

Bill 137

**An Act respecting the Réseau électrique
métropolitain**

Section 13

AMENDMENT:

1. Replace “an intersection” in the first paragraph by “a level crossing”.
2. Strike out the second paragraph.

adopté
AA

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Section 17

AMENDMENT:

Insert "it has in its possession" after "plans".

Adopté
PA

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Section 15

AMENDMENT:

1. Insert “of the council of a related municipality of the urban agglomeration and” after “jurisdiction”.
2. Insert the following paragraph after the first paragraph:

The agreement referred to in the first paragraph must comply with the stipulations of a prior agreement entered into with a local municipality under section 14.

*adp
RC*

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Section 18

AMENDMENT:

Add the following paragraph at the end:

The Fund and a local municipality may agree on a different time limit than the one set out in the first paragraph for negotiation purposes. Such an agreement to extend the deadline may also, under section 15, be entered into between the Fund and the urban agglomeration of Montréal.

adapte
PA

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Section 19

AMENDMENT:

Insert “useful for developing or operating the REM” after “installation” in the first paragraph.

adopté
AL

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Section 22

AMENDMENT:

Insert “, including the network of any bordering local municipality” after
“connected”.

adopté
AL

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Section 22

AMENDMENT:

Replace “the integration of those roads with that network” by “the integration of those roads with that network or those networks, as applicable”.

adopté
AL

AM 8
s. 23

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Section 23

AMENDMENT:

Am 8 has been withdrawn and renamed i.

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Section 24

AMENDMENT:

Strike out paragraph 3.

adopté
AL

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Section 25

AMENDMENT:

1. Replace “and other defects” in the first paragraph by “, defects or losses covered by the legal or conventional warranties transferred by the Fund”.
2. Replace “the poor workmanship or the injury” in the second paragraph by “such poor workmanship or such a defect or loss”.

adopté
RL

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Section 26

AMENDMENT:

1. Replace “the work carried out by the Fund in relation to” by “poor workmanship, defects or losses covered by the legal or conventional warranties transferred by the Fund and affecting”.
2. Insert “under sections 19 and 20, respectively” after “management”.

*Adopté
AL*

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Section 16.1

AMENDMENT:

Insert after section 16:

16.1. The Fund must post the documents referred to in subparagraphs 2 and 4 to 6 of the second paragraph of section 16 on its website as soon as they have been sent to the municipality under section 16. The Fund may also post any other document it considers useful. It must update the posted documents as soon as they are amended.

*accepte
AC*

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Section 23

AMENDMENT:

Replace by:

23. As work is carried out by the Fund on a public road or portion of public road, the Fund must inform the local municipality concerned of the projected dates for completion of the work and for acceptance of the works. Before accepting the works, the Fund must allow the municipality to inspect them and grant it a reasonable time limit, which may not be less than 15 days from the completion date of the work, to do so. On the date of the Fund's acceptance of the works, the Fund must also

(1) cease the temporary occupation of the public road or portion of public road;

(2) restore the public road or portion of public road, in cases where it was not modified or reconfigured, to a state equivalent to its state before being occupied;

(3) transfer to the local municipality the legal and conventional warranties relating to the work that was carried out on the immovables whose ownership was transferred to it or which are under its management, and guarantee that the quality of the soils where the new public road or portion of public road has been built is suitable for the use that will be made of them; and

(4) transfer the intellectual property rights for the plans and specifications to the municipality to allow it to maintain and repair the immovables whose ownership was transferred to it, including the right to modify those plans and specifications as it sees fit.

The Fund must, not later than 15 days before the completion date of the work, submit a plan for managing traffic on the public road or portion of public road.

The conventional warranties referred to in subparagraph 3 of the first paragraph and transferred by the Fund may add to the obligations of the legal warranties; they may not diminish their effects or exclude them altogether.

Inspection by the municipality under the first paragraph does not entail, for the municipality, any liability with respect to acceptance of the works and does not diminish the related warranties. Until the Fund accepts the works, it must assume all related liabilities.

The costs of the work to modify or reconfigure public roads and the costs to restore the public road to a state equivalent to its state before being occupied are borne by the Fund.

The Fund and a municipality may agree on a time limit that is different than the one provided for in the first paragraph.

adopte
AL

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Section 37

AMENDMENT:

Replace “REM” in the fourth paragraph by “REM’s guideway”.

adopté
AR

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Section 37

AMENDMENT:

Strike out “and to the ongoing provision of REM services” in the first paragraph.

adopté
AL

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Section 37

AMENDMENT:

Insert “, up to a maximum amount of \$600,000,000 and for a period not exceeding 50 years” after “reached” in subparagraph 2 of the second paragraph.

adopté
AR

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Section 42

AMENDMENT:

Replace "1.5 km" by "1 km".

*accepte
AC*

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Section 44

AMENDMENT:

Replace “holds 10% or more of the instruments of the partnership’s common stock and the general partner is a business corporation with respect to which the Fund” in the second paragraph by “, another mandatary of the State or the Government holds 10% or more of the instruments of the partnership’s common stock and the general partner is a business corporation with respect to which the Fund, another mandatary of the State or the Government”.

*accepte
AC*

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Section 45

AMENDMENT:

Replace both occurrences of “the Fund” in subparagraph 2 of the first paragraph by “the Fund, another mandatary of the State or the Government”.

*adopté
AL*

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Section 45

AMENDMENT:

Replace the introductory clause of the first paragraph by:

45. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply where a transfer of an immovable that is or will be part of the REM has been concluded and the transferee is

*adapte
AC*

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Section 46

AMENDMENT:

Add the following paragraphs:

(7) the imposition of any tax under sections 500.1 to 500.5 of the Cities and Towns Act (chapter C-19) or articles 1000.1 to 1000.5 of the Municipal Code of Québec (chapter C-27.1); and

(8) any dues under sections 500.6 to 500.11 of the Cities and Towns Act or articles 1000.6 to 1000.11 of the Municipal Code of Québec.

*Adopté
AL*

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Section 54.1

AMENDMENT:

Insert after section 54:

54.1. The Act is amended by inserting the following section after section 130:

“130.1. The Authority may not, before 1 January 2021, make work subject to the payment of transportation dues other than the dues charged specifically to finance the agreements provided for in sections 37 and 38 of the Act respecting the Réseau électrique métropolitain (*insert the year and chapter number of that Act*).”

*adapte
AL*

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Section 67

AMENDMENT:

Strike out.

*adopté
RC*

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Section 61

AMENDMENT:

1. Replace the first paragraph inserted by paragraph 1 by:

“The exemptions provided for in the first and second paragraphs and applicable to the lessee or occupant of an immovable referred to in section 204 apply to the Caisse de dépôt et placement du Québec or one of its subsidiaries referred to in section 88.15 of the Transport Act (chapter T-12) where the Caisse de dépôt et placement du Québec or the subsidiary is the lessee or occupant of an immovable referred to in those paragraphs but only if it carries on an activity related to the construction or management of the shared transportation infrastructure that is the subject of an agreement entered into under section 88.10 of that Act.”

2. Replace all occurrences of “reliée” in the French text by “liée”.

adopté
AL

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Section 62

AMENDMENT:

Replace “reliée” in the French text by “liée”.

*Adopté
RC*

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Section 74.1

AMENDMENT:

Insert after section 74:

REGULATION RESPECTING RAIL SAFETY

74.1. Section 106 of the Regulation respecting rail safety (chapter S-3.3, r. 2) is amended by adding the following paragraph at the end:

“This section does not apply to work required to carry out a shared transportation infrastructure project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12).”

adopté
RC

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Section 82

AMENDMENT:

1. Replace “90 days” in the first paragraph by “60 days”.
2. Insert “In such a case, the Minister replaces the Authority for the identification of the zones referred to in section 97.1 of that Act, enacted by section 53.” at the end of the second paragraph.

adopté
RC

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Section 82.1

AMENDMENT:

Insert after section 82:

82.1. For the purposes of the second paragraph of section 97.2 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3), the rate prescribed by the Authority's by-law concerning the dues established under Chapter V.1 of that Act with respect to the REM is multiplied

- (1) for the period ending on 31 December 2018, by 50%;
 - (2) for the subsequent period ending on 31 December 2019, by 65%;
- and
- (3) for the subsequent period ending on 31 December 2020, by 80%.

recepte
AR

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Section 53

AMENDMENT:

Replace by:

53. The Act is amended by inserting the following chapter after section 97:

“CHAPTER V.1

“TRANSPORTATION DUES

“97.1. The Authority must identify the zones in its area of jurisdiction that lend themselves to the coordination of urbanization and the shared transportation services it finances, even in part, through the imposition of transportation dues.

It must take into account the metropolitan land use and development plan of the Communauté métropolitaine de Montréal (Community) and the land use planning and development plan of Municipalité régionale de comté de la Rivière-du-Nord with respect to the territory of Ville de Saint-Jérôme.

“97.2. The Authority may, by by-law, make subject to the payment of transportation dues any work exceeding \$750,000 in value and carried out to

- (1) erect a building;
- (2) modify a building, including redeveloping or rebuilding it, or increasing its floor area; or
- (3) change the use of a building.

The dues correspond to the product obtained by multiplying the rate prescribed by the by-law by the floor area covered by the work, delimited according to the method prescribed by the by-law. The terms governing the dues must be consistent with those set out in the Authority’s financing policy.

Dues specific to an agreement entered into under section 8 cannot apply to a zone situated outside the public transit authority's area of jurisdiction.

The following work may not be made subject to the payment of transportation dues:

- (1) work covering a floor area of less than 186 square metres; and
- (2) work carried out on an immovable forming part of an agricultural operation described in section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14).

The amount of \$750,000 set in the first paragraph is adjusted by operation of law on 1 January of each year by a rate corresponding to the variation in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 30 September of the year preceding the year for which the amount is to be adjusted.

The adjusted amount is rounded down to the nearest dollar if it includes a dollar fraction that is less than \$0.50, or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than \$0.50. The application of this rounding rule may not decrease the amount below its pre-adjustment level.

The Minister publishes the adjusted amount in the *Gazette officielle du Québec*.

“97.3. A by-law made under the first paragraph of section 97.2 must

- (1) determine the zones within which work is subject to dues, which zones must correspond to those identified in accordance with section 97.1;
- (2) set the rate of the dues, which may vary according to
 - (a) the distance between the work or buildings subject to the dues and a shared transportation service;
 - (b) the classes of work and buildings prescribed by the by-law; and
 - (c) the different zones and locations inside zones, in particular to promote densification and revitalization;
- (3) prescribe the method for delimiting the floor area covered by the work;
- (4) list the elements considered in determining the value of the work;

(5) prescribe the terms and conditions governing the collection and reimbursement of dues; and

(6) prescribe the terms and conditions governing the management of dues by the collecting municipalities.

Some of the work may be made subject to the payment of transportation dues even if it is carried out on an immovable only partly situated in a zone determined under subparagraph 1 of the first paragraph.

The rate set under subparagraph 2 of the first paragraph and the method prescribed under subparagraph 3 of that paragraph may vary according to criteria promoting sustainable land development. Such a rate may also be adjusted by operation of law according to the method prescribed by the by-law, if applicable.

A zone determined by a by-law made by the Authority under the first paragraph may not be made subject to more than one set of transportation dues; the first by-law that makes work inside that zone subject to such dues prevails over any of the Authority's subsequent by-laws.

“97.4. Before making a by-law under the first paragraph of section 97.2, the Authority must consult the Communauté métropolitaine de Montréal and Municipalité régionale de comté de la Rivière-du-Nord.

Such a by-law must be posted on the Authority's website. It must also be published in a newspaper circulated in the Authority's area of jurisdiction. It comes into force on the 15th day following its publication or on any later date specified in the by-law.

The Authority must, without delay, notify the local municipalities concerned of when the work becomes subject to the payment of transportation dues.

The Authority must also send those municipalities a copy of the by-law.

“97.5. A by-law made under the first paragraph of section 97.2 may not be posted or published in accordance with section 97.4 or come into force unless it has been approved, with or without amendment, by the Minister.

The Minister may make a by-law referred to in the first paragraph of section 97.2 if the Authority fails to make such a by-law within the time specified by the Minister.

“97.6. A local municipality must, on the Authority's behalf, collect the transportation dues that the work carried out in its territory is subject to.

If the purpose of a project requiring a permit prescribed by a by-law adopted under section 119 of the Act respecting land use planning and development (chapter A-19.1) is to carry out work that is subject to the payment of the dues, the issue of the permit is conditional on that payment, as estimated by the issuing municipality on the basis of the information provided with the permit application.

The dues collected are reimbursed if the permit to which they are related is cancelled.

“97.7. The Authority must make a by-law to require a permit for work that is subject to transportation dues if such work may be carried out without such a permit in a local municipality’s territory. In such cases, the municipality is responsible for issuing the permit.

The provisions of such a by-law requiring a permit and prescribing a permit issuing system that conflict with the provisions of a municipal by-law dealing with the same matters have no effect with respect to the territory where such a municipal by-law is in force.

“97.8. A municipality that, under section 97.6, collects the dues provided for in section 97.2 may establish a tariff of fees for the issue of a permit relating to work that is subject to those dues, whether the permit is required under a by-law of the municipality or a by-law of the Authority.

The municipality may also prescribe which plans and documents must be submitted in support of the permit application in order to assess whether the work covered by the application is to be made subject to the dues, regardless of whether the permit is required under a by-law of the municipality or a by-law of the Authority.

“97.9. The transportation dues collected by a local municipality are deemed to be held in trust for the Authority until they are remitted to it.

Such dues must be considered as forming a fund that is separate from the municipality’s patrimony and own property, whether or not they have actually been held separately from the municipality’s own funds and assets.

“97.10. A local municipality must remit the transportation dues it collects to the Authority on the following dates:

- (1) 1 June, in the case of dues collected from 1 January to 30 April;
- (2) 1 November, in the case of dues collected from 1 May to 30 September; and

(3) 1 February, in the case of dues collected from 1 October to 31 December.

On the same dates and for the same periods, the municipality must send the Authority a report stating

(1) the total number of permits issued with respect to work that is subject to transportation dues, for each zone concerned;

(2) for each permit,

(a) the address of the immovable concerned;

(b) the type of work concerned; and

(c) whether it is subject to dues; and

(3) for each permit whose issue is conditional on the payment of the dues,

(a) the floor area considered in determining the dues; and

(b) the amount of dues collected.

“97.11. The Authority must keep separate accounts for each specific set of dues it establishes.

“97.12. No transportation dues are payable by

(1) a public body within the meaning of the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(2) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1);

(3) a body that carries out work relating to an immovable that is acquired, built or renovated under a program implemented under the Act respecting the Société d’habitation du Québec (chapter S-8) and for which an operating agreement is or will be in force, solely with respect to the area covered by the work referred to in the agreement; or

(4) a mandatary of the State that is not referred to in subparagraph 1 or 2.

However, a public body or a mandatory of the State is not, in that capacity, exempted from paying the dues if it engages in property development.”

Adopte
RE

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Section 53 (97.12)

AMENDMENT:

1. Replace subparagraph 3 of the first paragraph:

(3) a non-profit body or a solidarity cooperative that carries out work relating to an immovable that is or will be acquired, built or renovated under a program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8) and for which an operating agreement is or will be in force, for the purposes specified in the agreement;

2. Insert the following subparagraphs at the end of the first paragraph:

(5) a community action body that receives financial assistance from a government department or body and that, as applicable,

(a) is registered as such on the list available on the website of the Ministère de l'Emploi et de la Solidarité sociale; or

(b) holds a certificate in that regard issued by the Minister of Employment and Social Solidarity in the 12 months before the body applied for a permit for the work; or

(6) any other person designated by the Government.

3. Replace the second paragraph by:

However, a subsidiary of the Caisse de dépôt et placement du Québec is not, in its capacity as a mandatary of the State, exempted from paying the dues if it carries on a commercial activity other than building or operating a shared transportation system.”

adopté
PP