line;

(2) by replacing “its council” in the first and second lines by “its regular council and the councils of the other municipalities whose territory is included in the agglomeration”;

(3) by replacing “its residents” in the third line by “the residents of the agglomeration”.

83. Section 16.1 of the Act is amended by inserting “regular” before “council” in the third line.

84. Section 64 of the Act is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph and despite the third paragraph of section 1, a reference to the council of a city is a reference, in the case of a public transit authority referred to in any of subparagraphs 1, 2 and 4 of the first paragraph of that section, to the council of any municipality whose territory is included in the area of jurisdiction of the public transit authority.”

85. Section 114 of the Act is amended by adding the following paragraph at the end:

“The municipalities whose territory is included in an agglomeration referred to in section 1 are solidarily liable for the obligations and commitments of the public transit authority whose area of jurisdiction corresponds to the agglomeration.”

86. Section 123 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended by replacing “Municipal Affairs and Regions” in the second paragraph by “Finance”.

87. Section 150 of the Act, amended by section 196 of chapter 28 of the statutes of 2005, is again amended

(1) by striking out “and the Minister of Municipal Affairs and Regions” in the portion before subparagraph 1 of the first paragraph;

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

“The making of a regulation described in the first paragraph requires the recommendation of the Minister of Finance in the case of a regulation under any of subparagraphs 3 to 5 of that paragraph, or the recommendation of the Minister of Municipal Affairs and Regions in any other case.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

88. Section 21.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 139 of chapter 28 of the statutes of 2005, is amended

(1) by replacing “of a municipality with a population of 500,000 or more” in subparagraph 2 of the second paragraph by “of Ville de Québec”;

(2) by replacing “to 499,999” in subparagraph 3 of the second paragraph by “or more”.

89. Section 31.2 of the Act is amended by replacing “31.6” in the first line by “31.5”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

90. Section 227 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting “of Finance” after “Minister” in the third line of the first paragraph.

91. Section 398 of the Act is amended by inserting “of Finance” after “Minister” in the third line of the first paragraph.

ACT RESPECTING VILLE DE CHAPAIS

92. Section 2 of the Act respecting Ville de Chapais (1999, chapter 98), amended by section 94 of chapter 77 of the statutes of 2002, section 235 of chapter 19 of the statutes of 2003 and section 145 of chapter 28 of the statutes of 2005, is again amended by replacing “2005” in the second paragraph by “2016”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

93. Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37), amended by section 237 of chapter 19 of the statutes of 2003, is again amended by replacing “2006” in the second line of the tenth paragraph by “2008”.

ACT RESPECTING THE CONSULTATION OF CITIZENS WITH RESPECT TO THE TERRITORIAL REORGANIZATION OF CERTAIN MUNICIPALITIES

94. Section 65 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) is amended by striking out “in the reconstituted municipality” in the third line.

95. Section 76.2 of the Act, enacted by section 147 of chapter 28 of the statutes of 2005, is amended

(1) by inserting “an insurance contract or” before “a supply or services contract” in the second line of the first paragraph;

(2) by striking out “, under which the reconstituted municipality receives goods or services” in the fourth and fifth lines of the first paragraph;

(3) by striking out “the supply of goods or services under” in the first and second lines of the second paragraph;

(4) by replacing “Any call for tenders for the contract,” in the third line of the fourth paragraph by “Any call for tenders for a supply or services contract.”

96. Section 76.4 of the Act, enacted by section 147 of chapter 28 of the statutes of 2005, is amended by striking out “supply or services” in the first line of the second paragraph.

97. Section 78.1 of the Act, enacted by section 156 of chapter 29 of the statutes of 2004 and amended by section 148 of chapter 28 of the statutes of 2005, is again amended by striking out “in the reconstituted municipality” in the fourth line of the first paragraph.

98. Section 82 of the Act is amended by adding the following sentence at the end of the first paragraph: “In the case of Municipalité des Îles-de-la-Madeleine, this rule also applies to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules, as if the result of the referendum poll had been negative.”

99. Section 83 of the Act is amended by adding the following sentence at the end of the first paragraph: “In the case of Municipalité des Îles-de-la-Madeleine, this rule also applies to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules, as if the result of the referendum poll had been negative.”

100. The Act is amended by inserting the following section after section 84:

“84.0.1. From among the sums the Government allocated to the transition committee established in respect of Municipalité des Îles-de-la-Madeleine and those it allocated for the carrying out of the committee’s mandate, the municipality must reimburse the amount used for acts performed with regard to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules.

The reimbursement is financed by revenues deriving exclusively from that sector.”

101. Section 84.1 of the Act, enacted by section 151 of chapter 28 of the statutes of 2005, is amended

(1) by inserting “or 84.0.1” after “83” in the second line of the second paragraph;

(2) by inserting “or 84.0.1” after “82” in the fourth line of the second paragraph.

102. Section 85 of the Act, amended by section 158 of chapter 29 of the statutes of 2004, is again amended by replacing “either of sections 81, 83 or 84” in the second line of the first paragraph by “section 81 or any of sections 83 to 84.0.1”.

103. Section 87 of the Act is amended by adding the following paragraph after the third paragraph:

“Sections 88 and 89 do not apply with regard to the sector concerned corresponding to the territory of the former municipality of Village de Cap-aux-Meules.”

MUNICIPAL POWERS ACT

104. The Municipal Powers Act (2005, chapter 6) is amended by inserting the following section after section 7:

“7.1. A local municipality may entrust a person with the operation of its parks or its facilities or public places intended for cultural, recreational or community activities.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.”

105. Section 9 of the Act is amended by replacing the second paragraph by the following paragraphs:

“It may entrust a person with the operation of a facility referred to in the first paragraph.

A contract under the second paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.”

106. The Act is amended by inserting the following section after section 13:

“13.1. A local municipality may acquire a financial interest in a development fund created in its territory within the framework of the FIER-Regions or the Support Funds component of the government program known as the Regional Economic Intervention Fund (FIER).

The interest mentioned in the first paragraph may, in particular, be in the form of a loan or an investment made by subscribing to shares of the capital stock or the common stock of a limited partnership formed to administer the fund.”

107. The Act is amended by inserting the following sections after section 17:

“17.1. A local municipality may form a limited partnership with a private-sector enterprise for the purpose of producing electric power by harnessing wind energy.

The private-sector enterprise must at all times provide at least half of the contribution to the common stock of the partnership and must be the partnership’s general partner.

“17.2. With the authorization of the Minister, a local municipality that formed a limited partnership under section 17.1 may stand surety for it.

Before giving the authorization, the Minister may order the municipality to submit the decision authorizing suretyship to the approval of the qualified voters, according to the procedure prescribed for the approval of loan by-laws.

“17.3. The total amount of the contribution and the surety bond provided by the municipality under sections 17.1 and 17.2 may not exceed the amount required to set up a wind farm with a generating capacity of 25 megawatts.

Furthermore, the total amount of the contributions and the surety bonds provided by all the local municipalities and regional county municipalities for a partnership referred to in section 17.1 may not exceed half of the contribution made to the common stock of the partnership.”

108. Section 22 of the Act is amended by replacing the first paragraph by the following paragraphs:

“22. A local municipality may entrust a person with the operation of its waterworks or sewer system or other water supply or water purification works for a maximum term of 25 years.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.”

109. Subdivision 3 of Division II of Chapter V of Title II of the Act, comprising sections 29 to 33, is repealed.

110. Division III of Chapter V of Title II of the Act is replaced by the following division:

“DIVISION III

“RESIDUAL MATERIALS

“34. A local municipality may entrust a person with the operation of its residual materials disposal and reclamation system.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In such a case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.”

111. Section 84 of the Act is amended by adding the following paragraph at the end:

“A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.”

112. Section 90 of the Act is amended by adding the following subparagraph after subparagraph 6 of the third paragraph:

“(7) under section 13.1.”

113. Section 94 of the Act is replaced by the following section:

“94. A local municipality may entrust a non-profit partnership or legal person with the organization and management, on behalf of the local municipality, of activities or bodies referred to in subparagraph 1 or 3 of the first paragraph of section 93.

A local municipality may entrust a person with the organization and management, on behalf of the local municipality, of activities or bodies referred to in subparagraph 2 of the first paragraph of section 93.”

114. Section 100 of the Act is amended by replacing “126” in the second line by “126.1”.

115. Section 101 of the Act is amended

(1) by replacing “in subparagraph 3 of the first paragraph of section 9,” in the first and second lines of the first paragraph by “in section 9 and”;

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

“A regional county municipality may adopt non-regulatory measures with regard to railway sidings or port or airport facilities. However, it may only delegate a power in those matters to the extent provided for by law.”

116. Section 111 of the Act is replaced by the following sections:

“111. A regional county municipality may form a limited partnership with a private-sector enterprise for the purpose of producing electric power by harnessing wind energy or a hydro-electric power.

The private-sector enterprise must at all times provide at least half of the contribution to the common stock of the partnership, and must be the partnership’s general partner.

“111.1. If the regional county municipality wishes to form a partnership referred to in section 111, it must pass a resolution announcing its intention to do so. A copy of the resolution must be served on each local municipality whose territory is included in that of the regional county municipality.

At least 45 days after the service of the resolution required under the first paragraph, the regional county municipality may form the partnership.

“111.2. With the authorization of the Minister, a regional county municipality that formed a partnership referred to in section 111 may stand surety for it.

Section 111.1 applies, with the necessary modifications, to the suretyship provided for in the first paragraph.

Before giving the authorization, the Minister may order the regional county municipality to submit the decision authorizing the suretyship to the approval of the qualified voters in the local municipalities that must contribute to the payment of the expenditures relating to the partnership.

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, to the approval provided for in the third paragraph.

“111.3. The total amount of the contribution and the surety bond provided by the regional county municipality under sections 111 and 111.2 may not exceed the amount required to set up a wind farm with a generating capacity of 50 megawatts or a hydro-electric power station with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State, depending on the case.

Furthermore, the total amount of the contributions and the surety bonds provided by all the regional county municipalities and local municipalities for a partnership described in section 111 may not exceed half of the contribution made to the common stock of the partnership.

“111.4. If a municipality referred to in any of sections 4 to 6, 8 or 9 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) could, under section 98, exercise a power provided for in section 111 or 111.2, that power is to be exercised by the central municipality within the meaning of section 15 of that Act and is considered an agglomeration power.”

117. Sections 116 and 117 of the Act are replaced by the following sections:

“116. The regional county municipality may establish or operate a sleeping-accommodation, catering or commercial establishment or a parking lot in a regional park.

The regional county municipality may entrust a person with the operation of an establishment or parking lot referred to in the first paragraph.

A contract under the second paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.

“117. The regional county municipality may entrust a person with the operation of its regional park.

It may also entrust that person with the exercise of the power under section 113.

A contract under the first paragraph may also stipulate that the person must finance the work carried out under the contract. In that case, the Municipal Works Act (R.S.Q., chapter T-14) does not apply.”

118. Section 118 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “If the person referred to in section 117 is a non-profit body, the regional county municipality may stand surety for it.”;

(2) by replacing “the body referred to in section 117” in the first and second lines of the fourth paragraph by “the person referred to in the first paragraph”.

119. Section 119 of the Act is amended

(1) by replacing “the non-profit body referred to” in the second and third lines of the first paragraph by “the person referred to”;

(2) by replacing “The body is deemed” in the first line of the second paragraph by “The person is deemed”.

120. Section 121 of the Act is amended by replacing “stands surety for the body referred to in section 117” in the second line of the first paragraph by “exercises the power provided for in the first paragraph of section 118”.

121. The Act is amended by inserting the following section after section 126:

“**126.1.** A regional county municipality may acquire a financial interest in a development fund created in its territory as part of the FIER-Regions or the Support Funds component of the government program known as the Regional Economic Intervention Fund (FIER).

The interest mentioned in the first paragraph may, in particular, be in the form of a loan or an investment made by subscribing to shares of the capital stock or the common stock of a limited partnership formed to administer the fund.”

122. Section 210 of the French text of the Act is replaced by the following section:

“**210.** L’article 711.2 de ce code est modifié par le remplacement, dans le premier alinéa, de «ainsi que pour toute personne qu’elles peuvent subventionner en vertu du paragraphe 4° du premier alinéa de l’article 8 du présent code ou en vertu de l’article 9.1 de celui-ci» par «ainsi que pour toute personne qu’elles peuvent subventionner en vertu du premier alinéa de l’article 92 de la Loi sur les compétences municipales (2005, chapitre 6) et toute société ou personne morale vouée à la poursuite des fins mentionnées au

deuxième alinéa de l'article 8, au paragraphe 2° du premier alinéa de l'article 91 ou au premier alinéa de l'article 93 de cette loi, qu'elles peuvent subventionner»."

123. Section 248 of the Act is replaced by the following section:

"248. Subject to the third paragraph, the by-laws, resolutions, minutes, agreements and other acts that were adopted in accordance with a provision replaced or repealed by this Act remain in force or continue to have effect until they are amended, replaced or repealed or until their purposes are achieved.

Any act referred to in the first paragraph may be amended, replaced or repealed by resolution if the purpose of the act is not a regulatory measure.

The by-laws, minutes and deeds of agreement concerning roads, bridges and watercourses may not be amended or replaced. They may be repealed by resolution."

124. The Act is amended by inserting the following section after section 249:

"249.1. Until the coming into force of section 237 of this Act, a local municipality whose territory is not served by a public transit authority or another public body providing public transport that offers paratransit services must, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract to make paratransit available within its territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution."

125. Section 251 of the Act is amended by inserting “, except for section 194 as regards the repeal of sections 467 to 467.8 and 467.10.1 to 467.14 of the Cities and Towns Act (R.S.Q., chapter C-19), section 214 as regards the repeal of articles 525 to 533 and 535.1 to 539 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and sections 217 to 220, 236 and 237, which come into force on the date or dates to be set by the Government” after “2006”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

126. Section 212 of the Act to amend various legislative provisions concerning municipal affairs (2005, chapter 28) is amended

(1) by replacing “of a municipality with a population of 500,000 inhabitants or more” in the first and second lines of paragraph 2 by “of Ville de Québec”;

(2) by replacing “to 499,999” in the first line of paragraph 3 by “or more”.

OTHER AMENDING PROVISIONS

127. Order in Council 1294-2000 dated 8 November 2000, concerning Ville de Mont-Tremblant, is amended by inserting the following section after section 27:

“27.1. For the purposes of section 146 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), two planning advisory committees may be established, one for the sector corresponding to the territory of the former Municipalité de Mont-Tremblant and the other for the sector corresponding to the remainder of the territory of the new city.

The members of the committee established for a sector referred to in the first paragraph must be residents of that sector.

For the purposes of Divisions VI to VIII, X and XI of Chapter IV of Title I of the Act respecting land use planning and development, the committee established for a sector has jurisdiction if a project under any of those divisions involves all or part of the sector.”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

128. In the case of Ville de Saint-Lambert, reconstituted pursuant to the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), by-laws 6, 300, 646 and 753, in force on the day before the reconstitution in the territory becoming the territory of the city, continue to apply as of the reconstitution and are deemed to be by-laws of the city.

Ville de Saint-Lambert must have any by-law listed in the first paragraph that exists only in English translated without any changes. The translated text must be published by 31 March 2006 in the manner prescribed for city by-laws. Once the translated text of the by-law has been published, each of its provisions has effect on the same date as that specified for the corresponding provision of the original by-law. Despite any inconsistent provision, no other publication, no approval or consultation and no sign or notice are required with respect to a text that reproduces a by-law replaced under this paragraph.

The city council may, by a by-law approved by the qualified voters of the city, repeal or amend any of the by-laws listed in the first paragraph, including any by-law translated under the second paragraph. A by-law resulting from such an amendment must specify which permits the Régie des alcools, des courses et des jeux may issue in the territory of the city.

Despite the first three paragraphs, the club permit provided for in section 30 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) issued to a golf, tennis, squash, yacht or curling club, as well as the reunion permit provided for in section 33 of that Act, are authorized in the territory of the city.

129. A contract entered into before 1 January 2006 relating to the management of the cultural and recreational activities of a municipality may not be declared invalid on the grounds that it was between the municipality and a person other than a non-profit partnership or legal person.

130. Any agreement entered into on 30 August 2005 under section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) by a local municipality whose territory is included in that of a regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is deemed to specify that it applies, with the necessary modifications, to a poll held to elect a warden in the territory of the local municipality.

Any such agreement entered into by a regional county municipality is without effect with regard to the election of a warden.

131. A provision of an agglomeration order on a matter referred to in any of sections 145 to 147 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) may have retroactive effect to 1 January 2006.

132. As of 1 January 2006, Ville de Saint-Pie ceases to adhere to the pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

As of that date, a person referred to in section 66 of that Act ceases to participate in that plan.

133. Sections 7, 17 to 20, 29 to 32, 70 and 71 apply for the purposes of every fiscal year from the fiscal year 2006.

However, for the purposes of the fiscal years 2006 to 2008, if the agglomeration council of Ville de Montréal creates a financial reserve under section 569.7 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 18, the reserve is to be used solely to finance expenditures made to improve techniques and procedures and to develop and repair infrastructures related either to the supply of water or to roads.

134. For the purposes of the fiscal year 2006, section 114.11 of the Cities and Towns Act (R.S.Q., chapter C-19) applies without reference to the amendments under paragraph 3 of section 10.

For the purposes of that fiscal year, the second sentence of the first paragraph of section 114.11 of the Cities and Towns Act, enacted by paragraph 2 of section 10, applies even if the borough mayor did not exercise the power provided for in section 114.4 of that Act, amended by section 9, before the budget for that fiscal year was adopted or even if the borough mayor exercised

the power in anticipation of that amendment. To that end, the second paragraph of section 114.11 is deemed to read as follows:

“However, the appropriation may not exceed the amount determined by the Minister or the amount that corresponds to the percentage, determined by the Minister, of the total of the other appropriations provided for in the borough budget. If the Minister determines both an amount and a percentage with regard to that budget, the higher amount constitutes the applicable maximum.”

The fourth paragraph of that section 114.11, enacted by paragraph 4 of section 10, has effect from 1 September 2005.

135. Sections 61 to 63, 95, 96 and 103 have effect from 17 June 2005.

If a call for tenders was published or sent after 16 June 2005 for the purpose of awarding a supply or services contract, without the prior approval of the Minister of Municipal Affairs and Regions required under section 76.2 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14), amended by section 95, the call for tenders and any document referred to in it must be approved by the Minister, even if the call for tenders has been published or sent and a contract awarded as a result. If the Minister refuses the approval, the awarding process or the contract awarded ends immediately.

136. The second paragraph of section 114 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01), enacted by section 85, also applies to obligations and commitments contracted by a transit authority before 1 January 2006.

137. In a notice published under section 24.4 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) before the beginning of the fiscal year 2006, “mayor of a municipality with a population of 500,000 or more” is replaced by “mayor of Ville de Québec”, and “mayor of a municipality with a population of 300,000 to 499,999” is replaced by “mayor of a municipality with a population of 300,000 or more”.

138. Sections 94 and 97 have effect from 14 October 2005.

139. An interest acquired by a local municipality or a regional county municipality between 31 July 2005 and 1 January 2006 in a development fund referred to in section 13.1 or 126.1 of the Municipal Powers Act (2005, chapter 6), enacted by sections 106 and 121 respectively, may not be declared invalid on the ground that it contravenes the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) or on the ground that the municipality did not have the necessary jurisdiction.

140. This Act comes into force on 16 December 2005, except sections 1, 13 to 15, 24 to 27, 34, 36 to 38, 40 to 47, 73 to 77, 79 to 87, 90, 91, 104 to 125, 127 and 136, which come into force on 1 January 2006.

