

Bill 106

**An Act to implement the 2030 Energy
Policy and to amend various legislative
provisions**

Section 17.1

AMENDMENT:

Insert after section 17:

“17.1. The Hydro-Québec Act (chapter H-5) is amended by inserting the following section after section 48.1:

“48.2. Any provision of an Act or regulation prescribing an obligation to file an assessment or certificate of compliance with the municipal by-laws in support of an application for authorization under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) or the Environment Quality Act (chapter Q-2) does not apply to the Company, provided each municipality concerned is notified within 45 days of the application so that it may submit its comments to the Company.”

Adelante
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Section 23

AMENDMENT:

Insert the following paragraphs after the first paragraph of proposed section 135:

The Minister may, by order, prohibit any holder from commencing or continuing any work or activity in the territory covered by the holder's licence if there exists

- (1) an environmental or social problem of a serious nature; or
- (2) dangerous or extreme weather conditions affecting the health or safety of persons or the safety of equipment.

Any requirement in relation to a licence that cannot be complied with while such an order is in force is suspended until the order is revoked by the Minister.

Accepted
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Section 23

AMENDMENT:

In proposed section 252:

1. Add the following sentence at the end of the first paragraph: "The holder of such an exploration licence must inform the landowner, the local municipality and the regional county municipality whose land or territory is covered, in whole or in part, by the licence, in writing and within 60 days after (*insert the date of coming into force of this section*)."

2. Insert the following paragraphs after the first paragraph:

In the event of non-compliance with the first paragraph, sections 177 and 189 apply.

For the purposes of section 28, the work performed by the holder of a licence to explore for petroleum, natural gas and underground reservoirs under section 177 of the Mining Act for the current year as at (*insert the date of coming into force of this section*) is considered to have been performed in accordance with section 28.

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Section 23

AMENDMENT:

Insert after proposed section 261:

“**261.1.** The holder of an exploration, production or storage licence referred to in any of sections 252 to 254 must, within 90 days after (*insert the date of coming into force of this section*), establish the monitoring committee required under section 25.

The Government determines, by regulation, the conditions that apply to the establishment of the monitoring committee if the holder holds two or more licences.

In the event of failure to comply with the first paragraph, sections 178 and 190 apply.

*Adopted
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Section 1 as amended

AMENDMENT:

Insert after proposed section 88:

“**88.1.** Despite section 69, Order in Council 839-2013 (2013, G.O. 2, 3523, in French only) continues to apply until it is revoked by the Government.

Any agreement between the Minister of Natural Resources and Wildlife and a municipality on the assumption of responsibility for providing a public battery re-charging service for electric vehicles remains valid and may be renewed. Furthermore, the Minister retains the power to enter into new agreements consistent with that order in council until the latter is revoked.

Accepted
OS

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Section 23

AMENDMENT:

Insert the following definition in section 5, as amended, in alphabetical order:

“fracturing” means an operation that consists in creating fractures in a geological formation by injecting a fluid under pressure through a well;

Adopted

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Section 23

AMENDMENT:

Insert after proposed section 12:

“12.1. No licence may be awarded for the part of the St. Lawrence River west of longitude 64°31'27" in the NAD83 geodetic reference system or for the islands situated in that part of the river.

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CS*

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Section 23

AMENDMENT:

Insert after proposed section 81.1:

“§ 4.1. — *Fracturing*

“**81.2.** A licence holder who conducts fracturing operations must hold a fracturing authorization.

“**81.3.** The Minister grants a fracturing authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

“**81.4.** If a certificate of authorization is required under section 22 of the Environment Quality Act, no fracturing authorization may be granted until the certificate has been issued.

Accepted
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Section 23

AMENDMENT:

In proposed section 82:

1. Strike out “workover and” in the first paragraph.
2. Replace “for obtaining and exercising the authorization and the fee to be paid” in the second paragraph by “for exercising the authorization”.

*Adapted
05*

Bill 106

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Section 23

AMENDMENT:

Strike out “workover and” in proposed section 83.

*Adopted
CS*

Bill 106

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Section 23

AMENDMENT:

Replace “discontinuation” in the third paragraph of proposed section 84 by
“closure”.

*Adelante
CS*

HOUSE
AM 57
s. 23 (87)

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Section 23

AMENDMENT:

Insert "or reservoir" after "permanent well" in proposed section 87.

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Section 23

AMENDMENT:

In proposed section 88:

1. Replace “If a temporary closure lasts longer than four years, the authorization holder is deemed to have permanently ceased their work or activity and” by “If a temporary closure is considered permanent under the third paragraph of section 84, the holder of a temporary closure authorization”.
2. Insert “or reservoir” after “permanent well”.

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Bill 106

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Section 23

AMENDMENT:

Replace the first sentence in proposed section 90 by:

Within 30 days after a permanent well closure, an authorization holder must enter in the land register a declaration of the closure.

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Section 23

AMENDMENT:

Replace “and site restoration authorization” in proposed section 91 by “authorization or, in the case provided for in section 88, from the holder of a temporary closure authorization”.

*Accepted
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Section 23

AMENDMENT:

Replace the first paragraph of proposed section 92 by:

The holder of an authorization governed by this division must send a report to the Minister within 90 days after the end of the work or activities.

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Section 23

AMENDMENT:

In proposed section 93:

1. Insert "or reservoir" after "well" in the first paragraph.
2. Add "or reservoir" at the end of the second paragraph.

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Section 23

AMENDMENT:

Insert "or reservoir" after both occurrences of "well" in proposed section 106.

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Section 23

AMENDMENT:

Replace “use a junction pipeline” in proposed section 108 by “use a pipeline” and replace “junction pipeline authorization” in that section by “pipeline construction or use authorization”.

*Adelante
CS*

Bill 106

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Section 23

AMENDMENT:

Replace "junction pipeline" in proposed section 109 by "pipeline construction or use".

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Section 23

AMENDMENT:

Strike out "junction" in the first paragraph of proposed section 110.

*Adante
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Section 23

AMENDMENT:

In proposed section 113:

1. Replace both occurrences of “junction pipeline authorization” by “pipeline construction or use authorization”.
2. Replace “junction pipeline project” in the first paragraph by “pipeline project”.

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CS*

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Section 23

AMENDMENT:

In the first paragraph of proposed section 114, replace “junction pipeline authorization” by “pipeline construction or use authorization” and “use a junction pipeline” by “use a pipeline”.

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Section 23

AMENDMENT:

Replace "junction pipeline" in the first paragraph of proposed section 115 by
"pipeline construction or use"

*Adopted
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Section 23

AMENDMENT:

Insert after proposed section 115:

“**115.1.**If a pipeline construction or use authorization is awarded on private land or land leased by the State, the authorization holder must, within 30 days after registering the authorization in the public register of real and immovable petroleum rights and in the manner the Government determines by regulation, notify the owner or lessee, the local municipality and the regional county municipality, in writing, of the authorization obtained.

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Section 23

AMENDMENT:

In proposed section 116, replace “junction pipeline authorization” by “pipeline construction or use authorization” and “junction conditions” by “conditions for building or using a pipeline”.

*Accepted
CS*

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Section 23

AMENDMENT:

In proposed section 117:

1. Replace “junction pipeline” in the first paragraph by “pipeline construction or use”.
2. Insert “such” before “restoration work” in the second paragraph.

Adopted
CS

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Section 23

AMENDMENT:

In proposed section 118, replace “junction pipeline authorization” by “pipeline construction or use authorization” and “from the junction pipeline” by “from the pipeline”.

*Adopted
CS*

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Section 23

AMENDMENT:

In the first paragraph of proposed section 119:

1. Replace "junction pipeline" by "pipeline construction or use".
2. Replace "their subcontractors or the subcontractors' employees" by "their employees or subcontractors".

*Adopted
CS*

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Section 23

AMENDMENT:

Replace "junction pipeline" in proposed section 120 by "pipeline construction or use".

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Section 23

AMENDMENT:

Replace “a junction pipeline” in the first paragraph of proposed section 121 by “a pipeline” and replace “de la canalisation” in the French text of that paragraph by “du pipeline”.

*Adopté
CS*

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Section 23

AMENDMENT:

Replace “junction pipeline authorization” in the first paragraph of proposed section 122 by “pipeline construction or use authorization” and replace “d’une canalisation” in the French text of that paragraph by “d’un pipeline”.

Adopté
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Section 23

AMENDMENT:

In the third paragraph of proposed section 127:

1. Insert “conducting geophysical surveying, geochemical surveying or stratigraphic surveying or” after “nor to a licence holder” in the introductory clause.
2. Insert “for geophysical surveying, geochemical surveying or stratigraphic surveying or” after “required” in subparagraph 2.

Accepted

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Section 23

AMENDMENT:

Insert after proposed section 129:

“129.1. The Minister must, not later than 1 April 2018 and every three years after that, report to the Government on the state of the wells identified that belong to no one or that have been abandoned in the territory of Québec.

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

Accepté

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Section 23

AMENDMENT:

In the first paragraph of proposed section 131:

1. Replace “withdraw any land containing brine or an underground reservoir from any petroleum exploration-, production- or storage related work or activity” in the introductory clause by “reserve to the State or withdraw from any petroleum exploration-, production- or storage related work or activity any land containing a pool, brine or an underground reservoir”.
2. Strike out subparagraph 8.

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Section 23

AMENDMENT:

Strike out proposed section 132.

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Bill 106

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Section 23

AMENDMENT:

In proposed section 140:

1. Insert "81.3," after "81," in subparagraph 2 of the first paragraph.
2. Insert "or reservoir" after "well" in subparagraph 3 of the first paragraph.

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Section 23

AMENDMENT:

Replace "licence holder" in proposed section 147 by "holder".

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Section 23

AMENDMENT:

Insert "81.3," after "81," in proposed section 150.

*Adopted
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Section 23

AMENDMENT:

Replace “a penal proceeding is deemed to have priority” in subparagraph 4 of the second paragraph of proposed section 167 by “priority will be given to penal proceedings”.

*Adopted
CS*

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Section 23

AMENDMENT:

Replace “that the applicant has the right to contest the decision before the Administrative Tribunal of Québec within the time prescribed for that purpose” in the first paragraph of proposed section 174 by “the applicant’s right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding”.

Accepté
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Section 23

AMENDMENT:

Insert "81.2," after "80," in the first paragraph of proposed section 178.

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Section 23

AMENDMENT:

Insert "81.2," after "80," in the first paragraph of proposed section 190.

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Section 23

AMENDMENT:

In the first paragraph of proposed section 191, replace "\$50,000" by "\$500,000" and "\$150,000" by "\$3,000,000".

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Section 23

AMENDMENT:

Replace proposed section 196 by:

“196. Penal proceedings for offences under this Act or the regulations are prescribed one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

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CS*

Bill 106

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Section 23

AMENDMENT:

In proposed section 197:

1. Insert "or reservoir" after "well" in paragraph 2.
2. Replace "a marine area delimited by order" in paragraph 6 by "a body of water" and insert "; such conditions or obligations may vary according to the type of body of water concerned" after "regulations".

Adopted

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Section 23

AMENDMENT:

Replace "7" in proposed section 199 by "13".

Adopted
CS

Bill 106

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Section 23

AMENDMENT:

Insert after proposed section 202:

“**202.1.**Section 6 of the Act is amended by adding “or any territory incompatible with exploration for or the production or storage of petroleum within the meaning of section 130.1 of the Petroleum Resources Act *(insert the year and chapter number of this Act and the section number of this Act that enacts the Petroleum Resources Act)*” at the end of subparagraph 7 of the first paragraph.

Adopted
on

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Section 23

AMENDMENT:

Insert after proposed section 202.1:

“**202.2.**Section 53.7 of the Act is amended by inserting “or a territory incompatible with exploration for or the production or storage of petroleum within the meaning of section 130.1 of the Petroleum Resources Act (*insert the year and chapter number of this Act and the section number of this Act that enacts the Petroleum Resources Act*)” after “(chapter M-13.1)” in the first paragraph.

Adopted
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Section 23

AMENDMENT:

Insert after proposed section 205:

ACT RESPECTING INVESTISSEMENT QUÉBEC

“**205.1.**Section 12.1 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended by inserting “or petroleum resources” after “mineral substances”.

“**205.2.**Section 35.1 of the Act is amended, in the second paragraph,

(1) by replacing “forming part of the domain of the State or that process such substances” by “or produce petroleum forming part of the domain of the State or that process such substances or petroleum”;

(2) by inserting “or the petroleum so processed was first produced” after “first mined”.

“**205.3.**Section 35.2 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) the mining of a mineral substance or the production of petroleum includes conducting work to prove the existence of economically workable mineral substances or petroleum with a view to beginning mining or production operations;”.

“**205.4.**Section 35.5 of the Act is amended by replacing “found” by “or produce petroleum found”.

“**205.5.**Section 35.13 of the Act is amended by inserting “or produces petroleum” after “mineral substances” in the first paragraph.

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Bill 106

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Section 23

AMENDMENT:

Replace "182" in proposed section 206 by "183".

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Bill 106

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Section 23

AMENDMENT:

Replace “introductory clause of the definition of “alienation” in subparagraph 3 of the first paragraph” in proposed section 234 by “portion of subparagraph 3 of the first paragraph before subparagraph *a*”.

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Section 23

AMENDMENT:

Add “, except seismic surveys in a body of water” after “*Petroleum Resources Act*” in proposed section 245.

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Section 23

AMENDMENT:

Replace “marine area” in proposed subparagraph *p.2* of proposed section 249 by
“body of water”.

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Bill 106

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Section 23

AMENDMENT:

In proposed section 255:

1. Insert “and in force on (*insert the date of coming into force of this section*)” after “Mining Act” in the first paragraph.
2. Replace “computed” in the third paragraph by “calculated”.

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Bill 106

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Section 23

AMENDMENT:

In proposed section 258:

1. Insert "or reservoir" after "whose well".
2. Insert "or reservoir" after "permanent well".

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Bill 106

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Section 23

AMENDMENT:

Strike out "workover and" in proposed section 260.

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Bill 106

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Section 23

AMENDMENT:

Insert after proposed section 265:

“265.1. Section 124 of chapter 32 of the statutes of 2013 continues to apply to petroleum resources for 18 months following the adoption of the government policy directions on land development that concern petroleum resources, with the necessary modifications.

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Bill 106

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Section 23

AMENDMENT:

Insert after proposed section 265.1:

“**265.2.** An exploration licence holder is exempted from performing the work required under section 28 until the date determined by the Government. In that case, the term of the licence is deemed to be suspended in accordance with section 135. At the end of the exemption period, the expiry date of the licence is deferred to the end of the period for performing the work that remains to run after the lifting of the suspension.

The time limit for filing the report that an exploration licence holder who performs work during the exemption period provided for in the first paragraph must submit under the second paragraph of section 28 is deferred to six months after the new expiry date of the licence determined under the first paragraph.

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Section 23

AMENDMENT:

Insert "An outstanding geological site classified under section 305.1 of the Mining Act (chapter M-13.1)," at the beginning of section 12 enacted by proposed section 266.

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HOUSE
AM 106

s. 23 (Chap. III, Div. VI, subdiv. 5, heading)

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Section 23

AMENDMENT:

Strike out "*Workover and*" in the heading of proposed subdivision 5 of Division VI of Chapter III.

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Section 23

AMENDMENT:

Insert "OR RESERVOIR" after "WELL" in the heading of proposed Chapter IV.

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Bill 106

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Section 23

AMENDMENT:

Replace "JUNCTION PIPELINE" in the heading of proposed Chapter V by
"PIPELINE CONSTRUCTION OR USE".

A. J. ...
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Section 23

AMENDMENT:

Replace "JUNCTION PIPELINE" in the heading of proposed Division III of Chapter V by "PIPELINE CONSTRUCTION OR USE".

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Section 23

AMENDMENT:

Insert after proposed section 130:

**“CHAPTER IX.1
“INCOMPATIBLE TERRITORY**

“130.1.Any petroleum situated in a territory incompatible with exploration for or the production and storage of petroleum which is delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) is withdrawn from any petroleum exploration-, production- or storage-related work or activity from the time the territory is shown on the maps kept at the office of the registrar.

A territory incompatible with exploration for or the production and storage of petroleum is one in which the viability of the work or activities would be compromised by the impacts created by such exploration, production or storage.

The first paragraph does not apply to petroleum in respect of which exploration, production and storage is already authorized by a licence at the time the incompatible territories are shown on the maps kept at the office of the registrar.

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Section 24

AMENDMENT:

Insert “the provisions of” at the beginning of paragraph 3 and replace “comes into force on the date of coming into force of the first regulation that replaces, after *(insert the date of assent to this Act)*, the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1), except sections 38 to 44, 110 to 112, 235 and 249, which come into force on the date” in that paragraph by “come into force on the date or dates”.

A. J. C. P.
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