



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 60

An Act to amend various legislative provisions concerning municipal affairs

Introduction

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

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EXPLANATORY NOTES

This bill introduces various rules relating to municipal governance.

The bill amends the Act respecting the Pension Plan of Elected Municipal Officers in particular as regards the redemption of years of prior service and the distribution of actuarial surpluses as at 31 December 2000. It also provides for special rules that are to apply to the participation of the chairman of the executive committee of the Kativik Regional Government in the pension plan of elected municipal officers and to the participation of the members of a council governed by the Act respecting Northern villages and the Kativik Regional Government.

The bill introduces changes to the formula for determining the budgetary appropriations to be provided for in the budget of a local municipality with a population of 100,000 or more for the office of chief auditor. As well, the bill authorizes municipalities, intermunicipal boards and metropolitan communities to establish financial reserves for the financing of capital expenditure.

The bill introduces changes to the electoral procedure, providing in particular for the establishment of mobile polling stations, and for polling day to be the date on which a person must have reached full age in order to be entitled to vote. The bill fixes 1 May of the calendar year in which the election is to be held as the date on which a rural regional county municipality must have a by-law in force ordering the election of the warden by universal suffrage.

The bill provides that the Communauté métropolitaine de Québec has two years, as of 1 January 2002, to draw up its residual materials management plan. It also authorizes the council of the Community to appoint one person to fill two or more of the offices of director general, treasurer and secretary.

The bill provides that in the area of land use planning and development in the national capital region, the Minister of Municipal Affairs and Greater Montréal must seek the advice of the Commission de la capitale nationale before giving an opinion under the Act respecting land use planning and development.

Lastly, the bill contains provisions that address certain particular situations concerning municipal affairs.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- 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 to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27);
- Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);
- Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

– Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25).

Bill 60

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 264.0.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 100 of chapter 56 of the statutes of 2000, replaced by section 218 of chapter 25 of the statutes of 2001, is amended in the French text by inserting “loi” after “présente” in the second line of the first paragraph.

2. Section 267.2 of the said Act, replaced by section 102 of chapter 56 of the statutes of 2000 and by section 8 of chapter 25 of the statutes of 2001, is amended by replacing “second” in the second line of subparagraph 2 of the third paragraph by “third”.

3. The said Act is amended by inserting the following section after section 267.2:

“267.3. The Minister shall, before giving an opinion pursuant to any of sections 51, 53.7, 56.14 and 65 to Ville de Québec, Ville de Lévis or a regional county municipality whose territory is situated in whole or in part in that of the Communauté métropolitaine de Québec, request an opinion from the Commission de la capitale nationale on the submitted document. The first sentence of the second paragraph of section 267.2 applies, with the necessary modifications.

On the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Québec, the first paragraph applies to the opinions given to the Community pursuant to the sections referred to in that paragraph.”

CITIES AND TOWNS ACT

4. Section 107.5 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 15 of chapter 25 of the statutes of 2001, is amended

(1) by striking out the second sentence ;

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

“The appropriation must be equal to or greater than the product obtained by multiplying the total of the other appropriations provided for in the budget for operating expenses by

- (1) 0.17% where the total of those appropriations is less than \$100,000,000 ;
- (2) 0.16% where the total of those appropriations is at least \$100,000,000 and less than \$200,000,000 ;
- (3) 0.15% where the total of those appropriations is at least \$200,000,000 and less than \$400,000,000 ;
- (4) 0.14% where the total of those appropriations is at least \$400,000,000 and less than \$600,000,000 ;
- (5) 0.13% where the total of those appropriations is at least \$600,000,000 and less than \$800,000,000 ;
- (6) 0.12% where the total of those appropriations is at least \$800,000,000 and less than \$1,000,000,000 ;
- (7) 0.11% where the total of those appropriations is at least \$1,000,000,000.”

5. Section 107.8 of the said Act, enacted by section 15 of chapter 25 of the statutes of 2001, is amended by inserting “or any legal person referred to in paragraph 2 of section 107.7” after “municipality” in the first line of subparagraph 2 of the third paragraph.

6. Section 108.2.1 of the said Act, enacted by section 20 of chapter 25 of the statutes of 2001, is amended by replacing “activities of” in subparagraph 1 of the first paragraph by “accounts relating to”.

7. Section 108.3 of the said Act, enacted by section 21 of chapter 25 of the statutes of 2001, is amended in the French text by inserting “tard” after “plus” in the first line of the first paragraph.

8. Section 468.45.1 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by replacing the first paragraph by the following paragraph :

“468.45.1. The management board may, by by-law, for the benefit of all or any part of the municipalities in the territory over which it has jurisdiction, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.”

9. Section 468.45.2 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by inserting “from a contribution payable by the municipalities for whose benefit the reserve is established” after “468.45,” in the third line of the second paragraph.

10. Section 468.45.3 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is amended by adding the following paragraph at the end :

“The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.”

11. Section 468.45.5 of the said Act, enacted by section 4 of chapter 19 of the statutes of 2000, is replaced by the following section :

“468.45.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of section 468.45.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph.”

12. Section 569.1 of the said Act is amended by striking out “other than capital expenditures” in the third and fourth lines of the first paragraph.

13. Section 569.2 of the said Act is amended

(1) by inserting “, of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act,” after “council” in the third line of the second paragraph;

(2) by inserting “or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality under section 244.1 of that Act” after “sector” in the third line of the third paragraph.

14. Section 569.3 of the said Act is amended by adding the following paragraph after the second paragraph :

“The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.”

15. Section 569.5 of the said Act is replaced by the following section :

“569.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 569, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the third paragraph of section 569.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph.”

16. Section 573 of the said Act, amended by section 33 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out “, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions” in the third, fourth and fifth lines of subparagraph 2 of the fourth paragraph of subsection 1;

(2) by striking out “, except a contract in respect of services related to cultural or artistic fields than can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary” in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the fourth paragraph of subsection 1;

(3) by striking out the fifth paragraph of subsection 1.

17. Section 573.3 of the said Act, amended by section 36 of chapter 25 of the statutes of 2001, is again amended by inserting “a contract in respect of property or services related to cultural or artistic fields, a contract in respect of subscriptions or computer software for educational purposes or” after “apply to” in the first line of the second paragraph.

MUNICIPAL CODE OF QUÉBEC

18. Article 614.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 7 of chapter 19 of the statutes of 2000, is amended by replacing the first paragraph by the following paragraph:

“614.1. The management board may, by by-law, for the benefit of all or any part of the municipalities in the territory over which it has jurisdiction,

establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.”

19. Article 614.2 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended by inserting “from a contribution payable by the municipalities for whose benefit the reserve is established” after “614,” in the third line of the second paragraph.

20. Article 614.3 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is amended by adding the following paragraph at the end :

“The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.”

21. Article 614.5 of the said Code, enacted by section 7 of chapter 19 of the statutes of 2000, is replaced by the following article :

“614.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of article 614.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph.”

22. The said Code 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 the regional county municipality 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 as lessor or entrust its operation to a third person and develop the land for purposes within the regional county municipality’s jurisdiction.”

23. Article 935 of the said Code, amended by section 53 of chapter 25 of the statutes of 2001, is again amended

(1) by striking out “, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions” in the third, fourth and fifth lines of subparagraph 2 of the fourth paragraph of subarticle 1 of the first paragraph;

(2) by striking out “, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary” in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the fourth paragraph of subarticle 1 of the first paragraph;

(3) by striking out the fifth paragraph of subarticle 1 of the first paragraph.

24. Article 938 of the said Code, amended by section 56 of chapter 25 of the statutes of 2001, is again amended by inserting “a contract in respect of property or services related to cultural or artistic fields, a contract in respect of subscriptions or computer software for educational purposes or” after “apply to” in the first line of the second paragraph.

25. Article 1094.1 of the said Code, amended by section 10 of chapter 19 of the statutes of 2000, is again amended by replacing “other than capital expenditures. However, no regional county municipality may establish such a reserve for the benefit of a specific sector” in the first paragraph by “. The sector determined by a regional county municipality must correspond to the whole territory of one or more local municipalities”.

26. Article 1094.2 of the said Code, amended by section 11 of chapter 19 of the statutes of 2000, is again amended

(1) by inserting “, of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act or, in the case of a reserve established by a regional county municipality, of a special share payable by all the municipalities whose territory is situated within the territory of the regional county municipality,” after “council” in the third line of the second paragraph;

(2) by inserting “by a local municipality” after “established” in the first line of the third paragraph;

(3) by inserting “or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality under section 244.1 of that Act” after “sector” in the third line of the third paragraph;

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

“Where the reserve is established by a regional county municipality for the benefit of a specific sector, the reserve may not be made up of sums from a special share payable by the local municipalities for whose benefit the reserve is established or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the regional county municipality under section 244.1 of that Act.”

27. Article 1094.3 of the said Code, amended by section 12 of chapter 19 of the statutes of 2000, is again amended

(1) by striking out “of a local municipality” in the first line of the second paragraph;

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

“The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.”

28. Article 1094.5 of the said Code is replaced by the following article:

“1094.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under article 1094, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the third paragraph of article 1094.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph.”

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

29. Section 19.1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by adding the following paragraph at the end:

“However, special duties may not be imposed where, voluntarily, the transferee referred to in the first paragraph pays to the municipality, before the special duties become payable, the transfer duties that would have been

payable if section 19 had not been applicable. In such a case, the interest provided for in the first paragraph of section 11 is added to the amount of the transfer duties, where applicable, as if an account had been sent on the thirtieth day following receipt of the documents transmitted pursuant to the first paragraph of section 10.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

30. Section 54 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 19 of chapter 19 of the statutes of 2000, is again amended by inserting the following paragraph after the first paragraph :

“The same applies to any person who, on that date, is not an elector solely because the person is not then of full age but will have attained full age on polling day. For the purposes of any other provision relating to entry on the list of electors, such a person is deemed to be an elector on the date mentioned in the first paragraph.”

31. Section 100 of the said Act is amended by adding the following paragraph after the fourth paragraph :

“Except where they apply by reference for purposes other than the establishment of the list of electors of the municipality, the first two paragraphs apply with the following modifications :

(1) the reference in the first paragraph to electors whose names are entered on the permanent list of electors is also a reference to the persons referred to in the second paragraph of section 54 who would be such electors if they were of full age;

(2) the request referred to in the second paragraph must also specify the date of polling day.”

32. The said Act is amended by inserting the following section after section 134:

“134.1. Notwithstanding section 132, any person domiciled in a facility referred to in the second paragraph of section 50 or lodged in such a facility who wishes to avail himself of the third paragraph of that section may, not later than the last day fixed for making an application, forward to the returning officer a written application for entry, striking off or correction along with the documents referred to in the second paragraph of section 133.

The returning officer shall transmit all applications and documents received to the competent board of revisors.”

33. Section 175 of the said Act is amended by adding the following paragraphs at the end:

“Any person whose name is entered on the list of electors as a person domiciled in a facility referred to in the second paragraph of section 50 may vote at a mobile polling station determined under section 177 if the following conditions are fulfilled:

- (1) the person is unable to move about;
- (2) the person applies therefor in writing to the returning officer not later than 15 days before polling day.

The returning officer shall draw up a list of the persons who have made an application under subparagraph 2 of the second paragraph and shall send a copy of the list to each authorized party or recognized ticket and to each independent candidate concerned.”

34. Section 177 of the said Act is amended

(1) by inserting “and determine, where applicable, any such station that is a mobile polling station” after “necessary” in the second line of the first paragraph;

(2) by replacing “en établit plusieurs” in the first line of the second paragraph of the French text by “établit plusieurs bureaux de vote par anticipation”.

35. The said Act is amended by inserting the following section after section 177:

“**177.1.** Where the returning officer establishes a mobile polling station, the only persons from among the persons to which Divisions III and V of Chapter V apply who may be present in the polling station are the deputy returning officer and the poll clerk.”

36. Section 178 of the said Act is amended by adding the following paragraph at the end:

“The executive director of an institution referred to in the second paragraph of section 50 shall ensure that the mobile polling station is made accessible to the electors.”

37. Section 179 of the said Act is amended by adding the following paragraph at the end:

“However, a mobile polling station may receive the vote of electors from 8:00 a.m. to 11:00 a.m.”

38. Section 284 of the said Act is amended by inserting “or officers or employees of a mandatory body of the municipality within the meaning of paragraph 1 or 2 of section 307” after “paragraph” in the third line of the second paragraph.

39. Section 318 of the said Act is amended

(1) by inserting “, he became a warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)” after “63” in the second line of the second paragraph;

(2) by replacing “that section or” in the fourth line of the second paragraph by “section 62 or 63, becomes a warden or”.

40. Section 400.1 of the said Act, enacted by section 93 of chapter 25 of the statutes of 2001, is amended by replacing “seat” in the third line of the second paragraph by “office”.

ACT RESPECTING MUNICIPAL TAXATION

41. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 37 of chapter 54 of the statutes of 2000 and by section 143 of chapter 56 of the statutes of 2000, is again amended by replacing the third paragraph by the following paragraph:

“As regards an immovable referred to in paragraph 1 of the definition of “immovable” in the first paragraph and in paragraphs 1, 1.2, 2.1 and 13 to 17 of section 204, paragraph 2 of that definition refers only to a movable that, in addition to being permanently attached to the immovable, ensures the utility of the immovable. However, that paragraph does not refer to such a movable that is used, to whatever extent, for the operation of an enterprise or for the carrying on of activities in the immovable.”

42. Section 231.5 of the said Act, enacted by section 121 of chapter 25 of the statutes of 2001, is amended in the English text by replacing “Government” in the third line of the fourth paragraph by “Crown in right”.

43. Section 232.2 of the said Act, enacted by section 66 of chapter 54 of the statutes of 2000, is amended by replacing the second and third paragraphs by the following paragraph:

“However, in the case of a municipality mentioned in this paragraph, the number 5.5 is replaced by the number mentioned in the following subparagraphs:

(1) in the case of Ville de Montréal: 9.0;

- (2) in the case of Ville de Laval: 7.5;
- (3) in the case of Ville de Longueuil: 10.0;
- (4) in the case of Ville de Gatineau: 6.9;
- (5) in the case of Ville de Québec: 6.7;
- (6) in the case of Ville de Sherbrooke: 7.1;
- (7) in the case of Ville de Trois-Rivières: 5.6;
- (8) in the case of Ville de Lévis: 6.2;
- (9) in the case of Ville de Saguenay: 5.8.”

44. Section 233 of the said Act, amended by section 67 of chapter 54 of the statutes of 2000, is again amended by replacing the second and third paragraphs by the following paragraph:

“In the case of a municipality mentioned in this paragraph, the coefficients mentioned in subparagraphs 1 and 2 of the first paragraph are replaced, respectively, by the two coefficients mentioned in the following subparagraphs:

- (1) in the case of Ville de Montréal: 1.50 and 9.0;
- (2) in the case of Ville de Laval: 1.18 and 7.5;
- (3) in the case of Ville de Longueuil: 1.42 and 10.0;
- (4) in the case of Ville de Gatineau: 1.05 and 6.9;
- (5) in the case of Ville de Québec: 1.13 and 6.7;
- (6) in the case of Ville de Sherbrooke: 1.22 and 7.1;
- (7) in the case of Ville de Trois-Rivières: 0.97 and 5.6;
- (8) in the case of Ville de Lévis: 1.05 and 6.2;
- (9) in the case of Ville de Saguenay: 0.99 and 5.8.”

45. Section 244.40 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing the second and third paragraphs by the following paragraph:

“However, in the case of a municipality mentioned in this paragraph, the applicable coefficient is the coefficient mentioned in the following subparagraphs:

- (1) in the case of Ville de Montréal: 2.50;
- (2) in the case of Ville de Laval: 2.18;
- (3) in the case of Ville de Longueuil: 2.42;
- (4) in the case of Ville de Gatineau: 2.05;
- (5) in the case of Ville de Québec: 2.13;
- (6) in the case of Ville de Sherbrooke: 2.22;
- (7) in the case of Ville de Trois-Rivières: 1.97;
- (8) in the case of Ville de Lévis: 2.05;
- (9) in the case of Ville de Saguenay: 1.99.”

46. Sections 261.6 and 261.7 of the said Act are repealed.

ACT RESPECTING ADMINISTRATIVE JUSTICE

47. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 164 of chapter 56 of the statutes of 2000, is again amended by adding the following paragraphs after paragraph 11 :

“(12) proceedings under sections 184 and 192 of Schedule I-C to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

“(13) proceedings under sections 56 and 86 of Schedule II-C to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

48. Section 176.10 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing “60” in the first line of the second paragraph by “75”.

49. Section 176.19 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000 and amended by section 177 of chapter 56 of the statutes of 2000 and by section 151 of chapter 26 of the statutes of 2001, is again amended by replacing the first, second and third paragraphs by the following paragraphs :

“176.19. Section 76, the first paragraph of section 80, sections 81 to 89, 91 to 93, 93.5 and 93.7 of the Labour Code (chapter C-27) and sections 176.20 to 176.21 of this Act apply to the arbitration.

Notwithstanding section 81 of that Code, the arbitrator shall hear the dispute within 210 days following the date of the notice given by the Minister pursuant to section 176.18. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, grant an extension for such time as is determined by the Minister.

The arbitrator must render an award within the earlier of 60 days after the last arbitration sitting and 60 days after the lapse of the period specified in the second paragraph. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the period within which the award must be rendered for such time as is determined by the Minister.”

50. Section 176.22 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000 and amended by section 180 of chapter 56 of the statutes of 2000, is replaced by the following section :

“176.22. Sections 176.15 to 176.18 and the first, second and third paragraphs of section 176.19 do not apply to a dispute relating to the negotiation to make a first collective agreement for a group of employees made up of police officers or firefighters.

The settlement of such a dispute is governed by sections 94 to 99.4 and 99.7 to 99.9 of the Labour Code (chapter C-27), except section 90, and by the fourth paragraph of section 176.19 and sections 176.20 to 176.21 of this Act.

Notwithstanding section 81 of that Code, the arbitrator shall hear the dispute within 210 days following the date of the notice the arbitrator has given to the parties and to the Minister pursuant to section 99.1.1 of that Code. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, grant an extension for such time as is determined by the Minister.

The arbitrator must render an award within the earlier of 60 days after the last arbitration sitting and 60 days after the lapse of the period specified in the third paragraph. If the Minister considers that exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the period within which the award must be rendered for such time as is determined by the Minister.”

51. Section 210.29.1 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended by replacing “during the calendar year preceding” in the first and second lines of the second paragraph by “on or before 1 May of”.

52. Section 210.29.3 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after paragraph 2:

“(3) section 318 is amended by replacing the second paragraph by the following paragraph:

“Where the disqualification of the warden results from the fact that, after his election, he became ineligible pursuant to section 62 or 63, he became a member of the council of a local municipality or he became a Member of the Parliament of Québec or Canada, his term ends on the day he begins to hold the office referred to in that section or becomes a member of the council of a local municipality or a Member of Parliament.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

53. Section 26 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by adding the following paragraph at the end:

“Every contribution paid pursuant to the first paragraph must be a qualifying employer premium within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

54. The said Act is amended by inserting the following section after section 27:

“27.1. For the purposes of section 27, every person eligible under the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) or a similar compensation program established by an order referred to in section 125.27 of the Act respecting municipal territorial organization (chapter O-9) is deemed to cease to be a member of the council of a municipality only at the end of the period covered by the program.”

55. The heading of Chapter VI.0.1 of the said Act, enacted by section 166 of chapter 25 of the statutes of 2001, is amended by replacing “1989” by “2002”.

56. Section 63.0.1 of the said Act, enacted by section 166 of chapter 25 of the statutes of 2001, is amended

(1) by replacing “1989” in the third line of the first paragraph by “2002”;

(2) by inserting “or in the retirement plan established by the Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16)” after “plan” in the fifth line of the first paragraph.

57. The said Act is amended by inserting the following after section 63.0.4, enacted by section 166 of chapter 25 of the statutes of 2001 :

“CHAPTER VI.0.2

“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

“63.0.5. Every person who is a member of the council of a northern village that is a party to this plan in that 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.

“63.0.6. Every person referred to in section 63.0.5 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 63.0.5 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 within 90 days 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.

“63.0.7. 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.

“63.0.8. A person who exercises the right provided for in section 63.0.5 must pay to the Commission the amount required so that the cost of redemption is borne entirely by the person, in accordance with the terms and conditions determined by regulation of the Government.

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

“63.0.9. 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 service credited.

“63.0.10. Every person referred to in section 63.0.5 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.”

58. Section 67 of the said Act is amended by replacing “A” in the first line of the first paragraph by “Unless the rules governing the amalgamation or annexation provide otherwise, a”.

59. The said Act is amended by inserting the following sections after section 67:

“67.1. Every municipality resulting from an amalgamation that adopts a by-law to become a party to this plan may provide, if at least one of the municipalities whose territory has been amalgamated was a party to this plan at the time of the amalgamation, provide, notwithstanding section 2, that the by-law has effect from the date on which a majority of the council members of the new municipality make the oath provided for in section 313 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

The by-law referred to in the first paragraph must, to take effect in accordance with that paragraph, come into force before 31 December of the year following the year in which the new municipality is constituted.

“67.2. Every city constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) that adopts a by-law to become a party to this plan may provide, if it pays remuneration to the members of its council for the period between the date on which a majority of the council members make the oath provided for in section 313 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and 31 December 2001, notwithstanding section 2, that the by-law has effect from the beginning of that period.

The by-law referred to in the first paragraph must, to take effect in accordance with that paragraph, come into force before 31 December 2002.”

60. Section 75 of the said Act, amended by section 170 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph :

“(3.1) establish, for the purposes of section 80.2, the limit applicable to pensionable salary, the limit applicable to service that may be credited, and the rules and procedures for computing the pension ;” ;

(2) by adding “or 63.0.8” at the end of subparagraph 6.

61. Section 76.1 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended by replacing “municipalities that, on that date, had become parties to the plan” in the third line by “local municipalities that, on that date, had become parties to the plan or to the bodies to which, on that date, section 20 applied”.

62. Section 76.2 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is replaced by the following section :

“**76.2.** The portion of the surplus distributed to an eligible municipality or body must be in proportion to the total of the sums, with interest compounded annually, paid by each municipality or body until 31 December 2001, in accordance with section 26 or the second paragraph of section 57.

The portion of the surplus allocated to an eligible body shall be paid to the local municipalities whose territories are situated within the territory of the body and that were parties to this plan on 31 December 2000. The amount so apportioned among those municipalities must be in proportion to the sums mentioned in the first paragraph paid by the municipalities.”

63. Section 76.4 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended

(1) by replacing “complémentaires” in the fourth line of the French text of the first paragraph by “supplémentaires” ;

(2) by adding the following paragraphs after the second paragraph :

“Benefits accrued under the supplementary benefits plan during marriage form part of the family patrimony established under the Civil Code of Québec. Chapter VI.1 of this Act applies, with the necessary modifications, to that plan.

Any regulation made under Chapter VI.1 in respect of the supplementary benefits plan may provide that it takes effect on 1 January 2002.”

64. Section 76.5 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is amended by adding the following sentence at the end: “The order shall take effect on 1 January 2002.”

65. Section 76.6 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001, is replaced by the following section :

“**76.6.** The Commission is responsible for the administration of the supplementary benefits plan. At least once every three years, the Commission shall cause an actuarial valuation of the plan to be prepared by the actuaries it designates.

Chapter X applies, subject to section 63.7, in respect of the Commission’s decisions concerning the supplementary benefits plan.”

66. The said Act is amended by inserting the following sections after section 80:

“**80.1.** The pension amounts computed pursuant to this Act shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

Any pension amount acquired under this plan that exceeds the authorized limits mentioned in the first paragraph shall be paid to the person who participated in the plan in the form of a supplementary benefits plan established by order of the Government. The government order shall determine the date on which such a plan takes effect; that date may be prior to the date on which the order is made.

The third and fourth paragraphs of section 76.4 and section 76.6 apply to the supplementary benefit plan, with the necessary modifications.

“**80.2.** No benefit resulting from the redemption under this plan of years or parts of years of prior service may exceed the defined benefit limit applicable in respect of such years or parts of years under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation of the Government.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

67. The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by inserting the following section after section 31.1:

“31.2. For the purposes of sections 30.1 and 31, every person eligible under the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) or a similar compensation program established by an order referred to in section 125.27 of the Act respecting municipal territorial organization (chapter O-9) is deemed to cease to be a member of the council of a municipality only at the end of the period covered by the program.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

68. 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 in respect only 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.”

ACT TO AMEND THE ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION AND OTHER LEGISLATIVE PROVISIONS

69. Sections 15 and 16 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27) are repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

70. Section 17 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) is amended by adding the following paragraph after the first paragraph :

“However, a member of the council, other than a member by virtue of office, may be replaced at any time before the expiry of the member’s term in accordance with the rules that apply to the member’s designation, subject to the requirement that the decision to replace a member be made by a two-thirds majority of the votes cast.”

71. Section 106 of the said Act, amended by section 204 of chapter 25 of the statutes of 2001, is again amended

(1) by adding the following subparagraph after subparagraph 8 of the third paragraph :

“(9) whose object is the supply of property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes.”;

(2) by striking out the fourth paragraph.

72. Section 108 of the said Act is amended

(1) by striking out “, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions” in the third, fourth and fifth lines of subparagraph 2 of the third paragraph ;

(2) by striking out “, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary” in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the third paragraph.

73. Section 190 of the said Act is amended by replacing the first paragraph by the following paragraph :

“190. The Community may, by by-law, for the benefit of all or part of the municipalities situated within its territory, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.”

74. Section 191 of the said Act is amended by inserting “, from a special share payable by the municipalities for whose benefit the reserve is established,” after “council” in the third line of the second paragraph.

75. Section 192 of the said Act is amended by adding the following paragraph at the end:

“The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.”

76. Section 194 of the said Act is replaced by the following section:

“194. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 189, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the second paragraph of section 192, the amount of such a reserve shall not enter into the calculation of the amount provided for in the first paragraph.”

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

77. Section 143 of the Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54) is amended by striking out the second paragraph.

78. Section 144 of the said Act is repealed.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION
OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND
THE OUTAOUAIS

79. Section 232.3 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), enacted by section 225 of chapter 25 of the statutes of 2001, is amended in the French text by inserting “de comté” after “régionale” in the sixth line of the first paragraph.

80. Section 8 of Schedule I to the said Act, amended by section 238 of chapter 25 of the statutes of 2001 and by section 1 of Order in Council 1308-2001 dated 1 November 2001, is again amended by replacing subparagraph 4 of the fifth paragraph by the following subparagraph:

“(4) (a) subject to subparagraph *b*, revenues from the tax provided for in section 101 of Schedule I-C, where the occupants of residential immovables are, under the third paragraph of that section, exempt from the payment of that tax or where the tax is levied in accordance with the sixth paragraph of that section;

(b) revenues from the tax provided for in article 808 of the Charter of the city of Montréal (1959-60, chapter 102), where the occupants of residential immovables are, under subarticle 3 of that article, exempt from the payment of that tax or where that tax is imposed under subarticle 4 of that article, if the revenues considered for the purposes of the division provided for in the third paragraph of this section are the revenues for the fiscal year 2001; and”.

81. Section 83.6 of Schedule I to the said Act, enacted by section 261 of chapter 25 of the statutes of 2001, is replaced by the following section:

“**83.6.** The city council may, by a by-law adopted by a two-thirds majority of the votes cast, fix the remuneration of the president and vice-president of the intercultural board. The other members are not remunerated. All are entitled to reimbursement by the intercultural board for expenses authorized by the intercultural board and incurred by them in the exercise of their functions.”

82. Section 83.8 of Schedule I to the said Act, enacted by section 261 of chapter 25 of the statutes of 2001, is amended by inserting “council” after “city” in the fourth line of the English text.

83. The heading of subdivision 6 of Division III of Chapter III of Schedule I to the said Act, amended by section 278 of chapter 25 of the statutes of 2001, is replaced by the following heading:

“§6. — *Local economic, community, cultural and social development*”.

84. Section 137 of Schedule I to the said Act, amended by section 279 of chapter 25 of the statutes of 2001, is again amended by replacing “local economic, cultural, community” in the fifth line by “local economic, community, cultural”.

85. Section 150.2 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

86. Section 151.1 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

87. Section 151.6 of Schedule I to the said Act, enacted by section 286 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after the fifth paragraph :

“For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.”

88. Schedule I to the said Act is amended by inserting the following section after section 186 :

“**186.1.** The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program.”

89. Section 197.1 of Schedule I to the said Act, enacted by section 303 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

90. Section 95 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is repealed.

91. Section 192 of Schedule I-C to the said Act, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing the third paragraph by the following paragraph :

“The owner of the immovable expropriated under this section may claim an indemnity from the city. Where no agreement is reached, the indemnity shall

be fixed by the Administrative Tribunal of Québec at the request of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., chapter E-24) apply, with the necessary modifications.”

92. Section 21 of Schedule II to the said Act is amended by replacing “vice-chair” in the second line by “two vice-chairs”.

93. Section 25 of Schedule II to the said Act is replaced by the following section :

“**25.** The chair may designate the vice-chair who shall replace the chair in the event that the chair is unable to act or if the office of chair is vacant. The designation may also establish the order in which the vice-chairs are to replace the chair, on a periodic basis or according to any other criteria the chair determines.

The chair may designate a vice-chair to preside at any meeting of the executive committee.”

94. Section 130.2 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

95. Section 131.1 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

96. Section 131.6 of Schedule II to the said Act, enacted by section 338 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after the fifth paragraph :

“For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.”

97. Schedule II to the said Act is amended by inserting the following section after section 165 :

“**165.1.** The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program.”

98. Section 175.1 of Schedule II to the said Act, enacted by section 355 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

99. Part I of Schedule II-B to the said Act, replaced by section 359 of chapter 25 of the statutes of 2001, is amended by inserting “estuary” after “river” in the second line of the fourth paragraph of the English text of the description of Borough 6.

100. Section 10 of Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section :

“**10.** In the event that the chair and vice-chairs of the executive committee are simultaneously absent or unable to act, the committee may designate one of its members to exercise the duties and powers of the chair of the executive committee during that absence or inability.

The executive committee may also designate, if the chair has not already done so, the vice-chair who is to replace the chair in the event that the chair is absent or unable to act.”

101. Schedule II-C to the said Act, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting the following sections after section 25 :

“**25.1.** The mayor may, subject to section 25.2, appoint up to four councillors responsible for assisting the members of the executive committee as associate councillors. An associate councillor does not sit on the executive committee.

The mayor may at any time replace an associate councillor.

“**25.2.** The number of associate councillors and members of the executive committee shall not exceed the total of 11.”

102. Section 54.14 of Schedule III to the said Act, enacted by section 369 of chapter 25 of the statutes of 2001, is amended in the French text by replacing “du présent chapitre” in the first line by “de la présente section”.

103. Section 87.2 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

104. Section 87.7 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001 and replaced by section 17 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting “, or by

the Crown in right of Canada or one of its mandataries,” after “Act” in the last line of the second paragraph.

105. Section 88.1 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

106. Section 88.6 of Schedule III to the said Act, enacted by section 386 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after the fifth paragraph :

“For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.”

107. Schedule III to the said Act is amended by inserting the following section after section 122 :

“**122.1.** The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5, make with any such officer or employee any agreement necessary to the implementation of the program.”

108. Section 134.1 of Schedule III to the said Act, enacted by section 403 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

109. Section 76.2 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

110. Section 77.1 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

111. Section 77.6 of Schedule IV to the said Act, enacted by section 418 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after the fifth paragraph :

“For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with

section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.”

112. Schedule IV to the said Act is amended by inserting the following section after section 123 :

“**123.1.** The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program.”

113. Section 135.1 of Schedule IV to the said Act, enacted by section 435 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

114. Section 7 of Schedule IV-B to the said Act, enacted by section 15 of Order in Council 1312-2001 dated 1 November 2001, is repealed.

115. Section 101.2 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

116. Section 102.1 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by inserting “, or that must be paid by the Crown in right of Canada or one of its mandataries,” after “(R.S.Q., chapter F-2.1)” in the fourth line of the second paragraph.

117. Section 102.6 of Schedule V to the said Act, enacted by section 463 of chapter 25 of the statutes of 2001, is amended by adding the following paragraph after the fifth paragraph :

“For the purposes of the first five paragraphs, the mention of any tax or surtax also refers to the sum in lieu of the tax or surtax that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.”

118. Schedule V to the said Act is amended by inserting the following section after section 136 :

“**136.1.** The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5, make with any such officer or employee any agreement necessary to the implementation of the program.”

119. Section 147.1 of Schedule V to the said Act, enacted by section 480 of chapter 25 of the statutes of 2001, is amended by striking out the second sentence of the second paragraph.

120. Section 61 of Schedule VI to the said Act is amended by adding the following paragraph after the third paragraph :

“The council may appoint a single person to hold more than one position referred to in the first paragraph. The person shall have the same rights, powers and privileges and shall be liable to the same obligations and penalties as those determined and prescribed for the positions in respect of which the person is appointed.”

121. Section 99 of Schedule VI to the said Act, amended by section 485 of chapter 25 of the statutes of 2001, is again amended

(1) by adding the following subparagraph after subparagraph 8 of the third paragraph :

“(9) whose object is the supply of property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes.”;

(2) by striking out the fourth paragraph.

122. Section 101 of Schedule VI to the said Act is amended

(1) by striking out “, except a contract in respect of property related to artistic or cultural fields as well as computer software for educational purposes, and subscriptions” in the third, fourth and fifth lines of subparagraph 2 of the third paragraph ;

(2) by striking out “, except a contract in respect of services related to artistic or cultural fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary” in the second, third, fourth, fifth and sixth lines of subparagraph 3 of the third paragraph.

123. Section 120 of Schedule VI to the said Act is amended by replacing “31 March” in the first line by “15 November”.

124. Section 121 of Schedule VI to the said Act is amended by replacing “1 July” in the second line of the first paragraph by “15 December”.

125. Schedule VI to the said Act is amended by inserting the following section after section 133 :

“**133.1.** The Minister shall, before giving an opinion under section 130 or 133, seek the advice of the Commission de la capitale nationale.

In addition to reasons relating to the government aims or guidelines referred to in sections 130 and 133, an objection or disapproval expressed by the Minister may be based on the opinion of the Commission de la capitale nationale.”

126. Section 180 of Schedule VI to the said Act is amended by replacing the first paragraph by the following paragraph :

“**180.** The Community may, by by-law, for the benefit of all or part of the municipalities situated within its territory, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.”

127. Section 181 of Schedule VI to the said Act is amended by inserting “, from a special share payable by the municipalities for whose benefit the reserve is established,” after “council” in the third line of the second paragraph.

128. Section 182 of Schedule VI to the said Act is amended by adding the following paragraph at the end :

“The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.”

129. Section 184 of Schedule VI to the said Act is replaced by the following section :

“**184.** A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted ; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working-fund is constituted under section 179, the maximum amount provided for in the first paragraph is reduced by the amount of the working-fund.

As regards a reserve referred to in the second paragraph of section 182, the amount of such a reserve shall not enter into the calculation of the amount provided for in the first paragraph.”

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING MUNICIPAL AFFAIRS

130. Section 508 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) is amended by replacing “January” wherever it appears in the third line of subparagraph 2 of the first paragraph by “May”.

TRANSITIONAL AND FINAL PROVISIONS

131. Section 41 has effect for the purposes of any municipal fiscal year from the municipal fiscal year 2001.

132. Ville de Rouyn-Noranda, Ville de La Malbaie and Ville de Windsor must, to avail themselves of the first paragraph of section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 59, become a party to the plan by the adoption of a by-law that will come into force at the latest on (*insert here the date that is 12 months after the date of assent to this Act*).

133. 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 lacked authority to enter into the agreement.

The first paragraph has effect from 21 June 2001.

134. For each of the municipal fiscal years 2002 and 2003, the sums which, by reason of the application of the regulatory provision under subparagraph *e* of paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), are not paid as they would otherwise have been pursuant to the regulation made under that paragraph must, up to a maximum of \$3,500,000, be used to finance any program of the government, a minister or a government body developed to assist regional county municipalities in the exercise of their functions relating to residual materials management, fire safety or civil protection.

For each municipal fiscal year, the part of those sums exceeding \$3,500,000 shall be paid, in the manner determined by the Government, to the local municipalities entitled to receive an equalization amount for the fiscal year under the regulation and that have not lost that right, proportionately to the amounts thus payable to them.

135. 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-rate and service tax is established by applying 20% of the rate.

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

This section has effect from (*insert here the date of introduction of this bill*).

136. By-laws 2000-313 and 2000-314 adopted 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 a reference to this section in the book of by-laws of the municipality, after each by-law referred to in the first paragraph.

The first paragraph has effect from 21 June 2001.

137. For the purposes of the application of section 53.7 of the Environment Quality Act (R.S.Q., chapter Q-2) by the Communauté métropolitaine de Québec, the date of 1 January 2001 set out in the first paragraph of that section is replaced by the date of 1 January 2002.

138. As of (*insert here the date of introduction of this bill*), the cities of Chicoutimi, Jonquière, La Baie and Laterrière, the municipalities of Lac-Kénogami and Shipshaw and Canton de Tremblay may not adopt a budget for the fiscal year 2002.

Any budget already adopted for the fiscal year 2002 by one of those municipalities has no effect.

139. The budget relating to the fiscal year 2002 of Ville de Saguenay, constituted as of 18 February 2002 under Order in Council 841-2001 dated 27 June 2001, must include, for the period that begins on 1 January 2002 and that ends on 17 February 2002, the revenues and expenditures of the municipalities referred to in the first paragraph of section 138.

Notwithstanding section 474 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 954 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), the appropriations allocated to each of the municipalities for that period are the following:

- (1) Ville de Chicoutimi: \$15,000,000;
- (2) Ville de La Baie: \$3,900,000;
- (3) Ville de Jonquière: \$15,500,000;
- (4) Ville de Laterrière: \$480,000;

- (5) Canton de Tremblay: \$330,000;
- (6) Municipalité de Shipshaw: \$275,000;
- (7) Municipalité de Lac-Kénogami: \$210,000.

No temporary loan ordered for the payment of current administration expenses by any of those municipalities may exceed the amount of the appropriations allocated to the municipality under the second paragraph, except with the authorization of the Minister of Municipal Affairs and Greater Montréal.

140. The clerk of Ville de Saguenay appointed under section 132 of Order in Council 841-2001 dated 27 June 2001 and the treasurer of Municipalité de Saint-Honoré may, in accordance with section 81 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), send a notice of assessment and a tax account for the fiscal year 2002 before 18 February 2002.

The first paragraph applies subject to the first and second paragraphs of section 503 of the Cities and Towns Act (R.S.Q., chapter C-19) and of article 1007 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

141. The treasurer or secretary-treasurer of a municipality mentioned in the first paragraph of section 138 is required to produce, before the adoption of the budget of Ville de Saguenay for the fiscal year 2002, at least the comparative statement on revenues provided for in section 105.4 of the Cities and Towns Act (R.S.Q., chapter C-19) or in article 176.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) for the fiscal year 2001, based on the data current to 31 December 2001.

142. Sections 88, 97, 107, 112 and 118 have effect from 20 December 2000.

143. This Act comes into force on (*insert here the date of assent to this Act*), subject to the following provisions:

(1) sections 1, 3 to 7, 43 to 47, 69, 77, 78, 80 to 87, 89 to 96, 98 to 106, 108 to 111, 113 to 117 and 119 to 125 come into force on 1 January 2002;

(2) sections 8 to 15, 18 to 21, 25 to 28, 73 to 76 and 126 to 129 come into force on 1 January 2003.