



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 42

An Act to amend various legislative provisions respecting municipal affairs

Introduction

**Introduced by
Madam Louise Harel
Minister of Municipal Affairs and Greater Montréal**

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EXPLANATORY NOTES

This bill authorizes a regional county municipality to enter into an agreement with Hydro-Québec under which it is entrusted with the management of any land designated in the agreement.

The bill provides special rules that concern the participation of the members of a council governed by the Act respecting Northern villages and the Kativik Regional Government in the Pension Plan of Elected Municipal Officers and the participation of the chairman of the executive committee of the Kativik Regional Government in that plan as well.

The bill authorizes Ville de Montréal to amend a by-law so that for establishments where activities inherent in the mission of a residential and long-term care centre are carried on, the amount of the water tax and the service tax may be established by applying 20% of the rate.

Lastly, the bill contains provisions that apply to certain special situations regarding municipal affairs.

LEGISLATION AMENDED BY THIS BILL :

- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 42

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

MUNICIPAL CODE OF QUÉBEC

1. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 678.1 :

“678.2. Every regional county municipality may make an agreement with Hydro-Québec under which it is entrusted with the management of any land designated in the agreement.

The agreement may contain any condition relating to its application ; it may in particular provide that the regional county municipality may, subject to any act or contract concerning the land and any applicable Act or regulation, lease the land or entrust its operation to a third person and develop the land for purposes that are within the regional county municipality’s jurisdiction.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

2. The Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by inserting the following after section 63 :

“CHAPTER VI.0.1

“SPECIAL RULES APPLICABLE TO THE PARTICIPATION IN THE
PLAN OF MEMBERS OF A COUNCIL GOVERNED BY THE ACT
RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL
GOVERNMENT

“63.0.1. Every person who is a member of the council of a northern village that is a party to the plan in the person’s respect may obtain, for all or part of any year subsequent to 31 December 1988 and prior to 1 January 2002 during which the person was a member of the council of that municipality and did not participate in this plan, pension credits equivalent to those granted under this plan in respect of the person’s pensionable salary determined in accordance with section 17.

The chairman of the executive committee of the Kativik Regional Government may, as of the time he becomes a member of this plan, obtain pension credits equivalent to those granted under this plan in respect of his pensionable salary in respect of any period referred to in the first paragraph during which he held the office of chairman and did not participate in this plan. The second paragraph of section 280.2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) applies, where applicable, in respect of that period of past service. The chairman may also obtain pension credits in respect of any such period during which he was also a member of the council of a northern village that has not become a party to the plan in his respect. In relation to the period redeemed for services as a member of the council of that village, the village is deemed to have been a party to the plan in respect of the chairman.

“63.0.2. Every person referred to in section 63.0.1 must, in order to exercise the right provided for therein, apply to the Commission in writing. A copy of the application must be forwarded to the municipality of whose council the person is a member or, in the case of the chairman of the executive committee of the Kativik Regional Government, to that supramunicipal body. The notice shall in particular indicate all the years or parts of years to which the application pertains. All or part of a year of past service referred to in section 63.0.1 that has not been the subject of an application for redemption may, subject to the second paragraph, be the subject of a subsequent application.

Every application for redemption made under this chapter must be received by the Commission on or before the ninetieth day following the date on which the person ceases to be a member of the council of the municipality or, in the case of the chairman of the executive committee of the Kativik Regional Government, of that supramunicipal body.

“63.0.3. The pensionable salary for the purposes of any redemption under this chapter is deemed to be the pensionable salary the person was receiving on 1 January 2001, calculated on an annual basis.

“63.0.4. A person who exercises the right provided for in section 63.0.1 must pay to the Commission an amount corresponding to the contribution and the applicable provisional contribution in respect of the pensionable salary, determined by the Commission.

Section 61 applies in respect of the payment of an amount under the first paragraph.

“63.0.5. A person who is credited with years of service in accordance with this chapter is deemed, for every purpose other than the payment of surpluses, to have participated in this plan in respect of the years of credited service.

“63.0.6. Every person referred to in section 63.0.1 who participates in this plan is, notwithstanding section 1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001), eligible for the severance allowance provided for in section 30.1 of that Act.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

3. The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting the following section after section 280.2 :

“280.3. The chairman of the executive committee, who is a member of the council of a northern village that has not become a party to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) in the chairman’s respect, may at any time give written notice to the northern village of whose council he is a member, to the Regional Government and to the Commission administrative des régimes de retraite et d’assurances to the effect that he intends to participate in the plan.

The chairman of the executive committee may elect in the notice to participate in the plan in respect of the pensionable salary he is receiving both from the northern village of whose council he is a member and from the Regional Government or only in respect of the pensionable salary he is receiving from the Regional Government. If the chairman elects to participate in the pension plan only in respect of the pensionable salary he is receiving from the Regional Government, he may at any time give written notice of the same type as that referred to in the first paragraph, to modify his participation in the plan by electing to also participate therein in respect of the pensionable salary he is receiving from the northern village of whose council he is a member.

Participation in the pension plan and any modification to participation takes effect on the first day of the month following receipt of the notice by the Commission administrative des régimes de retraite et d’assurances. The Act respecting the Pension Plan of Elected Municipal Officers shall then apply with the necessary modifications in respect of the chairman of the executive committee as if the Regional Government and, as the case may be, the northern village of whose council the chairman is a member had become a party to the pension plan in the chairman’s respect.”

TRANSITIONAL AND FINAL PROVISIONS

4. The agreement entered into between Hydro-Québec and Municipalité régionale de comté de Beauharnois-Salaberry on 25 August 1998 may not be contested on the ground that one of the parties did not have authority to enter into the agreement.

The first paragraph has effect from *(insert here the date of introduction of this bill)*.

5. Ville de Montréal may amend the by-law passed under article 808 of the Charter of the city of Montréal (1959-60, chapter 102) to provide that, in the case of a business establishment referred to in the fourth paragraph of section 232 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the amount of the water tax and service tax is established by applying 20% of the rate.

Ville de Montréal may provide that the amendment referred to in the first paragraph has effect from 1 January 2001.

6. By-laws Nos. 2000-313 and 2000-314 passed by the council of Municipalité de Sainte-Brigide-d'Iberville may not be contested on the ground that the public notice required under section 572 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) was not given in their respect prior to the referendum poll.

The secretary-treasurer shall enter in the book of the by-laws of the municipality, after each by-law referred to in the first paragraph, a reference to this section.

The first paragraph has effect from (*insert here the date of introduction of this bill*).

7. This Act comes into force on (*insert here the date of assent to this Act*).