



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 57

**An Act in response to the 6 July 2013
railway disaster in Ville de Lac-Mégantic**

Introduction

**Introduced by
Mr. Sylvain Gaudreault
Minister of Municipal Affairs, Regions and
Land Occupancy**

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EXPLANATORY NOTES

This bill contains measures intended to enable Ville de Lac-Mégantic to meet certain needs, ensure safety and reorganize its territory in order to facilitate a return to normal life and the resumption of normal activities following the railway disaster of 6 July 2013, and postpones until 2015 the general election scheduled for 2013 for the town council and the office of warden of Municipalité régionale de comté du Granit.

Ville de Lac-Mégantic may adopt an assistance program applicable to all or part of its territory to support persons and businesses affected by the railway disaster.

A contract made by the town before 31 December 2013 is not subject to the competition rules set out in the Cities and Towns Act if the object of the contract is specified in the bill. The town is granted access, without the authorization of the owner, in order to carry out any work or to take any appropriate action under the circumstances, to any immovable that constitutes a hazard and is situated in a zone to which it has restricted or prohibited access for safety reasons.

A streamlined procedure is introduced for the coming into force of a special planning program and urban planning by-laws required to reorganize the territory, and the town is authorized to build any building, in the sector delimited by a special planning program, with a view to alienating it or leasing it for institutional purposes or any purpose provided for in that program.

A loan by-law for specific purposes and adopted by the town before 31 December 2014 only requires the approval of the Minister of Municipal Affairs, Regions and Land Occupancy.

The town may demolish any building that is situated in the containment area delimited in the special planning program and is deemed unfit for habitation or for continuing the activities that were previously carried on on its premises and, until 1 January 2016, the town may become the owner of an immovable it expropriates, from the date of registration of the notice of expropriation, that is situated in the sector delimited in the special planning program.

The transferee of an immovable situated in the town's territory that is intended to replace an immovable acquired by the town or, as a result of the disaster, is unfit for habitation or for continuing the activities that were previously carried on on its premises is exempted from paying transfer duties.

The town may, for the purpose of establishing and operating a railway siding, acquire an immovable outside its territory with the authorization of the Minister of Transport. In addition, until 31 December 2014, the town may alienate or lease, for purposes other than industrial, para-industrial or research purposes, an immovable that it has acquired under the Act respecting municipal industrial immovables.

Lastly, to take into account the postponement of the general election, the bill provides rules for filling vacancies that may arise more than 12 months before the 2015 general election. The by-law establishing the division of the territory of Ville de Lac-Mégantic into electoral districts for the purposes of the 2013 election applies for the purposes of the 2015 election and any subsequent by-election held before the 2017 general election, and the Government is given the regulatory power to take, for the purposes of those elections, any other measure necessary to adapt a provision of the Act respecting elections and referendums in municipalities or preclude any of its provisions.

Bill 57

AN ACT IN RESPONSE TO THE 6 JULY 2013 RAILWAY DISASTER IN VILLE DE LAC-MÉGANTIC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE

1. The purpose of this Act, in the wake of the railway disaster of 6 July 2013, is to provide for measures intended to enable Ville de Lac-Mégantic, as soon as possible, to meet certain needs, ensure safety and reorganize its territory in order to facilitate a return to normal life and the resumption of normal activities in that territory.

The Act is also intended to postpone for two years the general election scheduled for 2013 to elect the town council and fill the office of warden of Municipalité régionale de comté du Granit.

DIVISION II

ASSISTANCE PROGRAM

2. Ville de Lac-Mégantic may, despite the Municipal Aid Prohibition Act (chapter I-15), adopt an assistance program applicable to all or part of its territory.

The town sets the terms and conditions of the program, including the type of assistance to be granted and the criteria for granting it.

3. In addition to the payment of a sum of money, assistance may be in the form of a tax credit, or the leasing or alienation of an immovable on better-than-market terms, including an immovable built or acquired under the special planning program referred to in section 13, or an immovable acquired under the Act respecting municipal industrial immovables (chapter I-0.1) that may, for the purposes of and on the terms set out in the program, be leased or alienated for purposes other than those provided for by the Act.

4. Assistance may not be granted to a person who transfers, to the territory of the town, activities carried on in the territory of another local municipality.

Any assistance received in contravention of the first paragraph must be repaid.

5. The period covered by the program cannot exceed *(insert the date that is five years after the date of assent to this Act)*.

The town may, however, before that date, request the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy to extend that period.

6. Assistance granted under the program is funded exclusively by a financial reserve created by the town for that purpose.

The town may provide that the expenses for administering the program and the reserve are funded by the reserve.

The first paragraph does not apply to assistance granted in the form of the leasing or alienation of an immovable on better-than-market terms.

Subdivision 31.1 of Division XI of the Cities and Towns Act (chapter C-19), except the third paragraph of section 569.2, the first sentence of the first paragraph of section 569.3 and section 569.5, applies to the reserve created under the first paragraph, with the necessary modifications, in particular the modification by which the reserve is created by resolution.

7. The reserve ceases to exist at the end of the period covered by the program.

8. For the purposes of the first two paragraphs of section 569.2 of the Cities and Towns Act, the town may not allocate to the reserve a sum exceeding \$2,000,000, unless the surplus is a sum it received in the form of a gift, legacy or subsidy or unless it obtains the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy.

9. At the time the treasurer files the comparative statements described in section 105.4 of the Cities and Towns Act at a sitting of the council, he or she also reports in writing on the sums and use of the sums allocated to the reserve, and on the assistance granted under the program.

10. The external auditor must verify the conformity of the town's operations with this division, as well as compliance with the terms and conditions of the program. The external auditor presents his or her findings in the report filed under the second paragraph of section 108.2 of the Cities and Towns Act.

DIVISION III

MAKING OF CERTAIN CONTRACTS

11. The making of a contract by the town is not subject to section 477.4, subparagraph 1 of the second paragraph of section 477.5 or sections 573, 573.1, 573.1.0.1.1, 573.1.0.4 and 573.3.0.2 of the Cities and Towns Act, or the Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2), if the object of the contract is any of the following:

(1) carrying out work related to the construction, reconstruction, demolition, repair or renovation of a building in the sector delimited in the special planning program referred to in section 13;

(2) acquiring a modular or prefabricated building to be installed in the sector referred to in subparagraph 1, as well as preparing the site where the building is to be installed;

(3) carrying out work relating to the construction, reconstruction, demolition, repair or renovation of municipal infrastructure or facilities in the sector referred to in subparagraph 1;

(4) carrying out work relating to the decontamination or cleaning of an immovable or a building in the sector referred to in subparagraph 1;

(5) carrying out work intended to ensure the safety of all or part of the sector referred to in subparagraph 1; or

(6) supplying professional services related to an object mentioned in any of subparagraphs 1 to 5 or to the designation of new uses of the land in the sector referred to in subparagraph 1.

The work described in subparagraphs 1 to 5 of the first paragraph includes, when required, excavation, drilling and seismic investigation, and the supply of products, materials, equipment and machinery related to carrying out such work.

If the town makes a contract, in accordance with this section, involving an expenditure to which it wishes to allocate a subsidy from the Gouvernement du Québec or any of its ministers or bodies, it must obtain the authorization of the Minister of Public Security.

DIVISION IV

SAFETY

12. The town has exclusive access, without the owner's authorization, for the purpose of carrying out any maintenance or other work or taking any other appropriate action under the circumstances with respect to any immovable that it identifies as constituting a hazard and that is situated in a zone to which it

has restricted or prohibited access for safety reasons under section 62 of the Municipal Powers Act (chapter C-47.1).

The first paragraph does not prevent any government authority from taking any appropriate action with respect to the same immovable under its own powers or jurisdiction.

DIVISION V

LAND USE PLANNING

13. By-laws 1613 and 1615 establishing the special planning program and amending the planning program, and by-laws 1617 and 1618 amending, respectively, the zoning by-law and the by-law respecting site planning and architectural integration programs, adopted by the town council on 9 September 2013 come into force on the day they are approved by the Minister of Municipal Affairs, Regions and Land Occupancy.

The Minister may, rather than approving a by-law, ask the town, by way of a notice specifying the amendments to be made to the content of either by-law, to replace it with a by-law in proper form for his or her approval; the first paragraph also applies to such a by-law.

The third paragraph of section 137.15 of the Act respecting land use planning and development (chapter A-19.1) applies following the coming into force of a by-law referred to in the first or second paragraph. Once in force, those by-laws are deemed to be in conformity with each other and with the land use and development plan of Municipalité régionale de comté du Granit; no notice of motion is required prior to their adoption.

This section applies despite any inconsistent provision, including the provisions of the Act respecting land use planning and development regarding the adoption, conformity and coming into force of a by-law amending the planning program or a by-law amending an urban planning by-law.

14. The town may, in the sector delimited by the special planning program referred to in section 13, and in addition to what is provided for in the Act respecting land use planning and development, build any building with a view to alienating it or leasing it for institutional purposes or any purpose provided for in that program.

15. The town may demolish any building situated in the area delimited as a containment area in the special planning program referred to in section 13 that, according to an expert's report, is deemed unfit for habitation or for continuing the activities that were previously carried out on its premises due to contamination of the land on which it is situated.

A notice must be served on the owner of the building at least 10 days before the scheduled demolition date.

DIVISION VI

FINANCIAL PROVISION

16. Despite section 556 of the Cities and Towns Act, a by-law adopted by the town only requires the approval of the Minister of Municipal Affairs, Regions and Land Occupancy if it orders a loan to cover the cost of expenses related to any of the objects set out in section 11 or required to carry out work or acquire any immovable in accordance with the special planning program referred to in section 13.

The Minister may, however, as a condition for the Minister's approval, require that the by-law be submitted for approval to the qualified voters.

The first two paragraphs apply only to by-laws adopted no later than 31 December 2014.

DIVISION VII

ELECTIONS

17. The 2013 general election in the town and in Municipalité régionale de comté du Granit is postponed until 2015.

The following general election will be held in 2017.

For the purposes of the provisions of the Act respecting municipal territorial organization (chapter O-9) that relate to the election of the warden of Municipalité régionale de comté du Granit, 2015 is considered to be a year in which a general election is to be held in all the local municipalities whose territories are included in that of the regional county municipality.

18. By-law 1564 of the town, establishing the division of the territory of the municipality into electoral districts for the purposes of the 2013 general election, applies for the purposes of the 2015 general election and any subsequent by-election held before the 2017 general election.

19. Any vacancy on the town, council or in the office of warden of the regional county municipality that occurs more than 12 months before the day set for the 2015 general election need not be filled by a by-election unless the council decides otherwise within 15 days of the notice of vacancy.

In the case of a vacancy in the office of mayor or warden for which the council has not ordered a by-election, the office must nevertheless be filled in the manner specified in section 336 of the Act respecting elections and referendums in municipalities (chapter E-2.2), with the necessary modifications.

20. The Government may, by regulation and for the purposes of the postponement of the 2013 election and the purposes of any election to be held before the 2017 general election, take any other measure necessary to adapt a

provision of the Act respecting elections and referendums in municipalities or to preclude the application of any of its provisions.

The regulation made under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). Despite section 17 of that Act, the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation and may apply, after publication and if the regulation so provides, from a date not prior to (*insert the date of assent to this Act*).

DIVISION VIII

MISCELLANEOUS PROVISIONS

21. Despite sections 6 and 7 of the Act respecting municipal industrial immovables, the town may alienate or lease for purposes other than industrial, para-industrial or research purposes, an immovable that it has acquired, built or converted under the Act.

The first paragraph applies solely to contracts entered into no later than 31 December 2014.

22. The town may, for the purpose of establishing and operating a railway siding in accordance with section 9 of the Municipal Powers Act and with the authorization of the Minister of Transport, acquire an immovable outside its territory.

23. The transferee of an immovable situated in the territory of the town is exempted from paying transfer duties and any special duties applicable under the Act respecting duties on transfers of immovables (chapter D-15.1) if the immovable is intended to be used in replacement of an immovable

(1) of which he or she was the owner or the lessee on 6 July 2013 in the territory of the town and which, as a result of the disaster, has become unfit for habitation or for continuing the activities that were previously carried on on its premises; or

(2) of which he or she was the owner or the lessee in the sector delimited in the town's special planning program referred to in section 13, and of which the town has become the owner.

For the purposes of section 9 of that Act, the application for registration of a transfer must also specify that the transferee is exempted from paying transfer duties under this section.

The first two paragraphs apply only with respect to the transfer of an immovable registered in the registry office no later than 31 December 2015. The Minister of Municipal Affairs, Regions and Land Occupancy may, however, before that date, provide that they also apply to transfers registered no later

than 31 December 2016. The Minister publishes a notice of the Minister's decision in the *Gazette officielle du Québec*.

24. Ownership of an immovable that has been expropriated by the town and situated in the sector delimited in the special planning program referred to in section 13 is transferred from the day the notice of expropriation is registered. In that context, sections 44 and 53 to 53.6 of the Expropriation Act (chapter E-24) do not apply.

To be registered, the notice of expropriation must be accompanied by

- (1) documents establishing that the provisional indemnity has been paid to the expropriated party or filed on his or her behalf with the Superior Court;
- (2) proof that the notice of expropriation has been served on the expropriated party; and
- (3) a copy of this section.

For the purposes of this section, the following modifications are made:

- (1) subparagraph 3 of the first paragraph of section 40 of the Expropriation Act is modified by striking out “, and 30 days to contest the right to expropriate before the Superior Court”;
- (2) subparagraph 4 of the first paragraph of that section is modified by replacing “15 days” by “five days”;
- (3) section 41 of the Act is modified by replacing “within the same period” by “within five days of the date of service of the notice”;
- (4) sections 53.7, 53.8, 53.14 and 53.17 of the Act are modified by replacing “the notice of transfer of title” by “the notice of expropriation”;
- (5) the first and third paragraphs of section 53.11 of the Act are modified by replacing “70%” wherever it appears by “90%” in the case of an agricultural operation, a business or an industrial concern;
- (6) section 53.13 of the Act is replaced by the following section:

“53.13. In the case of a lessee or occupant in good faith of an agricultural operation, a business or an industrial concern, the provisional indemnity is a lump sum equal to six months' rent. Once the notice of expropriation has been registered, the lessee or occupant in good faith may apply to the Tribunal to have the amount of the provisional indemnity changed. The motion must be heard and decided by preference.”;

(7) paragraph 1 of Schedule I to the Act is modified by replacing “15 days” by “five days”;

(8) paragraph 4 of Schedule II to the Act is modified by replacing “six months” by “three months”.

DIVISION IX

FINAL PROVISIONS

25. The first and second paragraphs of section 11 have effect from 6 July 2013.

Section 11 ceases to have effect on 31 December 2013.

Section 24 ceases to have effect on 1 January 2016.

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