

Bill 66

**An Act respecting the acceleration of
certain infrastructure projects**

Section 1

AMENDMENT:

Insert “, whether entered into by a public body or a municipal body,” after “in respect of public contracts” and “or from other infrastructure projects, such as road, waterworks or sewer infrastructure projects, that are necessary to serve the infrastructure projects listed in that schedule” after “listed in Schedule I”.

*Adopte
SP2*

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Section 2

AMENDMENT:

In the first paragraph, insert “, whether entered into by a public body or a municipal body,” after “public contracts” and “or from other infrastructure projects, such as road, waterworks or sewer infrastructure projects, that are necessary to serve the infrastructure projects listed in that schedule” after “listed in Schedule I”.

*Adopte
SPL*

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Section 5

AMENDMENT:

1. Replace the first paragraph by:

The Authority may, on its own initiative, conduct an investigation into any matter relating to the application of this chapter, including into the tendering or awarding process for a public contract or the performance of such a contract.

To that end, the Authority is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

2. Replace "examination" in the second paragraph by "investigation".

*Adopte
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Section 5.1

AMENDMENT:

Insert after section 5:

5.1. The Authority may, in writing, entrust the mandate of conducting an investigation referred to in section 5 of this Act to a person who is not a member of its staff and who meets the conditions set out in paragraphs 1 and 2 of section 6 of the Act respecting the Autorité des marchés publics. The person is then vested with the powers and immunity provided for in the second paragraph of that section.

*Adopté
SP*

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Section 7

AMENDMENT:

Add the following paragraph at the end:

For the purposes of the first paragraph, such persons and such partnerships as well as their officers, directors, partners and employees who take part in achieving the object of the agreement must meet the conditions set out in paragraphs 1 and 2 of section 6 of the Act respecting the Autorité des marchés publics.”

*Accepté
SPR*

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Section 8

AMENDMENT:

Replace “refuses to provide any document or information they must send or make available, or conceals or destroys any document” in subparagraph 2 of the first paragraph by “communicates any false or misleading document or information, refuses to provide any document or information they must send or make available, or conceals or destroys any document or information”.

*Adopté
SP*

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Section 9

AMENDMENT:

Withdraw.

*Adepte
SP*

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Section 6

AMENDMENT:

1. In the first paragraph:

(a) Replace “an examination conducted in accordance with the first paragraph of section 5 of this Act or an audit conducted in accordance with subparagraph 1 or 2 of the first paragraph of section 21 of the Act respecting the Autorité des marchés publics” in the introductory clause by “an audit or investigation conducted in accordance with this chapter or with the Act respecting the Autorité des marchés publics”.

(b) Insert “,” after “support measures” in subparagraph 1.

2. Strike out the second paragraph.

3. Replace “the first and second paragraphs” in the third paragraph by “the first paragraph”.

4. Replace “and the second paragraph of section 25.0.1 of the Act respecting contracting by public bodies apply” in the fourth paragraph by “applies”.

5. Replace “the first and second paragraphs, if the examination,” in the fifth paragraph by “the first paragraph, if the”.

6. In the sixth paragraph:

(a) Replace “an examination conducted” by “an investigation conducted”;

(b) Strike out the last sentence.

7. Add the following paragraph at the end:

If the Authority issues a recommendation under this section, it may exercise the power provided for in section 35 of the Act respecting the Autorité des marchés publics.

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Section 6.1

AMENDMENT:

Insert after section 6:

6.1. The Conseil du trésor may, if there is an emergency that threatens human safety or property, give a public body permission to continue a public call for tenders despite the fact that the call for tenders is covered by an order of the Autorité des marchés publics under subparagraph 1 of the first paragraph of section 29 of the Act respecting the Autorité des marchés publics, on completion of an investigation conducted in accordance with the first paragraph of section 5 of this Act.

The Conseil du trésor may also, in such circumstances, give a public body permission to continue performing a public contract despite the fact that the contract is covered by a decision of the Authority made under subparagraph 2 of the first paragraph of section 6 of this Act.

The Conseil du trésor may subject either of such permissions to conditions.

Within 15 days after a permission is given under the first or second paragraph, the Chair of the Conseil du trésor makes public the name of the public body concerned, a summary description of the circumstances or reasons considered and the name of the enterprise concerned, if any, by posting them on the website of the secretariat of the Conseil du trésor. The Chair also publishes the information in the *Gazette officielle du Québec*.

Adopté
SP

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Section 14

AMENDMENT:

Insert "listed in Schedule I" after "infrastructure project".

*ACCEPTÉ
SP*

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Section 15

AMENDMENT:

1. Add the following at the end of subparagraph 2 of the first paragraph: “; in such a case, they have the same rights, powers and obligations as those assigned by this division to the minister responsible for transport, with the necessary modifications”.
2. Replace “by expropriation must notify the minister of their intention. The same applies to whoever intends to acquire such property by mutual agreement when the project must be the subject of reporting by the minister under section 63” in the second paragraph by “for the purpose of carrying out a project that must be the subject of a report by the minister under section 63 must notify the minister of their intention”.
3. In the third paragraph:
 - (a) Insert “, in which case only the minister may acquire the property” after “herself”.
 - (b) Strike out the last sentence.

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SA*

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Section 16

AMENDMENT:

Replace by:

16. Despite the second paragraph of section 15, the Société de transport de Montréal may, without notifying the minister of its intention, acquire the property covered by Order in Council 1302-2019 (2020, G.O. 2, 167, French only) that is necessary to carry out the project to extend the Montréal metro's blue line from the Saint-Michel station to Anjou.

*Adopté
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Section 17

AMENDMENT:

In the first paragraph:

1. In subparagraph 2:

(a) Replace “, lessee or occupant in good faith must send the expropriating party, within 30 days” in subparagraph *b* by “must send the expropriating party, within 60 days”.

(b) Insert the following subparagraph after subparagraph *b*:

(b.1) must notify the expropriated party that the Administrative Tribunal of Québec will set the amount of the final indemnity;

2. Insert the following subparagraph after subparagraph 3:

(3.1) the notification required under section 45 of that Act must indicate to the lessee or occupant in good faith

(a) the date before which they must vacate the premises;

(b) that they must send the expropriating party, within 60 days after service of the notice of expropriation, documents justifying the indemnity for the injury caused by the expropriation; and

(c) that the Administrative Tribunal of Québec will set the amount of the final indemnity;

3. Insert “is replaced by a 60-day period and” after “that Act” in subparagraph 4.

4. Replace “within 30 days” in subparagraph 6 by “within 60 days”.

Adopté
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Section 19

AMENDMENT:

Insert "listed in Schedule I" after "infrastructure project" in the first paragraph.

*Adopte
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Section 20

AMENDMENT:

Insert "listed in Schedule I" after "infrastructure projects" in the first sentence.

*Adopté
SPM*

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Section 20, as amended

AMENDMENT:

Insert “, while respecting the objective of no net loss of wetlands and bodies of water in order for them to continue to fulfill their ecological functions” at the end of the first sentence.

*Accepte
SPL*

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Section 23.1

AMENDMENT:

Insert after section 23:

23.1. In order to benefit from the acceleration measure referred to in the first paragraph of section 23, the public body must first consult the minister responsible for the environment, who will provide it with support to identify, within the framework of its project, the activities listed in the second paragraph of section 23, including those that are to be carried on in wetlands and bodies of water and for which restoration at the end of the work may be possible.

*Adopté
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Section 25

AMENDMENT:

1. Replace “in section 24” in the first paragraph by “in the first paragraph of section 23”.
2. Strike out “concerning avoidance and minimization measures for activities carried on in wetlands and bodies of water and for activities likely to emit contaminants” in the second paragraph.

*Adopté
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Section 26

AMENDMENT:

Replace “in section 24” in the introductory clause of the first paragraph by “in the first paragraph of section 23”.

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Section 26, as amended

AMENDMENT:

Insert the following subparagraph after subparagraph 2 of the first paragraph:

(2.1) that the assessment of the presence or potential presence of a threatened or vulnerable species has been conducted;

*Adopté
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Section 30

AMENDMENT:

1. Strike out "by a professional or any other person mentioned in paragraph 1 of section 46.0.3 of the Environment Quality Act" in paragraph 2.
2. Add the following paragraph at the end:

Documents sent to the minister under the first paragraph must be signed by a professional or any other person mentioned in paragraph 1 of section 46.0.3 of the Environment Quality Act.

*Adopté
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Section 32.1

AMENDMENT:

Insert after section 32:

32.1. The information and documents referred to in sections 26, 29, 30 and 32 must be published on the website of the department that is under the direction of the minister responsible for the project who must report on the project in accordance with section 63.

The body concerned by the project declaration must submit the information and documents referred to in the first paragraph to the minister as soon as possible for the purpose of their being so published.

*Adopté
SPE*

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Section 33

AMENDMENT:

Replace the first paragraph by:

A public body that carries on an activity referred to in subparagraph 1 of the second paragraph of section 23 of this Act must prepare the characterization study required under paragraph 1 of section 46.0.3 of the Environment Quality Act in the manner provided for in section 34 of this Act. In addition, the demonstration required under paragraph 2 of section 46.0.3 of the Environment Quality Act must contain the information required under section 35 of this Act.

If, after analysis of the characterization study, supplemental characterization of the wetlands and bodies of water is necessary to ensure adequate protection of the environment, the minister responsible for the environment may require such characterization, in accordance with the third paragraph of section 24 of the Environment Quality Act, before issuing the authorization.

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Section 34

AMENDMENT:

Replace by:

34. For the purposes of section 33 of this Act, the characterization study required under paragraph 1 of section 46.0.3 of the Environment Quality Act, must be prepared on the basis of

(1) a photointerpretation analysis of the wetlands and bodies of water in which the work is to be carried out, which must be supported by any or a combination of the most recent following data:

(a) existing maps of the environments concerned;

(b) satellite images of the environments concerned;

(c) aerial photography or videography of the environments concerned;

(d) a digital elevation model of the environments concerned; and

(e) climate, physico-chemical and hydrometric data if the environments concerned specifically relate to a body of water; and

(2) a field visit conducted to establish a description of the characteristics of the environments concerned, in particular of the soil, vegetation and wildlife. The visit may be conducted with a light snow cover that does not completely hide the vegetation and on ground that is not deeply frozen.

The characterization study must also make it possible to establish the boundaries and area of the environments concerned and to assess the presence or potential presence of threatened or vulnerable species and their habitats.

*Adopté
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Section 35

AMENDMENT:

Replace by:

35. For the purposes of section 33 of this Act, the demonstration required under paragraph 2 of section 46.0.3 of the Environment Quality Act must contain

(1) the reasons for which work is necessary in the environments concerned, based in particular on

(a) a description of the constraints related to the project's development;

(b) if applicable, a description of the zoning and land-use constraints associated with potential alternative sites at the municipal level;

(c) in the case of the expansion of an existing facility, a description of the activities related to the project justifying the need for proximity to that facility; and

(d) a description of the nature of the project showing that it cannot be carried out elsewhere than in wetlands and bodies of water; and

(2) a description of the alternative scenarios examined.

Failure to send the information and documents required under the first paragraph renders the application for authorization inadmissible for consideration by the minister responsible for the environment.

*Scripte
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Section 36.1

AMENDMENT:

Insert after section 36:

36.1 During the work involved in a project referred to in section 36, the treatment and reclamation of contaminated soils must be promoted with a view to their rehabilitation.

In particular, measures capable of ensuring the traceability of contaminated soils must be put in place when a system intended for that purpose is operational.

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Section 37

AMENDMENT:

Replace "This" by "Subject to section 52, this".

*Adopte
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Section 38

AMENDMENT:

Replace "subparagraph 3" in subparagraph 3 of the second paragraph by
"subparagraphs 3 and 7".

*Adopté
SP*

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Section 38, as amended

AMENDMENT:

Add the following paragraph at the end:

For the purposes of subparagraph 2 of the first paragraph, an issue must be determined on the basis of the following criteria in particular:

- (1) the project's level of social acceptability;
- (2) the extent, frequency, duration or intensity of the project's impacts;
- (3) the impact on current and future use of the land concerned by the project by the various users;
- (4) the importance given by the public to a component affected by the project;
- (5) the impact on a component of a setting that is recognized under a conservation measure;
- (6) the effects on sensitive areas of interest; and
- (7) the project's impact on greenhouse gas emissions.

Accepté
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Section 39

AMENDMENT:

Move section 39 so that it appears after the heading of subdivision II of subdivision 5 of Division IV of Chapter II of Title I.

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Section 40

AMENDMENT:

Invert the second and third paragraphs.

*Adopté
SP*

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Section 40, as amended

AMENDMENT:

1. Add “before directing the public body to hold the public information period and to begin the environmental analysis of the project” at the end of the second paragraph.
2. Insert the following paragraph after the second paragraph:

The minister responsible for the environment may, at any time, request the public body to provide any information, to study certain matters more thoroughly or to undertake certain research the minister considers necessary, in accordance with section 31.4 of the Environment Quality Act.

*Adopté
SP*

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Section 41

AMENDMENT:

Replace the introductory clause of the second paragraph by:

Unless the minister considers the application to be frivolous, in particular if the minister considers that the reasons given in support of it are not serious or that a targeted consultation or mediation on the concerns raised would not be useful for analyzing the project, the minister mandates the Bureau d'audiences publiques sur l'environnement

*Adopté
SP*

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Section 45.1

AMENDMENT:

Insert after section 45:

45.1. The register provided for in section 118.5.0.1 of the Environment Quality Act need not contain the findings and questions of the minister responsible for the environment referred to in subparagraph 3 of the first paragraph of that section or the recommendations of the Bureau d'audiences publiques sur l'environnement referred to in subparagraph 4 of that paragraph. It must, however, include the issues sent by the minister to the public body in accordance with section 39 of this Act.

*Adopté
SPN*

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Section 49

AMENDMENT:

Replace “supported by reasons the minister responsible for the environment considers not to be serious” by “considered frivolous by the minister responsible for the environment”.

*Adopté
SP*

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Section 53

AMENDMENT:

Insert "listed in Schedule I" after "infrastructure project".

*Adopté
SPR*

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Section 54

AMENDMENT:

Insert "that is listed in Schedule I" after "infrastructure project" in the first paragraph.

*Adopté
SPK*

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Section 63

AMENDMENT:

1. Replace “the status of the project’s progress” in the first paragraph by “the acceleration measures from which the project has benefitted and the status of the project’s progress”.
2. Replace the third paragraph by:

The semi-annual reports must be published by the Chair of the Conseil du trésor on the website of the secretariat of the Conseil du trésor. The minister responsible for a project, other than the Chair of the Conseil du trésor, must submit each report to the Chair for the purpose of its being so published.

*Adopté
SP*

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Section 66

AMENDMENT:

1. Strike out “of less than 20 million dollars” in the first paragraph.
2. Add the following paragraph at the end:

The public contracts referred to in the first paragraph are those granted by a public body referred to in section 4 of the Act respecting contracting by public bodies (chapter C-65.1).

*Adopté
SPR*

Bill 66

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Section 67

AMENDMENT:

Withdraw.

*Adopté
SP*

Bill 66

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Section 73.1

AMENDMENT:

Insert before section 74:

73.1. The provisions of Chapter I of Title I apply, with the necessary modifications, to public contracts and related public subcontracts, to the extent that those contracts and subcontracts are not otherwise covered by that chapter and that they arise from a public infrastructure project referred to in the second paragraph of section 9 of the Public Infrastructure Act (chapter I-8.3) whose purpose is to maintain, improve, replace, add or demolish an immovable or civil engineering structure. Those provisions apply from 1 April 2021 until the date of coming into force of provisions of an Act to modify the Authority's mission, functions and powers.

The public contracts referred to in the first paragraph are those granted by a public body referred to in section 4 of the Act respecting contracting by public bodies (chapter C-65.1).

*Adopté
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Section 74.1

AMENDMENT:

Insert after section 74:

74.1. In addition to the infrastructure projects listed in Schedule I, section 36.1 applies to all work that consists in excavating contaminated soils resulting from human activity and that is carried out as part of any other project, to the extent provided for by the Environment Quality Act and the regulations, until the date of coming into force of all the provisions of a regulation respecting the traceability of excavated contaminated soils made under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act.

*Adopté
Spe*

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Section 74.2

AMENDMENT:

Insert after section 74.1:

74.2. This Act must be construed in a manner consistent with the obligation to consult Aboriginal communities.

*Adopté
SP*

Bill 66

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Section 75

AMENDMENT:

Withdraw.

*Adopte
SPR*

Bill 66

**An Act respecting the acceleration of
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Section 76

AMENDMENT:

1. In the first paragraph:
 - (a) Strike out "67," in subparagraph 3.
 - (b) Add at the end:
 - (5) section 74.2, the minister responsible for Indigenous affairs.
2. Add ", including on the effects of the acceleration of the infrastructure projects listed in Schedule I based on the available data" at the end of the second paragraph.

*Adopte
SP*

Bill 66

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Section 77

AMENDMENT:

Strike out “, except subparagraph 5 of the first paragraph of section 34, which comes into force on 31 December 2021”.

*Accepté
SP*

Bill 66

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Schedule I

AMENDMENT:

1. In line 130, replace “Rivière Boisclair” by “Ruisseau Charland”.
2. In line 135, replace “Lanaudière” by “Laurentides”.
3. In line 136, replace “Saint-Esprit” by “Saint-Alexis”.
4. In line 139, strike out “from 2 to 4 lanes”.
5. In line 140, replace “addition of a reserved left lane between Autoroute 40 and Route 344 in L’Assomption” by “widening of Route 341 between Autoroute 40 and Route 344”.
6. In line 144:
 - a. Strike out “left”.
 - b. Replace “Pont Mathieu and Pont Lepage” by “Île Saint-Jean”.
 - c. Insert “– Lanaudière” after “Laval”
7. In line 145, strike out “left”.
8. In line 149, strike out “and reconstruction”.
9. In line 152, insert “and west” after “Autoroute 10 east”.
10. In line 159, replace “Saint-Jean-sur-Richelieu” by “Saint-Alexandre”.
11. In line 163, replace “project” by “projects”.
12. In line 170, strike out “– Montréal”.

*Adopté
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Schedule I, as amended

AMENDMENT:

Withdraw the following project from the list of infrastructure projects:

167 – Reconstruction of Pont Honoré-Mercier between Montréal and Kahnawake

*Adopté
SP ✓*

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Schedule II

AMENDMENT:

1. Replace the title by:

IMPACT MITIGATION MEASURES TO LIMIT ENVIRONMENTAL
DISTURBANCES AND CONTAMINANT RELEASES INTO THE
ENVIRONMENT

2. In the introductory clause of section 1, replace “avoidance and minimization measures” by “mitigation measures”.

3. In the introductory clause of section 2, replace “avoidance and minimization measures” by “mitigation measures”.

*Adopté
SP*

Bill 66

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Heading of subdivision IV of subdivision 5 of Division IV of Chapter I of Title I

AMENDMENT:

Replace the heading before section 52 by:

§6. — *Exemption of the Route 117 securing project and the Autoroute 30 improvement project from the environmental impact evaluation and review procedure*

ADPTE
SPR