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Part

2

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Laws and Regulations

Volume 152

Summary

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 12 MARCH 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 12 March 2020*

This day, at five past two o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to assent to the following bill:

57 Appropriation Act No. 1, 2020–2021

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.

PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 17 MARCH 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 17 March 2020*

This day, at three o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to assent to the following bills:

- 31 An Act to amend mainly the Pharmacy Act to facilitate access to certain services

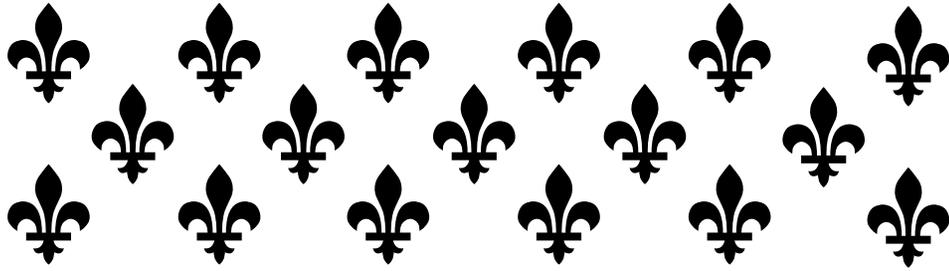
- 41 An Act respecting mainly the implementation of certain provisions of the Budget Speeches of 17 March 2016, 28 March 2017, 27 March 2018 and 21 March 2019

- 43 An Act to amend the Nurses Act and other provisions in order to facilitate access to health services

- 48 An Act mainly to control the cost of the farm property tax and to simplify access to the farm property tax credit

- 58 Appropriation Act No. 3, 2019–2020

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 41
(2020, chapter 5)

**An Act respecting mainly the
implementation of certain provisions
of the Budget Speeches of
17 March 2016, 28 March 2017,
27 March 2018 and 21 March 2019**

**Introduced 31 October 2019
Passed in principle 7 November 2019
Passed 17 March 2020
Assented to 17 March 2020**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act amends or enacts various legislative provisions mainly to implement certain measures contained in the Budget Speeches delivered on 17 March 2016, 28 March 2017, 27 March 2018 and 21 March 2019.

The additional contribution payable for educational childcare services is abolished.

The Act to facilitate the payment of support is amended to allow the Minister of Revenue, on receiving a request from the support collector of a designated state, province or territory, to conduct an administrative seizure on a third person situated in Québec if the third person owes an amount to a debtor of support.

An obligation is introduced to obtain a certificate from Revenu Québec for maintenance work contracts carried out in public buildings.

Food truck operators will be subjected to the rules concerning sales recording modules.

Certain rules relating to summary appeals in taxation matters are amended, particularly to increase the eligibility thresholds for seeking a remedy before the Small Claims Division of the Court of Québec and offer free access to mediation.

The Minister of Revenue is entrusted with the application of the Money-Services Businesses Act.

The Act respecting the Agence du revenu du Québec is amended

(1) to allow, in certain circumstances, for the retention of a member of the board of directors who leaves a position with a government department or agency to which the Agence du revenu du Québec provides services;

(2) to harmonize the remuneration granted to the chairs of the Agency's board committees; and

(3) to ensure that the authorization allowing employees to sign certain deeds, documents and writings of the Agency is granted from now on by means of an administrative act.

The Act enacts the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, which establishes the broad parameters of the Financial Assistance for Investment Program under which enterprises carrying out an eligible project will be able to obtain financial assistance applicable in the form of a partial payment of their electricity bills. The new Act also provides that the Minister of Finance will administer the program, determine its specific eligibility requirements and, if the Minister considers it necessary, create various components. In addition, that Act establishes the Special Contracts and Financial Assistance for Investment Fund, which is dedicated to financing the program.

The amount taken from the proceeds of the tobacco tax to finance the Sports and Physical Activity Development Fund and the Québec Cultural Heritage Fund is increased and budget-funded bodies are allowed to transfer sums to the Tourism Partnership Fund.

With respect to certain public bodies and state-owned enterprises,

(1) a framework is provided for the budget planning of bodies other than budget-funded bodies. As a result, the Minister of Finance and the Chair of the Conseil du trésor may jointly propose to the Conseil du trésor multi-year budgetary policy directions, common to all such bodies or specific to each, which are to be forwarded to them, once approved, through their respective minister responsible. Each of the ministers is entrusted with the power to establish directives relating, in particular, to the forwarding and form of an annual budget. The bodies must adopt an annual budget and multi-year budgetary estimates and forward them to their respective minister responsible. In addition, the Conseil du trésor will have the responsibility to approve the multi-year budgetary estimates and the ministers will be required to ensure that the bodies under their responsibility meet their annual budget and their multi-year budgetary estimates;

(2) the constituting Acts of certain bodies of which the Minister of Finance is a shareholder are amended to allow the bodies to acquire loan securities issued by that Minister;

(3) the Act respecting the governance of state-owned enterprises is amended so that the Auditor General is no longer responsible for carrying out the performance assessment measures adopted by the board of directors of certain state-owned enterprises and is no longer required to appoint independent firms to carry out such measures on the Auditor General's behalf;

(4) it is prohibited to grant a performance-based bonus or variable pay, for the fiscal year beginning in 2016 or for subsequent fiscal years, to certain persons appointed by the Government or the National Assembly where those persons' instrument of appointment or the conditions of employment annexed to it make the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein applicable, in whole or in part, to them;

(5) the end date of the fiscal period of the Société de la Place des Arts de Montréal and of the fiscal year of the Société de télédiffusion du Québec is amended to make the fiscal period or year correspond to the Government's fiscal year;

(6) the Act respecting municipal taxation is amended to maintain property tax, municipal tax, school tax or business tax exemptions should the Government or any mandatary of the State exercise its option to acquire the Caisse de dépôt et placement du Québec's interest in a limited partnership that owns, leases or operates a transportation infrastructure; and

(7) the Act respecting Financement-Québec is amended to, among other things, change the composition of the board of directors of Financement-Québec, review the list of bodies entitled to obtain its services and eliminate the requirement to hold an annual meeting of shareholders.

The Act respecting the legal publicity of enterprises is amended

(1) to allow the Québec enterprise registrar to require information or documents to validate the accuracy of the declarations deposited in the enterprise register;

(2) to set the prescription period of penal proceedings to one year after the date on which the prosecutor becomes aware of the commission of the offence, such period not exceeding more than five years from the date of the commission of the offence;

(3) to entrust the minister responsible with the power to waive the payment of fees, penalties or charges in certain circumstances; and

(4) to allow more bodies to enter into an agreement to obtain from the registrar information contained in the register.

With respect to matters concerning the financial sector,

(1) certain provisions of the Civil Code relating to the insurance coverage of divided co-ownerships are amended;

(2) the Act constituting Capital régional et coopératif Desjardins is amended to introduce new governance rules and rules governing the approval of investments; and

(3) the Act respecting Nasdaq stock exchange activities in Québec is repealed.

Under the Act,

(1) a rule rounding penal contributions to the nearest dollar is added to the Code of Penal Procedure;

(2) the Consumer Price Index to which several Acts and regulations refer is harmonized to exclude recreational cannabis;

(3) diesel used for purposes other than transportation is excluded in calculating the annual duty payable into the Green Fund under the Act respecting the Régie de l'énergie for the period from 13 June 2013 to 1 January 2015;

(4) the definition of the debt representing the accumulated deficits provided for in the Act to reduce the debt and establish the Generations Fund is rendered compliant with that provided for in the public accounts and the portion of advances made to the financing fund and used to fund government enterprises and bodies excluded from the Government's reporting entity is to be included in calculating the gross debt under that Act;

(5) the Minister of Finance is allowed to delegate the power to prescribe forms concerning the information to be furnished by clients of the book based system under the responsibility of Épargne Placements Québec;

(6) Revenu Québec is allowed to send to the Minister of Municipal Affairs and Housing information that is required to carry out its mandate relating to the Government's financial transfers to municipalities;

(7) the borrowing powers provided for in the Act respecting the Ministère des Relations internationales and the Act respecting the Ministère du Conseil exécutif are withdrawn;

(8) certain provisions of the Act respecting the Ministère des Finances and the Auditor General Act relating to the pre-election report are clarified to ensure that they are in conformity with the accounting standards and the practice implemented in preparing the first pre-election report;

(9) certain duties relating to licences for drawings and reunion permits collected by the Régie des alcools, des courses et des jeux are regularized;

(10) the Act respecting the Ministère des Transports is amended to add the financing of active transportation infrastructures to the purposes to which the sums in the Land Transportation Network Fund may be allocated; and

(11) the coming into force of the provisions eliminating the identification of alcoholic beverage containers provided for in the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages is postponed to a date to be set by the Government.

Lastly, the Act contains transitional and consequential provisions required for its application.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Public Administration Act (chapter A-6.01);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Act respecting the Autorité des marchés publics (chapter A-33.2.1);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);
- Building Act (chapter B-1.1);

- Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2);
- Act constituting Capital régional et coopératif Desjardins (chapter C-6.1);
- Act respecting the Centre de la francophonie des Amériques (chapter C-7.1);
- Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);
- Act respecting the Centre de services partagés du Québec (chapter C-8.1.1);
- Code of Penal Procedure (chapter C-25.1);
- Professional Code (chapter C-26);
- Act respecting the national capital commission (chapter C-33.1);
- Act respecting the Conseil des arts et des lettres du Québec (chapter C-57.02);
- Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);
- James Bay Region Development Act (chapter D-8.0.1);
- Act respecting the regulation of the financial sector (chapter E-6.1);
- Money-Services Businesses Act (chapter E-12.000001);
- Act respecting Financement-Québec (chapter F-2.01);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Fonds d’aide aux actions collectives (chapter F-3.2.0.1.1);
- Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);

- Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1);
- Hydro-Québec Act (chapter H-5);
- Taxation Act (chapter I-3);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting the Institut de la statistique du Québec (chapter I-13.011);
- Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02);
- Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03);
- Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);
- Act respecting the Institut national des mines (chapter I-13.1.2);
- Act respecting administrative justice (chapter J-3);
- Act respecting lotteries, publicity contests and amusement machines (chapter L-6);
- Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Ministère des Finances (chapter M-24.01);
- Act respecting the Ministère des Relations internationales (chapter M-25.1.1);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001);
- Act respecting the Ministère du Tourisme (chapter M-31.2);

- National Museums Act (chapter M-44);
- Act to establish the Office Québec-Monde pour la jeunesse (chapter O-5.2);
- Act to facilitate the payment of support (chapter P-2.2);
- Act respecting liquor permits (chapter P-9.1);
- Police Act (chapter P-13.1);
- Act respecting the legal publicity of enterprises (chapter P-44.1);
- Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);
- Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- Act respecting the Régie de l'énergie (chapter R-6.01);
- Fire Safety Act (chapter S-3.4);
- Educational Childcare Act (chapter S-4.1.1);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting the James Bay Native Development Corporation (chapter S-9.1);
- Act respecting the Société de développement des entreprises culturelles (chapter S-10.002);
- Act respecting the Société de la Place des Arts de Montréal (chapter S-11.03);
- Act respecting the Société de télédiffusion du Québec (chapter S-12.01);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Société des établissements de plein air du Québec (chapter S-13.01);
- Act respecting the Société des loteries du Québec (chapter S-13.1);
- Act respecting the Société des Traversiers du Québec (chapter S-14);

- Act respecting the Société du Centre des congrès de Québec (chapter S-14.001);
- Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001);
- Act respecting the Société du Plan Nord (chapter S-16.011);
- Act respecting the Société québécoise d’information juridique (chapter S-20);
- Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01);
- Act respecting the Québec sales tax (chapter T-0.1);
- Act respecting Transition énergétique Québec (chapter T-11.02);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Auditor General Act (chapter V-5.01);
- Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20);
- Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23);
- Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1).

LEGISLATION ENACTED BY THIS ACT:

- Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (2020, chapter 5, section 98).

LEGISLATION REPEALED BY THIS ACT:

- Act respecting Nasdaq stock exchange activities in Québec (chapter E-20.01).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting savings products (chapter A-6.001, r. 9);
- Regulation respecting the application of the Public Curator Act (chapter C-81, r. 1);
- Regulation under the Money-Services Businesses Act (chapter E-12.000001, r. 1);
- Regulation respecting fees and tariffs payable under the Money-Services Businesses Act (chapter E-12.000001, r. 2);
- Regulation respecting the rates for using the public fast-charging service for electric vehicles (chapter H-5, r. 1);
- Québec Immigration Regulation (chapter I-0.2.1, r. 3);
- Regulation respecting the Taxation Act (chapter I-3, r. 1);
- Lottery Schemes Regulation (chapter L-6, r. 11);
- Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3);
- Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3);
- Regulation respecting the safety and welfare of cats and dogs (chapter P-42, r. 10.1);
- Tariff of costs for the transportation, keeping and preservation of dead bodies (chapter R-0.2, r. 7);
- Reduced Contribution Regulation (chapter S-4.1.1, r. 1);
- Educational Childcare Regulation (chapter S-4.1.1, r. 2);
- Regulation respecting the application of the Fuel Tax Act (chapter T-1, r. 1).

Bill 41

AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECHES OF 17 MARCH 2016, 28 MARCH 2017, 27 MARCH 2018 AND 21 MARCH 2019

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ABOLITION OF THE ADDITIONAL CONTRIBUTION FOR EDUCATIONAL CHILDCARE SERVICES

EDUCATIONAL CHILDCARE ACT

1. Subdivision 1 of Division I of Chapter VII of the Educational Childcare Act (chapter S-4.1.1), comprising section 81.3, is repealed.

2. The Act is amended by striking out the following before section 82:

“§2. — *Special provisions applicable to basic contribution*”.

3. Section 82 of the Act is amended

(1) by striking out “basic” in the first paragraph;

(2) by replacing “the basic contribution” in the second paragraph by “such a contribution”.

4. Section 86 of the Act is amended, in the first paragraph,

(1) by striking out “basic” in subparagraph 1;

(2) by replacing subparagraph 2 by the following subparagraph:

“(2) any extra contribution or fees other than those determined under sections 82 and 92 for the services that are prescribed by regulation or provided for in a subsidy agreement.”

5. Section 86.1 of the Act is amended by striking out “Subject to the first paragraph of section 88.2,” and “basic”.

6. Subdivision 3 of Division I of Chapter VII of the Act, comprising sections 88.1 to 88.14, is repealed.

7. Section 103.1 of the Act is amended by inserting “, as it read before being repealed” at the end of subparagraph 1 of the second paragraph.

8. Section 103.2 of the Act is amended by inserting “described in the first paragraph of section 88.2, as it read before being repealed,” after “additional contribution” in the second paragraph.

9. Section 106 of the Act is amended

(1) in the first paragraph,

(a) by striking out subparagraph 25.1;

(b) by striking out all occurrences of “basic”;

(2) in the second paragraph,

(a) by replacing “subparagraphs 25 and 25.1” by “subparagraph 25”;

(b) by replacing “the amounts concerned are” by “the amount concerned is”.

10. Section 135 of the Act is amended by striking out “, except subdivision 3 of Division I of Chapter VII, the administration of which falls under the responsibility of the Minister of Revenue”.

11. The Act is amended by striking out “basic” in the following provisions:

(1) section 83.1;

(2) section 84;

(3) section 85;

(4) the first paragraph of section 87;

(5) the first paragraph of section 90.

REDUCED CONTRIBUTION REGULATION

12. Division I.1 of the Reduced Contribution Regulation (chapter S-4.1.1, r. 1), comprising section 2.1, is repealed.

13. The Regulation is amended by replacing all occurrences of “basic” by “reduced”.

CHAPTER II

FACILITATION OF THE PAYMENT OF SUPPORT

ACT TO FACILITATE THE PAYMENT OF SUPPORT

14. The Act to facilitate the payment of support (chapter P-2.2) is amended by inserting the following chapter after section 70:

“CHAPTER VIII.1

“SUPPORT ORDERS MADE OUTSIDE QUÉBEC

“**70.1.** The Minister may, by written notice, require a person who, by virtue of an existing obligation, is or will be bound to make a payment to a person owing an amount under a support order referred to in the second paragraph to pay to a designated person all or part of the amount to be paid to his creditor, such payment to be made at the time at which the amount becomes payable, where the following information and documents are sent to the Minister by the designated person:

- (1) a copy of the support order;
- (2) an application relating to the execution of the support order, drawn up in French; and
- (3) the amount to be paid, converted, where applicable, to Canadian currency at the exchange rate in force on the date of the support order.

The support order to which the first paragraph refers is the support order provided for by a judgment enforceable in a state, province or territory designated in accordance with the Act respecting reciprocal enforcement of maintenance orders (chapter E-19) or any other document having the same force and effect in that state, province or territory.

For the purposes of the first paragraph, “designated person” means the support collector in the designated state, province or territory in which the support order is enforceable.

“**70.2.** Any person who neglects or refuses to comply with a notice from the Minister under section 70.1 becomes solidarily liable for the amount claimed in the notice with the person owing an amount payable under the support order.

“**70.3.** Division VI of Chapter IV of Title I of Book VIII of the Code of Civil Procedure (chapter C-25.01) applies to this chapter.”

CHAPTER III

CERTIFICATE FROM REVENU QUÉBEC FOR CERTAIN CONTRACTS RESPECTING MAINTENANCE WORK IN PUBLIC BUILDINGS

TAXATION ACT

15. The Taxation Act (chapter I-3) is amended by inserting the following Title after section 1079.8.34:

“TITLE II.1

“BUSINESSES PERFORMING MAINTENANCE WORK IN PUBLIC BUILDINGS

“**1079.8.34.1.** In this Title,

“maintenance work” means maintenance work to which the Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) or the Decree respecting building service employees in the Québec region (chapter D-2, r. 16) applies;

“maintenance work business” means a person who has an establishment in Québec and causes maintenance work to be performed, in whole or in part, by a subcontractor, except a person who is the owner, lessee or administrator of the public building in which the maintenance work is to be performed;

“maintenance work contract” means a contract or part of a contract that is entered into between a maintenance work business and a subcontractor, is carried out in Québec and provides for maintenance work;

“person” includes a partnership;

“subcontractor” means a person who has an establishment in Québec and performs maintenance work.

For the purposes of this Title, the following rules apply:

(a) the cost of a maintenance work contract is determined without reference to the Québec sales tax or the goods and services tax in respect of the contract;

(b) except for determining, for the purposes of subparagraph *b* of the first paragraph of section 1079.8.34.2, the cost of the maintenance work contracts entered into between a subcontractor and a maintenance work business in a calendar year, every contract entered into between a maintenance work business and a subcontractor, while the subcontractor is holding a valid certificate referred to in section 1079.8.34.2 because of another maintenance work contract entered into between them, is deemed to be the same contract as that other contract; and

(c) where the portion of the cost of a maintenance work contract entered into before (*insert the date of coming into force of this section*) that is attributable to maintenance work performed after (*insert the date preceding the date of coming into force of this section*) is equal to or greater than \$10,000, or where under an indeterminate-term maintenance work contract entered into before (*insert the date of coming into force of this section*), maintenance work is performed after (*insert the date preceding the date of coming into force of this section*), the following rules apply:

i. the contract is deemed to have been entered into on (*insert the date of coming into force of this section*) and, if the maintenance work provided for in the contract began before that date, is deemed to have begun on that date, and

ii. the first amount that the maintenance work business is required to report under the second paragraph of section 1079.8.34.3, in relation to the maintenance work contract, must include any amount that has been billed to it by the subcontractor before (*insert the date of coming into force of this section*) for maintenance work provided for in the contract and performed after (*insert the date preceding the date of coming into force of this section*).

“1079.8.34.2. A subcontractor must hold a valid certificate from Revenu Québec throughout the period that begins on the date of the beginning of the maintenance work provided for in a particular maintenance work contract entered into by the subcontractor in a calendar year and after (*insert the date preceding the date of coming into force of this section*) with a maintenance work business and that ends on the date of the end of the maintenance work provided for in the contract, where

(a) the particular maintenance work contract is an indeterminate-term contract;

(b) the total cost of the particular maintenance work contract and of the maintenance work contracts they entered into with each other previously in the calendar year, or the total cost of such contracts they entered into in a previous calendar year, is equal to or greater than \$10,000; or

(c) the subcontractor and the maintenance work business have previously entered into a contract with each other in respect of which this section has applied because of subparagraph a.

A subcontractor who entered into a maintenance work contract with a maintenance work business must give the business a copy of each certificate the subcontractor is required to hold under the first paragraph, on or before the day on which the maintenance work provided for in the contract begins or, in the case of a subsequent certificate, the day that follows the last day of the period of validity of the preceding certificate.

This section does not apply to a subcontractor who, on the day the maintenance work provided for in the contract begins, does not hold a registration certificate issued under Title I of the Act respecting the Québec sales tax (chapter T-0.1).

However, where the subcontractor becomes, after the day referred to in the third paragraph and before the day on which the maintenance work provided for in the contract ends, the holder of a registration certificate under Title I of the Act respecting the Québec sales tax, the following rules apply:

(a) the contract is deemed to have been entered into on the particular date that is 30 days after the date on which the subcontractor became the holder of such a certificate and the maintenance work provided for in the contract is deemed to have begun on the particular date; and

(b) the first amount that the maintenance work business is required to report under the second paragraph of section 1079.8.34.3, in relation to the maintenance work contract, must include any amount that was billed to it by the subcontractor before the particular date for maintenance work provided for in the contract and performed after that date.

For the purposes of subparagraph *b* of the first paragraph, no reference is to be made to the portion of the cost of a maintenance work contract attributable to maintenance work performed before (*insert the date of coming into force of this section*).

“1079.8.34.3. A maintenance work business that has entered into a particular maintenance work contract with a subcontractor must obtain from the subcontractor a copy of each certificate that the subcontractor is required to hold under the first paragraph of section 1079.8.34.2 because of that contract, ensure that it is valid and verify its authenticity in the prescribed manner, on or before the day on which the maintenance work provided for in the contract begins or, in the case of a subsequent certificate, the day that follows the last day of the period of validity of the preceding certificate.

The maintenance work business described in the first paragraph must also, on or before the day provided for in the third paragraph, report, in the prescribed manner, an amount that is the aggregate of the amounts that it was billed by the subcontractor in relation to the maintenance work provided for in the particular maintenance work contract, in each of the quarters ending on 31 March, 30 June, 30 September and 31 December in a year.

The day to which the second paragraph refers is the last day of the month following the month in which the quarter referred to in that paragraph ends.

The first amount that the maintenance work business must report under the second paragraph must also include any amount billed in respect of the particular contract before the beginning of the maintenance work.

This section does not apply to a maintenance work business that, on the day the maintenance work provided for in a contract begins, does not hold a registration certificate issued under Title I of the Act respecting the Québec sales tax (chapter T-0.1).

However, where the maintenance work business becomes, after the day referred to in the fifth paragraph and before the day on which the maintenance work provided for in the contract ends, the holder of a registration certificate under Title I of the Act respecting the Québec sales tax, this section applies to the maintenance work business as if the maintenance work provided for in the contract has begun on the date that is 30 days after the date on which the business became the holder of such a certificate.

“1079.8.34.4. Applications for a certificate from Revenu Québec must be made in the manner provided for in section 1079.8.19.

A certificate from Revenu Québec is issued to a person who, on the date specified in the certificate, has filed the returns and reports required under fiscal laws and has no overdue amount payable under such laws; this is the case, in particular, where recovery of such an amount has been legally suspended or, if arrangements have been made with the person to ensure payment of the amount, the person has not defaulted on the payment arrangements.

Where a partnership is registered with Revenu Québec as an employer, a certificate is issued to it only if, on the date specified in the certificate, it meets the conditions of the second paragraph and has performed, as at that date, all the obligations of a fiscal law imposed on its members, as employers.

A certificate is valid until the end of the three-month period (in this Title referred to as the “period of validity”) following the month in which it was issued.

“1079.8.34.5. A subcontractor who fails to comply with any of the obligations provided for in section 1079.8.34.2, in relation to a particular maintenance work contract entered into with a maintenance work business, incurs—for each of the quarters that end on 31 March, 30 June, 30 September and 31 December in a year and in which the subcontractor failed to comply with such an obligation—a penalty equal to the greater of

(a) \$175; and

(b) the lesser of

i. the product obtained by multiplying the amount that is 0.2% of the aggregate of the amounts billed under the particular contract, without reference to the Québec sales tax or the goods and services tax, by the subcontractor to the maintenance work business in that quarter by the number of days of non-compliance included in that quarter, and

ii. \$950.

“1079.8.34.6. A maintenance work business that fails to comply with any of the obligations provided for in section 1079.8.34.3, in relation to a particular maintenance work contract entered into with a subcontractor, incurs— for each particular quarter referred to in the second paragraph of section 1079.8.34.3 in which the business failed to comply with an obligation provided for in the first paragraph of that section or in respect of which the business failed to comply with the obligation provided for in the second paragraph of that section—a penalty equal to the greater of

(a) \$350; and

(b) the lesser of

i. the product obtained by multiplying the amount that is 0.4% of the aggregate of the amounts billed under the particular contract, without reference to the Québec sales tax or the goods and services tax, by the subcontractor to the maintenance work business in the particular quarter by the greater of

(1) the number of days during which the non-compliance of an obligation referred to in the first paragraph of section 1079.8.34.3 continues and that are included in the particular quarter, and

(2) the number of days during which the non-compliance of an obligation referred to in the second paragraph of section 1079.8.34.3 in respect of the particular quarter continues, up to 90, and

ii. \$2,850.

However, the maintenance work business may not incur, in respect of the same failure to comply, both the penalty provided for in the first paragraph and the penalty provided for in section 59 of the Tax Administration Act (chapter A-6.002).

“1079.8.34.7. In the case of a subsequent failure during the three years after the date on which a notice of assessment imposing a penalty provided for in section 1079.8.34.5 or 1079.8.34.6 is sent, the amount of the penalty that would otherwise be determined under either of those sections in respect of the subsequent failure is doubled.”

16. Section 1079.8.36 of the Act is replaced by the following section:

“1079.8.36. A person found guilty of an offence under section 1079.8.35 does not incur the penalty provided for in any of sections 1079.8.20 to 1079.8.22, 1079.8.30 to 1079.8.32, 1079.8.34.5 and 1079.8.34.6 unless it was imposed on the person before proceedings were instituted against the person under section 1079.8.35.”

17. Section 1079.8.39 of the Act is amended by replacing the portion before paragraph *a* by the following:

“1079.8.39. If a partnership or a consortium incurs a penalty under any of sections 1079.8.20 to 1079.8.22, 1079.8.30 to 1079.8.32, 1079.8.34.5 and 1079.8.34.6, the following provisions apply, with the necessary modifications, in respect of the penalty as though the partnership or consortium were a corporation:”.

REGULATION RESPECTING THE TAXATION ACT

18. The Regulation respecting the Taxation Act (chapter I-3, r. 1) is amended by inserting the following section after section 1079.8.19R1:

“1079.8.34.3R1. The prescribed manner of verifying the authenticity of a certificate and of reporting an amount referred to in the second paragraph of section 1079.8.34.3 of the Act is to use the electronic process provided for that purpose on Revenu Québec’s website.”

CHAPTER IV

REGISTRATION OF FOOD TRUCK SALES

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE QUÉBEC SALES TAX

19. Section 350.50 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

(1) by inserting the following definition in alphabetical order in the first paragraph:

““food truck” means a truck or a trailer that is laid out to prepare or serve meals, whether or not they are intended for consumption on the premises, including a truck or a trailer offering beverages exclusively, but does not include a mobile canteen, that is, a vehicle ordinarily going to businesses, factories, worksites, garages, rest areas or other similar places to offer mainly previously prepared and pre-assembled meals, nor a trailer that may be moved without the use of a truck or road vehicle;”;

(2) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a place that is a mobile vehicle in which meals are provided, unless it is a food truck;”.

DIVISION II

SPECIAL PROVISIONS

20. The Minister of Revenue may establish and implement a transitional financial compensation program to subsidize the acquisition and installation costs of the prescribed devices that are referred to in section 350.52 of the Act respecting the Québec sales tax (chapter T-0.1) and that are required because of the amendments made to section 350.50 of that Act by section 19 of this Act.

21. Sections 60.3, 60.4 and 61.0.0.1 of the Tax Administration Act (chapter A-6.002) and section 350.58 of the Act respecting the Québec sales tax apply in respect of the operator of a food truck within the meaning of section 350.50 of that Act only from the date of the first day of the sixth month following the date of coming into force of section 19 of this Act.

CHAPTER V

DIVERSION OF DISAGREEMENTS AWAY FROM THE COURT SYSTEM AND ACCESS TO JUSTICE

DIVISION I

AMENDING PROVISIONS

TAX ADMINISTRATION ACT

22. Section 93.2 of the Tax Administration Act (chapter A-6.002) is amended

- (1) by replacing “An individual” in the introductory clause by “A person”;
- (2) by replacing both occurrences of “\$15,000” in subparagraph i of paragraph *a* by “\$55,000”;
- (3) by replacing “\$4,000” in subparagraph ii of paragraph *a* and paragraphs *b*, *b.1*, *g*, *h.2*, *i*, *j* and *k* by “\$15,000”;
- (4) by replacing “\$1,500” in paragraphs *c* and *d* by “\$5,500”;
- (5) by replacing “section 83” in paragraph *o* by “section 83 or 84”;
- (6) by adding the following paragraph at the end:

“However, a person other than an individual may avail itself of the rules of this chapter only if a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the time at which it brings an appeal.”

23. Section 93.2.1 of the Act is amended

(1) by replacing “the individual resides” in the first paragraph by “the person’s residence or establishment is situated”;

(2) by replacing “an individual residing” in the second paragraph by “a person residing or having an establishment”.

24. Section 93.6 of the Act is amended by replacing “No individual may, to avail himself” in the first paragraph by “No person may, to avail himself or itself”.

25. Section 93.11 of the Act is amended

(1) by replacing “An individual having objected” in the first paragraph by “A person having objected”;

(2) by replacing “individual” in the second paragraph by “person”.

26. Section 93.12 of the Act is amended

(1) by replacing “an individual” in the first paragraph by “a person”;

(2) by replacing “the individual demonstrates that” and “him” in the second paragraph by “the person demonstrates that” and “him or it”, respectively.

27. Section 93.13 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“A summary appeal is exercised by means of the prescribed form, in which the person shall set out the reasons for the application and all the relevant facts and which the person shall file with or send by registered mail to the office of the Small Claims Division of the Court of Québec. The person shall also specify whether he or it might consider mediation.”;

(2) by inserting the following paragraphs after the first paragraph:

“The prescribed form must include a statement by the person attesting to the accuracy of the facts put forward. If the person is not an individual, the statement must also attest that a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the filing or sending of the form.

A statement referred to in the second paragraph is deemed to be a sworn statement.”;

(3) by replacing “de la production” in the (3) second paragraph in the French text by “du dépôt”.

28. The Act is amended by inserting the following section after section 93.14:

“93.14.1. Within 90 days following the date the office of the Small Claims Division of the Court of Québec receives the summary appeal, the Agency shall file with the office and notify to the person a memorandum setting out the grounds of defence along with the exhibits or copies of the exhibits in support of the contentions of the defence.

The memorandum must concisely state the facts, contentions, main arguments, applicable legislation and conclusions.

The Agency shall also specify whether it intends to submit the dispute to mediation.”

29. Section 93.15 of the Act is amended by replacing “the individual could not avail himself” by “the person could not avail himself or itself”.

30. Section 93.18 of the Act is replaced by the following section:

“93.18. Despite section 34 of the Charter of human rights and freedoms (chapter C-12), an individual may not be represented or assisted by an advocate, a person other than an individual may be represented only by an officer or an employee exclusively employed by it who is not an advocate, and the Agency may be represented only by an employee, or a person authorized by the Minister, who is not an advocate.

An individual must self-represent. However, if unable to do so, the individual may give his spouse, a relative, a person connected to him by marriage or civil union or a friend a non-remunerated mandate to represent him. The mandate must be recorded in a document identifying the mandatary and stating the reasons why the individual is unable to self-represent, and be signed by the individual. If the individual cannot self-represent or give his spouse, a relative, a person connected to him by marriage or civil union or a friend a mandate to represent him, the summary appeal is ex officio entered on the roll of the Court of Québec to be continued in accordance with the procedure provided for in Chapter III.2.”

31. The Act is amended by inserting the following division before Division III of Chapter IV:

“DIVISION II.1

“MEDIATION

“93.21.1. A dispute may be submitted to mediation at no additional cost if the parties consent.

The mediation session is presided over by an advocate or a notary, certified as a mediator by his professional order in accordance with sections 1 and 2 of the Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6). The session may also be presided over by a chartered professional accountant, certified as a mediator by his professional order in accordance with the criteria prescribed in the second paragraph of section 1 of that regulation or by a body recognized by the Minister of Justice.

The Regulation respecting the mediation of small claims applies, with the necessary modifications, to the mediation provided for in this division, regardless of whether the session is presided over by an advocate, a notary or a chartered professional accountant.

“93.21.2. The mediator and the parties to the mediation shall preserve the confidentiality of anything said, written or done during the mediation process, subject to any agreement between them on the matter or to any special provisions of the law.

The mediator and the parties cannot be compelled, in arbitration, administrative or judicial proceedings, whether related or unrelated to the dispute, to disclose anything they hear or learn in the course of the mediation process. Nor can the mediator and the parties be compelled to produce a document prepared or obtained in the course of the mediation process, unless the law requires its disclosure or unless its disclosure is necessary for the mediator to be able to defend against a claim of professional fault.

No information given or statement made in the course of the mediation process may be admitted in evidence in proceedings referred to in the second paragraph.

“93.21.3. If the mediation ends the dispute, the parties shall file with the office of the Small Claims Division of the Court of Québec a notice that the case has been settled or the signed settlement agreement. A settlement agreement homologated by the special clerk or the court is equivalent to a judgment.”

32. The Act is amended by inserting the following section after section 93.26:

“93.26.1. At any time in the course of the proceeding, the court, even on its own initiative, may take the case management measures it sees fit and, if necessary, convene a case management conference or hear a preliminary application and issue any appropriate order.

If circumstances permit, the court may attempt to reconcile the parties during the hearing or at a settlement conference. If no settlement is reached, the judge seized may, with the parties’ consent, resume hearing the matter.

If the parties reach a settlement, the court clerk shall draw up minutes in which the settlement agreement is recorded. Once signed by the parties and homologated by the court, the settlement agreement is equivalent to a judgment.”

33. Section 93.29 of the Act is amended, in the third paragraph,

- (1) by replacing “un particulier” in the French text by “une personne”;
- (2) by replacing “the individual” by “the person”.

DIVISION II

TRANSITIONAL PROVISION

34. Proceedings that, on the date of coming into force of section 22, become within the jurisdiction of the Small Claims Division of the Court of Québec continue before the division of the Court of Québec already seized of the matter.

CHAPTER VI

RESPONSIBILITIES RELATING TO THE APPLICATION OF THE MONEY-SERVICES BUSINESSES ACT

DIVISION I

AMENDING PROVISIONS

TAX ADMINISTRATION ACT

35. Section 1 of the Tax Administration Act (chapter A-6.002) is amended by inserting “, except the Money-Services Businesses Act (chapter E-12.000001)” at the end of the definition of “fiscal law”.

36. Section 69.0.0.7 of the Act is amended by adding the following subparagraph at the end of subparagraph *b* of the first paragraph:

- “vii. the Money-Services Businesses Act (chapter E-12.000001);”.

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

37. Section 93 of the Act respecting the regulation of the financial sector (chapter E-6.1) is amended by striking out “, the Money-Services Businesses Act (chapter E-12.000001)” in the first paragraph.

MONEY-SERVICES BUSINESSES ACT

38. Section 12 of the Money-Services Businesses Act (chapter E-12.000001) is amended

(1) by replacing “The Authority” in the portion before paragraph 1 by “The Minister”;

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

“(4) has repeatedly failed to send a return or a report in the manner and within the time provided for by a fiscal law or a regulation under a fiscal law;

“(5) has repeatedly failed to deduct, withhold or collect an amount that it was required to deduct, withhold or collect under a fiscal law;

“(6) has repeatedly failed to pay an amount owed under this Act or a fiscal law;

“(7) has repeatedly failed to comply with an agreement entered into for the payment of an amount owed under this Act or a fiscal law;

“(8) is liable to a penalty under section 1079.13.1 or 1079.13.2 of the Taxation Act (chapter I-3) in relation to an assessment in respect of which any time limit for objecting has expired or, if the business validly objected to the assessment or appealed from the assessment to a court of competent jurisdiction, in respect of which the objection or appeal, as the case may be, is finally settled; or

“(9) has repeatedly evaded or attempted to evade compliance with this Act or a fiscal law in the course of its business.”

39. The Act is amended by inserting the following section after section 12:

“**12.1.** The Minister may refuse to issue a licence to a money-services business,

(1) if the business’ activities are incommensurate with its legal sources of financing;

(2) if a reasonable person would conclude that the business is lending its name to, or is the extension of, another business that would be unable to obtain a licence under this Act; or

(3) if the business’ structure enables it to evade the application of this Act or of a fiscal law.”

40. Section 14 of the Act is amended

(1) by replacing “The Authority” in the introductory clause by “The Minister”;

(2) by replacing “the Authority’s” in paragraph 7 by “the Minister’s”;

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

“(8) is in any of the situations described in paragraphs 4 to 9 of section 12.”

41. Section 15 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Minister may refuse to issue a licence to a money-services business if a person or an entity who directly or indirectly owns or controls the money-services business

(1) has been convicted of an offence under any of the Acts referred to in paragraph 1 of section 12, unless a pardon has been obtained; or

(2) is in any of the situations described in paragraphs 4 to 9 of section 12.”

42. Section 17 of the Act is replaced by the following section:

“**17.** The Minister suspends or revokes the licence of a money-services business on a ground specified in section 11 or 13, or if a person or entity described in the first paragraph of section 16 is in any of the situations described in paragraph 1 of section 11.

The Minister may suspend or revoke the licence of a money-services business on a ground specified in any of sections 12, 12.1, 14 and 15 or in the first paragraph of section 16 or if the business does not comply with an obligation provided for in Chapter III.”

43. Section 18 of the Act is replaced by the following section:

“**18.** Before suspending or revoking a licence or before imposing a monetary administrative penalty, the Minister may order the money-services business concerned to take the necessary corrective measures within the time the Minister specifies.”

44. Section 19 of the Act is amended

(1) in the first paragraph,

(a) by replacing “the Authority” by “the Minister”;

(b) by striking out “, selon le cas,” in the French text;

(2) by replacing “The Authority” and “to the Authority” in the second paragraph by “The Minister” and “to the Minister”, respectively.

45. Section 20 of the Act is amended by striking out “the Agence du revenu du Québec.”

46. The Act is amended by inserting the following section after section 28:

“28.1. A money-services business must hold, in its own name, a bank account with a financial institution.”

47. Section 35 of the Act is amended

(1) by replacing “to the Authority, which” and “it will” in the first paragraph by “to the Minister, who” and “to”, respectively;

(2) by replacing “of the Authority” in the second paragraph by “of the Minister”;

(3) by replacing “The Authority notifies the Agence du revenu du Québec,” and “It must also notify them” in the third paragraph by “The Minister notifies” and “The Minister must also notify them”, respectively.

48. The heading of Chapter IV of the Act is amended by replacing “OF AUTORITÉ DES MARCHÉS FINANCIERS” by “OF THE MINISTER OF REVENUE”.

49. Section 36 of the Act is repealed.

50. Sections 37 and 38 of the Act are replaced by the following sections:

“37. The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body of such a government or organization or into an agreement with a person or body in or outside Québec to facilitate the administration or enforcement of this Act, of fiscal, criminal or penal legislation or of any similar legislation outside Québec.

For the purposes of that agreement, personal information may be communicated.

“38. Any information, including personal information, may be communicated without the consent of the money-services business or the person or entity concerned to a police force if an employee of the Agence du revenu du Québec has reasonable cause to believe that the money-services business, person or entity has committed or is about to commit a criminal or penal offence under an Act enforceable in or outside Québec in relation to this Act or against the Agence du revenu du Québec or one of its employees, and that the information is required for the purposes of the investigation.”

51. Section 39 of the Act is amended by replacing “the Authority may” in the first paragraph by “an employee of the Agence du revenu du Québec authorized by regulation may”.

52. Section 40 of the Act is amended by replacing “any information to the Authority” by “to an employee authorized in accordance with section 39 any information”.

53. Section 45 of the Act is replaced by the following section:

“**45.** The inspections and investigations relating to the provisions of this Act, which come under the responsibility of the Minister of Revenue, are conducted in accordance with Division VI of Chapter III of the Tax Administration Act (chapter A-6.002); for that purpose, those provisions are deemed to be a fiscal law.”

54. Sections 46 to 48 of the Act are repealed.

55. Section 50 of the Act is amended by replacing the portion before subparagraph 1 of the first paragraph by the following:

“**50.** The Minister may, for the purposes or in the course of an investigation, make an *ex parte* application to a judge of the Court of Québec acting in chambers”.

56. Section 51 of the Act is replaced by the following section:

“**51.** The person or entity concerned must be notified at least 15 days before any hearing during which a judge of the Court of Québec is to consider an application for the renewal of an order under this division. The judge may grant the application if the person or entity concerned has not requested to be heard or has failed to establish that the reasons for the initial order have ceased to exist.”

57. Section 52 of the Act is amended

(1) by replacing “the Authority” in the first paragraph by “the Minister”;

(2) by replacing the second paragraph by the following paragraph:

“At the Minister’s request, the person or entity must open the safety deposit box in the presence of a person authorized by the Minister, draw up an inventory of the contents in triplicate, and give one copy to the Minister and another to the person or entity actually or potentially under investigation.”;

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

“On request, the person authorized by the Minister must identify himself or herself and show the document signed by the Minister attesting the person’s capacity.”

58. Section 54 of the Act is replaced by the following section:

“54. A person or entity directly affected by an order made under this division, if in doubt as to the application of the order to particular funds, securities or other property, may apply to a judge of the Court of Québec for clarification; the person or entity may also apply for an amendment to or the revocation of the order.

A written notice stating the grounds for the application for amendment or revocation must be filed at the office of the Court of Québec. The notice must be served on the Minister at least 15 days before the hearing set to hear the application.”

59. Section 56 of the Act is repealed.

60. Section 57 of the Act is replaced by the following section:

“57. The court may, at the Minister’s request, prohibit a person from acting as a director or officer of a money-services business on the grounds set out in article 329 of the Civil Code or if a penalty has been imposed on the person under this Act.

The prohibition imposed by the court may not exceed five years.

The court may, at the request of the person concerned, lift the prohibition on such conditions as it considers appropriate.”

61. Section 60 of the Act is amended

(1) by replacing “The Authority” in the introductory clause by “The Minister”;

(2) by striking out paragraph 1;

(3) by replacing “the Authority” in paragraph 4 by “the Minister”;

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

“(11) which persons are authorized to communicate information for the purposes of section 39.”

62. The Act is amended by inserting the following section after section 60:

“60.1. The Government may make regulations determining the fees and tariffs payable for any formality required by this Act or for the services provided by the Minister, and payment terms and time limits.”

63. Section 61 of the Act is repealed.

64. The Act is amended by inserting the following chapter after section 65:

“CHAPTER VI.1

“MONETARY ADMINISTRATIVE PENALTIES

“DIVISION I

“FAILURE TO COMPLY

“65.1. A monetary administrative penalty of \$500 in the case of a natural person or \$1,500 in any other case may be imposed on a money-services business that, in contravention of

- (1) section 22, does not pay the fees determined by regulation;
- (2) section 22.1, does not display its licence or a copy of its licence in the manner provided for in that section;
- (3) section 26, has failed to inform the Minister of any change in the information already filed to obtain a licence;
- (4) section 28, does not verify the identity of its customers or co-contracting parties;
- (5) the first paragraph of section 29, does not maintain and update its records and registers;
- (6) the second paragraph of section 29, does not make its records and registers available to the Minister;
- (7) the third paragraph of section 29, does not provide the Minister with technical assistance to facilitate the Minister’s inspection of the information contained in its records and registers;
- (8) section 30, does not keep the customer information it has on file for six years after the information is gathered;
- (9) section 32, fails to provide, within the specified time, any information or document requested by the Minister;
- (10) the first paragraph of section 34, does not notify the Minister of the cessation of its activities;
- (11) the second paragraph of section 34, does not comply with the conditions determined by the Minister;
- (12) section 35, has failed to hand its records, books and registers over to the Minister; or

(13) section 16 of the Regulation under the Money-Services Businesses Act (chapter E-12.000001, r. 1), does not keep the information on its co-contracting parties for six years after such information is gathered.

“65.2. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

“65.3. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

“DIVISION II

“NOTICE OF NON-COMPLIANCE AND IMPOSITION

“65.4. Where the Minister ascertains that a failure to comply with a provision of this Act or the regulations has occurred, a notice of non-compliance may be notified to the money-services business urging that the necessary measures be taken immediately to remedy the failure to comply.

Such a notice must mention that the failure to comply may give rise to a monetary administrative penalty.

“65.5. A monetary administrative penalty for a failure to comply with a provision of this Act or the regulations may not be imposed on a money-services business if a statement of offence has already been served because of a contravention of the same provision, based on the same facts.

“65.6. A monetary administrative penalty is imposed on a money-services business by the notification of a notice of claim.

The notice must state

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest;
- (4) the right, under section 65.7, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and
- (5) the right to contest the review decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The money-services business must also be informed that failure to pay the amount owing may give rise to the suspension or revocation of its licence and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

“DIVISION III

“REVIEW

“**65.7.** A money-services business may apply in writing to the Minister for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Minister. They must not come under the same administrative authority as the persons responsible for imposing such penalties.

“**65.8.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

“**65.9.** The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or produce documents, the interest provided for in the fourth paragraph of section 65.6 on the amount owing ceases to accrue until the decision is rendered.

“**65.10.** A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

“DIVISION IV**“RECOVERY**

“65.11. The debtor and the Minister may enter into a payment agreement with regard to the monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings and any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“65.12. If the monetary administrative penalty owing is not paid in its entirety or the agreement entered into for that purpose is not complied with, the Minister may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Minister is of the opinion that the money-services business is attempting to evade payment.

“65.13. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment and, for that purpose, section 13.1 of the Tax Administration Act (chapter A-6.002) applies, with the necessary modifications, for the enforcement of the decision.”

65. Section 66 of the Act is amended, in the first paragraph,

- (1) by replacing “to the Authority” in subparagraph 1 by “to the Minister”;
- (2) by replacing “on behalf of the Authority” in subparagraph 2 by “on behalf of the Minister under this Act”;
- (3) by inserting “in the performance of duties under this Act” after “hinder an inspector or an investigator” in subparagraph 3;
- (4) by inserting the following subparagraph after subparagraph 3:
“(3.1) uses a nominee to obtain a licence for the purposes of this Act,”;
- (5) by replacing subparagraph 5 by the following subparagraph:
“(5) contravenes a decision of the Minister or of a court under this Act,”;
- (6) by striking out subparagraph 7.

66. Section 72 of the Act is replaced by the following section:

“72. Division IX of Chapter III of the Tax Administration Act (chapter A-6.002) applies to penal proceedings for an offence under a provision of this Act and, for that purpose, those provisions are deemed to be a fiscal law.”

67. Sections 73 to 75 of the Act are repealed.

68. Section 76 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “the Authority” in the second paragraph by “the Minister”.

69. Section 78 of the Act is repealed.

70. The heading of Chapter X of the Act is replaced by the following heading:

“FINAL PROVISIONS”.

71. Sections 82 and 84 of the Act are repealed.

72. Section 85 of the Act is replaced by the following section:

“85. The Minister of Revenue is responsible for the carrying out of this Act, except sections 8, 9, 49 and 76, the carrying out of which is under the responsibility of the Minister of Public Security.”

73. The Act is amended by replacing all references to “the Autorité des marchés financiers (the Authority)” and “the Authority” by a reference to “the Minister”, with the necessary grammatical modifications.

ACT RESPECTING ADMINISTRATIVE JUSTICE

74. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 8:

“(8.1) section 65.10 of the Money-Services Businesses Act (chapter E-12.000001);”.

REGULATION UNDER THE MONEY-SERVICES BUSINESSES ACT

75. Section 1 of the Regulation under the Money-Services Businesses Act (chapter E-12.000001, r. 1) is replaced by the following section:

“1. Sections 7 to 11 of this Regulation do not apply to businesses licensed to operate automated teller machines in respect of this class of licence.”

76. Section 2 of the Regulation is amended by replacing “provided by the Autorité des marchés financiers (the “Authority”)” in the first paragraph by “prescribed by the Minister of Revenue”.

77. Section 6 of the Regulation is amended

(1) by replacing all occurrences of “the Authority” in the first and second paragraphs by “the Minister”;

(2) by replacing “provided by the Authority” in the third paragraph by “prescribed by the Minister”.

78. Section 13 of the Regulation is amended by replacing “to the Authority” in paragraph 1 by “to the Minister”.

79. The Regulation is amended by inserting the following division after section 16:

“DIVISION VI

“AUTHORIZED EMPLOYEES

“16.1. For the purposes of section 39 of the Act, the general director of investigations, inspections and public prosecutions, a senior director, an assistant senior director or a director who carries out duties at the Direction générale des enquêtes, de l’inspection et des poursuites pénales within the Agence du revenu du Québec is authorized to communicate information held by the Minister for the purposes of the Act to a member of a police force.”

**REGULATION RESPECTING FEES AND TARIFFS PAYABLE UNDER
THE MONEY-SERVICES BUSINESSES ACT**

80. Section 1 of the Regulation respecting fees and tariffs payable under the Money-Services Businesses Act (chapter E-12.000001, r. 2) is amended by replacing “the Autorité des marchés financiers (the “Authority”)” in the introductory clause by “the Minister of Revenue”.

81. Section 3 of the Regulation is amended by replacing “to the Authority” by “to the Minister”.

82. Sections 5 and 6 of the Regulation are repealed.

83. Section 8 of the Regulation is amended by replacing “in the Bulletin of the Authority” in the second paragraph by “on Revenu Québec’s website”.

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

84. Subject to the conditions of employment applicable to them, employees of the Autorité des marchés financiers (the “Authority”), up to a maximum of three, who, on the date of coming into force of section 71, are assigned duties relating to the application of the Money-Services Businesses Act (chapter E-12.000001) and are designated by the Authority become, from that date, employees of the Agence du revenu du Québec.

85. The documents and the data held by the Authority that relate to the application of the Money-Services Businesses Act are, on the date of coming into force of section 71, transferred to the Minister of Revenue.

86. The rights and obligations of the Authority that relate to the application of the Money-Services Businesses Act continue to be exercised and performed by the Minister of Revenue.

87. The processing of licence applications under the Money-Services Businesses Act by the Authority is, on the date of coming into force of section 71, continued by the Minister of Revenue.

88. The investigations conducted under the Money-Services Businesses Act that are in progress on the date of coming into force of section 71 are continued by the Minister of Revenue.

89. Matters brought under the Money-Services Businesses Act before the Financial Markets Administrative Tribunal before the date of coming into force of section 71 are continued before the Tribunal.

90. The Agence du revenu du Québec becomes, without continuance of suit, party to all proceedings to which the Authority was a party in relation to the application of the Money-Services Businesses Act.

91. Unless the context indicates otherwise, in any document other than an Act, any reference to the Authority that concerns the application of the Money-Services Businesses Act is a reference to the Minister of Revenue.

CHAPTER VII

OTHER PROVISIONS CONCERNING THE AGENCE DU REVENU DU QUÉBEC

DIVISION I

COMPOSITION OF THE BOARD OF DIRECTORS OF THE AGENCE DU REVENU DU QUÉBEC

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

92. Section 14 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended

(1) by inserting “, at the time of their appointment or of the renewal of their term, if applicable,” before “be in the employ” in the second paragraph;

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

“A member referred to in the second paragraph who ceases to be in the employ of a government department or agency to which the Agency provides collection services, or of the Ministère des Finances, may complete his or her term provided the member has been exercising his or her functions on the board of directors for at least one year and continues to occupy the position of deputy minister, assistant deputy minister, associate deputy minister, president, vice-president or chair or vice-chair in another government department or agency.”

DIVISION II

REMUNERATION PAID TO CERTAIN DIRECTORS OF THE AGENCE DU REVENU DU QUÉBEC

93. Board members referred to in the first paragraph of section 19 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) who chair a committee established under the second paragraph of section 30 of that Act receive, in addition to the remuneration prescribed by Order in Council 352-2011 (2011, G.O. 2, 1568, French only), the same additional annual sum as that received by such a member who chairs a committee established under the first paragraph of that section 30.

DIVISION III**DELEGATION OF SIGNING AUTHORITY WITHIN THE AGENCE DU REVENU DU QUÉBEC**

§1.—*Amending provisions*

TAX ADMINISTRATION ACT

94. Section 9.0.1.1 of the Tax Administration Act (chapter A-6.002) is amended

(1) by replacing subparagraph *b* of the second paragraph by the following subparagraph:

“(b) a deed, document or writing binds the Minister or the Agency, or may be attributed to them, only if it is signed by the Minister of National Revenue or the Commissioner of Revenue, appointed under section 25 of the Canada Revenue Agency Act (Statutes of Canada, 1999, chapter 17) or, within the limits of their duties, by an employee who holds a position of assistant commissioner within the Canada Revenue Agency or any person authorized to perform the functions of such a position, or by any other employee of the Canada Revenue Agency authorized by the Minister;”;

(2) by replacing “otherwise than by regulation of the Minister” in subparagraph *c* of the second paragraph by “otherwise than for the signing of a deed, document or writing”;

(3) by replacing the third paragraph by the following paragraph:

“The second and third paragraphs of section 40 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) apply, with the necessary modifications, to an authorization given by the Minister under subparagraph *b* of the second paragraph.”

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

95. Section 40 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is replaced by the following section:

“**40.** With respect to the functions and powers conferred on the Minister and referred to in section 8, a deed, document or writing binds the Minister or the Agency, or may be attributed to them, only if it is signed by the Minister or the president and chief executive officer or, within the limits of his or her duties within the administrative unit under his or her responsibility or to which he or she is attached, by a vice-president or a director general, or by any other employee of the Agency authorized by the Minister.

A facsimile of the signature of a person mentioned in the first paragraph may be affixed on the documents the Minister determines. Such a facsimile has the same force as the signature itself.

A notice of the date of coming into force of the written authorization and the address of the website on which it is posted is published in the *Gazette officielle du Québec*.”

§2. — *Transitional provisions*

96. The Regulation respecting the signing of certain deeds, documents or writings for the purposes of the agreement with respect to the administration by Canada of Title I of the Act respecting the Québec sales tax (chapter T-0.1) in respect of selected listed financial institutions (chapter A-6.002, r. 6) continues to apply until the coming into force of the first written authorization given by the Minister under subparagraph *b* of the second paragraph of section 9.0.1.1 of the Tax Administration Act (chapter A-6.002), as amended by section 94.

97. The Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1) continues to apply until the coming into force of the first written authorization given by the Minister under the first paragraph of section 40 of the Act respecting the Agence du revenu du Québec (chapter A-7.003), as replaced by section 95.

CHAPTER VIII

FINANCIAL ASSISTANCE FOR INVESTMENT PROGRAM

98. The Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, the text of which appears in this chapter, is enacted.

“ACT RESPECTING THE FINANCIAL ASSISTANCE FOR
INVESTMENT PROGRAM AND ESTABLISHING THE SPECIAL
CONTRACTS AND FINANCIAL ASSISTANCE FOR
INVESTMENT FUND

1. The Minister of Finance administers the Financial Assistance for Investment Program, which assistance is applicable in the form of a partial payment of the electricity bill of a recipient enterprise that carries out an investment project which pursues the objectives determined by ministerial order.

The classes of eligible enterprises and the eligibility requirements of a project are determined by ministerial order. A ministerial order may pertain to one or more components of the Program according to the class of enterprises to which it applies.

“2. An enterprise or a group to which it belongs may, according to the terms determined by ministerial order, be entitled to more than one amount of financial assistance.

Enterprises, one of which controls the other or which are controlled by the same person or partnership, form a group. A person or partnership that controls an enterprise, which in turn controls another enterprise, controls that other enterprise.

The following persons or partnerships control an enterprise:

(1) if the enterprise is a business corporation, the person or partnership that holds more than 50% of the voting rights attached to all the issued and outstanding shares of that corporation;

(2) if the enterprise is a limited partnership, the general partner; and

(3) if the enterprise is any other partnership, the partner who may determine collective decisions, if applicable.

“3. The maximum amount of financial assistance to which an enterprise or the group to which it belongs may be entitled is 40% of the eligible costs of the project. It may, however, in the cases and on the conditions prescribed by ministerial order, reach up to 50% of the eligible costs of the project.

However, the amount of financial assistance may not exceed 20% of the electricity costs for each billing period during the maximum period of application of the financial assistance, determined by ministerial order, even if, at the end of that period, the maximum amount provided for in the first paragraph has not been reached.

The manner in which the financial assistance is applied is to be determined by ministerial order.

“4. The eligible costs of a project that are incurred on the dates set by ministerial order are the amounts giving entitlement to tax depreciation.

If an enterprise belongs to a group, the eligible costs and the financial assistance are calculated for the group.

“5. Financial assistance is applicable only to electricity bills for a consumption period prior to the date determined by ministerial order.

“6. To receive financial assistance, an enterprise must send an application to the Minister before the date and in the manner determined by ministerial order.

“7. The financial assistance is subject to a verification conducted in the manner determined by ministerial order.

In the course of the verification, the Minister may revise, suspend or revoke the financial assistance. Where the assistance is revised or revoked, it may be recovered in the manner determined by ministerial order.

“8. The decisions made in accordance with this Act are notified to the enterprise. The Minister designates the persons authorized to sign the documents relating to the application of this Act.

If a decision grants or modifies financial assistance, it is also notified to the electric power distributor, within the meaning assigned to that expression by section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01), which must specify, in the manner determined by ministerial order, the amount of the assistance on the electricity bill it issues to the enterprise.

“9. An enterprise has 15 days from the notification to apply in writing for a review of an unfavourable decision. The review decision must be notified within the same number of days.

An enterprise that is not satisfied with a review decision may contest the decision before the Administrative Tribunal of Québec within 30 days of its notification.

“10. This Act does not modify an enterprise's contract with the electric power distributor; the rates and the conditions for the distribution of electric power remain those provided for in the first paragraph of section 22.0.1 of the Hydro-Québec Act (chapter H-5).

However, the electric power distributor and the enterprise may, if necessary for the application of this Act, enter into a side agreement whose duration may not exceed the period of application of the financial assistance.

“11. The Minister must pay an amount to the electric power distributor as a partial payment of the enterprise's electricity costs that corresponds to the financial assistance to which the enterprise is entitled.

If financial assistance is recovered in accordance with the second paragraph of section 7, the distributor must remit the amounts so recovered to the Minister.

“12. The ministerial orders provided for by this Act are not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) or to the date of coming into force set out in section 17 of that Act.

“13. The Special Contracts and Financial Assistance for Investment Fund, dedicated to the payments referred to in section 11 of this Act and the third paragraph of section 22.0.1 of the Hydro-Québec Act, is established under the Minister's responsibility.

“14. The following are credited to the Fund:

- (1) the amounts paid under section 15.1.2 of the Hydro-Québec Act;
- (2) the amounts transferred to it by the Minister out of the appropriations granted for that purpose by Parliament;
- (3) the amounts remitted to the Minister in accordance with the second paragraph of section 11;
- (4) the amounts transferred to it by the Minister under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and
- (5) the gifts, legacies and other contributions paid into the Fund to further the achievement of its purposes.

“15. The following are debited from the Fund:

- (1) the amounts paid by the Minister to the electric power distributor in accordance with the first paragraph of section 11; and
- (2) the amounts paid by the Minister to Hydro-Québec in accordance with the third paragraph of section 22.0.1 of the Hydro-Québec Act.

“16. The accumulated surpluses of the Fund are to be transferred to the general fund on the dates and to the extent determined by the Government.

“AMENDING PROVISIONS

“HYDRO-QUÉBEC ACT

“17. The Hydro-Québec Act (chapter H-5) is amended by inserting the following section after section 15.1.1:

“15.1.2. The Minister of Finance must pay into the Special Contracts and Financial Assistance for Investment Fund, established under section 13 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (2020, chapter 5, section 98), out of the dividends paid by the Company, the amounts necessary for the application of that Act and of the third paragraph of section 22.0.1.

The information necessary to determine the amounts necessary for the application of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund and of the third paragraph of section 22.0.1 must be submitted with the financial data referred to in section 15.1.”

“18. Section 22.0.1 of the Act is amended

(1) by inserting “, on the recommendation of the Minister and the Minister of Finance,” after “may” in the second paragraph;

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

“The Minister of Finance may, if that Minister considers it advisable, pay the Company the amounts corresponding to any difference between the rates fixed in accordance with the first paragraph or, where applicable, those fixed by the Government in accordance with the second paragraph and the rates and conditions stipulated in a special contract determined by that Minister and entered into after 31 December 2016. Those amounts are debited from the Special Contracts and Financial Assistance for Investment Fund.”

“ACT RESPECTING ADMINISTRATIVE JUSTICE

“19. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraph at the end:

“(33) the second paragraph of section 9 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (2020, chapter 5, section 98).”

“FINAL PROVISIONS

“20. This Act replaces Orders in Council 675-2016 (2016, G.O. 2, 4068, French only), 1478-2018 (2019, G.O. 2, 129, French only), 1285-2019 (2020, G.O. 2, 146, French only) and 1286-2019 (2020, G.O. 2, 150, French only).

Special contracts covered by the Programme de rabais d’électricité applicable aux consommateurs de grande puissance desservis par les réseaux autonomes, set out in Order in Council 1285-2019, and those covered by the Programme de rabais d’électricité applicable aux consommateurs facturés au tarif «L», set out in Order in Council 1286-2019, are terminated on (*insert the date of coming into force of this section*). From that date, the rebates to which the beneficiaries of those programs are entitled are governed by this Act.

“21. The second paragraph of section 1 and sections 2 to 6, 10 and 12 will be repealed on the date to be determined by the Government.

“22. On the first day of the fourth month following the month that includes the date determined by the Government under section 21, the first paragraph of section 1, sections 7, 8 and 11, paragraph 3 of section 14 and paragraph 1 of section 15 will be repealed and the title of this Act will be replaced by the following title:

“Act to establish the Special Contracts Fund”.

“23. Section 9 of this Act and paragraph 33 of Schedule IV to the Act respecting administrative justice (chapter J-3) will be repealed on the first day of the sixth month following the month that includes the date determined by the Government under section 21.

“24. Section 13 of this Act will be replaced by the following section on the date determined under section 22:

“13. The Special Contracts Fund, dedicated to the payment provided for in the third paragraph of section 22.0.1 of the Hydro-Québec Act, is established under the Minister’s responsibility.”

“25. Section 15.1.2 of the Hydro-Québec Act (chapter H-5) will be replaced by the following section on the date determined under section 22:

“15.1.2. The Minister of Finance must pay into the Special Contracts Fund, established under section 13 of the Act to establish the Special Contracts Fund (2020, chapter 5, section 98), out of the dividends paid by the Company, the amounts necessary for the application of the third paragraph of section 22.0.1.

The information necessary to determine the amounts necessary for the application of the third paragraph of section 22.0.1 must be submitted with the financial data referred to in section 15.1.”

“26. Section 22.0.1 of the Act will be amended on the date determined under section 22 by replacing “Special Contracts and Financial Assistance for Investment Fund” in the third paragraph by “Special Contracts Fund”.

“27. The Minister of Finance is responsible for the administration of this Act.”

SPECIAL TRANSITIONAL PROVISION

99. The expenditure and investment estimates for the Special Contracts and Financial Assistance for Investment Fund, listed in Schedule I, are approved for the 2020–2021 fiscal year.

CHAPTER IX**SUPPORT FOR SPORTS EVENTS AND CULTURAL HERITAGE****ACT TO ESTABLISH THE SPORTS AND PHYSICAL ACTIVITY
DEVELOPMENT FUND**

100. Section 5 of the Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003) is amended

(1) by replacing “per fiscal year” in the first paragraph by “for the fiscal year 2019–2020 and \$80,000,000 for each of the four subsequent fiscal years”;

(2) by replacing “\$69,000,000” and “\$68,000,000” in the second paragraph by “\$79,000,000” and “\$78,000,000”, respectively.

**ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET
DES COMMUNICATIONS**

101. Section 22.5 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by replacing “\$15,500,000 per year” by “\$19,500,000 per year for the fiscal years 2019–2020 to 2022–2023 and \$23,500,000 for the fiscal year 2023–2024”.

ACT RESPECTING THE MINISTÈRE DU TOURISME

102. Section 21 of the Act respecting the Ministère du Tourisme (chapter M-31.2) is amended by replacing “the Minister” in paragraph 2 by “a minister or a budget-funded body”.

CHAPTER X**PROVISIONS CONCERNING VARIOUS BODIES****DIVISION I****IMPROVEMENT OF THE BUDGETARY ESTIMATES OF
GOVERNMENT BODIES****FINANCIAL ADMINISTRATION ACT**

103. The Financial Administration Act (chapter A-6.001) is amended by inserting the following chapter after Chapter IV:

“CHAPTER IV.1**“BUDGET PLANNING OF BODIES OTHER THAN BUDGET-FUNDED
BODIES**

“45.1. In developing the Government’s budgetary and financial policies, provided for in section 2 of the Act respecting the Ministère des Finances (chapter M-24.01), and preparing the estimated results to which paragraph 3.1 of section 77 of the Public Administration Act (chapter A-6.01) applies, the Minister of Finance and the Chair of the Conseil du trésor shall develop, and propose to the Conseil du trésor, multi-year budgetary policy directions applicable to bodies other than budget-funded bodies, for the number of years they determine.

The policy directions may be common to all of those bodies or be specific to each one. They may concern, among other things, revenues, expenditures and cumulative surpluses or deficits.

In addition, the policy directions may include net result targets, set in accordance with section 4.1 of the Act respecting the Ministère des Finances, and an expenditure reduction method, approved in accordance with section 74.1 of the Public Administration Act.

“45.2. After being approved by the Conseil du trésor, the multi-year budgetary policy directions are forwarded to the ministers responsible for bodies other than budget-funded bodies.

Each minister shall forward the policy directions to each of the bodies under the minister’s responsibility and append directives relating to the forwarding and form of an annual budget, including the information it must include. The directives may also specify a method for forwarding and the form of multi-year budgetary estimates that are consistent with the method and form determined under paragraph 3.0.1 of section 77 of the Public Administration Act.

A minister may also issue directives specifying, for all or each of the bodies under the minister’s responsibility, the application of the policy directions in their respect.

“45.3. The board of directors or, if there is none, the most senior officer of any body other than a budget-funded body shall, on the basis of the multi-year budgetary policy directions and, if applicable, the directives of the minister responsible for the body, adopt an annual budget and multi-year budgetary estimates for the number of years covered by the policy directions.

Each body shall forward its budget and estimates to the minister responsible according to the minister’s directives.

“45.4. Each minister shall ensure that the annual budgets and multi-year budgetary estimates of the bodies other than budget-funded bodies under the minister’s responsibility are consistent with the multi-year budgetary policy directions and, if applicable, the minister’s directives.

If they are not, the minister responsible may require a body to adopt a new budget or new estimates that incorporate the corrections the minister requests the body to make for consistency with the policy directions or the minister's directives.

“45.5. The Chair of the Conseil du trésor shall collect the multi-year budgetary estimates of the bodies other than budget-funded bodies from the ministers responsible and forward those estimates to the Minister of Finance.

The Chair of the Conseil du trésor and the Minister of Finance shall submit to the Conseil du trésor for approval the multi-year budgetary estimates and, if applicable, the amendments they consider appropriate on the basis of the budgetary and financial policies proposed by the Minister of Finance. The approved estimates are submitted to the Government.

“45.6. After the Expenditure Budget has been tabled, the amendments referred to in section 45.5 are, if applicable, forwarded to the ministers responsible, who shall inform the bodies concerned. The board of directors or, as the case may be, the most senior officer of the body must, if necessary, amend the annual budget and forward it to the minister responsible for the body.

“45.7. Each minister must ensure that the bodies other than budget-funded bodies under the minister's responsibility respect their annual budget and multi-year budgetary estimates.

Where a minister is of the opinion that a body under the minister's responsibility will not be able to respect its annual budget, the minister may require the body to draw up corrective measures, in accordance with the laws applicable to the body, and submit them to the minister for approval within the time the minister determines. If, in the minister's opinion, the measures are insufficient, the minister may recommend an expenditure reduction method for the purposes of section 77.3 of the Public Administration Act to the Chair of the Conseil du trésor and the Minister of Finance.

“45.8. This chapter does not apply to bodies other than budget-funded bodies whose estimates are included in the special funds budget.”

PUBLIC ADMINISTRATION ACT

104. Section 77 of the Public Administration Act (chapter A-6.01) is amended

- (1) by replacing “budget policy” in paragraph 1 by “budgetary policies”;
- (2) by inserting the following paragraph after paragraph 3:

“(3.0.1) determine, for the purposes of Chapter IV.1 of the Financial Administration Act (chapter A-6.001), after consultation with the Minister of Finance, the method for forwarding and the form of the multi-year budgetary estimates, as well as the information they must include, of the bodies other than budget-funded bodies listed in Schedule 2 to that Act;”;

(3) by replacing “listed in Schedule 2 to the Financial Administration Act (chapter A-6.001)” in paragraph 3.1 by “referred to in paragraph 3.0.1, except those whose estimated results are included in the special funds budget”.

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

105. Section 54 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is repealed.

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

106. Section 84 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is repealed.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

107. Section 83 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is repealed.

BUILDING ACT

108. Section 149.1 of the Building Act (chapter B-1.1) is repealed.

ACT RESPECTING BIBLIOTHÈQUE ET ARCHIVES NATIONALES DU QUÉBEC

109. Section 26.1 of the Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2) is repealed.

ACT RESPECTING THE CENTRE DE LA FRANCOPHONIE DES AMÉRIQUES

110. Section 37 of the Act respecting the Centre de la francophonie des Amériques (chapter C-7.1) is repealed.

ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS DU QUÉBEC

111. Section 48 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) is repealed.

PROFESSIONAL CODE

112. Section 16.3 of the Professional Code (chapter C-26) is repealed.

113. Section 196.2 of the Code is amended by replacing “Government” in the second paragraph by “Minister, after consulting with the Minister of Finance, the Minister Responsible for Immigration, the Minister of Health and Social Services and the Chair of the Conseil du trésor,”.

ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

114. Section 23 of the Act respecting the national capital commission (chapter C-33.1) is repealed.

ACT RESPECTING THE CONSEIL DES ARTS ET DES LETTRES DU QUÉBEC

115. Section 17 of the Act respecting the Conseil des arts et des lettres du Québec (chapter C-57.02) is amended by striking out “and budget” in the fourth paragraph.

ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D’ART DRAMATIQUE DU QUÉBEC

116. Section 53 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) is repealed.

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

117. Section 47 of the Act respecting the regulation of the financial sector (chapter E-6.1) is repealed.

118. Section 115.15.54 of the Act is amended

- (1) by striking out the last sentence of the first paragraph;
- (2) by replacing the fourth paragraph by the following paragraph:

“The Tribunal’s budgetary estimates are included in the special funds budget.”

ACT RESPECTING THE FONDS D’AIDE AUX ACTIONS COLLECTIVES

119. Section 16 of the Act respecting the Fonds d’aide aux actions collectives (chapter F-3.2.0.1.1) is amended by striking out the first paragraph.

ACT RESPECTING HÉMA-QUÉBEC AND THE BIOVIGILANCE COMMITTEE

120. Section 29 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1) is repealed.

121. Section 39 of the Act is amended by inserting “, in accordance with the directives provided for in section 45.2 of the Financial Administration Act (chapter A-6.001)” after “Minister” in the first paragraph.

PUBLIC INFRASTRUCTURE ACT

122. Section 93 of the Public Infrastructure Act (chapter I-8.3) is replaced by the following section:

“**93.** The Société must attach a capital budget to the multi-year budgetary estimates it is required to adopt under section 45.3 of the Financial Administration Act (chapter A-6.001).”

ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

123. Section 34 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011) is repealed.

ACT RESPECTING THE INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

124. Section 31 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02) is repealed.

ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN SANTÉ ET EN SERVICES SOCIAUX

125. Section 48 of the Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03) is repealed.

ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

126. Section 28 of the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1) is repealed.

ACT RESPECTING THE INSTITUT NATIONAL DES MINES

127. Section 8 of the Act respecting the Institut national des mines (chapter I-13.1.2) is amended by striking out “and the related budget” in the first paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

128. Section 94 of the Act respecting administrative justice (chapter J-3) is amended

- (1) by striking out the last sentence of the first paragraph;

(2) by replacing the fourth paragraph by the following paragraph:

“The budgetary estimates of the Tribunal are included in the special funds budget.”

ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT
SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE
LA TECHNOLOGIE

129. Section 43 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by replacing “sends the budgetary estimates for the year concerned, along with the list of the activities planned for that year;” by “must send the list of the activities planned for that year”.

ACT RESPECTING THE MINISTÈRE DES FINANCES

130. Section 4 of the Act respecting the Ministère des Finances (chapter M-24.01) is amended by replacing “orientations” in paragraph 1 in the French text by “politiques”.

131. Section 4.1 of the Act is amended by replacing “orientations” in the first paragraph in the French text by “politiques”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT
DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

132. Section 15.4.32 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is repealed.

NATIONAL MUSEUMS ACT

133. Section 31.1 of the National Museums Act (chapter M-44) is repealed.

ACT TO ESTABLISH THE OFFICE QUÉBEC-MONDE POUR
LA JEUNESSE

134. Section 35 of the Act to establish the Office Québec-Monde pour la jeunesse (chapter O-5.2) is amended by striking out “its budgetary estimates and”.

POLICE ACT

135. Section 47 of the Police Act (chapter P-13.1) is repealed.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE
DU QUÉBEC

136. Section 24.2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) is repealed.

137. Section 24.3 of the Act is amended by replacing “sections 24.1 and 24.2” by “section 24.1 of this Act and section 45.3 of the Financial Administration Act (chapter A-6.001), in relation to the adoption of its annual budget and budgetary estimates”.

138. Section 24.4 of the Act is amended by striking out “and the budgetary estimates established by it pursuant to section 24.2”.

139. Section 40.2 of the Act is amended by replacing “by the Government in accordance with section 40.4” in paragraph *b* by “in accordance with section 45.5 of the Financial Administration Act (chapter A-6.001)”.

140. Section 40.4 of the Act is replaced by the following section:

“**40.4.** The prescription drug insurance fund is considered to be a body other than a budget-funded body for the purposes of Chapter IV.1 of the Financial Administration Act (chapter A-6.001) and paragraphs 3.0.1 and 3.1 of section 77 of the Public Administration Act (chapter A-6.01); the Board shall assume, on behalf of the fund, the obligations imposed under those provisions on bodies other than budget-funded bodies.

The fund’s annual budget that the board of directors of the Board is required to adopt under section 45.3 of the Financial Administration Act must, in particular, include the amounts mentioned in sections 40.1, 40.1.1 and 40.2 of this Act.”

ACT RESPECTING THE RÉGIE DE L’ÉNERGIE

141. Section 106 of the Act respecting the Régie de l’énergie (chapter R-6.01) is repealed.

FIRE SAFETY ACT

142. Section 80 of the Fire Safety Act (chapter S-3.4) is repealed.

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

143. Sections 99 and 100 of the Act respecting pre-hospital emergency services (chapter S-6.2) are repealed.

ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DES ENTREPRISES CULTURELLES

144. Section 19 of the Act respecting the Société de développement des entreprises culturelles (chapter S-10.002) is amended by striking out “and budget” in the third paragraph.

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

145. Section 37 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01) is replaced by the following section:

“**37.** The Société shall attach a capital budget to the multi-year budgetary estimates it is required to adopt under section 45.3 of the Financial Administration Act (chapter A-6.001).”

ACT RESPECTING THE SOCIÉTÉ DU CENTRE DES CONGRÈS DE QUÉBEC

146. Section 27 of the Act respecting the Société du Centre des congrès de Québec (chapter S-14.001) is repealed.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

147. Section 40 of the Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001) is repealed.

ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

148. Section 59 of the Act respecting the Société du Plan Nord (chapter S-16.011) is repealed.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'INFORMATION JURIDIQUE

149. Section 15 of the Act respecting the Société québécoise d'information juridique (chapter S-20) is amended by striking out the first paragraph.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

150. Section 25 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01) is repealed.

ACT RESPECTING TRANSITION ÉNERGÉTIQUE QUÉBEC

151. Section 21 of the Act respecting Transition énergétique Québec (chapter T-11.02) is amended by replacing “Government under section 51” by “Conseil du trésor under section 45.5 of the Financial Administration Act (chapter A-6.001)”.

152. Section 51 of the Act is repealed.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

153. Section 101 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended

(1) by striking out the second paragraph;

(2) by replacing the fifth paragraph by the following paragraph:

“The Tribunal’s budgetary estimates are included in the special funds budget.”

ACT RESPECTING THE CENTRE D’ACQUISITIONS GOUVERNEMENTALES

154. Section 41 of the Act respecting the Centre d’acquisitions gouvernementales, enacted by section 1 of the Act mainly to establish the Centre d’acquisitions gouvernementales and Infrastructures technologiques Québec (2020, chapter 2), is repealed.

DIVISION II

INVESTMENTS BY CERTAIN STATE-OWNED ENTERPRISES

ACT RESPECTING THE CENTRE DE RECHERCHE INDUSTRIELLE DU QUÉBEC

155. Section 20 of the Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1) is amended by inserting “188,” after “184.”

JAMES BAY REGION DEVELOPMENT ACT

156. Section 43.1 of the James Bay Region Development Act (chapter D-8.0.1) is amended by inserting “and 188” after “162”.

HYDRO-QUÉBEC ACT

157. Section 3.6 of the Hydro-Québec Act (chapter H-5) is amended by inserting “, 188” after “162, 184”.

ACT RESPECTING THE JAMES BAY NATIVE DEVELOPMENT CORPORATION

158. Section 18 of the Act respecting the James Bay Native Development Corporation (chapter S-9.1) is amended by adding the following paragraph at the end:

“Despite section 188 of that Act, the Corporation may make investments by buying securities issued or guaranteed by the Gouvernement du Québec.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

159. The Act respecting the Société des alcools du Québec (chapter S-13) is amended by inserting the following section after section 23:

“**23.0.1.** Section 188 of the Companies Act (chapter C-38) does not apply to the Société.”

160. Section 23.17 of the Act is replaced by the following section:

“**23.17.** Sections 179 and 188 of the Companies Act (chapter C-38) do not apply to the Subsidiary.”

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

161. Section 31 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01) is amended by inserting “, 188” after “162, 179”.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

162. Section 18 of the Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by striking out “for a term of less than one year”.

ACT RESPECTING THE SOCIÉTÉ DES TRAVERSIERS DU QUÉBEC

163. Section 21 of the Act respecting the Société des Traversiers du Québec (chapter S-14) is amended by inserting “and 188” after “Sections 159 to 162”.

DIVISION III

PERFORMANCE ASSESSMENT MEASURES

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

164. Section 15 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by striking out “by the Auditor General or, if the Auditor General considers it appropriate and has so informed the board of directors,” in paragraph 15.

DIVISION IV

VARIABLE PAY GRANTED TO PERSONS APPOINTED BY THE GOVERNMENT OR THE NATIONAL ASSEMBLY

165. No performance-based bonus or variable pay may be granted, for the fiscal year beginning in 2016 or for subsequent fiscal years, to a person appointed by the Government or the National Assembly where the person's instrument of appointment or the conditions of employment annexed to it make the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (Order in Council 450-2007 (2007, G.O. 2, 2723, French only)) applicable, in whole or in part, to the person.

The same applies to any person appointed by the Government or the National Assembly where the person's instrument of appointment or the conditions of employment annexed to it provide for such a performance-based bonus or variable pay, except for the presidents and chief executive officers of the Caisse de dépôt et placement du Québec, Hydro-Québec, Investissement Québec, the Société des alcools du Québec and the Société des loteries du Québec.

166. Section 165 applies despite any provision to the contrary in an Act, regulation, order in council, directive, decision, policy, budget rule, agreement, convention, contract or any other similar instrument.

However, it does not restrict the application of a legislative provision whose purpose is to prevent the reduction of a person's remuneration or salary.

167. Changes to conditions of employment that result from the application of section 165 may not give rise to any compensation or reparation.

168. Any amount that would have been paid after 31 March 2017 as a performance-based bonus or variable pay to a person to whom the prohibition under section 165 applies is nil.

The same applies to any amount that would have been paid after 31 March 2017 as a lump sum to a person to whom the Règlement sur la rémunération et les autres conditions de travail des membres du Tribunal administratif du Québec (chapter J-3, r. 3.1, French only), the Règlement sur la rémunération et les autres conditions de travail des régisseurs de la Régie du logement (chapter R-8.1, r. 5.1, French only) or the Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal (chapter T-15.1, r. 2) applies.

169. The Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (Order in Council 423-2017 (2017, G.O. 2, 1881, French only)), the Regulation to amend the Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement (Order in Council 691-2017 (2017, G.O. 2, 2105)), the Regulation to amend the Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec (Order in Council 722-2017 (2017, G.O. 2, 2112)) and the Regulation to amend the Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal (Order in Council 757-2017 (2017, G.O. 2, 2121)) have effect from 1 April 2016.

DIVISION V

CHANGES RELATED TO THE END OF A FISCAL PERIOD OR FISCAL YEAR

ACT RESPECTING THE SOCIÉTÉ DE LA PLACE DES ARTS DE MONTRÉAL

170. Section 25 of the Act respecting the Société de la Place des Arts de Montréal (chapter S-11.03) is amended by replacing “31 August” by “31 March”.

ACT RESPECTING THE SOCIÉTÉ DE TÉLÉDIFFUSION DU QUÉBEC

171. Section 21 of the Act respecting the Société de télédiffusion du Québec (chapter S-12.01) is amended by replacing “31 August” by “31 March”.

DIVISION VI

TAX EXEMPTION FOR CERTAIN LIMITED PARTNERSHIPS

ACT RESPECTING MUNICIPAL TAXATION

172. Section 208 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing “the Caisse de dépôt et placement du Québec or one of its subsidiaries referred to in section 88.15 of that Act holds 10% or more of the instruments of the partnership’s common stock and the general partner is a business corporation with respect to which the Caisse de dépôt et placement du Québec or such a subsidiary” in subparagraph 1 of the fourth paragraph by “the Government or a mandatary of the State holds 10% or more of the instruments of the partnership’s common stock and the general partner is a business corporation with respect to which the Government or such a mandatary”.

173. Section 236 of the Act is amended by replacing “the Caisse de dépôt et placement du Québec or a subsidiary referred to in subparagraph *b* holds 10% or more of the instruments of the partnership’s common stock and the general partner is a business corporation with respect to which the Caisse de dépôt et placement du Québec or such a subsidiary” in subparagraph *c* of paragraph 2.1 by “the Government or a mandatary of the State holds 10% or more of the instruments of the partnership’s common stock and the general partner is a business corporation with respect to which the Government or such a mandatary”.

DIVISION VII

GOVERNANCE OF FINANCEMENT-QUÉBEC

ACT RESPECTING FINANCEMENT-QUÉBEC

174. Section 4 of the Act respecting Financement-Québec (chapter F-2.01) is replaced by the following section:

“**4.** For the purposes of this Act, public bodies include

(1) educational institutions at the university level listed in paragraphs 1 to 8 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) and educational institutions at the university level referred to in paragraphs 10 and 11 of that section to the extent that they are attached to one of the institutions listed in paragraphs 1 to 8 of that section;

(2) university establishments described in subparagraph 4 of paragraph *a* of section 1 of the University Investments Act (chapter I-17);

(3) municipal bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) designated by the Government, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Finance; and

(4) any other body designated by the Government.”

175. Section 14 of the Act is replaced by the following section:

“**14.** The affairs of the financing authority shall be administered by a board of directors composed of a minimum of 7 and a maximum of 11 members, all appointed by the Minister as follows:

(1) four members who are part of the personnel of the Ministère des Finances; and

(2) one member for each of the departments under the authority, respectively, of the ministers responsible for the public bodies mentioned in paragraphs 1 to 3 of section 4, unless none of those bodies under a minister's authority receives services offered by the financing authority.

The members referred to in subparagraph 2 of the first paragraph are appointed on the recommendation of the Minister to whom they are responsible. They must be personnel members of the department for which they are appointed."

176. Section 15 of the Act is amended

(1) by replacing "paragraph 1" in the first paragraph by "subparagraph 1 of the first paragraph";

(2) by inserting "not" after "may" in the second paragraph.

177. Section 31 of the Act is amended by replacing "189" by "188, 189, 191".

CHAPTER XI

ENHANCING THE TRANSPARENCY AND CONTROL OF ENTERPRISES

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

178. Section 62 of the Act respecting the legal publicity of enterprises (chapter P-44.1) is amended by inserting the following paragraph after the first paragraph:

"However, the registrar deposits the certificate or the notice referred to in the first paragraph only if the registrant has paid all amounts owed by the registrant under this Act, except any amount to which section 85 applies."

179. Section 70 of the Act is amended by inserting "or if the registrant fails to comply with a demand made under section 74.1" at the end of the first paragraph.

180. The Act is amended by inserting the following section after section 74:

"74.1. The registrar may, at any time, require that a registrant provide any information and document necessary to verify the accuracy of a declaration or of a document transferred under an agreement entered into under section 117 or 118."

181. The Act is amended by inserting the following section after section 79:

“79.1. The Minister may waive, in whole or in part, any fees, penalties or charges payable under this Act, or cancel them, except those imposed under section 85, in particular if the registrant shows that it was impossible to fulfill the obligations due to exceptional circumstances beyond the registrant’s control.

The decision of the Minister cannot be appealed.

The Minister must include the waivers and cancellations that the Minister grants under this section in the department’s annual management report.”

182. Section 80 of the Act is amended by adding the following paragraph at the end:

“Despite the first paragraph, the registrant is exempted from the fee for the year in which the registrant’s registration is cancelled if the filing of the document that resulted in the cancellation of the registration occurred in the preceding year.”

183. Section 89 of the Act is repealed.

184. Section 96 of the Act is amended

(1) by replacing “for the entry or was deposited” in the first paragraph by “for the entry or deposit”;

(2) by replacing the second paragraph by the following paragraph:

“The same applies to

(1) a part of such a declaration or document where the part was filed without right; and

(2) the recording or deposit of a notice of closure or a notice of liquidation described in the first paragraph of section 62, a notice required under any of articles 306, 358 and 359 of the Civil Code or a notice of liquidation filed under the Business Corporations Act (chapter S-31.1).”;

(3) by replacing “informs the registrant of the cancellation” in the third paragraph by “records the cancellation in the register and informs the registrant”.

185. Section 98 of the Act is amended by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) the names and domiciles of the three shareholders controlling the greatest number of votes;”.

186. Section 101 of the Act is amended by replacing “in statements of information” in the first paragraph by “in the register”.

187. Section 121 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The Minister may enter into an agreement with any of the following entities to allow the registrar to communicate all or part of the information contained in the register and any subsequent updates:

(1) a government department, body or enterprise;

(2) a municipal body referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(3) a body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1); and

(4) the Commission de la construction du Québec.”;

(2) by replacing “the powers and duties of the department, body or enterprise” in the second paragraph by “their powers and duties”;

(3) by replacing “A government department, body or enterprise” in the third paragraph by “An entity”.

188. Section 123 of the Act is amended by adding the following paragraph at the end:

“The same applies, for the purposes of section 121, with respect to the entities referred to in subparagraphs 2 to 4 of the first paragraph of that section.”

189. Section 131 of the Act is replaced by the following section:

131. The registrar and any person authorized to conduct an inspection or an investigation may not communicate or allow anyone to communicate any information obtained during an inspection or an investigation to, or allow an inspection or investigation report to be examined by, another person other than a person generally or specially authorized by the Minister personally or a person referred to in subparagraphs 1 and 2 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), on the conditions stipulated therein.

The first paragraph applies despite section 9 of that Act.”

190. Section 132 of the Act is amended by replacing the second paragraph by the following paragraph:

“The same applies to

(1) a part of such a declaration or document where the part was filed without right; and

(2) the recording or deposit of a notice of closure or a notice of liquidation described in the first paragraph of section 62, a notice required under any of articles 306, 358 and 359 of the Civil Code or a notice of liquidation filed under the Business Corporations Act (chapter S-31.1).”

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

“134.1. The registrar may, on the registrar’s own initiative or on request, attach a request made under section 134 to a request made under section 221.1 of the Companies Act (chapter C-38) or section 25 of the Business Corporations Act (chapter S-31.1), if circumstances permit.

In such a case, the fees payable are those applicable for a single request.”

192. Section 138 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“At the expiry of the time for contesting a decision made under section 137, the registrar may file the decision at the office of the Superior Court in the judicial district of the registrant’s domicile or principal establishment in Québec, or the judicial district of the address of the registrant’s attorney. However, the registrar is required to file the decision at the request of an interested person.”;

(2) by replacing “effect” in the second paragraph by “effects”.

193. Section 142 of the Act is amended

(1) by replacing “any penal proceeding or civil action” in the first paragraph by “any judicial application”;

(2) by replacing “However, despite any provision to the contrary, any proceeding or action” in the second paragraph by “Despite any provision to the contrary, any judicial application or penal proceeding”.

194. Sections 143 and 144 of the Act are repealed.

195. The Act is amended by inserting the following section after section 163:

“163.1. Any penal proceeding instituted under this Act is prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence.

However, no proceedings may be instituted if more than five years have passed since the date of the commission of the offence.”

CHAPTER XII

PROVISIONS CONCERNING CERTAIN ELEMENTS OF THE FINANCIAL SECTOR

DIVISION I

DIVIDED CO-OWNERSHIP INSURANCE

§1.—Amending provisions

CIVIL CODE OF QUÉBEC

196. Article 1073 of the Civil Code of Québec, amended by section 641 of chapter 23 of the statutes of 2018, is again amended by replacing “The Government may prescribe, by regulation, the criteria according to which” in the third paragraph by “The Government may, by regulation, determine cases in which”.

197. Article 1074.2 of the Code is amended by inserting “and, in the cases provided for in this Code, for the injury caused by the act, omission or fault of another person or by the act of things in the co-owner’s custody” at the end of the first paragraph.

198. Article 1097 of the Code is amended by adding the following paragraph at the end:

“(5) the amendment of the description of the private portions referred to in section 1070.”

ACT MAINLY TO IMPROVE THE REGULATION OF THE FINANCIAL SECTOR, THE PROTECTION OF DEPOSITS OF MONEY AND THE OPERATION OF FINANCIAL INSTITUTIONS

199. Section 653 of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23) is repealed.

§2. — *Special transitional provisions*

200. The syndicate of a divided co-ownership established before 13 June 2018 that is not controlled by the promoter must submit the first description of the private portions provided for in the third paragraph of article 1070 of the Civil Code to the co-owners for approval.

The description must, not later than 13 June 2020, be approved during a general meeting by co-owners representing more than half of the votes of the co-owners present or represented.

DIVISION II

GOVERNANCE OF CAPITAL RÉGIONAL ET COOPÉRATIF
DESJARDINS

§1. — *Amending provisions*

ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF
DESJARDINS

201. Section 4 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1) is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) six persons appointed by the president of the Fédération des caisses Desjardins du Québec;”;

(2) by replacing “two” in paragraph 2 by “three”;

(3) by replacing paragraph 3 by the following paragraph:

“(3) three persons appointed by the members referred to in subparagraphs 1 and 2, including one considered by those members to be representative of the eligible entities described in subparagraph 1 of the first paragraph of section 18 and another considered by those members to be representative of the eligible entities described in subparagraph 2 of that paragraph; and”;

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

“At least a majority of the board members, including four appointed by the president of the Fédération des caisses Desjardins du Québec, must qualify as independent persons.”

202. The Act is amended by inserting the following sections after section 4:

“**4.1.** The members of the board of directors, other than the chief executive officer of the Société, may not hold office for more than 12 years.

“4.2. Persons qualify as independent persons if, in the opinion of the board of directors, they have no direct or indirect relationship or interest, for example of a financial, commercial, professional or philanthropic nature, that might compromise their judgment as regards the interests of the Société.

A person is deemed not to be independent if that person

(1) is, or was in the three years prior to being elected or appointed,

(a) an employee or officer of the Société, one of its subsidiaries, a credit union that is a member of the Fédération des caisses Desjardins du Québec or a subsidiary of the Fédération, unless the person is an officer solely because the person is a member of the board of directors of a legal person referred to in this subparagraph *a*, or

(b) an employee, officer or director of the Fédération des caisses Desjardins du Québec or a legal person or partnership that has a business relationship with the Société;

(2) is a director of one of the subsidiaries of the Fédération des caisses Desjardins du Québec; or

(3) has an immediate family member who is an officer of the Société or of an employer referred to in subparagraph 1.

The board shall adopt a policy to determine whether a person in a situation submitted to it qualifies as an independent person.

The sole fact that a person is, or was in the three years prior to being elected or appointed, a director of a credit union that is a member of the Fédération des caisses Desjardins du Québec does not prevent the person from qualifying as an independent person.

“Officer” and “subsidiary” have the meanings assigned to them by the Securities Act (chapter V-1.1). In addition, a person’s immediate family members are the person’s spouse, father, mother, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law, or any other person who shares that person’s dwelling, except an employee of that person.

“4.3. The members of the board of directors shall elect, from those among them who qualify as independent persons, the chair of the board according to the expertise and experience profile established by the committee responsible for governance and ethics.

“4.4. The board of directors shall set up a committee responsible for governance and ethics, which is also responsible for human resources, unless the board sets up another committee.

The committee responsible for governance and ethics must be composed exclusively of board members. It shall be chaired by a member who qualifies as an independent person, and may only deliberate and make decisions in the presence of a majority of independent members.

The board may assign all or part of a committee's functions to another committee.

“4.5. The functions of the committee responsible for governance and ethics include

(1) supervising the application of the rules on governance, independence and conflicts of interest management;

(2) establishing, after consultation with the president of the Fédération des caisses Desjardins du Québec, the expertise profile of the chair of the board of directors; and

(3) developing and recommending to the board

(a) the overall expertise and experience profile sought for the board,

(b) the procedure for examining the past experience of persons who may be appointed or elected as board members,

(c) a policy to determine whether a person in a situation submitted to the board qualifies as an independent person, and

(d) the candidate nomination process for the election of board members by the general meeting of shareholders.

Where the chair of the board is a member of a committee that exercises the function described in subparagraph 2 of the first paragraph, the chair may not vote on a resolution to recommend the profile referred to in that subparagraph to the board nor be present during deliberations on the matter.

“4.6. The functions of the committee responsible for human resources include

(1) developing and proposing to the board of directors an expertise and experience profile for the appointment of the chief executive officer, as well as criteria for evaluating the chief executive officer's performance; and

(2) making recommendations to the board as regards the chief executive officer's terms of employment, including remuneration.

Where the chief executive officer is a member of a committee that exercises those functions, the chief executive officer may not vote on a resolution to propose or recommend the elements referred to in the first paragraph to the board nor be present during deliberations on the matter.”

203. Section 5 of the Act is amended by inserting the following paragraphs after the first paragraph:

“The term of office of the chief executive officer may not exceed five years. The term may be renewed if the other board members, after having evaluated the performance of the chief executive officer outside his or her presence, consider such a renewal to be appropriate.

The chief executive officer may not be an employee, officer or director of a credit union that is a member of the Fédération des caisses Desjardins du Québec, the Fédération des caisses Desjardins du Québec, one of its subsidiaries or one of the Société’s subsidiaries, or have been such an employee, officer or director in the year preceding the date of appointment to office.”

204. The Act is amended by inserting the following section after section 5:

“5.1. The functions of the chief executive officer include

(1) negotiating an agreement with an investment fund manager, within the meaning of the Securities Act (chapter V-1.1), and ensuring follow-up;

(2) negotiating agreements with the Fédération des caisses Desjardins du Québec and its subsidiaries and ensuring follow-up;

(3) coordinating, to the extent determined by the Société’s board of directors, the Société’s relations with the manager referred to in paragraph 1, the Fédération des caisses Desjardins du Québec and their subsidiaries;

(4) ensuring that the board of directors has the necessary information, including a rendering of account by the manager referred to in paragraph 1, to evaluate that manager; and

(5) reporting to the shareholders at the annual general meeting.”

205. Section 6 of the Act is amended by replacing “the president of the Mouvement des caisses Desjardins” by “the president of the Fédération des caisses Desjardins du Québec”.

206. Section 7 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or officer” after “Any director” and “or officer’s” after “director’s”;

(b) by replacing “and abstain” by “. In addition, such a director shall abstain”;

(2) in the second paragraph,

(a) by replacing “A director” by “The director or officer”;

(b) by replacing “the director’s spouse or child” by “an immediate family member”.

207. The Act is amended by inserting the following after the heading of Chapter III:

“DIVISION I

“INTERPRETATION”.

208. The Act is amended by inserting the following after section 18:

“DIVISION II

“PRIOR APPROVAL OF INVESTMENTS

“18.1. The board of directors shall identify which investments it must approve in advance, with or without a favourable recommendation by the investment committee charged with examining them, and which investments may, to the extent the board determines, be approved by such a committee or by the manager referred to in paragraph 1 of section 5.1.

“18.2. The board of directors shall set up at least one investment committee.

If it sets up more than one investment committee, the board shall specify the field in which the investments each committee is responsible for are to be made.

“18.3. An investment committee may be composed of persons who are not members of the board of directors. It must be chaired by one of its members who qualifies as an independent person, and may only deliberate and make decisions in the presence of a majority of independent persons.

“DIVISION III

“INVESTMENTS”.

209. Section 24 of the Act is amended

(1) by replacing “, his or her spouse or a child” in the first paragraph by “or a member of the immediate family”;

(2) by striking out the second paragraph.

§2. — *Special transitional provisions*

210. The board of directors of Capital régional et coopératif Desjardins shall identify from among its members in office on 17 March 2020 those who qualify as independent persons.

211. Despite the new provisions of section 5 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1), the chief executive officer in office on 17 March 2020 continues to hold office until the expiry of the term.

DIVISION III

SUPERVISION OF FINANCIAL MARKETS

ACT RESPECTING NASDAQ STOCK EXCHANGE ACTIVITIES IN QUÉBEC

212. The Act respecting Nasdaq stock exchange activities in Québec (chapter E-20.01) is repealed.

CHAPTER XIII

OTHER PROVISIONS

DIVISION I

TERMS GOVERNING THE APPLICATION OF RATES

CODE OF PENAL PROCEDURE

213. Article 8.1 of the Code of Penal Procedure (chapter C-25.1) is amended by adding the following paragraph at the end:

“The amount of the contribution provided for in subparagraph 3 of the first paragraph is rounded down to the nearest dollar if it includes a dollar fraction that is less than \$0.50, or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than \$0.50.”

DIVISION II

HARMONIZATION OF THE CONSUMER PRICE INDEX

214. In the following Acts and regulations, all occurrences of “overall average Québec consumer price index without alcoholic beverages and tobacco products” and “aggregate average for the consumer price index for Québec, excluding alcoholic beverages and tobacco products,” are replaced by “average all-items Consumer Price Index for Québec excluding alcoholic beverages, tobacco products and recreational cannabis” and all occurrences of “average of the 12 All-items Consumer Price Indexes for Québec, excluding alcoholic

beverages and tobacco products,” are replaced by “average of the 12 all-items Consumer Price Indexes for Québec excluding alcoholic beverages, tobacco products and recreational cannabis”:

- (1) the Financial Administration Act (chapter A-6.001);
- (2) the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);
- (3) the Act respecting municipal taxation (chapter F-2.1);
- (4) the Taxation Act (chapter I-3);
- (5) the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (6) the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5);
- (7) the Regulation respecting the application of the Public Curator Act (chapter C-81, r. 1);
- (8) the Regulation respecting the rates for using the public fast-charging service for electric vehicles (chapter H-5, r. 1);
- (9) the Québec Immigration Regulation (chapter I-0.2.1, r. 3);
- (10) the Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3);
- (11) the Regulation respecting the safety and welfare of cats and dogs (chapter P-42, r. 10.1);
- (12) the Tariff of costs for the transportation, keeping and preservation of dead bodies (chapter R-0.2, r. 7);
- (13) the Reduced Contribution Regulation (chapter S-4.1.1, r. 1);
- (14) the Educational Childcare Regulation (chapter S-4.1.1, r. 2); and
- (15) the Regulation respecting the application of the Fuel Tax Act (chapter T-1, r. 1).

DIVISION III

EXCLUSION OF DIESEL FUEL IN DETERMINING THE ANNUAL DUTY PAYABLE INTO THE GREEN FUND

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

215. Despite any provision to the contrary, diesel fuel used for purposes other than transportation or for needs other than the supply of mobile equipment referred to in part QC.27.1 of protocol QC.27 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) must be excluded from the calculation of the annual duty payable into the Green Fund under the Act respecting the Régie de l'énergie (chapter R-6.01), as it read between 13 June 2013 and 1 January 2015.

DIVISION IV

GROSS DEBT AND THE GENERATIONS FUND

ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

216. Section 1.1 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1) is amended by striking out “plus the balance of the stabilization reserve fund established under the Balanced Budget Act (chapter E-12.00001)”.

217. Section 1.2 of the Act is amended by striking out “, nor the portion of advances made to the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01) and used to fund bodies not subject to the first paragraph of section 89 of the Financial Administration Act (chapter A-6.001) and government enterprises listed in Schedule 3 to that Act” in the second paragraph.

DIVISION V

DELEGATION OF POWER

FINANCIAL ADMINISTRATION ACT

218. Section 75 of the Financial Administration Act (chapter A-6.001) is replaced by the following section:

“**75.** The information to be furnished by clients of the book based system in the prescribed forms is determined by the Minister or by any other person authorized in writing by the Minister.”

REGULATION RESPECTING SAVINGS PRODUCTS

219. Section 8 of the Regulation respecting savings products (chapter A-6.001, r. 9) is amended by inserting “, by a person authorized under section 75 of the Financial Administration Act (chapter A-6.001)” after “Minister of Finance”.

220. The Regulation is amended by replacing all occurrences of “the appropriate form prescribed by the Minister” and “the form prescribed by the Minister”, except in section 33, by “the prescribed form”, and by striking out “by the Minister” in the fourth paragraph of that section.

DIVISION VI

COMMUNICATION OF INFORMATION

TAX ADMINISTRATION ACT

221. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by adding the following subparagraph at the end of the second paragraph:

“(z.7) the Minister of Municipal Affairs, Regions and Land Occupancy, solely to the extent that the information is required to carry out its mandate of annually preparing and publishing an update on the financial transfers by the Government to municipalities.”

222. The Act is amended by inserting the following section after section 69.4.2:

“**69.4.3.** The Minister of Municipal Affairs, Regions and Land Occupancy may, in connection with the annual update on the financial transfers by the Government to municipalities, make public, without the consent of the person concerned, information obtained under subparagraph z.7 of the second paragraph of section 69.1.”

DIVISION VII

BORROWING POWERS

ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES

223. Section 30 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) with the authorization of the Government on the recommendation of the Minister of Finance, offer as security any property or any real right.”

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

224. Section 3.17 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by striking out “contract any loan or” in subparagraph 3 of the second paragraph.

DIVISION VIII

PRE-ELECTION REPORT

ACT RESPECTING THE MINISTÈRE DES FINANCES

225. Section 23.1 of the Act respecting the Ministère des Finances (chapter M-24.01) is amended by replacing the third paragraph by the following paragraph:

“The assurance report prepared in accordance with section 40.1 of the Auditor General Act (chapter V-5.01) must be attached to the pre-election report. It contains the Auditor General’s conclusion on the plausibility, as at the last working day of the sixth week preceding the date of publication of the pre-election report or as at a later date if the Auditor General considers it appropriate, as well as forecasts, projections, estimates and assumptions referred to in sections 23.2 and 23.3.”

226. Section 23.4 of the Act is amended

- (1) in the first paragraph,
 - (a) by inserting “pre-election” after “draft”;
 - (b) by inserting “assurance” after “prepare the”;
- (2) by striking out the second paragraph.

227. The Act is amended by inserting the following sections after section 23.4:

“23.4.1. The Minister may, until the last working day of the sixth week preceding the date of publication of the pre-election report, make changes to the draft pre-election report, especially on the basis of data available at the time of its updating.

“23.4.2. A preliminary draft of the financial framework shall be sent to the Auditor General on

- (1) in the case of the pre-election report referred to in the first paragraph of section 23.1, the fifth working day after the 20 June preceding the expiry of a Legislature as provided for in the first paragraph of section 6 of the Act respecting the National Assembly (chapter A-23.1); or

(2) in the case of the pre-election report referred to in the second paragraph of section 23.1, the first working day before 21 December preceding the expiry of a Legislature as provided for in the third paragraph of section 6 of the Act respecting the National Assembly.

The Minister shall inform the Auditor General of any change the Minister makes to a draft pre-election report under the first paragraph on or before the last working day of the sixth week preceding the date of publication of the pre-election report.

The Minister may also, after the time provided for in the second paragraph, make any other change to the draft pre-election report that arises from the Auditor General's work. Those changes are sent to the Auditor General without delay."

228. Section 23.5 of the Act is amended

(1) by replacing "opinion" in the first paragraph by "assurance report" and by replacing "jointe" in that paragraph in the French text by "joint";

(2) by replacing "attached opinion" in the second paragraph by "attached assurance report".

AUDITOR GENERAL ACT

229. The heading of subdivision 2.1 before section 40.1 of the Auditor General Act (chapter V-5.01) is replaced by the following heading:

"§2.1.—*Assurance reports on the pre-election report*".

230. Section 40.1 of the Act is amended by replacing "a report giving his opinion" and "on the date specified in" in the first paragraph by "an assurance report giving his conclusion" and "under", respectively.

231. Section 40.2 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"The assurance report must cover at least the first three fiscal years reported on in the pre-election report.";

(2) in the second paragraph,

(a) by replacing "the opinion" by "the assurance report";

(b) by inserting "pre-election" before "report was published".

232. Section 40.3 of the Act is replaced by the following section:

“40.3. The Auditor General shall submit the assurance report to the Minister of Finance not later than the Monday preceding the date of publication of the pre-election report required under section 23.1 of the Act respecting the Ministère des Finances (chapter M-24.01).”

233. The Act is amended by inserting the following section after section 40.3:

“40.4. The Auditor General may, if he considers it appropriate, prepare a report detailing his assurance work on the pre-election report.

On or before the date of publication of the pre-election report, the detailed report must be sent by the Auditor General to the President of the National Assembly, who shall table it before the National Assembly along with the pre-election report.

It is published by the Auditor General by any means he considers appropriate, following the publication of the pre-election report by the Minister of Finance, without waiting for the President of the National Assembly to table it.”

DIVISION IX

CERTAIN DUTIES, FEES AND CHARGES COLLECTED BY THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

§1. — Amending provisions

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

234. The Act respecting lotteries, publicity contests and amusement machines (chapter L-6) is amended by inserting the following sections after section 135:

“135.1. Despite section 34, a person to whom the board issues, between 7 May 2015 and 1 May 2020, a licence for a drawing, a wheel of fortune licence or a charity casino licence must, as the case may be, pay the following duties, fees and charges:

(1) for a licence for a drawing: examination fees of \$31.25;

(2) for a licence for a drawing during a fund-raising campaign authorizing the holding of a drawing: administrative charges of \$31.25 plus 6% of the total value of the prizes offered;

(3) for a wheel of fortune licence authorizing the operation of a wheel of fortune: administrative charges of \$31.25 plus \$117 per day for each wheel of fortune where the stake is from \$0.25 to \$2, and \$234 per day for other wheels of fortune; and

(4) for a charity casino licence authorizing the holding of a charity casino: administrative charges of \$31.25 plus \$58.50 per day for each blackjack table or for each wheel of fortune.

A payable duty of 3% of the total selling price of the tickets printed or estimated by the applicant or of the objects manufactured is added to the examination fees provided for in subparagraph 1 of the first paragraph, unless the application for a licence for a drawing concerns a 50/50 activity where the value of each prize to be awarded is \$5,000 or less.

Where the application for a licence for a drawing concerns the 50/50 activity where the value of each prize to be awarded is \$5,000 or less and is made by a group of organizations under section 4.2 of the Lottery Scheme Rules (chapter L-6, r. 12), a payable duty of \$131 is added to the examination fees provided for in subparagraph 1 of the first paragraph.

“135.2. Despite section 34, a person to whom the board issues, between 7 May 2015 and 1 May 2020, a licence for a drawing authorizing a 50/50 activity where the value of each prize to be awarded is greater than \$5,000 must also, if the revenues from the sale of all the tickets exceed 10% of the total selling price of the tickets estimated at the time of the application for a licence, pay to the board 3% of the excess amount. The payment of duties must accompany the statement of profits sent under section 45.3 of the Lottery Scheme Rules (chapter L-6, r. 12).

“135.3. The duties, fees and charges paid for the issue of a licence for a drawing under sections 4.1 and 4.2 of the Lottery Schemes Regulation (chapter L-6, r. 11), as those sections read between 7 May 2015 and 1 May 2020, are deemed to have been paid under sections 135.1 and 135.2, as the case may be.

Subject to section 87 of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5), section 188 of the Naskapi and the Cree-Naskapi Commission Act (Statutes of Canada, 1984, chapter 18) and section 15 of the Cree Nation of Eeyou Istchee Governance Agreement Act (Statutes of Canada, 2018, chapter 4, section 1), the amounts paid as duties, fees and charges under that Regulation during the period provided for in the first paragraph are deemed to be duties, fees and charges validly collected under that paragraph. Those amounts belong to the Government.”

ACT RESPECTING LIQUOR PERMITS

235. The Act respecting liquor permits (chapter P-9.1) is amended by inserting the following sections after section 160.1:

“**160.2.** Despite subparagraph 5 of the first paragraph of section 39, any person who, between 7 May 2015 and 1 May 2020, obtained a reunion permit authorizing the serving of alcoholic beverages must pay to the board a duty of \$47 per day of use, up to a maximum of six times the amount prescribed for a day of use, for each room or terrace where the permit will be used.

“**160.3.** Despite subparagraph 5 of the first paragraph of section 39 and subject to the second and third paragraphs of this section, any person who, between 7 May 2015 and 1 May 2020, obtained a reunion permit authorizing the sale of alcoholic beverages must pay to the board a duty of \$91 per day of use, up to a maximum of five times the amount prescribed for a day of use, for each room or terrace where the permit will be used.

However, no duties are payable for the reunion permit to sell issued to a participant in a tasting show or an exhibition if that event is organized by a non-profit legal person under the second paragraph of section 23.2 of the Regulation respecting liquor permits (chapter P-9.1, r. 5).

If the event promotes or markets alcoholic beverages, the agent or representative of a person under subparagraph 3 of the first paragraph of section 23.1 of that Regulation must pay to the board the following duties for the permit:

- (1) \$217 per day of use, if there are seven or fewer persons represented; or
- (2) \$435 per day of use, if there are eight or more persons represented.

The duties payable under the third paragraph cannot exceed five times the amount established for a day of use.

“**160.4.** The duties paid for the issue of a reunion permit under section 3 of the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3), as it read between 7 May 2015 and 1 May 2020, are deemed to have been paid under sections 160.2 and 160.3, as the case may be.

Subject to section 87 of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5), section 188 of the Naskapi and the Cree-Naskapi Commission Act (Statutes of Canada, 1984, chapter 18) and section 15 of the Cree Nation of Eeyou Istchee Governance Agreement Act (Statutes of Canada, 2018, chapter 4, section 1), the amounts paid as duties under that Regulation during the period provided for in the first paragraph are deemed to be duties validly collected under that paragraph. Those amounts belong to the Government.”

LOTTERY SCHEMES REGULATION

236. Section 4.1 of the Lottery Schemes Regulation (chapter L-6, r. 11) is amended

- (1) in paragraph 2,
 - (a) by replacing “\$31.25” in the first paragraph by “\$29.25”;
 - (b) by replacing “3%” in the second paragraph by “0.9%”;
 - (c) by replacing “\$131” in the third paragraph by “\$65”;
- (2) by replacing “\$31.25” and “6%” in paragraph 3 by “\$29.25” and “3%”, respectively;
- (3) by replacing “\$31.25”, “\$117” and “\$234” in paragraph 4 by “\$29.25”, “\$58” and “\$115”, respectively;
- (4) by replacing “\$31.25” and “\$58.50” in paragraph 6 by “\$29.25” and “\$29”, respectively.

237. Section 4.2 of the Regulation is amended by replacing “3%” by “0.9%”.

REGULATION RESPECTING DUTIES AND COSTS PAYABLE UNDER THE ACT RESPECTING LIQUOR PERMITS

238. Section 3 of the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) is amended

- (1) by replacing “\$47” in the first paragraph by “\$29”;
- (2) by replacing “\$91” in the second paragraph by “\$53”;
- (3) by replacing the fourth and fifth paragraphs by the following paragraph:

“If the event promotes or markets alcoholic beverages, the duties payable for the issue of a reunion permit to sell issued to the agent or representative of a person under subparagraph 3 of the first paragraph of section 23.1 of that Regulation are \$53 per day of use, up to a maximum of 5 times the amount prescribed for a day of use.”

§2. — *Special provisions*

239. Despite section 9 of the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3), the duties payable for the issue of a reunion permit under the Act respecting liquor permits (chapter P-9.1), prescribed by section 3 of that Regulation, as amended by section 238, will not be adjusted on 1 April 2020.

DIVISION X

ACTIVE TRANSPORTATION DEVELOPMENT

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

240. Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by inserting the following subparagraph after subparagraph *i* of paragraph 1:

“(j) the development, improvement, preservation and maintenance of active transportation infrastructures and their accessories;”.

241. Section 12.32.1 of the Act is amended by replacing “*d* and *e* of paragraph 1 of section 12.30” in the sixth paragraph by “*d*, *e*, *h* and *j* of paragraph 1 of section 12.30”.

DIVISION XI

MARKING OF ALCOHOLIC BEVERAGES

ACT TO MODERNIZE THE LEGAL REGIME APPLICABLE TO LIQUOR PERMITS AND TO AMEND VARIOUS OTHER LEGISLATIVE PROVISIONS WITH REGARD TO ALCOHOLIC BEVERAGES

242. Section 143 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20) is amended by replacing “is repealed on 12 June 2020” by “is repealed on the date set by the Government for the coming into force of section 62 of this Act”.

243. Section 144 of the Act is amended by striking out paragraph 3.

CHAPTER XIV

FINAL PROVISIONS

244. Section 241, where it amends the sixth paragraph of section 12.32.1 of the Act respecting the Ministère des Transports (chapter M-28) to add a reference to subparagraph *h* of paragraph 1 of section 12.30 of that Act, has effect from 12 June 2015. Chapter I, comprising sections 1 to 13, has effect from 1 January 2019, except section 6, insofar as it repeals sections 88.11 to 88.14 of the Educational Childcare Act (chapter S-4.1.1), and section 10, which apply in respect of a year subsequent to the year 2018. Sections 13 to 16 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, enacted by section 98, except where section 11 of that Act is concerned, have effect from 1 April 2019.

245. This Act comes into force on 17 March 2020, except

- (1) sections 234 to 238, which come into force on 1 May 2020;
- (2) Division I of Chapter X, comprising sections 103 to 154, which comes into force on 1 April 2021;
- (3) paragraphs 1 to 3 of section 201, which come into force on the date of the closing of the first general meeting of holders of Capital régional et coopératif Desjardins shares that is held after 17 March 2020;
- (4) sections 1 to 11, 19 and 20 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, enacted by section 98, which come into force on the date of coming into force of the first ministerial order made under that Act;
- (5) section 196, which comes into force on the date of coming into force of the first regulation made under article 1073 of the Civil Code; and
- (6) Chapters III to VI, which come into force on the date or dates to be set by the Government.

SCHEDULE I
(Section 99)

SPECIAL CONTRACTS AND FINANCIAL ASSISTANCE FOR
INVESTMENT FUND

	2020–2021
Revenues	\$400,000,000
Expenditures	\$400,000,000
Surplus (Deficit) of the Fiscal Year	0
Ending Cumulative Surplus (Deficit)	0
Investments	0
Total loans or advances ¹	0

¹ To (from) the Financing Fund and the general fund.

AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF
CERTAIN PROVISIONS OF THE BUDGET SPEECHES OF
17 MARCH 2016, 28 MARCH 2017, 27 MARCH 2018 AND
21 MARCH 2019

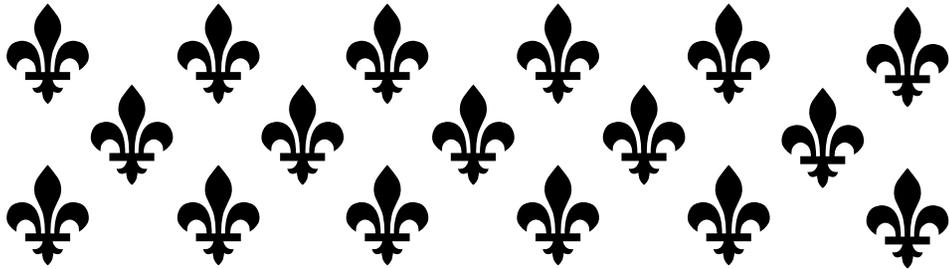
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NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 48
(2020, chapter 7)

**An Act mainly to control the cost of
the farm property tax and to simplify
access to the farm property tax credit**

**Introduced 5 November 2019
Passed in principle 13 February 2020
Passed 17 March 2020
Assented to 17 March 2020**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to replace the terms governing the registration of agricultural operations as well as those regarding the payment of property taxes. It also amends that Act to, among other things, authorize the delegation of the powers and functions of the Minister.

The Act amends the Act respecting municipal taxation to empower the Government to determine by regulation the maximum taxable value of the land of an agricultural operation that is registered and that is included in an agricultural zone, and to introduce a new category of forest immovables.

Lastly, the Act amends the Act respecting La Financière agricole du Québec to facilitate the exchange of the information, including personal information, necessary for the purposes of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and its regulations or the Act respecting La Financière agricole du Québec.

LEGISLATION AMENDED BY THIS ACT:

- Highway Safety Code (chapter C-24.2);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting La Financière agricole du Québec (chapter L-0.1);
- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14).

Bill 48

AN ACT MAINLY TO CONTROL THE COST OF THE FARM PROPERTY TAX AND TO SIMPLIFY ACCESS TO THE FARM PROPERTY TAX CREDIT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES
PÊCHERIES ET DE L'ALIMENTATION

1. The Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) is amended by inserting the following section after section 1:

1.1. The Minister may delegate the exercise of the powers conferred on him by this Act or by another Act under his administration to a person employed by his department.

The Minister may, in writing, authorize the subdelegation of specified powers.

The Minister may also delegate the exercise of such powers to a senior officer of a public agency or to a person employed by that agency, after consulting with its chief executive officer.”

2. The heading of Division II before section 7 of the Act is amended by replacing “STAFF” by “ORGANIZATION”.

3. Section 8 of the Act is amended

(1) by replacing “deputy minister shall have the supervision of the other officers and employees of the department; he shall manage its current business and exercise such other powers as are assigned to him by the Government” by “Deputy Minister shall administer the department”;

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

“The Deputy Minister shall also exercise any other function assigned to him by the Minister or the Government.”

4. Section 12 of the Act is replaced by the following section:

“12. No deed, document or writing is binding on or attributable to the Minister unless it is signed by the Minister, the Deputy Minister or any other person determined by regulation of the Minister.”

5. Section 13 of the Act is amended by replacing “in the first paragraph of” by “in”.

6. The Act is amended by inserting the following section after section 17:

“17.1. The Minister may enter into any agreement to establish the terms and conditions relating to the payment of any amount the Minister is owed.

In the absence of such an agreement, any debt owed to the Minister bears interest at the rate for a debt owed to the State set under section 28 of the Tax Administration Act (chapter A-6.002) from the 30th day following the notification to the debtor of a notice of claim.

The Minister may, after the notification of the notice of claim, offset any amount owed to the Minister against any amount the Minister owes to the debtor.”

7. Section 36 of the Act is repealed.

8. The Act is amended by inserting the following division after section 36:

“DIVISION VII.0.1

“REGISTRATION OF AGRICULTURAL OPERATIONS AND PAYMENT OF PROPERTY TAXES

“36.0.1. An enterprise comprising capital and basic inputs, including at least one immovable used for an agricultural purpose, in a single economic and accounting unit may, in accordance with the terms determined by government regulation, register with the Minister as an agricultural operation.

The main object of registration is to facilitate agricultural operations’ access to measures, programs and services that may be implemented under this Act or under any other Act that is under the Minister’s administration.

A further object of registration is to collect from agricultural operations the information required for the purposes of this Act, including

(1) to evaluate and formulate the Government’s agricultural policy;

(2) to analyze and implement policies, programs or projects, to develop, process or validate economic, statistical or financial reference data or to achieve the integrated management of financial interventions; and

(3) to ascertain eligibility or continued eligibility for a benefit or right granted under this Act or under a program.

“36.0.2. Registration of an agricultural operation must be made using the registration statement prescribed by the Minister, indicating the prescribed information in the statement.

“36.0.3. A registered agricultural operation must, at the intervals and according to the terms determined by government regulation, update its registration in the statement prescribed by the Minister.

“36.0.4. The Minister may revoke the registration of an agricultural operation that applies for revocation or that fails to file an update statement in accordance with a regulation referred to in section 36.0.3.

The Minister may also revoke the registration of an agricultural operation that no longer meets the conditions required to be registered.

The revocation becomes effective on the agricultural operation’s failure to meet any of the conditions required to be registered or failure to file an update statement, or on the receipt of the application for revocation.

“36.0.5. The Minister may, on the application of an agricultural operation, cancel the revocation of its registration for failure to file an update statement provided the application is accompanied by any update statement the agricultural operation failed to file and provided the agricultural operation has, since the revocation, met the other conditions for registration.

The registration is then deemed never to have been revoked.

“36.0.6. A decision of the Minister to refuse an application for registration or to revoke the registration of an agricultural operation that no longer meets the conditions required to be registered other than those pertaining to a failure to file an update statement must be in writing, include reasons, and be notified promptly to the agricultural operation.

“36.0.7. A decision rendered in accordance with section 36.0.6 may, within 60 days of its notification, be the subject of an application for review according to the terms determined by government regulation.

“36.0.8. The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for reviewing the decision renders a decision on the record, unless the person considers it necessary to proceed in some other manner. The person may confirm, quash or vary the decision under review.

The decision must be in writing, include reasons and be notified promptly to the applicant.

“36.0.9. A decision rendered under section 36.0.8 may, within 30 days of its notification, be contested before the Administrative Tribunal of Québec.

“36.0.10. A registered agricultural operation may, according to the terms determined by government regulation, apply to the Minister for payment, for a municipal fiscal year and for the school fiscal year ending in that municipal fiscal year, of an amount equal to the portion, determined in accordance with sections 36.0.13 and 36.0.14, of a municipal and school property tax, of a compensation for municipal services or of a tariff relating to an immovable used for an agricultural purpose that is included in a unit of assessment forming part of the agricultural operation and that is situated in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

Where the agricultural operation is a producer within the meaning of the Farm Producers Act (chapter P-28), it must have paid, for the year preceding the year for which the application is made, the annual assessment exigible under Division VIII of that Act.

“Immovable” and “property tax” have the meaning assigned by section 1 of the Act respecting municipal taxation (chapter F-2.1) and the compensation for municipal services and tariff relating to an immovable referred to in the first paragraph are those established by a municipal by-law made under section 205 or 244.1 of that Act.

The Government may, by regulation, determine other terms relating to the payment provided for in the first paragraph.

“36.0.11. The right to a payment may, in the cases determined by government regulation, be refused or cancelled where, in the Minister’s opinion, the agricultural operation that filed the application is not operated in compliance with the Environment Quality Act (chapter Q-2) or an environmental protection by-law of a regional county municipality or a local municipality.

Any person entrusted with the application of an environmental protection by-law of a regional county municipality or a local municipality who ascertains that an offence against a provision of those by-laws has been committed must notify the Minister according to the terms determined by government regulation.

“36.0.12. An application for payment must be made using the form prescribed by the Minister, indicating the prescribed information in the form.

“36.0.13. For each immovable used for an agricultural purpose that is included in a unit of assessment for which an application may be made, the amount qualified for payment corresponds to 70% of the amount of the municipal and school property tax, of the compensation for municipal services and tariff applicable to the immovable, multiplied by the qualification rate of the immovable and by the inclusion rate of the taxable value of the unit of assessment.

The qualification rate corresponds to the fraction of the immovable which, in the year preceding the year for which the application is made, formed part of an agricultural operation for which the right to a payment was recognized by the Minister and which was situated in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The inclusion rate of the taxable value of the unit of assessment corresponds to the product obtained by multiplying the taxable value of the immovable that, in the year for which the application is made, forms part of a registered agricultural operation and is situated in an agricultural zone by the proportion that the number of days for which the unit of assessment formed part of the agricultural operation and agricultural zone in that year is of the number of days in the year.

For the purposes of the second and third paragraphs, where all or part of a unit of assessment is composed both of immovables belonging to the category of agricultural immovables and of land belonging to the category of forest immovables within the meaning of sections 244.36.0.1 and 244.36.1 of the Act respecting municipal taxation (chapter F-2.1), the two parts are considered to be a unit of assessment consisting entirely of immovables belonging to the category of agricultural immovables.

“36.0.14. In the case of land whose value per hectare exceeds \$1,975, the Minister shall pay, in addition to the amount computed under the first paragraph of section 36.0.13, an amount corresponding to 15% of the amount of municipal property tax based on the value and applicable to the land, multiplied by the fraction of the value per hectare of the land that exceeds \$1,975, by the qualification rate of the land and by the inclusion rate of the taxable value of the unit of assessment that are referred to in section 36.0.13.

As of 1 January 2022, the amount per hectare provided for in the first paragraph shall be indexed by operation of law on 1 January of each year on the basis of the rate corresponding to the annual variation in the Consumer Price Index for Canada as published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19).

For the purposes of the second paragraph, the annual variation in the Consumer Price Index for a year shall be determined according to the terms prescribed by government regulation. The regulation may prescribe the rules for rounding off the indexed amount.

The Minister shall publish the results of the indexation in the *Gazette officielle du Québec*.

“36.0.15. A decision concerning the right to a payment must be in writing, include reasons and be notified promptly to the applicant.

The decision may, within 60 days of its notification, be the subject of an application for review according to the terms determined by government regulation.

“36.0.16. The Minister shall, without delay, send the local municipality concerned the information necessary for it to compute, for each unit of assessment, the amount qualified for payment under sections 36.0.13 and 36.0.14.

An amount equivalent to the qualified amount is credited by the municipality to the tax account relating to the unit of assessment concerned.

The Minister shall reimburse, on the application of the local municipality, the sum of the amounts credited to all tax accounts.

“36.0.17. If the municipality cannot credit a qualified amount to a tax account, the Minister may pay it directly to the applicant.

If the Minister considers that an amount has been credited to a tax account without entitlement, he may claim a reimbursement of the amount directly from the applicant.

“36.0.18. The Government may, by regulation, determine any other necessary measure for the purposes of this division or any exceptional measure for the purposes of sections 36.0.1 to 36.0.3, the first paragraph of section 36.0.10 and sections 36.0.11, 36.0.13 and 36.0.14.

“36.0.19. The Minister shall send the minister responsible for the administration of the Environment Quality Act (chapter Q-2) and the minister responsible for the administration of the Sustainable Forest Development Act (chapter A-18.1), and obtain from them, any information, including personal information, necessary for the purposes of this division.

“36.0.20. The Minister may, by notification of a notice, require any person to communicate to him, within a reasonable time he determines, any information or document relating to the application of this division.”

9. Divisions VII.1 and VII.2 of the Act, comprising sections 36.1 to 36.16, are repealed.

HIGHWAY SAFETY CODE

10. Section 611.2 of the Highway Safety Code (chapter C-24.2) is amended by replacing “holder of an agricultural operation registration card issued” in the first paragraph by “registered agricultural operation”.

ACT RESPECTING MUNICIPAL TAXATION

11. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 56:

“**56.1.** The roll shall identify every unit of assessment the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1).”

12. Section 79 of the Act is amended by replacing “In addition to the local municipality and the municipal body responsible for assessment” in the third paragraph by “In addition to the local municipality, the municipal body responsible for assessment and, in the cases and according to the terms and conditions prescribed by regulation of the Minister, any other municipal body responsible for assessment”.

13. Section 174 of the Act is amended by inserting the following paragraph after paragraph 14:

“(14.1) to take account of the fact that a unit of assessment becomes or ceases to be subject to section 244.36.0.1, or, for the purposes of section 56.1, to add an entry that was unduly omitted or strike out an entry that was unduly included;”

14. Section 177 of the Act is amended by replacing “14” in the introductory clause of subparagraph 5 of the first paragraph by “14.1”.

15. Section 179 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(5) to the minister responsible for the administration of the Sustainable Forest Development Act (chapter A-18.1), if the alteration concerns a unit of assessment the forest area of which is registered in accordance with section 130 of that Act.”

16. Section 220.12 of the Act is amended by replacing “VII.1” by “VII.0.1”.

17. The Act is amended by inserting the following section after section 231.3:

“**231.3.1.** For the purpose of computing any municipal property tax imposed on the whole territory of a municipality, the Government may, on the recommendation of the Minister of Agriculture, Fisheries and Food, determine by regulation, for the duration of a property assessment roll, the terms for establishing the maximum taxable value of the land of any agricultural operation that is registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and that is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).”

The provisions of the first paragraph do not apply to parts of land that are forest areas or that are uncultivated, except parts that are used for the harvesting of non-timber forest products or that are intended for that purpose.”

18. Section 244.30 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.0.1) the category of forest immovables; and”.

19. Section 244.32 of the Act is amended

(1) by inserting “or other than land the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1)” after “l’Alimentation (chapter M-14)” in subparagraph 1 of the second paragraph;

(2) by replacing the third paragraph by the following paragraph:

“For the purposes of the first paragraph, if the unit of assessment includes immovables included in a registered agricultural operation to which subparagraph 1 of the second paragraph applies or, as the case may be, includes land the forest area of which is referred to in that subparagraph, the portion of the taxable value of the unit that remains after subtracting the taxable value of those immovables and of that land must be taken into consideration rather than the total taxable value of the unit.”

20. Section 244.36 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the fifth paragraph:

“(1.1) a forest area registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1);”.

21. The Act is amended by inserting the following section after section 244.36:

“244.36.0.1. Every unit of assessment composed exclusively of land the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1) belongs to the category of forest immovables, except the part of such land that is used or intended for the purpose of harvesting non-timber forest products and is included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14).

If such land forms only a part of a unit of assessment, that part belongs to the category of forest immovables. For the purposes of any provision of an Act or statutory instrument that applies to a unit belonging specifically to the category of forest immovables or generally to any category provided for in this subdivision, that part is considered to be a whole unit, unless the context indicates otherwise.”

22. Section 244.36.1 of the Act is amended by inserting “, except any land that belongs to the category of forest immovables,” after “l’Alimentation (chapter M-14)” in the first paragraph.

23. Section 244.37 of the Act is amended by replacing “agricultural immovables exists, any part of a unit referred to” in the second paragraph by “forest immovables or, as the case may be, to the category of agricultural immovables exists, any part of a unit referred to in the second paragraph of section 244.36.0.1 or, as the case may be.”.

24. The Act is amended by inserting the following subdivision after section 244.49.0.4:

“E.2.— *Rate specific to the category of forest immovables*

“**244.49.0.5.** The rate specific to the category of forest immovables must be equal to or lower than the basic rate.

It may not be lower than 66.6% of that rate.”

25. Section 244.49.1 of the Act is amended by replacing “E.1” in the first paragraph by “E.2”.

26. Section 244.50 of the Act is amended by replacing “section 244.36.1 or” in the second paragraph by “any of sections 244.36.0.1, 244.36.1 and”.

27. Section 244.64.7 of the Act is amended by replacing “244.36.1” in the first paragraph by “244.36.0.1, the second paragraph of section 244.36.1”.

28. Section 253.0.1 of the Act is amended by replacing both occurrences of “VII.1” by “VII.0.1”.

29. Section 253.54.1 of the Act is amended by inserting “, no rate specific to the category of forest immovables provided for in section 244.36.0.1” after “244.35” in the second paragraph.

30. Section 261.1 of the Act is amended by inserting the following paragraph after paragraph 3:

“(3.1) that part of the standardized non-taxable values of the immovables in respect of which a sum must be paid under an assistance program of the Government or of any of its ministers or bodies;”.

31. Section 261.5 of the Act is amended by replacing “included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14)” in the third paragraph by “referred to in section 244.36.0.1 or 244.36.1”.

32. Section 261.5.17 of the Act is amended by replacing “included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14)” in the second paragraph by “referred to in section 244.36.0.1 or 244.36.1”.

33. Section 262 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(16) for the purposes of section 231.3.1, determine the terms for establishing the maximum taxable value of the land of any agricultural operation that is registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and that is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).”

34. Section 263 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(12) determine the cases and manner in which a document referred to in the second paragraph of section 78 may be examined by a municipal body responsible for assessment other than the body that draws up the roll of the local municipality concerned by the document.”

ACT RESPECTING ADMINISTRATIVE JUSTICE

35. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by replacing paragraph 13 by the following paragraph:

“(13) section 36.0.8 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);”

ACT RESPECTING LA FINANCIÈRE AGRICOLE DU QUÉBEC

36. Section 25 of the Act respecting La Financière agricole du Québec (chapter L-0.1) is replaced by the following section:

“**25.** The agency may exercise any function attributed to it by any other law and may carry out any mandate assigned to it by a minister, a body, a partnership or any other person in any field related to its mission.

It shall also carry out any mandate assigned to it by the Government or the Minister of Agriculture, Fisheries and Food.

The costs of carrying out the mandate shall be borne by the mandator.”

37. Section 27 of the Act is replaced by the following section:

“27. The agency shall, at the Minister’s request, communicate to the Minister any information, including personal information, that is necessary for the exercise of the Minister’s functions, in particular

(1) for the purposes of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14), its regulations or this Act;

(2) for evaluating and formulating the agricultural policy of the Government;

(3) for analyzing and implementing policies, programs or projects, for developing, processing or validating economic, statistical or financial reference data or for achieving the integrated management of financial interventions; and

(4) for ascertaining the eligibility or continued eligibility of persons or enterprises for a benefit or right granted under those Acts, regulations, policies, programs or projects.

The Minister may, for the purposes listed in the first paragraph, communicate to the agency any information, including personal information, that is necessary for the exercise of the agency’s rights and powers.

The Minister shall prescribe in writing the terms according to which the information is to be communicated, specifying in particular the type of information communicated, the steps taken to ensure confidentiality and the security measures involved, and shall send them to the Commission d’accès à l’information at least 30 days before the information is communicated.

Where the Minister considers it necessary and urgent for the protection of the public interest, the information may be communicated before the expiry of the 30-day time limit provided for in the third paragraph, after a notice to that effect is sent to the Commission d’accès à l’information.”

TRANSITIONAL AND FINAL PROVISIONS

38. Until the date of coming into force of the first regulation made by the Government under section 231.3.1 of the Act respecting municipal taxation (chapter F-2.1), enacted by section 17, for the purpose of computing any municipal property tax imposed on the whole territory of a municipality, the maximum taxable value that must be taken into account in any new property assessment roll drawn up after equilibration under the first paragraph of section 46.1 of the Act respecting municipal taxation is set at \$32,100 per hectare.

When a new roll is drawn up without the equilibration referred to in the first paragraph whereas the preceding roll was drawn up after such equilibration, the maximum taxable value that must be taken into account in the new roll is set at

(1) \$23,300 per hectare, if the preceding assessment roll came into force in 2018;

(2) \$27,600 per hectare, if the preceding assessment roll came into force in 2019; and

(3) \$29,800 per hectare, if the preceding assessment roll came into force in 2020.

39. The Government must, on the recommendation of the Minister of Agriculture, Fisheries and Food and the Minister of Municipal Affairs and Housing, according to the terms it determines, provide for a transitional financial assistance program for municipalities to reduce the fiscal impact resulting directly from the determination, pursuant to section 231.3.1 of the Act respecting municipal taxation, enacted by section 17, of a maximum taxable value entered on a property assessment roll.

The terms determined must, in particular, take into account the level of fiscal impact for the municipalities concerned.

The program is administered by the Minister of Agriculture, Fisheries and Food.

40. Unless the context indicates otherwise, in any Act and in any other document,

(1) a reference to a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) is replaced by a reference to section 36.0.1 of that Act; and

(2) a reference to a provision of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation that is amended by this Act is replaced by a reference to the corresponding provision, as enacted by this Act.

41. The notice of assessment filed in respect of a unit of assessment that includes a parcel of land whose maximum taxable value is determined under section 38 of this Act or under section 231.3.1 of the Act respecting municipal taxation, enacted by section 17 of this Act, must contain an indication of the exemption applicable for the purpose of computing any municipal property tax imposed on the whole territory of a municipality.

The notice of assessment filed in respect of a unit of assessment the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1) must contain an indication that the unit or the part of the unit including such an area, as the case may be, belongs to the category of forest immovables provided for in section 244.36.0.1 of the Act respecting municipal taxation, enacted by section 21.

The first and second paragraphs cease to have effect on the date of coming into force of any equivalent provision of a regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation.

42. Sections 11, 13 to 33 and 41 apply for the purposes of any property assessment roll that comes into force after 31 December 2020.

43. Despite section 42, the alterations required to be made to a property assessment roll that is in force on 17 March 2020 and that must apply for the 2021 fiscal year, to take into account the alterations prescribed by the 2020 edition of the Manuel d'évaluation foncière du Québec for the conversion of information relating to the tax apportionments applicable to units of assessment including immovables included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, must be made not later than 31 December 2020.

To make only those alterations provided for in the first paragraph, the assessor responsible files a global certificate for all the alterations.

No notice of alteration or copy of such a notice need be sent under section 180 of the Act respecting municipal taxation following alterations made by means of the global certificate.

The clerk or secretary-treasurer of the local municipality whose roll is altered by means of the global certificate must give a public notice, as set out in section 75 of the Act respecting municipal taxation, explaining in a general manner that the roll has been altered pursuant to the first paragraph.

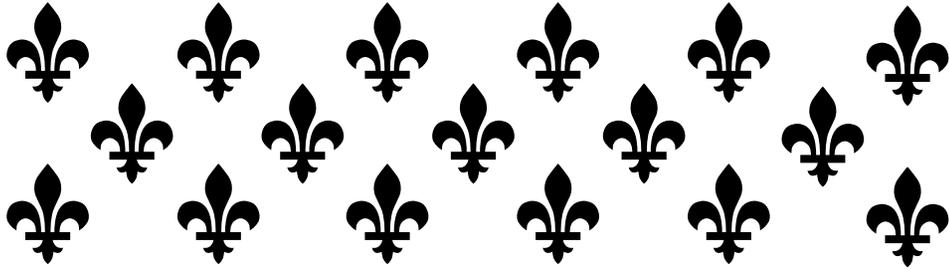
No application for review may be filed and no action to quash or set aside may be brought with regard to alterations made by means of the global certificate.

44. The provisions of this Act come into force on 17 March 2020, except

(1) section 8, insofar as it enacts sections 36.0.1 to 36.0.9 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, section 9, insofar as it repeals Division VII.2 of that Act, sections 10 and 35 and paragraph 1 of section 40, which come into force on the date of coming into force of the first regulation made by the Government for the purposes of section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, enacted by section 8;

(2) section 8, insofar as it enacts sections 36.0.10 to 36.0.18 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, section 9, insofar as it repeals the provisions of Division VII.1 of that Act other than subparagraphs 3 and 4 of the first paragraph of section 36.2 and section 36.4.1, and sections 11 and 13 to 33, which come into force on 1 January 2021;

(3) section 9, insofar as it repeals subparagraphs 3 and 4 of the first paragraph of section 36.2 and section 36.4.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, which comes into force on 1 January 2020.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 57
(2020, chapter 3)

Appropriation Act No. 1, 2020–2021

Introduced 11 March 2020
Passed in principle 11 March 2020
Passed 11 March 2020
Assented to 12 March 2020

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund, for the 2020–2021 fiscal year, a sum not exceeding \$18,890,203,483.00, representing some 27.4% of the appropriations to be voted for each of the portfolio programs listed in Schedule 1.

Moreover, the Act determines the extent to which the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Lastly, the Act also approves expenditure forecasts for a total of \$4,009,417,122.00 and investment forecasts for a total of \$994,615,200.00, representing some 27.2% of the expenditure forecasts and some 25.0% of the investment forecasts for the special funds listed in Schedule 2.

Bill 57

APPROPRIATION ACT NO. 1, 2020–2021

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$18,890,203,483.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2020–2021 fiscal year. The sum is constituted as follows:

(1) a first portion of \$17,213,224,350.00, in appropriations allocated according to the programs listed in Schedule 1, representing 25.0% of the appropriations to be voted in the 2020–2021 Expenditure Budget;

(2) an additional portion of \$1,676,979,133.00, in appropriations allocated according to the programs listed in Schedule 1, representing some 2.4% of the appropriations to be voted in the 2020–2021 Expenditure Budget.

2. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to that end, for the purposes of and, where applicable, according to the conditions described in the Expenditure Budget.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, provided such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10%, excluding, where applicable, the portion of the appropriation for which provision has been made.

3. The expenditure and investment forecasts for the special funds listed in Schedule 2 are approved for the 2020–2021 fiscal year. These sums are constituted as follows:

(1) a first portion of \$3,686,657,900.00, representing 25.0% of the expenditure forecasts in the 2020–2021 Special Funds Budget and an additional portion of \$322,759,222.00, representing some 2.2% of the expenditure forecasts in the 2020–2021 Special Funds Budget;

(2) a portion of \$994,615,200.00, representing 25.0% of the investment forecasts in the 2020–2021 Special Funds Budget.

4. This Act comes into force on 12 March 2020.

SCHEDULE 1

GENERAL FUND

AFFAIRES MUNICIPALES ET HABITATION

	First portion	Additional portion
PROGRAM 1		
Support for Departmental Activities	14,871,325.00	
PROGRAM 2		
Municipal Infrastructure Modernization	108,400,650.00	7,699,400.00
PROGRAM 3		
Compensation in Lieu of Taxes and Support to Municipalities	169,967,850.00	372,524,100.00
PROGRAM 4		
Development of the Regions and Territories	63,664,200.00	687,700.00
PROGRAM 5		
Promotion and Development of Greater Montréal	10,558,300.00	12,570,500.00
PROGRAM 6		
Commission municipale du Québec	3,007,625.00	
PROGRAM 7		
Housing	208,266,775.00	
	578,736,725.00	393,481,700.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

	First portion	Additional portion
PROGRAM 1		
Bio-food Business Development, Training and Food Quality	141,028,900.00	144,619,950.00
PROGRAM 2		
Government Bodies	109,292,075.00	
	<hr/> 250,320,975.00	<hr/> 144,619,950.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

	First portion	Additional portion
PROGRAM 1		
Support for the Conseil du trésor	25,724,500.00	
PROGRAM 2		
Support for Government Operations	61,074,350.00	
PROGRAM 3		
Commission de la fonction publique	1,477,675.00	
PROGRAM 4		
Retirement and Insurance Plans	1,111,125.00	
PROGRAM 5		
Contingency Fund	527,349,050.00	
	<hr/> 616,736,700.00	

CONSEIL EXÉCUTIF

	First portion	Additional portion
PROGRAM 1		
Lieutenant-Governor's Office	189,600.00	
PROGRAM 2		
Support Services for the Premier and the Conseil exécutif	25,234,925.00	
PROGRAM 3		
Canadian Relations	3,966,250.00	400,000.00
PROGRAM 4		
Indigenous Affairs	84,400,925.00	38,000,000.00
PROGRAM 5		
Youth	13,410,150.00	
PROGRAM 6		
Access to Information and Reform of Democratic Institutions	2,544,375.00	
PROGRAM 7		
Relations with English-speaking Quebecers	1,630,025.00	4,860,000.00
	<u>131,376,250.00</u>	<u>43,260,000.00</u>

CULTURE ET COMMUNICATIONS

	First portion	Additional portion
PROGRAM 1		
Management, Administration and Mission Support	16,479,675.00	
PROGRAM 2		
Support and Development of Culture, Communications and Heritage	199,133,925.00	13,225,015.00
	<hr/> 215,613,600.00	<hr/> 13,225,015.00

ÉCONOMIE ET INNOVATION

	First portion	Additional portion
PROGRAM 1		
Management and Administration	8,117,275.00	
PROGRAM 2		
Economic Development	83,699,150.00	
PROGRAM 3		
Development of Science, Research and Innovation	65,069,875.00	20,000,000.00
PROGRAM 4		
Economic Development Fund Interventions	68,387,025.00	
PROGRAM 5		
Research and Innovation Bodies	53,810,950.00	96,000,000.00
	<u>279,084,275.00</u>	<u>116,000,000.00</u>

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

	First portion	Additional portion
PROGRAM 1		
Administration	66,305,300.00	
PROGRAM 2		
Support for Organizations	31,678,500.00	
PROGRAM 3		
Financial Assistance for Education	243,679,225.00	
PROGRAM 4		
Preschool, Primary and Secondary Education	2,967,167,425.00	350,855,300.00
PROGRAM 5		
Higher Education	1,611,877,000.00	114,041,500.00
PROGRAM 6		
Development of Recreation and Sports	27,081,350.00	9,000,000.00
PROGRAM 8		
School Taxes – Fiscal Balancing Subsidy	318,122,125.00	
PROGRAM 9		
Status of Women	6,081,650.00	
	5,271,992,575.00	473,896,800.00

ÉNERGIE ET RESSOURCES NATURELLES

	First portion	Additional portion
PROGRAM 1		
Management of Natural Resources	36,448,375.00	8,000,000.00
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	36,448,375.00	8,000,000.00

ENVIRONNEMENT ET LUTTE CONTRE LES CHANGEMENTS
CLIMATIQUES

	First portion	Additional portion
PROGRAM 1		
Environmental Protection	72,292,875.00	
PROGRAM 2		
Bureau d'audiences publiques sur l'environnement	1,500,200.00	
	<hr/>	
	73,793,075.00	

FAMILLE

	First portion	Additional portion
PROGRAM 1		
Planning, Research and Administration	14,070,250.00	
PROGRAM 2		
Assistance Measures for Families	33,093,350.00	9,885,000.00
PROGRAM 3		
Childcare Services	607,624,975.00	48,773,412.00
PROGRAM 4		
Public Curator	16,875,750.00	
	<hr/>	<hr/>
	671,664,325.00	58,658,412.00

FINANCES

	First portion	Additional portion
PROGRAM 1		
Management and Administration	8,177,350.00	
PROGRAM 2		
Economic, Taxation, Budgetary and Financial Activities	13,576,175.00	
PROGRAM 3		
Contributions, Bank Service Fees and Provisions for Transferring Appropriations	23,930,175.00	
	<hr/>	
	45,683,700.00	

FORÊTS, FAUNE ET PARCS

	First portion	Additional portion
PROGRAM 1		
Management and Administration	2,144,150.00	
PROGRAM 2		
Management of Forest Resources	95,852,025.00	70,000,000.00
PROGRAM 3		
Management of Wildlife Resources and Parks	44,545,925.00	14,500,000.00
	<hr/>	<hr/>
	142,542,100.00	84,500,000.00

IMMIGRATION, FRANCISATION ET INTÉGRATION

	First portion	Additional portion
PROGRAM 1		
Management and Support for Departmental Activities	11,921,425.00	
PROGRAM 2		
Immigration, Francization and Integration	124,923,425.00	
PROGRAM 3		
French Language	10,621,100.00	
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	147,465,950.00	

JUSTICE

	First portion	Additional portion
PROGRAM 1		
Administration of Justice	100,798,525.00	16,954,000.00
PROGRAM 2		
Judicial Activity	9,519,800.00	66,500.00
PROGRAM 3		
Administrative Justice	4,469,050.00	4,295,400.00
PROGRAM 5		
Other Bodies Reporting to the Minister	51,124,450.00	16,396,200.00
PROGRAM 6		
Criminal and Penal Prosecutions	44,840,875.00	
	<hr/>	<hr/>
	210,752,700.00	37,712,100.00

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

	First portion	Additional portion
PROGRAM 1		
The Public Protector	4,601,225.00	
PROGRAM 2		
The Auditor General	8,826,700.00	1,500,000.00
PROGRAM 4		
The Lobbyists Commissioner	1,587,525.00	
	<hr/>	<hr/>
	15,015,450.00	1,500,000.00

RELATIONS INTERNATIONALES ET FRANCOPHONIE

	First portion	Additional portion
PROGRAM 1		
Management and Administration	4,942,700.00	
PROGRAM 2		
International Affairs	24,800,225.00	
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	29,742,925.00	

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
PROGRAM 1		
Coordination Functions	45,275,550.00	
PROGRAM 2		
Services to the Public	6,571,386,750.00	
PROGRAM 3		
Office des personnes handicapées du Québec	3,514,875.00	
PROGRAM 5		
Status of Seniors	8,613,500.00	
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	6,628,790,675.00	

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
PROGRAM 1		
Management and Administration	19,903,575.00	
PROGRAM 2		
Services of the Sûreté du Québec	180,479,125.00	170,000,000.00
PROGRAM 3		
Management of the Correctional System	135,450,100.00	7,793,600.00
PROGRAM 4		
Security and Prevention	42,321,150.00	18,479,000.00
PROGRAM 5		
Scientific and Forensic Expertise	5,683,400.00	
PROGRAM 6		
Management and Oversight	13,227,700.00	
PROGRAM 7		
Promotion and Development of the Capitale-Nationale	17,607,050.00	16,070,000.00
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	414,672,100.00	212,342,600.00

TOURISME

	First portion	Additional portion
PROGRAM 1		
Management, Administration and Program Management	4,077,150.00	
PROGRAM 2		
Tourism Development	12,457,025.00	1,755,750.00
PROGRAM 3		
Bodies Reporting to the Minister	25,363,325.00	
	<hr/> 41,897,500.00	<hr/> 1,755,750.00

TRANSPORTS

	First portion	Additional portion
PROGRAM 1		
Infrastructures and Transportation Systems	285,262,825.00	
PROGRAM 2		
Administration and Corporate Services	15,927,400.00	
	<hr/>	
	301,190,225.00	

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
PROGRAM 1		
Governance, Administration and Client Services	141,890,075.00	17,026,806.00
PROGRAM 2		
Financial Assistance Measures	751,447,725.00	46,000,000.00
PROGRAM 3		
Employment Assistance Measures	216,366,350.00	25,000,000.00
	<u>1,109,704,150.00</u>	<u>88,026,806.00</u>

SCHEDULE 2

SPECIAL FUNDS

AFFAIRES MUNICIPALES ET HABITATION

	First portion	Additional portion
REGIONS AND RURALITY FUND		
Expenditure Forecast	65,291,350.00	
TOTAL		
Expenditure Forecast	65,291,350.00	

CULTURE ET COMMUNICATIONS

	First portion	Additional portion
AVENIR MÉCÉNAT CULTURE FUND		
Expenditure Forecast	1,281,100.00	
QUÉBEC CULTURAL HERITAGE FUND		
Expenditure Forecast	<u>7,907,500.00</u>	
TOTAL		
Expenditure Forecast	9,188,600.00	

ÉCONOMIE ET INNOVATION

	First portion	Additional portion
NATURAL RESOURCES AND ENERGY CAPITAL FUND		
Expenditure Forecast	42,750.00	
Investment Forecast	123,923,750.00	
ECONOMIC DEVELOPMENT FUND		
Expenditure Forecast	106,807,275.00	
Investment Forecast	161,839,750.00	
QUÉBEC ENTERPRISE GROWTH FUND		
Expenditure Forecast	37,500.00	
Investment Forecast	25,000,000.00	
TOTALS		
Expenditure Forecast	106,887,525.00	
Investment Forecast	310,763,500.00	

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

	First portion	Additional portion
SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND		
Expenditure Forecast	23,271,775.00	
Investment Forecast	35,749,975.00	
UNIVERSITY EXCELLENCE AND PERFORMANCE FUND		
Expenditure Forecast	<u>6,250,000.00</u>	
TOTALS		
Expenditure Forecast	29,521,775.00	
Investment Forecast	35,749,975.00	

ÉNERGIE ET RESSOURCES NATURELLES

	First portion	Additional portion
NATURAL RESOURCES FUND		
Expenditure Forecast	10,966,575.00	1,000,000.00
Investment Forecast	150,000.00	
ENERGY TRANSITION FUND		
Expenditure Forecast	322,900.00	
TERRITORIAL INFORMATION FUND		
Expenditure Forecast	29,475,550.00	
Investment Forecast	13,932,800.00	
TOTALS		
Expenditure Forecast	40,765,025.00	1,000,000.00
Investment Forecast	14,082,800.00	

**ENVIRONNEMENT ET LUTTE CONTRE LES CHANGEMENTS
CLIMATIQUES**

	First portion	Additional portion
FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE		
Expenditure Forecast	9,164,875.00	
Investment Forecast	50,000.00	
GREEN FUND		
Expenditure Forecast	284,700,600.00	
Investment Forecast	823,000.00	
TOTALS		
Expenditure Forecast	293,865,475.00	
Investment Forecast	873,000.00	

FAMILLE

	First portion	Additional portion
EDUCATIONAL CHILDCARE SERVICES FUND		
Expenditure Forecast	<u>662,524,975.00</u>	<u>210,252,962.00</u>
TOTAL		
Expenditure Forecast	662,524,975.00	210,252,962.00

FINANCES

	First portion	Additional portion
FINANCING FUND		
Expenditure Forecast	697,400.00	
CANNABIS SALES REVENUE FUND		
Expenditure Forecast	24,562,675.00	
IFC MONTRÉAL FUND		
Expenditure Forecast	344,200.00	1,032,600.00
NORTHERN PLAN FUND		
Expenditure Forecast	24,969,400.00	
FUND OF THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL		
Expenditure Forecast	936,925.00	
Investment Forecast	3,519,500.00	
TAX ADMINISTRATION FUND		
Expenditure Forecast	256,191,450.00	
TOTALS		
Expenditure Forecast	307,702,050.00	1,032,600.00
Investment Forecast	3,519,500.00	

FORÊTS, FAUNE ET PARCS

	First portion	Additional portion
NATURAL RESOURCES FUND – SUSTAINABLE FOREST DEVELOPMENT COMPONENT		
Expenditure Forecast	146,725,325.00	61,000,000.00
Investment Forecast	4,562,475.00	
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TOTALS		
Expenditure Forecast	146,725,325.00	61,000,000.00
Investment Forecast	4,562,475.00	

JUSTICE

	First portion	Additional portion
ACCESS TO JUSTICE FUND		
Expenditure Forecast	4,963,700.00	
CRIME VICTIMS ASSISTANCE FUND		
Expenditure Forecast	8,587,550.00	
REGISTER FUND OF THE MINISTÈRE DE LA JUSTICE		
Expenditure Forecast	14,866,350.00	
Investment Forecast	814,250.00	
FUND OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC		
Expenditure Forecast	11,607,050.00	
Investment Forecast	511,925.00	
PUBLIC CONTRACTS FUND		
Expenditure Forecast	1,925.00	
TOTALS		
Expenditure Forecast	40,026,575.00	
Investment Forecast	1,326,175.00	

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
CANNABIS PREVENTION AND RESEARCH FUND		
Expenditure Forecast	18,175,000.00	
CAREGIVER SUPPORT FUND		
Expenditure Forecast	4,495,000.00	
HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND		
Expenditure Forecast	80,131,625.00	
Investment Forecast	28,435,400.00	
TOTALS		
Expenditure Forecast	102,801,625.00	
Investment Forecast	28,435,400.00	

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
CAPITALE-NATIONALE REGION FUND		
Expenditure Forecast	5,262,500.00	15,750,000.00
POLICE SERVICES FUND		
Expenditure Forecast	179,498,500.00	
Investment Forecast	4,341,450.00	
TOTALS		
Expenditure Forecast	184,761,000.00	15,750,000.00
Investment Forecast	4,341,450.00	

TOURISME

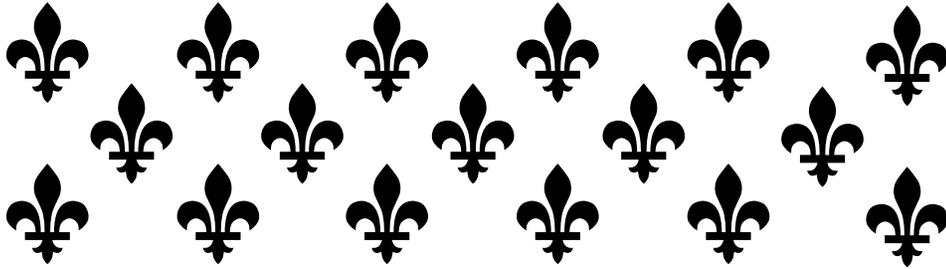
	First portion	Additional portion
TOURISM PARTNERSHIP FUND		
Expenditure Forecast	55,058,625.00	12,760,350.00
Investment Forecast	298,500.00	
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TOTALS		
Expenditure Forecast	55,058,625.00	12,760,350.00
Investment Forecast	298,500.00	

TRANSPORTS

	First portion	Additional portion
AIR SERVICE FUND		
Expenditure Forecast	19,459,375.00	
Investment Forecast	2,175,000.00	
ROLLING STOCK MANAGEMENT FUND		
Expenditure Forecast	33,644,975.00	
Investment Forecast	13,803,525.00	
HIGHWAY SAFETY FUND		
Expenditure Forecast	11,331,100.00	
Investment Forecast	49,375.00	
LAND TRANSPORTATION NETWORK FUND		
Expenditure Forecast	1,185,369,375.00	
Investment Forecast	568,101,025.00	
TOTALS		
Expenditure Forecast	1,249,804,825.00	
Investment Forecast	584,128,925.00	

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION		
Expenditure Forecast	10,219,325.00	9,308,310.00
LABOUR MARKET DEVELOPMENT FUND		
Expenditure Forecast	317,466,325.00	
GOODS AND SERVICES FUND		
Expenditure Forecast	30,446,975.00	
Investment Forecast	698,500.00	
INFORMATION TECHNOLOGY FUND OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE		
Expenditure Forecast	5,485,400.00	
Investment Forecast	5,100,000.00	
ADMINISTRATIVE LABOUR TRIBUNAL FUND		
Expenditure Forecast	20,161,600.00	
Investment Forecast	735,000.00	
FONDS QUÉBÉCOIS D'INITIATIVES SOCIALES		
Expenditure Forecast	7,953,525.00	11,655,000.00
TOTALS		
Expenditure Forecast	391,733,150.00	20,963,310.00
Investment Forecast	6,533,500.00	



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 58
(2020, chapter 8)

Appropriation Act No. 3, 2019–2020

Introduced 17 March 2020
Passed in principle 17 March 2020
Passed 17 March 2020
Assented to 17 March 2020

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund a sum of \$2,695,573,300.00, representing the 2019–2020 Supplementary Estimates No. 1 to be voted for each of the portfolio programs listed in Schedule 1.

Moreover, the Act carries over the rules applicable to appropriations already voted in the 2019–2020 fiscal year, which establish the measure under which the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Lastly, the Act approves the forecast additional expenditures of the special funds listed in Schedule 2.

Bill 58

APPROPRIATION ACT NO. 3, 2019–2020

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$2,695,573,300.00 for the payment of the supplementary estimates of Québec tabled in the National Assembly for the 2019–2020 fiscal year, for which provision has not otherwise been made, being the amount of the appropriations to be voted for each of the programs listed in Schedule 1.

2. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to this end, for the purposes of and, where applicable, according to the conditions described in the supplementary estimates tabled in the National Assembly.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, provided such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10%, excluding, where applicable, the portion of the appropriation for which provision has been made.

3. The forecast additional expenditures for the special funds listed in Schedule 2 are approved for the 2019–2020 fiscal year.

4. This Act comes into force on 17 March 2020.

SCHEDULE 1

AFFAIRES MUNICIPALES ET HABITATION

PROGRAM 3

Compensation in Lieu of Taxes and Support to Municipalities	148,000,000.00
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PROGRAM 5

Promotion and Development of Greater Montréal	200,000,000.00
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	348,000,000.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

PROGRAM 2

Support for Government Operations	400,000,000.00
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PROGRAM 5

Contingency Fund	<u>500,000,000.00</u>
	900,000,000.00

ÉCONOMIE ET INNOVATION

PROGRAM 3

Development of Science, Research and Innovation	73,000,000.00
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PROGRAM 4

Economic Development Fund Interventions	603,000,000.00
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	676,000,000.00

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

PROGRAM 8

School Taxes – Regional Balancing	
Subsidy	232,935,100.00
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	232,935,100.00

ÉNERGIE ET RESSOURCES NATURELLES

PROGRAM 1

Management of Natural Resources	43,200,000.00
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	43,200,000.00

FAMILLE

PROGRAM 3

Childcare Services

90,438,200.00

90,438,200.00

SANTÉ ET SERVICES SOCIAUX

PROGRAM 2

Services to the Public

225,000,000.00

225,000,000.00

TRANSPORTS

PROGRAM 1

Infrastructures and Transportation
Systems180,000,000.00

180,000,000.00

2,695,573,300.00

SCHEDULE 2

SPECIAL FUNDS

ÉCONOMIE ET INNOVATION

ECONOMIC DEVELOPMENT FUND

Forecast Additional Expenditures	603,000,000.00
	<hr/> 603,000,000.00

FAMILLE

EDUCATIONAL CHILDCARE
SERVICES FUND

Forecast Additional Expenditures	90,438,200.00
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	90,438,200.00

TRANSPORTS

LAND TRANSPORTATION
NETWORK FUND

Forecast Additional Expenditures	180,000,000.00	
	<u>180,000,000.00</u>	
		<u>873,438,200.00</u>

Regulations and other Acts

Gouvernement du Québec

O.C. 473-2020, 22 April 2020

Professional Code
(chapter C-26)

Physiothérapie

— **Professional activities that may be engaged in by members of the Ordre professionnel**

— **Amendment**

Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under section 94.1 of the Professional Code, the board of directors of a professional order may, in a regulation that it is authorized to make under the Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and it may provide that reference to such a standard includes any subsequent amendment made to it;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the Collège des médecins du Québec has consulted the Ordre des infirmières et infirmiers du Québec, the Ordre des médecins vétérinaires du Québec, the Ordre des podiatres du Québec, the Ordre des chiropraticiens du Québec and the Ordre des dentistes du Québec before adopting the Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec on 26 April 2019;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation adopted by the board of directors of a professional order under the Code or an Act constituting

a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec was published in Part 2 of the *Gazette officielle du Québec* of 19 June 2019 with a notice that it could be examined by the Office des professions du Québec, then submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following this publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 18 November 2019 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*, and s. 94.1)

1. The Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec (chapter M-9, r. 4) is amended by replacing section 1 by the following:

“DIVISION I PURPOSE

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by the members of the Ordre professionnel de la physiothérapie du Québec, subject to their permit category, and by other persons.

DIVISION II TREATMENT

1.1. The activities referred to in this Division are engaged in according to a prescription.”

2. The following is inserted after section 4.1:

“DIVISION III PRESCRIPTION FOR X-RAYS

4.2. A physiotherapist may prescribe x-rays in accordance with the ACR Appropriateness Criteria® standards of the American College of Radiology when providing care to a person having a physical function limitation or disability related to the musculoskeletal system further to acute trauma.

On receipt of the radiologist’s report, the physiotherapist must provide the follow-up required by the patient’s condition. The physiotherapist must, where applicable, refer the patient to a physician with whom the physiotherapist has established a service corridor.

The reference to the standards prescribed in the first paragraph includes any subsequent amendment made to it.

4.3. In order to engage in the activity referred to in section 4.2, a physiotherapist must

(1) hold a training certificate issued by the Ordre professionnel de la physiothérapie du Québec according to which the physiotherapist has successfully completed 15 hours of training covering

(a) the professional practice specific to the prescription for x-rays;

(b) the guidelines on the instructions on the use of x-rays;

(c) contraindications and safety related to x-rays;

(d) patient record documentation;

(2) have established service corridors to ensure the medical follow-up required by the patient’s condition.

4.4. A physiotherapist who holds a training certificate issued under section 4.3 must devote at least 3 hours, per reference period of 3 years, to continuing education activities related to the prescription for x-rays.

4.5. A physiotherapist engages in the activity referred to in section 4.2 in accordance with the provisions applicable to individual prescriptions provided for in the Règlement sur les normes relatives aux ordonnances faites par un médecin (chapter M-9, r. 25.1).

DIVISION IV OTHER AUTHORIZED PERSONS”

3. Sections 5 and 6 are amended by replacing “and 4” by “, 4 and 4.1”.

4. Despite section 4.4, introduced by section 2 of this Regulation, the first reference period ends on 31 March 2022.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104400

Gouvernement du Québec

O.C. 477-2020, 22 April 2020

Tax Administration Act
(chapter A-6.002)

An Act respecting Québec Pension Plan
(chapter R-9)

Agreement on social security between Québec and the Republic of Bulgaria and the making of the regulation respecting the implementation of the Agreement — Ratification

Ratification of the Agreement on social security between Québec and the Republic of Bulgaria and the making of the regulation respecting the implementation of the Agreement

WHEREAS Order in Council 278-2016 dated 6 April 2016 authorized the Minister of International Relations and La Francophonie to sign alone the Agreement on social security between Québec and the Republic of Bulgaria and the Administrative Arrangement related to the Agreement;

WHEREAS the Agreement on social security between Québec and the Republic of Bulgaria and the Administrative Arrangement related to the Agreement were signed in Québec on 19 September 2019;

WHEREAS the Agreement guarantees in particular to the persons concerned the advantages of the coordination in matters of pensions, survivor, disability and death;

WHEREAS the conditions of application of the Agreement are specified in an administrative arrangement attached to the Agreement;

WHEREAS the Government may, by regulation made under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), give effect to international agreements of a fiscal nature entered into under the first paragraph of section 9 of the Act;

WHEREAS, under the second paragraph of section 215 of the Act respecting the Québec Pension Plan (chapter R-9), the Government may make regulations respecting the manner in which the Act must apply to any case affected by an agreement entered into with another country;

WHEREAS the Agreement constitutes an international agreement within the meaning of the third paragraph of section 19 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

WHEREAS the Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of the Act must, to be valid, be signed by the Minister of International Relations and La Francophonie, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of that Act, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act must not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Agreement on 6 November 2019;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, draft regulations of the Government respecting the implementation of agreements on social security signed by the Gouvernement du Québec under section 215 of the Act respecting the Québec Pension Plan and section 9 of the Tax Administration Act are excluded from the application of the Regulations Act (chapter R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and La Francophonie and the Minister of Finance:

THAT the Agreement on social security between Québec and the Republic of Bulgaria, signed in Québec on 19 September 2019, approved by the National Assembly on 6 November 2017 and appearing as a schedule to the regulation to implement the Agreement mentioned below be ratified;

THAT the Regulation respecting the implementation of the Agreement on social security between Québec and the Republic of Bulgaria, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on social security between Québec and the Republic of Bulgaria

Tax Administration Act
(chapter A-6.002, ss. 9 and 96)

An Act respecting the Québec Pension Plan
(chapter R-9, s. 215)

1. The Act respecting the Québec Pension Plan (chapter R-9) and the regulations made under the Act apply to every person covered by the Agreement on social security between Québec and the Republic of Bulgaria, signed in Québec on 19 September 2019, and appearing as Schedule 1.

2. The Act and the regulations apply in the manner provided for in the Agreement and the Administrative Arrangement for the implementation of the Agreement, which appears in Schedule 2.

3. This Regulation comes into force on 1 September 2020.

SCHEDULE 1

(s. 1)

**AGREEMENT ON SOCIAL SECURITY BETWEEN
QUÉBEC AND THE REPUBLIC OF BULGARIA**

QUÉBEC

AND

THE REPUBLIC OF BULGARIA

HAVING RESOLVED to coordinate their social security
legislations;

HAVE AGREED AS FOLLOWS:

TITLE I**GENERAL PROVISIONS****ARTICLE 1****DEFINITIONS**

In this Agreement, unless the context indicates otherwise, the following expressions mean:

(a) “competent authority”: the Minister of Québec responsible for administering the legislation referred to in Article 2 and the Minister of Labour and Social Policy of the Republic of Bulgaria;

(b) “competent institution”: the department or body of Québec and the institutions of the Republic of Bulgaria, responsible for administering the legislation referred to in Article 2;

(c) “legislation”: the laws and regulations referred to in Article 2;

(d) “liaison agency”: institution responsible for the coordination and exchange of information between the institutions of each of the Parties for the purposes of the Agreement;

(e) “period of insurance”:

for Québec, any year for which contributions or disability pension benefits have been paid under the legislation of Québec or any other year considered as equivalent; and

for the Republic of Bulgaria, any period of insurance or other period considered as equivalent under the legislation of the Republic of Bulgaria;

(f) “benefit”: any cash benefit under the legislation referred to in Article 2, including any additional amount, increase or supplement applicable to that benefit under the legislation of each Contracting Party, unless otherwise provided in the Agreement;

(g) “residence”:

for Québec, the meaning assigned to it by the applicable laws and regulations; and

for the Republic of Bulgaria, a person’s habitual place of residence;

(h) “stay”: temporary residence;

(i) “national”:

for Québec, a Canadian citizen who is or has been subject to the legislation referred to in subparagraph (a) of paragraph 1 of Article 2 or has acquired rights under that legislation; and

for the Republic of Bulgaria, a Bulgarian citizen according to the Constitution of the Republic of Bulgaria.

Any term not defined in this Agreement shall have the meaning given to it in the applicable laws and regulations of each Contracting Party.

ARTICLE 2**MATERIAL SCOPE**

(1) The Agreement shall apply:

(a) as regards Québec, to the legislation of Québec concerning the Québec Pension Plan;

(b) as regards the Republic of Bulgaria, to the legislation concerning pensions from the State Social Insurance for periods of insurance and age, invalidity due to general disease and survivor’s pensions derived from the above mentioned pensions,

as well as relevant contributions.

(2) The Agreement shall also apply to any legislation, completing or replacing the legislation referred to in paragraph 1.

(3) The Agreement shall also apply to any legislation of one Contracting Party that extends the existing plans to new categories of beneficiaries or to new benefits; however, the Contracting Party shall have three months following the official publication of that legislation to notify the other Contracting Party that the Agreement shall not apply.

(4) The Agreement shall not apply to legislation that covers a new branch of social security unless the Agreement is amended to that effect.

ARTICLE 3 PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply to any person who is or has been subject to the legislation of one of the Contracting Party or who has acquired rights under that legislation.

ARTICLE 4 EQUALITY OF TREATMENT

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall receive, in the application of the legislation of one Contracting Party, the same treatment as nationals of that Contracting Party.

ARTICLE 5 EXPORT OF BENEFITS

(1) Unless otherwise provided in the Agreement, benefits acquired under the legislation of one Contracting Party, with or without the application of the Agreement, cannot be reduced, modified, suspended, cancelled or confiscated simply because the beneficiary resides or stays in the territory of the other Contracting Party. The benefits shall remain payable to the beneficiary in the territory of the Contracting Party in which the beneficiary resides.

(2) A person who is entitled to a benefit shall continue to be entitled to that benefit when that person resides or stays in the territory of a third state on the conditions set out in the legislation of the competent Contracting Party.

TITLE II APPLICABLE LEGISLATION

ARTICLE 6 GENERAL RULE

Unless otherwise provided in the Agreement, a person who works in the territory of one Contracting Party shall be subject, with respect to such work, only to the legislation of that Contracting Party.

ARTICLE 7 SELF-EMPLOYED PERSONS

A person residing in the territory of one Contracting Party and who works for his or her own account in the territory of the other Contracting Party or in the territory of both Contracting Parties shall be subject, with respect to such work, only to the legislation of the Contracting Party of the place of residence.

ARTICLE 8 DETACHED PERSON

(1) A person subject to the legislation of one Contracting Party and temporarily detached by their employer for a period not exceeding 60 months in the territory of the other Contracting Party shall, with respect to that employment, be subject only to the legislation of the first Contracting Party for the duration of the detachment.

(2) Notwithstanding the preceding paragraph, if the period of work to be performed extends beyond the proposed initial period and exceeds 60 months, the legislation of the first Contracting Party shall remain applicable provided that the competent institutions of both Contracting Parties consent to it.

ARTICLE 9 TRAVELLING PERSONNEL EMPLOYED BY AN INTERNATIONAL CARRIER

(1) Persons working in the territory of both Contracting Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports by air or by sea passengers or goods, and which has its head office in the territory of one Contracting Party, shall, with respect to such work, be subject only to the legislation of the Contracting Party in whose territory the head office is located.

(2) Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency that the undertaking has in the territory of one Contracting Party other than the Contracting Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the legislation of the Contracting Party in whose territory the branch or permanent agency is located.

(3) Notwithstanding paragraphs 1 and 2, if those persons are employed mostly in the territory of the Contracting Party in which the persons reside, they shall, with respect to such work, be subject only to the legislation of that Contracting Party.

ARTICLE 10 GOVERNMENT EMPLOYMENT AND CIVIL SERVICE

(1) Persons employed in the government or civil service of one Contracting Party shall, with respect to that employment, be subject only to the legislation of that Contracting Party.

(2) Notwithstanding the preceding paragraph, persons residing in the territory of one Contracting Party and who are recruited on site for employment in the government or civil service of the other Contracting Party shall, with respect to that employment, be subject only to the legislation of the first Contracting Party.

(3) Notwithstanding any provision of the Agreement, the provisions respecting social security of the Vienna Convention on Diplomatic Relations of 18 April 1961 and the Vienna Convention on Consular Relations of 24 April 1963 shall continue to apply.

ARTICLE 11 DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent institutions of both Contracting Parties may, by common agreement, derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

TITLE III BENEFITS

ARTICLE 12 TOTALIZATION OF PERIODS OF INSURANCE

When persons have completed periods of insurance under the legislation of both Contracting Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the legislation of one Contracting Party, the competent institution of that Contracting Party shall totalize, to the extent necessary for the entitlement to benefits under the legislation that it administers, the periods of insurance completed under its legislation and the periods of insurance completed under the legislation of the other Contracting Party, provided that the overlapping periods are counted only once.

ARTICLE 13 BENEFITS UNDER THE LEGISLATION OF QUÉBEC

(1) If persons who have been subject to the legislation of both Contracting Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants under the legislation of Québec without having recourse to the totalization referred to in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation that it administers.

(2) If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall:

(a) recognize one year of contribution when the competent institution of the Republic of Bulgaria certifies that a period of insurance of at least three months has been credited in a calendar year under the legislation of the Republic of Bulgaria, provided that the year is included in the base contributory period as defined in the legislation of Québec;

(b) totalize the years recognized under subparagraph (a) with periods of insurance completed under the legislation of Québec, in accordance with Article 12.

(3) If the totalization provided for in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable by adding the amounts calculated in accordance with the following subparagraphs (a) and (b):

(a) the amount of the part of the benefit which is related to earnings is calculated according to the provisions of the legislation of Québec;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Agreement is determined by multiplying:

the amount of the flat-rate benefit determined under the provisions of the Québec Pension Plan

by

the fraction that represents the ratio between the periods of base contributions to the Québec Pension Plan and the base contributory period as defined in the legislation relating to that Plan.

ARTICLE 14 BENEFITS UNDER THE LEGISLATION OF THE REPUBLIC OF BULGARIA

(1) If persons who have been subject to the legislation of both Contracting Parties meet the requirements for entitlement to benefits, for themselves, their survivors or other rightful claimants under the legislation of the Republic of Bulgaria without having recourse to the totalization referred to in Article 12, the competent institution of the Republic of Bulgaria shall determine the amount of the benefits in accordance with the provisions of the legislation that it administers.

(2) If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without having recourse to the totalization, the competent institution of the Republic of Bulgaria shall:

(a) recognize the periods of insurance confirmed by the competent institution of Québec;

(b) if entitlement to benefits is not acquired notwithstanding the application of subparagraph (a), recognize the periods of residence, within the meaning of the *Old Age Security Act* of Canada that applies in the territory of Québec as periods of insurance under the legislation of the Republic of Bulgaria, provided that the periods do not overlap a period of insurance completed under the legislation of Québec;

(c) totalize the periods of insurance completed under its legislation and the periods of insurance recognized under subparagraphs (a) and (b), in accordance with Article 12.

(3) To determine eligibility for a disability pension or survivor pension derived from the right to a disability pension under the legislation of the Republic of Bulgaria, a calendar year which is a creditable period under the legislation of Québec shall be considered as a year which is creditable under the legislation of the Republic of Bulgaria.

(4) Where the legislation of the Republic of Bulgaria provides that a period of insurance is considered to meet the requirements of eligibility for a pension only if that period is completed in a specific activity or occupation, the competent institution shall take into account the periods of insurance completed under the legislation of Québec where those periods have been completed in an equivalent specific activity or occupation.

(5) If persons meet the requirements of eligibility for a benefits only following the application of provisions respecting totalization, the competent institution of the Republic of Bulgaria shall calculate the amount of the benefits payable in accordance with the legislation of the Republic of Bulgaria only based on the creditable periods in the Republic of Bulgaria and according to the income on which the insurance contributions have been paid during those periods.

(6) For the purpose of calculating the amount of a disability pension, the period of insurance recognized for the period between the occurrence of the disability and the date of reaching the age of eligibility to a pension for periods of insurance and age under the legislation of the

Republic of Bulgaria shall be reduced by the duration of the period of insurance confirmed by the competent institution of Québec after the date on which the disability occurred.

ARTICLE 15 PERIODS COMPLETED UNDER THE LEGISLATION OF A THIRD PARTY

If a person is still not entitled to a benefit after the totalization under Article 12, 13 or 14, the periods of insurance completed under the legislation of a third party bound to each Contracting Party by a legal social security instrument containing provisions related to the totalization of periods of insurance shall be taken into account to establish entitlement to benefits, in accordance with the terms and conditions set out in the Title.

TITLE IV MISCELLANEOUS PROVISIONS

ARTICLE 16 ADMINISTRATIVE ARRANGEMENT

(1) An Administrative Arrangement, that must be agreed to by the competent authorities of the Contracting Parties, shall set out the terms and conditions of the application of the Agreement.

(2) The liaison agencies and competent institutions of each Contracting Party shall be designated in the Administrative Arrangement.

ARTICLE 17 CLAIM FOR BENEFITS

(1) To receive benefits under the Agreement, a person shall file a claim in accordance with the terms and conditions set out in the Administrative Arrangement.

(2) A claim for benefits filed after the entry into force of the Agreement under the legislation of one Contracting Party shall be deemed to be a claim for corresponding benefits under the legislation of the other Contracting Party

(a) where a person asks that the claim be considered as a claim under the legislation of the other Contracting Party; or

(b) where a person indicates, at the time of the claim, that periods of insurance have been completed under the legislation of the other Contracting Party.

The date of filing of the claim in the other Contracting Party shall be deemed to be the date on which the claim was received by the first Contracting Party.

(3) The provisions of the preceding paragraph shall not prevent a person from requesting that a claim for a benefit under the legislation of the other Contracting Party be deferred.

ARTICLE 18 DETERMINATION AND PAYMENT OF BENEFITS

(1) Any benefit shall be determined in the currency of the Contracting Party making the payment.

(2) The benefit determined or payable under the Agreement shall be payable directly to the beneficiary in currency in the place of residence of the beneficiary, without any deduction for administrative charges for the payment of the benefit.

(3) For the purposes of paragraphs 1 and 2, where an exchange rate is required, that rate shall be the rate in effect on the day the payment is made.

ARTICLE 19 FILING DEADLINE

(1) A claim for recourse or appeal that, under the legislation of one Contracting Party, must be filed within a determined period with the competent institution of that Contracting Party shall be receivable if it is filed within the same period with the corresponding competent institution of the other Contracting Party. In that case, the competent institution that has received the claim for recourse or appeal shall immediately send it to the competent institution of the other Contracting Party.

(2) The date on which the claim for recourse or appeal is filed with the competent institution of one Contracting Party shall be deemed to be the date of filing with the competent institution of the other Contracting Party.

ARTICLE 20 EXPERT APPRAISALS

(1) At the request of the competent institution of one Contracting Party, the competent institution of the other Contracting Party shall make the necessary arrangements to provide the expert appraisals required for persons residing or staying in the territory of the latter Contracting Party.

(2) The expert appraisals referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other Contracting Party.

ARTICLE 21 FEES AND EXEMPTION FROM AUTHENTICATION

(1) Any exemption from or reduction of fees provided for in the legislation of one Contracting Party with respect to the issuing of a certificate or document required for the application of that legislation shall be extended to the certificates and documents required for the application of the legislation of the other Contracting Party.

(2) Any document required for the application of the Agreement and certified true by the competent institution shall be exempt from authentication by the responsible authorities or from any other similar formality.

ARTICLE 22 PROTECTION OF PERSONAL INFORMATION

(1) Any information which allows a natural person to be identified shall be considered personal information. Personal information shall be confidential.

(2) The institutions of both Contracting Parties may release to one another any personal information necessary for the application of the Agreement.

(3) Personal information released to an institution of one Contracting Party, in the application of the Agreement, may only be used for the purposes of the Agreement.

One Contracting Party may however use such information for other purposes with the consent of the person concerned or, without the person's consent, in the following cases:

(a) when its use is compatible and has a direct and relevant connection with the purposes for which the information was collected;

(b) when its use is clearly for the benefit of the person to whom it relates; or

(c) when its use is necessary for the administration of an Act in Québec or in the Republic of Bulgaria.

(4) Personal information released to an institution of a Contracting Party, as part of the application of the Agreement, may only be released to another institution of that Contracting Party for the application of the Agreement.

One Contracting Party may however release such information with the consent of the person concerned or, without the person's consent, only in the following cases:

(a) the information is necessary for the exercise of the rights and powers of an institution of one Contracting Party;

(b) the release of the information is clearly for the benefit of the person to whom it relates; or

(c) the release of the information is necessary for the administration of an Act in Québec or in the Republic of Bulgaria.

(5) The institutions of both Contracting Parties shall ensure, during the transmission of the information referred to in paragraph 2, the use of means preserving the confidentiality of such information.

(6) The institution of one Contracting Party, to which information referred to in paragraph 2 is released, shall protect it against unauthorized access, alteration and release.

(7) The institution of one Contracting Party, to which personal information referred to in paragraph 2 is released, shall take the necessary measures to ensure that this information is up to date, accurate and complete so as to serve the purposes for which it was collected. As need be, it shall correct the information held and shall destroy any information whose collection or storage is not authorized by the laws and regulations which apply to it. It shall also destroy, on request, the information whose transmission is prohibited under the laws and regulations of the Contracting Party that released it.

(8) Subject to a Contracting Party's laws and regulations, the information received by a Contracting Party, because of the application of this Agreement, shall be destroyed when the purposes for which it was collected or used are completed. The institutions of both Contracting Parties shall use safe and final means of destruction and shall preserve the confidential nature of the personal information awaiting destruction.

(9) On request to an institution of one Contracting Party, the person concerned has the right to be informed of the release of personal information referred to in paragraph 2 and of its use for purposes other than the application of this Agreement. That person may also have access to the personal information concerning him or her and have the information corrected, except as otherwise provided by the laws and regulations of the Contracting Party in whose territory the information is held.

(10) The competent authorities of the Contracting Parties shall inform each other of any amendment to the laws and regulations concerning the protection of personal information, in particular as regards other reasons for which it may be used or released to other entities without the consent of the person concerned.

(11) The provisions of paragraphs 2 and following shall apply, with the necessary modifications, to other confidential information obtained under the Agreement or by reason of the Agreement.

ARTICLE 23 ADMINISTRATIVE ASSISTANCE

The competent authorities, the competent institutions and liaison agencies shall:

(a) communicate to each other any information required in the application of the Agreement;

(b) assist each other free of charge in any matter concerning the application of the Agreement;

(c) forward to each other any information on measures adopted for the application of the Agreement and inform each other of amendments to their legislation to the extent that such amendments affect the application of the Agreement; and

(d) inform each other of the difficulties encountered in the interpretation or in the application of the Agreement.

ARTICLE 24 REIMBURSEMENT BETWEEN INSTITUTIONS

The competent institution of one Contracting Party shall reimburse to the competent institution of the other Contracting Party fees pertaining to each expert appraisal produced pursuant to Article 20. The forwarding of expert appraisals or other information already in the possession of the competent institutions shall be an integral part of the administrative assistance and shall be free of charge.

ARTICLE 25 COMMUNICATIONS

(1) The competent authorities and institutions, and liaison agencies of both Contracting Parties may communicate with one another in their official language.

(2) A decision of a tribunal or an institution may be communicated directly to a person staying or residing in the territory of the other Contracting Party.

ARTICLE 26
SETTLEMENT OF DISPUTES

Issues relative to the application or interpretation of the Agreement shall be settled by direct contact between the administrations of the competent authorities.

TITLE V
TRANSITIONAL AND FINAL PROVISIONS**ARTICLE 27**
TRANSITIONAL PROVISIONS

(1) The Agreement shall not confer any right to the payment of benefits for a period before the date of its entry into force.

(2) For the purposes of Title III and subject to the provisions of paragraph (1),

(a) a period of insurance completed prior to the entry into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to benefits under the Agreement;

(b) a benefit, other than a death benefit, is due under the Agreement even if it is related to an event prior to the date of entry into force of the Agreement;

(c) where benefits are payable pursuant to Article 12 and a claim for such benefits is filed within two years from the date of entry into force of the Agreement, rights arising from the Agreement shall be acquired as of that date or the date of entitlement to a retirement, survivor or disability benefit, if such date is later, notwithstanding the provisions of the legislation of either Contracting Party relative to the forfeiture of rights;

(d) a benefit which, on account of nationality or residence, has been refused, reduced or suspended shall, at the request of the person concerned, be granted or re-established as of the entry into force of the Agreement;

(e) a benefit granted before the entry into force of the Agreement shall be revised at the request of the person concerned. It may also be revised ex officio. If the revision leads to a benefit lower than the benefit paid before the entry into force of the Agreement, the amount of benefits previously paid shall be maintained;

(f) if the request referred to in subparagraphs (d) and (e) is filed within two years of the entry into force of the Agreement, rights arising from the Agreement shall be acquired as of that date, notwithstanding the provisions of the legislation of either Contracting Party relative to the forfeiture of rights;

(g) if the request referred to in subparagraphs (d) and (e) is filed after the limit of two years following the entry into force of the Agreement, rights which are not forfeited shall be acquired as of the date of the request, unless there are more favourable provisions in the applicable legislation.

(3) For the purposes of Article 8, a person shall be deemed to have become detached as of the date of entry into force of the Agreement.

ARTICLE 28
ENTRY INTO FORCE AND TERM OF
THE AGREEMENT

(1) The Agreement shall enter into force on the first day of the fourth month following the month in which the Contracting Parties exchange official notes confirming that they complied with all the internal procedures required for the entry into force of the Agreement. The Agreement is entered into for an indefinite term.

(2) The Agreement may be terminated by either Contracting Party by notification to the other Contracting Party. The Agreement expires on the 31st day of December that follows the date of notification by at least 12 months.

(3) If the Agreement is terminated, all rights acquired by a person under its provisions shall be maintained. The Agreement shall continue to produce its effects with respect to all the persons who, before the termination, had filed an application and would have acquired rights under the Agreement if it had not been terminated.

In witness whereof, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done in Québec on 19 September 2019, in two copies, in French and in Bulgarian, both texts being equally authentic.

FOR QUÉBEC
NADINE GIRAULT
*Minister of International
Relations and
La Francophonie*

FOR THE REPUBLIC
OF BULGARIA
SVETLANA STOYCHEVA-ETROPOLSKI
*Ambassador of the Republic
of Bulgaria to Canada*

SCHEDULE 2

(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE REPUBLIC OF BULGARIA

THE COMPETENT AUTHORITY OF QUÉBEC

AND

THE COMPETENT AUTHORITY OF THE REPUBLIC OF BULGARIA,

CONSIDERING Article 16 of the Agreement on social security between Québec and the Republic of Bulgaria

HAVE AGREED AS FOLLOWS:

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement,

(a) the term “Agreement” shall mean the Agreement on social security between Québec and the Republic of Bulgaria;

(b) the terms “a person’s habitual place of residence” shall mean, for the Republic of Bulgaria, the place in which the centre of interest of the person concerned is located, on the basis of an overall assessment of all the available information concerning the relevant facts, that may include, as the case may be,

i. the duration and continuity of the presence in the territory;

ii. the person’s situation, including

(1) the nature and specific characteristics of the activities carried on;

(2) family status and parental relationships;

(3) the carrying on of unpaid activities;

(4) the nature of the person’s accommodation, in particular its permanence;

(5) the territory of the Contracting Party in which the person is deemed to reside for tax purposes;

(c) all other terms shall have the meaning given to them in Article 1 of the Agreement.

ARTICLE 2**LIAISON AGENCIES AND COMPETENT INSTITUTIONS**

In accordance with the provisions of paragraph 2 of Article 16 of the Agreement,

(a) as regards Québec, the designated liaison agency shall be the Bureau des ententes de sécurité sociale of Retraite Québec or any other body that the Gouvernement du Québec may subsequently designate;

(b) as regards the Republic of Bulgaria, the designated liaison agencies and competent institutions shall be:

i. the National Social Security Institute as regards the pensions from the State’s social insurance for periods of insurance and age, invalidity due to a general disease and survivor’s pensions derived from the above-mentioned pensions;

ii. the National Revenue Agency for the application of Articles 6 to 11 of the Agreement and Article 3 of this Administrative Arrangement.

ARTICLE 3**CERTIFICATE OF COVERAGE**

(1) For the purposes of Articles 7, 8 and 11 of the Agreement, where a person remains subject to the legislation of one Contracting Party while working in the territory of the other Contracting Party, a certificate of coverage is issued:

(a) by the Québec liaison agency, where the person remains subject to the legislation of Québec; and

(b) by the competent institution of the Republic of Bulgaria, where the person remains subject to the legislation of the Republic of Bulgaria.

(2) The liaison agency or the competent institution issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency or competent institution referred to in paragraph 1, to the person concerned or, where applicable, to the person’s employer.

(3) For the purposes of paragraph 2 of Article 8 and Article 11 of the Agreement, the extension of the period of detachment beyond 60 months or the derogation to the provisions on coverage must result from a joint agreement between the Québec liaison agency and the competent institution of the Republic of Bulgaria.

ARTICLE 4 BENEFITS

(1) For the purposes of Title III of the Agreement, a claim for a benefit under the Agreement may be filed with the liaison agency or the competent institution of either Contracting Party, or with the competent institution of the Contracting Party whose legislation is applicable, along with the required supporting documents.

(2) Where the claim for a benefit referred to in paragraph 1 is filed with a liaison agency or a competent institution, that agency or institution shall send the claim to the competent institution of the Contracting Party whose legislation is applicable, along with copies that it has certified true to the original of the required supporting documents.

(3) A copy of the claim for a benefit and of the supporting documents shall be kept by the liaison agency or competent institution with which the claim was originally filed. A copy of those documents shall be made available to the competent institution of the other Contracting Party, on request.

(4) A liaison form, on which are indicated the periods of insurance completed, shall accompany the claim and supporting documents referred to in this Article.

(5) If so requested by the liaison agency or by the competent institution of one Contracting Party, the liaison agency or the competent institution of the other Contracting Party shall indicate, on the liaison form, the periods of insurance recognized under the legislation it administers.

(6) As soon as a decision regarding a claim has been made pursuant to the legislation it administers, the competent institution shall notify the claimant and inform the claimant about recourses and deadlines for such recourse prescribed by such legislation; the competent institution shall also inform the liaison agency or the competent institution of the other Contracting Party of the decision using the liaison form.

(7) Where the competent institution of one Contracting Party observes a change in the situation of a beneficiary, in particular as regards civil status and the death, and the change is likely to affect the beneficiary's right to a benefit under the legislation of the other Contracting Party, it shall inform the competent institution of that other Contracting Party using a form. The form, content and conditions of exchange of the form shall be negotiated between the competent institutions.

MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 5 REIMBURSEMENT BETWEEN INSTITUTIONS

(1) For the purposes of Article 24 of the Agreement, at the end of each calendar year, where the competent institution of one Contracting Party has had expert appraisals made on behalf and at the expense of the competent institution of the other Contracting Party, the competent institution of the first Contracting Party shall send to the liaison agency of the other Contracting Party a statement of the fees pertaining to the expert appraisals made during the year under consideration, indicating the amount owed.

(2) The amounts owed shall be paid in the semester following the date on which the claims for reimbursement, addressed in accordance with the provisions of paragraph 1, were received.

ARTICLE 6 FORMS

The model of the certificate of coverage and the forms necessary for the application of the Agreement and of this Administrative Arrangement shall be prescribed by common agreement by the liaison agencies or by the competent institutions of both Contracting Parties.

ARTICLE 7 STATISTICAL DATA

The liaison agencies of both Contracting Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to the beneficiaries under Title III of the Agreement during each calendar year. Such data shall include the number of beneficiaries and the total amount of benefits by category.

ARTICLE 8 ENTRY INTO FORCE AND TERM

The Administrative Arrangement shall enter into force on the same date as the Agreement and its term is the same as the term of the Agreement.

Done in Québec on 19 September 2019, in two copies, in French and in Bulgarian, both texts being equally authentic.

FOR THE COMPETENT
AUTHORITY OF QUÉBEC
NADINE GIRAULT
*Minister of International
Relations and
La Francophonie*

FOR THE COMPETENT
AUTHORITY OF THE
REPUBLIC OF BULGARIA
SVETLANA STOYCHEVA-ETROPOLSKI
*Ambassador of the Republic
of Bulgaria to Canada*

M.O., 2020**Order number 2020-09 of the Minister of Transport dated 23 April 2020**

Highway Safety Code
(chapter C-24.2)

Amendment of the date of the end of the annual thaw period for zones 2 and 3 for 2020

THE MINISTER OF TRANSPORT,

CONSIDERING section 419 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by an order published in the *Gazette officielle du Québec*, determine the locations where the movement of all or some road vehicles designated by the Minister is restricted or prohibited by reason of thawing, rain, erosion or flooding and the periods during which such measures apply;

CONSIDERING the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31), which determines the maximum load limits applicable during thaw periods for various classes of road vehicles and combinations of road vehicles;

CONSIDERING Order 2020-01 of the Minister of Transport dated 5 March 2020 concerning the delineation of the thaw zones and determination of the annual thaw period for zone 1 for 2020, which presents the thaw zones previously determined by the Minister without amending them;

CONSIDERING Order 2020-05 of the Minister of Transport dated 1 April 2020 concerning the determination of the annual thaw period for zones 2 and 3 for 2020;

CONSIDERING that it is expedient to advance the date of the end of the annual thaw period for zones 2 and 3 for 2020;

ORDERS AS FOLLOWS:

1. Amendment of the end of the annual thaw period for zones 2 and 3 for 2020

Despite section 1 of Order 2020-05 of the Minister of Transport dated 1 April 2020 concerning the determination of the annual thaw period for zones 2 and 3 for 2020, the thaw period for zones 2 and 3 for 2020 ends on 15 May 2020.

2. Effective date of this Order

This Order takes effect from the date of its publication in the *Gazette officielle du Québec*. It does not prevent the making of other orders to determine the periods of an early or a late thaw that may occur during those periods.

Québec, 23 April 2020

FRANÇOIS BONNARDEL,
Minister of Transport

104396

M.O., 2020-10**Order number V-1.1-2020-10 of the Minister of Finance dated 20 April 2020**

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices

WHEREAS paragraphs 16 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendments, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 81-105 respecting Mutual Fund Sales Practices was made by the decision no. 2001-C-0212 dated 22 May 2001 (Supplément au Bulletin de la Commission des valeurs mobilières du Québec, vol. 32, no. 22 of 1 June 2001);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 15, no. 36 of 13 September 2018;

WHEREAS the revised text of the draft Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 7 of 20 February 2020;

WHEREAS the *Autorité des marchés financiers* made, on 27 March 2020, by the decision no. 2020-PDG-0027, Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices appended hereto.

20 April 2020

ERIC GIRARD,
Minister of Finance

Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices

Securities Act
(chapter V-1.1, s. 331.1, par. (16) and (34))

1. Section 1.1 of Regulation 81-105 respecting Mutual Fund Sales Practices (chapter V-1.1, r. 41) is amended:

(1) by replacing, the definition of the expression “member of the organization” with the following:

““member of the organization” means, for a mutual fund

- (a) the manager of the mutual fund,
- (b) the principal distributor of the mutual fund,
- (c) the portfolio adviser of the mutual fund,

(d) an associate or affiliate of any of the persons referred to in paragraph (a), (b) or (c), or

(e) a person that is organized by a member of the organization of the mutual fund as a vehicle to fund payment of commissions to participating dealers and that has a right to arrange for the distribution of the securities of the mutual fund;”;

(2) by replacing, in the French text of the definition of the expression “mutual fund family”, “O.P.C.”, wherever it appears, and the words “le même gérant ou des gérants” with “OPC” and the words “le même gestionnaire ou des gestionnaires”, respectively.

2. Section 3.1 of the Regulation is replaced with the following:

“3.1. Commissions

(1) A member of the organization of a mutual fund may pay to a participating dealer a commission in money for the distribution of a security of the mutual fund made through the participating dealer, if

(a) the obligation to make the payment arises at the time of the trade;

(b) the prospectus or simplified prospectus of the mutual fund discloses the range of rates of commissions that may be paid and the method of calculation used in determining the amount of those commissions; and

(c) the rate of the commission does not increase

(i) based on increases in the amount or value of securities of the mutual fund sold, or of mutual funds in the same mutual fund family as the mutual fund sold, or of any or all of the foregoing,

(ii) based on increases in the amount or value of securities of the mutual fund, or of mutual funds in the same mutual fund family as the mutual fund, or of any or all of the foregoing, held in accounts of clients of the participating dealer, or

(iii) for a particular period of the year in which the commission is paid or earned.

(2) Subsection (1) does not apply to a distribution of a security of a mutual fund to a client resident in British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Northwest Territories, Nunavut and Yukon.”.

3. Section 5.4 of the Regulation is amended by replacing, wherever they appear in the French text, “O.P.C.” with “OPC” and the words “liées à” with the words “ayant des liens avec”.

4. Section 7.2 of the Regulation is amended, in the French text:

(1) by replacing, in paragraph (1), “O.P.C.” with “OPC”, wherever it appears, and the words “liées à” with the words “ayant des liens avec”;

(2) by replacing, in paragraph (2), “O.P.C.” with “OPC”;

(3) in paragraph (3):

(a) by replacing, in subparagraph (a), “O.P.C.” with “OPC”;

(b) by replacing, in subparagraph (b), the words “sociétés du même groupe” with the words “personnes du même groupe”.

5. Section 7.3 of the Regulation is amended:

(1) by replacing, in the French text, “O.P.C.” with “OPC”;

(2) by replacing, in paragraph (1), the words “person or company that is an associate” with the words “person that is an associate”.

6. Section 8.2 of the Regulation is amended, in the French text, by replacing paragraphs (1) to (3) with the following:

“(1) L’OPC doit indiquer dans son prospectus ou dans son prospectus simplifié :

a) le pourcentage de participation d’un membre de l’organisation de l’OPC dans le capital d’un courtier participant;

b) le pourcentage global de participation d’un courtier participant et des personnes ayant des liens avec lui dans le capital d’un membre de l’organisation de l’OPC;

c) le pourcentage global de participation d’un représentant d’un courtier participant et des personnes ayant des liens avec le représentant dans le capital d’un membre de l’organisation de l’OPC.

“(2) Si un membre de l’organisation de l’OPC n’est pas un émetteur assujéti et que ses titres ne sont pas cotés à une bourse canadienne, l’OPC n’est pas tenu de fournir l’information visée au sous-paragraphe *c* du paragraphe 1 pourvu qu’il indique :

a) le total des participations de tous les représentants du courtier participant et des personnes ayant des liens avec chacun d’eux dans le capital du membre de l’organisation de l’OPC;

b) les participations d’un représentant du courtier participant et des personnes ayant des liens avec le représentant qui ont ensemble la propriété directe ou indirecte de titres représentant plus de 5% d’une catégorie de titres comportant droit de vote, de titres de capital ou de parts sociales du membre de l’organisation de l’OPC.

“(3) Lors de chaque opération sur un titre d’un OPC tenu de fournir l’information visée au présent article, le courtier participant doit remettre au souscripteur un document où sont indiqués :

a) le pourcentage de participation d’un membre de l’organisation de l’OPC dans le capital du courtier participant;

b) le pourcentage global de participation du courtier participant et des personnes ayant des liens avec lui dans le capital d’un membre de l’organisation de l’OPC;

c) le pourcentage global de participation des représentants du courtier participant et des personnes ayant des liens avec les représentants dans le capital d’un membre de l’organisation de l’OPC;

d) le pourcentage global de participation du représentant du courtier participant qui intervient dans l'opération ainsi que des personnes ayant des liens avec ce représentant dans le capital d'un membre de l'organisation de l'OPC.”.

7. The Regulation is amended by replacing, wherever it appears in the French text, “O.P.C.” with “OPC”.

8. The Regulation is amended by replacing, wherever they appear, the words “person or company” with the word “person”.

9. This Regulation comes into force on June 1, 2022.

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2)

Environmental impact assessment and review of certain projects

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to exempt from the application of the environmental impact assessment procedure, provided for in subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), projects for the construction of a control or transformer station of a voltage equal to or greater than 315 kV, including all electric power transmission lines of the same voltage that are connected to that control or transformer station when those works are used exclusively in the operation of an establishment and they are located on the same land or on land that is adjacent to that establishment.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Marie-Eve Fortin, Director, Direction de l'évaluation gouvernementale des projets terrestres, édifice Marie-Guyart, 6^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3933, extension 4627; fax: 418 644-8222; email: marie-eve.fortin@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45 day period to Marie-Eve Fortin at the above-mentioned contact information.

BENOIT CHARETTE,
*Minister of the Environment and the
Fight Against Climate Change*

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, a. 31.1 and 31.9)

1. The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended in section 10 of Part II of Schedule 1 by inserting the following after the first paragraph:

“A project for the construction of the works mentioned in subparagraph 2 of the first paragraph is exempt from the application of that subparagraph when those works are used exclusively in the operation of an establishment and they are located on the same land or on land that is adjacent to that establishment.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104398

Draft Regulation

Environment Quality Act
(chapter Q-2)

Waste water disposal systems for isolated dwellings — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to introduce three new waste water treatment solutions by soil infiltration that allow for a broader choice for certain types of soil for which few solutions are now available (strong soil constraints). In some cases, the proposed solutions will be less costly than those currently permitted. They will also allow treated waste water to be discharged elsewhere than to surface waters, without any detriment to public health or environmental protection. These alternative solutions involve

— the installation of a primary or secondary treatment system or a standard sand-filter bed followed by an above-ground sand-filter bed where certain favourable water infiltration conditions are present in clay or silty clay soil;

— the installation of a secondary treatment system or a standard sand-filter bed followed by a leaching field where certain favourable water infiltration conditions are present in clay or silty clay soil; and

— the installation of an advanced secondary treatment system followed by a leaching field built with borrowed sand where soil thickness of high permeability soil is less than 60 cm, subject to certain other conditions.

The draft Regulation contains amendments aimed at opening up the market for the maintenance of certified systems by offering a wider range of options to owners.

In addition, it gives municipalities greater latitude in managing the pumping of septic tanks in their territory.

Technical amendments are also made to facilitate application of the Regulation.

The draft Regulation will have positive impacts for citizens since they are provided with greater options for septic installation maintenance. Citizens required to install a tertiary treatment system with phosphorous removal or a tertiary treatment system with phosphorous removal and disinfection will also have more flexibility. As a consequence, citizens should benefit from lower costs in those sectors. The opening of the maintenance market and the availability of alternative solutions to tertiary treatment systems could lead to lower revenues for certain manufacturers of those systems.

Further information may be obtained by contacting Marie-Claude Bergeron, Direction des eaux usées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 8^e étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, telephone: 418 521-3885, extension 4840; fax: 418 644-2003; e-mail: marie-claude.bergeron@environnement.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Marie-Ève Boucher, Assistant Director, Direction des eaux usées, Ministère de l'Environnement

et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 8^e étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, telephone: 418 521-3885, extension 4815; fax: 418 644-2003; e-mail: marie-eve.boucher@environnement.gouv.qc.ca.

BENOIT CHARETTE,
*Minister of the Environment and
the Fight Against Climate Change*

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

Environment Quality Act
(chapter Q-2, s. 46, pars. 4, 5, 6 and 9, s. 87, pars. *c* and *d*, and s. 115.34).

1. The Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) is amended in section 1

(1) by striking out paragraph *a*;

(2) by inserting the following after paragraph *c*:

“(c.0.1) “toilet” means an appliance designed to receive urine or feces, or both;”;

(3) by inserting the following after paragraph *c.1*:

“(c.1.1) “cementation class” means the “weakly cemented class”, the strongly cemented class” or the “indurated class” of a soil as defined in The Canadian System of Soil Classification;

(c.1.2) “textural class” means a class described in Schedule 1 and established on the basis of soil texture;”;

(4) by striking out paragraph *d*;

(5) by striking out “or an aerated waste treatment plant” in paragraph *e*;

(6) by replacing paragraph *f* by the following:

“(f) “grey water” means kitchen, bathroom and laundry water, water from household appliances other than a toilet, and water evacuated through a floor drain in a residential garage;”;

(7) by replacing paragraph *g* by the following;

“(g.1) “domestic waste water” means water from a toilet combined with grey water;

“(g.2) “non-domestic waste water” means waste water discharged by a building or site, other than domestic waste water, water from toilets, grey water or rainwater;”;

(8) by replacing “a work” in paragraph *l* by “an absorption work”, and by adding “and that discharges an effluent” at the end of the paragraph;

(9) by striking out “chemical or” in paragraph *n*;

(10) by replacing “waste water” in paragraph *o* by “domestic waste water”;

(11) by striking out paragraph *r*;

(12) by inserting the following before paragraph *t*:

“(s.1) “municipal wastewater treatment works” means a municipal wastewater treatment works described in the second paragraph of section *l* of the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);”;

(13) by replacing paragraphs *u.1* to *u.4* by the following:

“(u.1) “impermeable soil” means soil whose percolation time is equal to or greater than 45 minutes per centimetre, whose hydraulic conductivity is equal to or less than 6×10^{-5} cm/s or whose texture is in the impermeable zone identified in Schedule 1;

“(u.2) “low permeability soil” means soil whose percolation time is equal to or greater than 25 minutes and less than 45 minutes per centimetre, whose hydraulic conductivity is greater than 6×10^{-5} cm/s and equal to or less than 2×10^{-4} cm/s or whose texture is in the low permeability zone identified in Schedule 1;

“(u.3) “permeable soil” means soil whose percolation time is equal to or greater than 4 minutes and less than 25 minutes per centimetre, whose hydraulic conductivity is greater than 2×10^{-4} cm/s and equal to or less than 4×10^{-3} cm/s or whose texture is in the permeable zone identified in Schedule 1;

“(u.4) “high permeability soil” means soil whose percolation time is less than 4 minutes per centimetre, whose hydraulic conductivity is greater than 4×10^{-3} cm/s or whose texture is in the high permeability zone identified in Schedule 1;”;

(14) by inserting the following after paragraph *w*:

“(w.1) “hydraulic loading rate” means the quantity of effluent applied to a treatment system component, expressed in litres per surface unit per day (L/(m².d));

“(w.2) “linear hydraulic loading rate” means the quantity of effluent applied to soil expressed in litres per unit length per day (L/(m.d));”;

(15) by replacing “waste water” in paragraph *x* by “domestic waste water”;

(16) by inserting the following after paragraph *x*:

“(x.1) “texture” means the size distribution of mineral particles in a soil using percentage by weight of primary particles less than or equal to 2 mm making up the soil, determined with reference to the particle dimensions specified in Schedule 1;

“(x.2) “qualified third person” means a professional within the meaning of section 1 of the Professional Code (chapter C-26) whose professional order governs the practise of the professional activity to which this Regulation applies, or a person holding a valid qualification certificate in matters of operation of wastewater treatment works issued under a vocational training and qualification program established by the Minister of Employment and Social Solidarity under section 29.1 of the Act respecting workforce vocational training and qualification (chapter F-5);”;

(17) by striking out paragraph *z*.

2. Section 1.1 is amended by inserting “Subject to paragraph *b* of section 39.1.1 and paragraph *a* of section 87.25.2,” after “permeability of the soil.”

3. The following is inserted after section 1.1:

“1.1.1. Determination of soil consistence and structure: The consistence and structure of a soil must be determined using the methods in The Canadian System of Soil Classification.”

4. Section 1.2 is amended by striking out the third paragraph.

5. Section 1.3 is amended by replacing “waste water” in subparagraph *b* of the first paragraph by “domestic waste water”.

6. Section 1.4 is amended

(1) by replacing the first paragraph by the following:

“**Total daily flow:** The total daily flow of domestic waste water from a building or site other than an isolated dwelling referred to in section 2 corresponds to the sum of the flows of domestic waste water produced by each service offered. The flows for each service are calculated by multiplying the unit flow of domestic waste water specified in Schedule 1.1, which varies according to the types of services offered, by the corresponding number of units, which is set based on the maximum operating or utilization capacity of the building or site concerned.”;

(2) by replacing “waste water” in the third paragraph by “domestic waste water”.

7. Section 2 is replaced by the following:

“**2. Scope of application:** This Regulation applies to the disposal of domestic waste water, grey water and toilet effluents from the following buildings and site if they are not connected to a sewer system authorized by the Minister under the Act, or the watertight treatment system of the buildings or site is connected to a municipal wastewater treatment works:

(a) an isolated dwelling;

(b) a building other than the building referred to in subparagraph *a* that discharges domestic waste water, grey water or toilet effluents exclusively, and the total daily flow does not exceed 3,240 litres;

(b.1) a building that does not discharge domestic waste water, grey water or toilet effluents exclusively, whose plumbing system allows waste water to be segregated such that only domestic waste water, grey water or toilet effluents are carried to a domestic waste water discharge, collection or disposal system, and the total daily flow of the domestic waste water does not exceed 3,240 litres; and

(c) camping and caravanning grounds where domestic waste water, grey water or toilet effluents are discharged, and the total daily flow does not exceed 3,240 litres.

It does not, however, apply to the disposal of non-domestic waste water from a building referred to in subparagraph *b.1* of the first paragraph. That water must be carried to a discharge, collection or disposal system compliant with the Act or the Agricultural Operations Regulation (chapter Q-2, r. 26).

It also applies to the development and use of a privy and a compost toilet, and to the management of the compost from the compost toilet if such a toilet serves a building or site referred to in the first paragraph or serves a building or site that is not supplied with water, to the extent that the building or site would discharge a total daily flow of domestic waste water that would not exceed 3,240 litres per day if it were supplied with water.

More specifically, it applies to a system for the discharge, collection or disposal of domestic waste water, grey water and toilet effluents from a building or site referred to in the first paragraph for the purpose of its installation, during its installation, as part of its operation, its abandonment and in the cases referred to in the second paragraph of section 4.

Despite the foregoing, the standards relating to the installation of a system serving a building or site referred to in the first paragraph already built or developed do not apply if the domestic waste water, grey water and toilet effluents do not constitute a nuisance, a source of contamination of well or spring water used for drinking water supply or a source of contamination of surface water, except in the cases referred to in the second paragraph of section 4.”.

8. Section 3 is amended

(1) by replacing “waste water” in the first paragraph by “domestic waste water”;

(2) by replacing “waste water” in the second paragraph by “domestic waste water”;

(3) by replacing the third paragraph by the following:

“No person may build a building or develop a site referred to in section 2, build an additional bedroom in an isolated dwelling already built, change the use or increase the operating or utilization capacity of a building or site already built or developed if the change or increase serves to increase the total daily flow of domestic waste water beyond the capacity of the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents without being in compliance with this Regulation.”;

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

“No person may rebuild, renovate, modify or move any part of a system without the part being in compliance with this Regulation.”;

(5) by replacing “waste water” in the fourth paragraph by “domestic waste water”.

9. Section 3.01 is amended

(1) by replacing “waste water” in the portion before subparagraph *a* of the first paragraph by “domestic waste water”;

(2) by striking out “already built” in subparagraph *i* of subparagraph *b* of the first paragraph;

(3) by striking out “already built” in subparagraph *ii* of subparagraph *b* of the first paragraph, and by inserting “of domestic waste water” after “total daily flow”;

(4) by striking out “already built” in subparagraph *iii* of subparagraph *b* of the first paragraph, and by inserting “of domestic waste water” after “total daily flow”.

10. Section 3.02 is amended by replacing “waste water” in paragraph *b* by “domestic waste water”.

11. Section 3.04 is amended by replacing “is not covered by the third paragraph of section 4.1” in the second paragraph by “must be considered to be an isolated dwelling for the purposes of section 4.3”.

12. Section 3.1 is amended by replacing “waste water by” by “domestic waste water, grey water or toilet effluents”.

13. Section 3.2 is replaced by the following:

“3.2 Disposal system maintenance: The owner or user of a waste water disposal system must see to its maintenance, which includes seeing that any defective system part is repaired or replaced and any part whose service life has been reached is replaced. Every replacement part must have the identical characteristics as the original part.”.

14. Section 3.3 is amended

(1) by adding “so as to achieve the expected system performance” at the end of the first paragraph;

(2) by replacing “the isolated dwelling or the other building” in the second paragraph by “the building or site referred to in section 2”;

(3) by striking out “pursuant to section 25.1 of the Municipal Powers Act (chapter C-47.1)” in the fourth paragraph.

15. Section 4 is replaced by the following:

“4. Permit: Every person intending to build a building referred to in section 2 or develop a site referred to in that section must, before starting the work required for that purpose, obtain a permit from the local municipality having jurisdiction in the territory in which the construction or development is to take place.

A permit is also required prior to

(a) the construction of an additional bedroom in an isolated dwelling or a change in its use;

(b) an increase in the operating or utilization capacity of a building or site other than an isolated dwelling referred to in section 2 or a change in its use;

(c) the construction, renovation, modification, reconstruction, moving or enlargement of a discharge, collection or disposal installation for domestic waste water, grey water or toilet effluents serving a building or site referred to in section 2;

(d) the construction of a privy serving a building or site referred to in section 2; and

(e) the installation of a compost toilet serving a building or site referred to in section 2.

Such a permit is not required for the reconstruction of a building referred to in section 2 or the redevelopment of a site referred to in that section after a fire or other disaster, to the extent set forth in the fifth paragraph of section 3.

When processing a permit application for the construction of an additional bedroom in an isolated dwelling, a change in use of a building or site or an increase in the operating or utilization capacity of another building or site referred to in section 2 that serves to increase the total daily flow of domestic waste water beyond the capacity of the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents, the municipality is to re-evaluate the standards applicable to the system under this Regulation or, as applicable, inform the applicant that the applicant’s project is subject to section 22 of the Act.

The municipality must issue a permit under this section if the project provides for the building or site referred to in section 2 to be equipped with a system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents that conforms to this Regulation.

The municipality must also issue a permit under this section if the work does not serve to increase the total daily flow of domestic waste water beyond the capacity of the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents.

The permit must also be issued to the extent the applicant demonstrates that any parts of the system not covered by the reconstruction, renovation, modification or moving comply with the following conditions:

(a) they are designed to receive domestic waste water, grey water or toilet effluents from the building or site based on the number of bedrooms or the maximum operating or utilization capacity;

(b) they show no sign of alteration likely to compromise the system's expected performance or, in the case of tanks and watertight systems, their watertightness; and

(c) they do not constitute a nuisance, a source of contamination of well water or spring water used for drinking water supply or a source of contamination of surface water.

This section does not apply to a municipality that has passed a by-law providing for the issue of a municipal building or enlargement permit for a building or site referred to in section 2 or for a discharge, collection or disposal installation for domestic waste water, grey water or toilet effluents under general or special legislation granting it regulatory authority for that purpose. In that case, the municipality must issue the municipal building or enlargement permit in accordance with section 118.3.5 of the Act.

In unorganized territories, the permits under this section are issued by the regional county municipality.”

16. Section 4.1 is replaced by the following:

“4.1. Content of the permit application: For the purposes of section 4, an application for a permit to install a system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents from a building or site referred to in section 2 must include

(1) the name and contact information of the person referred to in section 4;

(2) the cadastral designation of the lot on which the project is to be carried out or, if there is no cadastral designation, the most precise identification of the site where the project is to be carried out;

(3) the number of bedrooms in the isolated dwelling or, in other cases, the total daily flow of discharged domestic waste water;

(4) a characterization study of the site and natural land containing the following elements:

(a) the topography of the site;

(b) the grade of the disposal site;

(c) the level of soil permeability at the disposal site, the methodology used to determine the soil permeability and the results obtained, unless the project provides for another discharge to the environment because the conditions at the site do not allow for the siting of a soil absorption system or a leaching field;

(d) the level of bedrock, underground water or any layer of permeable soil, low permeability soil or impermeable soil, as applicable, below the surface of the disposal site. For a project providing for another discharge to the environment because the conditions at the site do not allow for the siting of a soil absorption system or a leaching field, only the level of bedrock and underground water is required; and

(e) an indication of any element likely to influence the siting or construction of a disposal system;

(5) a site plan to scale showing

(a) the elements identified in the reference point column in sections 7.1 and 7.2 on the lot on which a system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents is proposed and on the contiguous lots;

(b) the siting proposed for the system parts;

(c) the installation depth of each system component; and

(d) the installation depth of the soil absorption system, the standard sand-filter bed, the absorption field or the leaching field in relation to the level of bedrock, underground water or any layer of impermeable soil or low permeability soil below the surface of the disposal site;

(6) a copy of the agreement referred to in the first paragraph of section 3.03 if the application pertains to a system serving a group of buildings that involve different owners; and

(7) proof of the registration of the agreement referred to in subparagraph 6 in the land register.

In the case of a project providing for another discharge to the environment, the information and plan must describe the receiving area and,

(1) in the case of discharge to a watercourse, specify the watercourse flow rate and the effluent dilution rate in the watercourse in low-water periods, the hydrographic network to which the watercourse belongs, as well as the location of the discharge site and the effluent sampling site. The flow rate and the effluent dilution rate are not required for a tertiary treatment system with disinfection or a tertiary treatment system with phosphorous removal and disinfection; and

(2) in the case of discharge to a rainwater management system, show the water pathway up to the discharge site, and the location of the effluent sampling site.

This section applies to all permit applications, pursuant to section 4, for the construction of an additional bedroom in an isolated dwelling, a change in the use of a building or site or an increase in the operating or utilization capacity of a building or site referred to in section 2 where the construction, change or increase serves to increase the total daily flow of domestic waste water beyond the capacity of the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents.

This section also applies to all permit applications, pursuant to section 4, for the reconstruction, renovation, modification or moving of any part of a system.

Subparagraph 4 of the first paragraph does not apply to installations covered by Divisions XII, XIII and XIV or to a watertight treatment system to which this Regulation applies that is connected to a municipal wastewater treatment works.

4.2. Content of the permit application: A permit application made under section 4 for the construction of an additional bedroom in an isolated dwelling, a change in the use of a building or site or an increase in the operating or utilization capacity of a building or site referred to in section 2 and the construction, change or increase does not serve to increase the total daily flow of domestic waste

water beyond the capacity of the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents, must include

(1) the information required by subparagraphs 1, 2 and 3 of the first paragraph of section 4.1; and

(2) an attestation from a professional certifying that the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents is able to treat the additional volume. For an isolated dwelling, the attestation must be provided by a professional within the meaning of section 1 of the Professional Code (chapter C-26) whose professional order governs the practise of the professional activity. For a building other than an isolated dwelling, the attestation must be provided by an engineer.

4.3. Characterization study of the site and natural land and site plan for an isolated dwelling or a hunting or fishing camp: If the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents is to serve an isolated dwelling or a hunting or fishing camp, the characterization study of the site and natural land and the site plan referred to in section 4.1 must be signed by a professional within the meaning of section 1 of the Professional Code (chapter C-26) whose professional order governs the practise of the professional activity. In the permit application under section 4, the professional must state the number of bedrooms in the case of an isolated dwelling or the total daily flow of domestic waste water discharged in the case of a hunting or fishing camp. If the system consists of a watertight treatment system connected to a municipal wastewater treatment works, the characterization study is not required.

Despite the foregoing, if the system consists of an above-ground sand-filter bed or a leaching field built in soil having a texture in the impermeable zone, the characterization study of the site and natural land must, in all cases, be signed by a member of the Ordre des ingénieurs du Québec or the Ordre des géologues du Québec, and the site plan must be signed by a member of the Ordre des ingénieurs du Québec. In the permit application, the latter member must state the number of bedrooms in the case of an isolated dwelling or the total daily flow of domestic waste water discharged in the case of a building other than an isolated dwelling or a camping or caravanning grounds.

The first paragraph does not apply to installations covered by Divisions XII, XIII and XIV or to a watertight treatment system to which this Regulation applies that is connected to a municipal wastewater treatment works.

4.4. Characterization study of the site and natural land and site plan for a building other than an isolated dwelling or a hunting or fishing camp: If the system for the discharge, collection or disposal of domestic waste water, grey water or toilet effluents is to serve a building other than an isolated dwelling or a hunting or fishing camp, the characterization study of the site and natural land must be signed by a member of the Ordre des ingénieurs du Québec or the Ordre des géologues du Québec, and the site plan must be signed by a member of the Ordre des ingénieurs du Québec. In the permit application, the latter member must state the total daily flow of domestic waste water discharged and include with the application a document certifying that the system will be compliant with this Regulation and will be capable of disposing of the domestic waste water having regard to its specific characteristics.

The first paragraph does not apply to installations to which Divisions XII, XIII and XIV apply or to a watertight treatment system to which this Regulation applies that is connected to a municipal wastewater treatment works.

4.5. Segregated plumbing system attestation: For a building referred to in subparagraph *b.1* of the first paragraph of section 2, the owner must, within 30 days after the end of construction of the building, provide the municipality with a written statement signed by a professional within the meaning of section 1 of the Professional Code (chapter C-26) whose order governs the practice of that professional activity attesting that the plumbing system allows waste water to be segregated such that only domestic waste water, grey water or toilet effluent is carried to the domestic waste water discharge, collection or disposal system.

That requirement also applies to all plumbing work creating waste water segregation in an isolated dwelling or an existing building referred to in section 2 as well as to all work altering existing plumbing allowing waste water to be segregated.”

17. Section 6 is amended

- (1) by replacing “waste water” by “domestic waste water”;
- (2) by inserting “recycled,” after “treated.”

18. The heading of Division III is amended by striking out “WASTE”.

19. Section 7 is amended

- (1) by inserting “and XII” after “XI” in the portion before subparagraph 1 of the first paragraph;
- (2) by replacing “waste water” in the portion before subparagraph 1 of the first paragraph by “domestic waste water”;
- (3) by replacing “waste water” in subparagraph 1 of the first paragraph by “domestic waste water”;
- (4) by replacing “or a leaching field that complies with Division XV.3 or XV.4” in subparagraph 4 of the first paragraph by “, a leaching field or an above-ground leaching field built with borrowed sand that complies with Divisions XV.3, XV.4 and XV.4.1.”;
- (5) by replacing “that complies with Division XV.4” in subparagraph 5 of the first paragraph by “or towards an above-ground leaching field built with borrowed sand that complies with Division XV.4 or XV.4.1, whichever applies”;
- (6) by inserting “or XV.4.1” after “XV.4” in the second paragraph;
- (7) by replacing “ditch” in the second paragraph by “rainwater management system”.

20. Section 7.1 is amended by replacing “haulage” in paragraph *c* by “maintenance”.

21. The Regulation is amended by inserting the following after section 7.1:

“7.1.1. Special watertight system siting standards: Insofar as the characterization study of the site and natural land and the site plan referred to in subparagraphs 4 and 5 of the first paragraph of section 4.1 establish that it is not possible, as regards a building or site referred to in the first paragraph of section 2 that is already built or developed, to install a watertight treatment system off the bank or shore of a lake or watercourse, such a system or part of the system may, despite the provisions of paragraph *d* of section 7.1 dealing with the minimum distances from the bank or shore of a lake or watercourse, be installed on the bank or shore of a lake or watercourse.

The watertight treatment system may not, in any circumstances, be installed in the littoral zone or a zone where there is a risk of erosion or landslide. The encroachment of the watertight treatment system on the bank or shore must be limited to what is necessary for its installation.”

22. Section 7.2 is amended

(1) by replacing “haulage” in subparagraph *c* of the first paragraph by “maintenance”;

(2) by replacing “Residence or underground drainage line” in the fifth line in the table in subparagraph *d* of the first paragraph by “Dwelling, underground drainage line or drainage trench”;

(3) by replacing “a talus” in the sixth line in the table in subparagraph *d* of the first paragraph by “an embankment or ditch”.

23. Section 8 is amended

(1) by replacing “waste water” in the first and third paragraphs by “domestic waste water”;

(2) by striking out “chemical or” in the first paragraph.

24. Section 9.1 is amended by inserting the following after the first paragraph:

“For the purposes of this Regulation, a system whose effluent is carried to a municipal wastewater treatment works is also a primary treatment system if it

(a) is composed of a septic tank certified CSA B66-16 or a septic tank meeting the requirements of BNQ standard 3680-905, other than the requirements as to the outlet device and marking; or

(b) is composed of a septic tank cast on site in accordance with section 10, other than the provisions of paragraph *h* of that section dealing with the outlet device.

In the cases described in subparagraphs *a* and *b*, if a pump is added, the volume of the septic tank compartment housing the pump is not to be considered in calculating the minimum total capacity of the tank and no scum or sludge may be allowed to enter the system serving the municipal wastewater treatment works.”.

25. Section 11.1 is amended by replacing “waste water” in the first paragraph by “domestic waste water”.**26.** Section 11.2 is amended

(1) by inserting “so as to achieve the expected system performance” after “used and maintained”;

(2) by striking out “in accordance with the manufacturer’s manuals”.

27. Section 12 is amended by inserting “, subject to section 7.1.1,” after “for that purpose and”.**28.** Section 13 is replaced by the following:

“**13. Emptying:** A septic tank used only seasonally must be pumped out at least once every 4 years.

A septic tank used year-round must be pumped out at least once every 2 years.

Despite the foregoing, if a municipality provides a septic tank pumping service, a septic tank may be pumped out as provided in the first and second paragraphs or as indicated by the measurement of the scum or sludge layer. In the latter case, a septic tank must be pumped out when the thickness of the scum layer is equal to or greater than 12 cm or the thickness of the sludge layer is equal to or greater than 30 cm.”.

29. Section 14 is amended by inserting “the second paragraph of section 9.1,” after “referred to in”.**30.** Section 15 is amended by inserting “the second paragraph of section 9.1,” after “referred to in” in the first and second paragraphs.**31.** Section 16 is amended by replacing “3.2” in the third paragraph by “3.38”.**32.** Section 16.1 is amended by replacing “waste water” by “domestic waste water”.**33.** Section 16.3 is replaced by the following:

“**16.3. Watertightness and siting:** The watertightness of a secondary treatment system must be such that water is able to flow only through the holes intended for that purpose and, subject to section 7.1.1, the secondary treatment system must be sited as required by section 7.1.

A secondary treatment system that is not watertight must be sited as required by section 7.2.”.

34. Section 16.4 is amended

(1) by inserting “so as to achieve the expected system performance” after “used and maintained”;

(2) by striking out “in accordance with the manufacturer’s manuals”.

35. Section 17 is amended by replacing “Disposal site:” in the portion before paragraph *a* by “Installation conditions:”.

36. Section 25.1 is amended by striking out “. The maximum length must be provided in the manufacturer’s manuals and have been certified by an engineer who is a member of the Ordre des ingénieurs du Québec” in paragraph *b*.

37. Section 26 is amended by replacing “Disposal site:” by “Installation conditions:”.

38. Section 31.1 is amended by striking out “. The maximum length must be provided in the manufacturer’s manuals and have been certified by an engineer who is a member of the Ordre des ingénieurs du Québec” in paragraph *b*.

39. Section 32 is amended by replacing “Disposal site:” in the portion before paragraph *a* by “Installation conditions:”.

40. Section 36 is amended by replacing “Disposal site:” in the portion before paragraph *a* by “Installation conditions:”, and by replacing “must” by “may”.

41. Section 36.1 is amended by striking out “The distribution method must be provided in the manufacturer’s manuals and have been certified by an engineer who is a member of the Ordre des ingénieurs du Québec.” in the second paragraph.

42. Section 39 is amended by replacing “, trees and shrubs” in the first paragraph by “or trees”.

43. The Regulation is amended by inserting the following after section 39.1:

“§1.1. Provisions specific to above-ground sand-filter beds built in soil having a texture in the impermeable zone

39.1.1. Installation conditions in structured clay or silty clay soils: A primary or secondary treatment system may also be connected to an above-ground sand-filter bed in the following conditions:

(*a*) a soil absorption field or a seepage bed cannot be built because it is impossible to comply with section 17 or 26;

(*b*) using the correlation method in Schedule 1, the soil at the disposal site is impermeable solely because its texture is in the impermeable zone and, based on the hydraulic conductivity test or the percolation time test, the soil at the disposal site is permeable or low permeability soil. For the determination of the level of soil permeability, the result obtained by the correlation method must, however, be excluded;

(*c*) the soil at the disposal site,

i. according to its textural class, is structured as described in the following table:

Textural class of the soil	Required soil structure	
	Type	Grade
Silt, silt loam, clay loam or silty clay loam	Prismatic, blocky or granular	Weak
		Moderate or strong
Sandy clay, silty clay or clay	Prismatic, blocky or granular	Moderate or strong

ii. in a moist state has a consistence that is loose, very friable, friable or firm and is not in a cementation class; and

iii. is not in the smectitic mineral class; and

(*d*) the disposal site complies with the conditions described in paragraphs *b* and *c* of section 36.

39.1.2. Construction standards: An above-ground sand-filter bed must be built with a low pressure feed system,

(*a*) applying a maximum hydraulic loading rate to the soil at the disposal site that does not exceed the rates in the following tables, based on the hydraulic conductivity or percolation time and the soil characteristics at the disposal site:

Textural class	Soil characteristics at disposal site		Maximum hydraulic loading rate L/(m ² .d)	
	Structure		Effluent from a primary treatment system	Effluent from a secondary treatment system
	Type	Grade		
Silt loam	Prismatic, blocky or granular	Moderate or strong	24	33
		Weak	16	24
Silt, clay loam or silty clay loam	Prismatic, blocky or granular	Moderate or strong	16	24
		Weak	8	12
Sandy clay, silty clay or clay	Prismatic, blocky or granular	Moderate or strong	8	12

Hydraulic conductivity (cm/s)	Percolation time (min/cm)	Maximum hydraulic loading rate L/(m ² .d)	
		Effluent from a primary treatment system	Effluent from a secondary treatment system
4X10 ⁻³ à 4 X10 ⁻⁴	4 to 15	24	33
4X10 ⁻⁴ à 2 X10 ⁻⁴	15 to 25	16	24
2X10 ⁻⁴ à 6 X10 ⁻⁵	25 to 45	8	12

(b) applying a maximum linear hydraulic loading rate to the soil at the disposal site that does not exceed the rate in the following table based on the soil characteristics and grade at the disposal site:

Soil characteristics at disposal site			Linear hydraulic loading rate L/(m.d)		
Textural class	Structure		Grade at disposal site		
	Type	Grade	< 5 %	≥ 5 % < 10 %	10 %
Silt loam	Prismatic, blocky or granular	Moderate or strong	41	50	53
		Weak	37	41	50
Silt, clay loam or silty clay loam	Prismatic, blocky or granular	Moderate or strong	42	41	50
		Weak	37	40	42
Sandy clay, silty clay or clay	Prismatic, blocky or granular	Moderate or strong	37	40	42

The above-ground sand-filter bed must also comply with the construction standards set out in subparagraphs *d* to *g,2* of the first paragraph of section 21 and subparagraphs *a* and *b* of the second paragraph of that section, subparagraphs *a*, *b*, *c* and *f* to *i* of the first paragraph of section 37 and section 39.1, with the necessary modifications.

39.1.3. Siting and backfill: Sections 7.2 and 24 apply, with the necessary modifications, to an above-ground sand-filter bed, except for the siting standards specific to embankments or trees.

The distances referred to in section 7.2 are measured from the edge of the earth backfill surrounding the sand-filter bed.

39.1.4. Characterization study and site plan: The characterization study of the site and natural land referred to in subparagraph 4 of the first paragraph of section 4.1 to be submitted with a permit application must also contain

(a) a description of the soil stratigraphy at the disposal site using the methods recognized by The Canadian System of Soil Classification, except for the texture and associated textural class which must be referenced using Schedule 1. The description must, for each soil horizon, include an indication of its thickness, depth, colour, texture, associated textural class, structure, consistence, thickness of organic deposit, moisture condition of its profile and a root description; and

(b) the hydraulic conductivity of the soil at the disposal site or the percolation time.”

44. Section 39.2 is amended

(1) by replacing “(litres/linear metre)” in the first line in the table in paragraph *c* by “L/(m.d)”;

(2) by replacing “(litres/square metre by day)” in the first line in the table in paragraph *f* by “L/(m².d)”.

45. Section 39.3 is amended by replacing “, trees and shrubs” in the first paragraph by “or trees”.

46. Section 40 is amended by replacing “Disposal site:” by “Installation conditions:”.

47. The heading of Division XI is replaced by the following: “PRIVIES COMBINED WITH REDUCED AREA SOIL ABSORPTION FIELD OR A SEEPAGE PIT”.

48. Section 47 is amended by replacing “Disposal site:” in the portion before paragraph *a* by “Installation conditions:”.

49. Section 52.2 is amended by replacing “in accordance with the manufacturer’s manuals” in paragraph *d* by “so as to achieve the expected system performance”.

50. Section 52.3 is amended by replacing the words “waste water” wherever they appear by the words “domestic waste water”.

51. Section 54.1 is replaced by the following:

“**54.1. Other standards:** The toilets in a building, site or hunting or fishing camp served by a hauled sewage system referred to in section 53 must be low-flush toilets.”

52. Section 56 is amended

(1) by replacing “connected and maintained in good working order” in subparagraph *g* of the first paragraph by “maintained in operation”;

(2) by replacing “in accordance with the manufacturer’s manuals” in subparagraph *h* of the first paragraph by “so as to fulfill their respective functions”;

(3) by replacing the words “in accordance with the manufacturer’s manuals” wherever they appear in the second paragraph by the words “so as to fulfill their respective functions”.

53. Section 57 is amended

(1) by replacing “minimum capacity” in the first paragraph by “minimum total capacity”;

(2) by replacing “**Other building used throughout the year**” in the table in the second paragraph by “**Other building or site used throughout the year**” and “**Other building used seasonally**” by “**Other building or site used seasonally**”.

54. Section 59 is amended

(1) by replacing “waste water” in the first paragraph by “domestic waste water”;

(2) by striking out “under section 25.1 of the Municipal Powers Act (chapter C-47.1)” in the second paragraph.

55. Section 63 is amended by replacing “, a tree or a shrub” in the first paragraph by “or a tree”.

56. Section 87.7 is amended by replacing “waste water” by “domestic waste water”.

57. Section 87.9 is replaced by the following:

“87.9. Watertightness and siting: The watertightness of an advanced watertight secondary treatment system must be such that water is able to flow only through the holes intended for that purpose and, subject to section 7.1.1, the system must be sited as required by section 7.1.

An advanced secondary treatment system that is not watertight must be sited as required by section 7.2.”.

58. Section 87.10 is amended by replacing “in accordance with the manufacturer’s manuals” by “so as to achieve the expected system performance”.

59. Section 87.13 is amended by replacing “waste water” by “domestic waste water”.

60. Section 87.14.1 is amended by striking out “pursuant to section 25.1 of the Municipal Powers Act (chapter C-47.1)” in the second paragraph.

61. Section 87.15 is replaced by the following:

“87.15. Watertightness and siting: The watertightness of a watertight tertiary treatment system must be such that water is able to flow only through the holes intended for that purpose and, subject to section 7.1.1, the system must be sited as required by section 7.1.

A tertiary treatment system that is not watertight must be sited as required by section 7.2.”.

62. Section 87.16 is amended

(1) by replacing “in accordance with the manufacturer’s manuals” in the first paragraph by “so as to achieve the expected system performance”;

(2) by replacing the second paragraph by the following:

“The ultraviolet disinfection system must be kept in operation at all times except when being maintained.”.

63. The following heading is inserted before section 87.19:

“§1. General”.

64. Section 87.19 is amended by replacing “installed” in the portion before paragraph *a* by “built”.

65. Section 87.22 is amended

(1) by inserting “and subparagraph *i* of subparagraph *i*” after “*h.1*” in subparagraph *a* of the first paragraph;

(2) by inserting “and subparagraph *i* of subparagraph *i*” after “*g.4*” in subparagraph *b* of the first paragraph.

66. Section 87.24 is amended

(1) by inserting “and subparagraph i of subparagraph *b*” after “subparagraphs *a* and *c*” in subparagraph *a* of the first paragraph;

(2) by inserting “and subparagraph i of subparagraph *b*” after “subparagraphs *a* and *c*” in subparagraph *b* of the first paragraph;

(3) by replacing the second paragraph by the following:

“The first paragraph does not apply if the seepage bed is located immediately under a standard sand-filter bed, an advanced secondary treatment system or a tertiary treatment system that uniformly distributes the effluent over the leaching field. If the seepage bed exceeds the base of the system, a minimum 15 cm layer of gravel or crushed stone complying with subparagraph *f* of the first paragraph of section 21 must be spread over the entire seepage surface. The seepage bed must not exceed the base of the systems by more than 2.6 m.”

67. The following is inserted after section 87.25.1:

“§2. *Provisions applicable to leaching fields built in soil having a texture in the impermeable zone*

87.25.2. Installation conditions in structured clay or silty clay soil: A leaching field may be installed in the following conditions:

(a) the soil at the disposal site is impermeable solely because its texture is in the impermeable zone identified in Schedule 1 and, based on the hydraulic conductivity test or the percolation time test, the soil at the disposal site is permeable or low permeability soil. For the determination of the level of soil permeability, the result obtained by the correlation method must, however, be excluded;

(b) the level of bedrock, underground water or any layer of impermeable soil is situated at least 30 cm under the surface of the disposal site;

(c) the grade of the disposal site meets the requirements of paragraph *a* of section 87.19;

(d) the leaching field meets the requirements of paragraph *b* section 87.19; and

(e) the soil at the disposal site meets the requirements of paragraph *c* of section 39.1.1.

87.25.3. Grade of the disposal site: A leaching field built at a disposal site whose grade is less than 10% must consist of absorption trenches or a seepage bed.

If the leaching field is built at a disposal site whose grade is between 10% and 30%, it must consist of absorption trenches.

87.25.4. Construction standards: A leaching field installed in the conditions described in section 87.25.2 must be built with a low pressure feed system,

(a) applying a maximum hydraulic loading rate to the soil at the disposal site that does not exceed the rates in the following table based on the hydraulic conductivity or percolation time and the soil characteristics at the disposal site:

Hydraulic conductivity (cm/s)	Percolation time (min/cm)	Maximum hydraulic loading rate L/(m ² .d)
4X10 ⁻³ to 4 X10 ⁻⁴	4 to 15	33
4X10 ⁻⁴ to 2 X10 ⁻⁴	15 to 25	24
2X10 ⁻⁴ to 6 X10 ⁻⁵	25 to 45	12

Soil characteristics at disposal site		Maximum hydraulic loading rate L/(m ² .d)	
Textural class	Structure		
Silt loam	Type	33	
	Grade		
Silt, clay loam or silty clay loam	Prismatic, blocky or granular	Moderate or strong	24
		Weak	12
	Sandy clay, silty clay or clay	Prismatic, blocky or granular	Moderate or strong

(b) applying a maximum linear hydraulic loading rate to the soil at the disposal site that does not exceed the rate in the following table based on the soil characteristics and grade at the disposal site as well as the thickness of the soil at the disposal site above the level of bedrock, underground water or any layer of impermeable soil available under the leaching field's seepage surface:

Soil characteristics at disposal site			Linear hydraulic loading rate L/(m.d)					
Textural class	Structure Type	Grade	Grade at disposal site					
			< 5%		≥ 5% < 10%		≥ 10% < 30%	
			Thickness of disposal site (cm)	Thickness of disposal site (cm)	Thickness of disposal site (cm)	Thickness of disposal site (cm)	Thickness of disposal site (cm)	Thickness of disposal site (cm)
			30-60	60-120	30-60	60-120	30-60	60-120
Silt loam	Prismatic, blocky or granular	Moderate or strong	37	41	43	50	47	53
		Weak	34	37	37	41	43	50
Silt, clay loam or silty clay loam	Prismatic, blocky or granular	Moderate or strong	36	42	37	41	43	50
		Weak	31	37	34	40	36	42
Sandy clay, silty clay or clay	Prismatic, blocky or granular	Moderate or strong	31	37	34	40	36	42

If the leaching field consists of trenches, it must meet the standards in subparagraphs *b, c, d, e, f, g, g.1* and *g.2* and subparagraph *i* of subparagraph *i* of the first paragraph of section 21 and in subparagraphs *a* and *b* of the second paragraph of that section, those in sections 23 to 25 and those in the third paragraph of section 87.22, with the necessary modifications.

If the leaching field consists of a seepage bed, it must meet the standards in subparagraphs *d, e, f, g, g.1* and *g.2* of the first paragraph of section 21 and in subparagraphs *a* and *b* of the second paragraph of that section, those in sections 24 and 25, those in subparagraphs *a* and *c* and in subparagraph *i* of subparagraph *b* of the first paragraph of section 27 and those in the fourth paragraph of section 87.24, with the necessary modifications.

87.25.5. Characterization study and site plan: Section 39.1.4 applies to a leaching field installed in the conditions described in section 87.25.2.

DIVISION XV.4.1

ABOVE-GROUND LEACHING FIELD BUILT WITH BORROWED SAND

87.25.6. Installation conditions: An above-ground leaching field built with borrowed sand may be installed in the following conditions:

(a) the grade of the disposal site is less than 10%;

(b) the leaching field meets the siting standards in section 7.2; and

(c) the disposal site is composed of high permeability soil and the level of bedrock, underground water or any layer of impermeable soil, low permeability or permeable soil is less than 60 cm but more than 30 cm.

87.25.7. Construction standards: An above-ground leaching field built with borrowed sand must be built with a low pressure feed system.

It must meet the construction standards in subparagraphs *d, e, f, g, g.1* and *g.2* of the first paragraph of section 21 and in subparagraphs *a* and *b* of the second paragraph of that section, those in section 24, those in subparagraphs *a, b, c* and *f* to *h* of the first paragraph of section 37 and those in section 39.1, as well as the following standards:

(a) the bottom of the gravel or crushed stone layer must be at least 60 cm above bedrock, impermeable or low permeability soil and underground water;

(b) the maximum width of the sand-filter bed or section of it must be not more than 3.1 metres;

(c) the area of the sand-filter bed must meet the standards in the following table for an isolated dwelling:

Number of bedrooms	Minimum area of sand-filter bed in square metres
1	12
2	18
3	26
4	35
5	44
6	52

(d) in other cases, the area of the sand-filter bed must meet the standards in the following table:

Daily total flow total (in litres)	Minimum area of sand-filter bed in square metres
0 to 540	12
541 to 1080	18
1081 to 1620	26
1621 to 2160	35
2161 to 2700	44
2701 to 3240	52

68. Section 87.26.1 is amended by replacing “an attestation by a professional within the meaning of the Professional Code (chapter C-26) indicates” by “a professional within the meaning of section 1 of the Professional Code (chapter C-26) whose professional order governs the practise of a professional activity to which this section applies certifies”.

69. Section 87.27 is amended by inserting “or towards an above-ground leaching field built with borrowed sand that complies with Division XV.4.1” after “Division XV.4” in the portion before subparagraph 1 of the first paragraph.

70. Section 87.28 is amended by inserting “or towards an above-ground leaching field built with borrowed sand that complies with Division XV.4.1” after “Division XV.4” in the first paragraph.

71. Section 87.29 is amended

(1) by inserting “or towards an above-ground leaching field built with borrowed sand that complies with Division XV.4.1” after “Division XV.4” in the portion before paragraph 1;

(2) by replacing the word “ditch” wherever it appears by the words “rainwater management system”.

72. Section 87.30 is amended

(1) by inserting “or towards an above-ground leaching field built with borrowed sand that complies with Division XV.4.1” after “Division XV.4” in the portion before paragraph 1;

(2) by replacing “ditch” in paragraph 2 by “rainwater management system”.

73. Section 88 is amended by replacing “municipality referred to in the first and third paragraphs of section 4” in the first paragraph by “local municipality or regional county municipality referred to in section 4”.

74. Section 89 is amended in the first paragraph

(1) by replacing “5, 7.1” by “4.5, 5, 7.1, 7.1.1”;

(2) by inserting “or 39.1,” after “any of paragraphs *a*, *b* and *c* of section 39.1.1, the first paragraph of section 39.1.2,”;

(3) by replacing “70, 73, 74, 87.11, 87.17 or 87.19, the first paragraph of section 87.22, section 87.23, the second paragraph of section 87.24, section 87.25, 87.25.1 or 87.26, the second paragraph of section 87.30.1 or section 87.32” by “70, 73, 74, 87.11, 87.17 or 87.19, the first paragraph of section 87.22, section 87.23, the second paragraph of section 87.24, section 87.25 or 87.25.1, paragraph *a* or *b* of section 87.25.2, section 87.25.3, the first paragraph of section 87.25.4, paragraph *a* or *c* of section 87.25.6, the first paragraph of section 87.25.7 or any of subparagraphs *b* to *d* of the second paragraph of that section, section 87.26, the second paragraph of section 87.30.1 or section 87.32”.

75. Section 89.2 is amended by replacing “, second or third” by “or second”.

76. Section 89.3 is amended by inserting “or subparagraph *a* of the second paragraph of section 87.25.7” after “section 87.24” in the first paragraph.

77. Section 90 is revoked.

78. Section 90.1 is amended

(1) by replacing the second paragraph by the following:

“In addition to the modes of treatment and discharge to the environment referred to in Divisions III to XV.5, domestic waste water, grey water and toilet effluents from a building or site referred to in section 2 may also be carried to an installation for the disposal of waste water that is part of the waste water depollution plan of the municipality or sector of the municipality.”;

(2) by replacing “catchment” in subparagraph 3 of the third paragraph by “withdrawal”;

(3) by adding “and section 4.3 or 4.4” at the end of subparagraph 4 of the third paragraph;

(4) by inserting “of the municipality” after “sectors” in subparagraph 5 of the third paragraph;

(5) by replacing “waste water” in subparagraph 6 of the third paragraph by “domestic waste water”, and by striking out “dwelling,”;

(6) by striking out “dwelling” in subparagraph 7 of the third paragraph, and by replacing “waste water” by “domestic waste water, grey water or toilet effluents”;

(7) by replacing “is prepared and signed by an engineer who is” in the fourth paragraph by “must be signed by”.

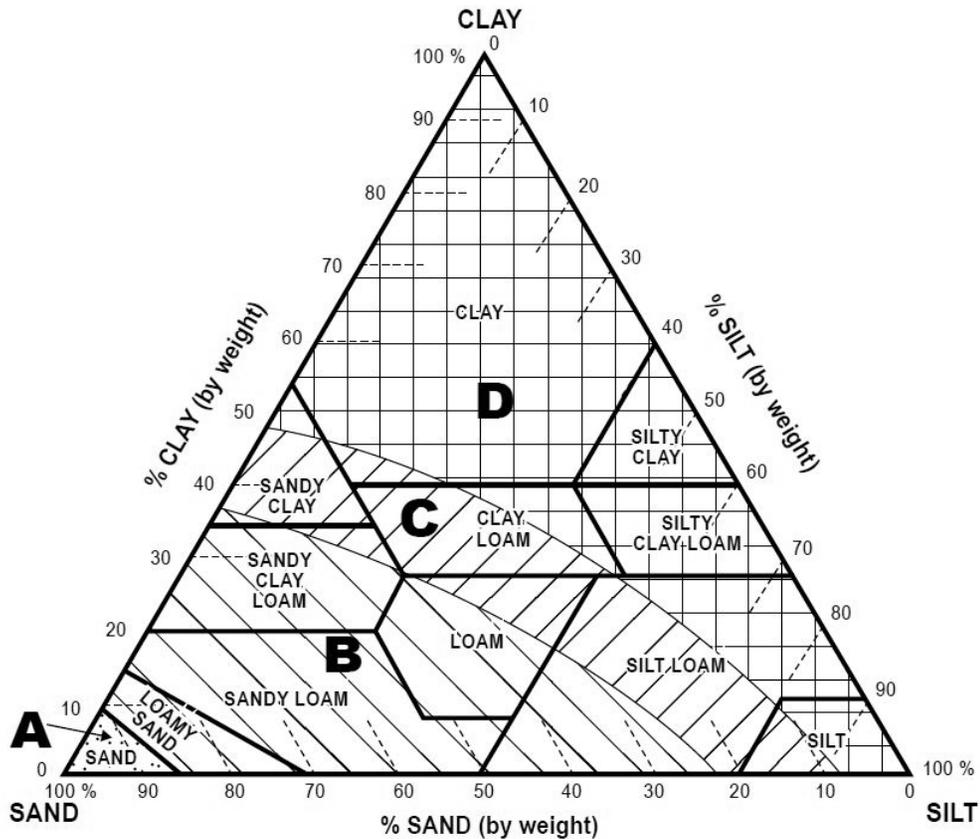
79. Section 95 is amended by replacing “waste water” in the first paragraph by “domestic waste water”.

80. Schedule 1 is replaced by the following:

“SCHEDULE 1

(s.1, pars. u.1, u.2, u.3, u.4)

RELATIONSHIP OF SOIL TYPE TO PERMEABILITY



TEXTURAL CLASS

- Sand
- Loamy sand
- Sandy loam
- Loam
- Silt loam
- Silt
- Clay loam
- Sandy clay loam
- Silty clay loam
- Sandy clay
- Silty clay
- Clay

PERMEABILITY ZONE

- A** :High permeability zone
- B** :Permeable zone
- C** :Low permeability zone
- D** :Impermeable zone

PARTICLE DIMENSION

- SAND** : A soil separate consisting of particles between 0.05 mm et 2 mm in diameter
- SILT** : A soil separate consisting of particles between 0.05 mm et 0.002 mm in diameter
- CLAY** : A soil separate consisting of particles smaller than 0.002 mm

81. Schedule 1.1 is replaced by the following:

“SCHEDULE 1.1

(s. 1.4)

Domestic waste water unit flow¹ according to types of services offered in buildings or on sites other than isolated dwellings

Services offered in a building or on a site other than an isolated dwelling	Unit of measurement	Flow in litres per day ²
Airport ³		
–Passengers	passenger	15
and		
–Employees per 8-hour shift	employee	40
Arena ³	seat	15
Bar		
–Autonomous establishment with a minimum of food	seat	125
or		
–Part of a hotel or motel	seat	75
or		
–Based on clientele	client	10
and		
–Based on number of employees	employee	50
Public house or “pub”	seat	130
Laundry facility		
–Public washing machine	load or machine	190 2000
or		
–Washing machine in an apartment building	machine or client	1200 190
Sugar shack		
–With meals	seat	130
–Without meals	person	60
Various camps ³		
–Construction camp with flush toilets (including showers) ³	person	200
–Youth camp	person	200
–Day camp without meals	person	50
–Day and overnight camp	person	150
–Summer camp with showers, toilets, sinks and kitchen	person	150

Services offered in a building or on a site other than an isolated dwelling	Unit of measurement	Flow in litres per day ²
–Seasonal employees camp – central service centre	person	225
–Primitive camp	person	40
–Resort, climate station, winter resort, based on clientele	person	400
and		
–Based on number of non-resident employees	employee	50
Camping		
–Without sewer system	site	190
–With sewer system	site	340
Visitors reception centre	visitor	20
Shopping mall ³		
–Retail store with toilets only	square metre of store surface	5
or		
–Retail store based on number of parking spaces	parking space	6
and		
–Based on number of employees	employee	40
Cinema		
–Indoor cinema	seat	15
–Auditorium or theatre without food	seat	20
–Outdoor cinema without food	parking space	20
–Outdoor cinema with food	parking space	40
School ³		
–Day school without showers or cafeteria, per student	student	30
–with showers,	student	60
–with showers and cafeteria,	student	90
and		
–non-teaching staff	person	50
–School with boarders		
–resident	resident	300
and		
–non-resident employee	person	50

Services offered in a building or on a site other than an isolated dwelling	Unit of measurement	Flow in litres per day ²	Services offered in a building or on a site other than an isolated dwelling	Unit of measurement	Flow in litres per day ²
Church	seat	10	Restaurant and dining room		
Health institution			–Regular restaurant (not 24 hours)	seat	125
–Convalescent and rest homes	bed	450	–Restaurant open 24 hours	seat	200
–Other institution	person	400	–Highway restaurant open 24 hours	seat	375
Day care			–Highway restaurant open 24 hours with showers	seat	400
–Including employees and children	person	75	–If presence of mechanical dishwasher or garbage grinder, add		
Hotel and motel residential part:			–regular restaurant	seat	12
–With all commodities, including kitchen	person	225	–restaurant open 24 hours	seat	24
or			–Cafeteria, based on clientele	client	10
–With private bathroom	person	180	and		
or			based on number of employees	employee	40
–With central bathroom	person	150	–Café, based on clientele	client	20
non-residential part:			and		
–See category of establishment concerned (restaurant, bar, etc.)			based on number of employees	employee	40
Places of employment ³			–Banquet hall (each banquet)	seat	30
–Employees in plant or factory, per day or per shift, including showers, excluding industrial use	person	125	–Restaurant with car service	seat	125
–Employees in plant or factory, per day or per shift, without showers, excluding industrial use	person	75	–Restaurant with car service – disposable items	parking	60
–Various buildings or places of employment, store and office staff on the basis of facilities	person	50-75	–Restaurant with car service – disposable items	Indoor seat	60
Park, park for picnicking, beach, public pool			–Tavern, bar, lounge with a minimum of food	seat	125
–Park, park for picnicking with service centre, showers and flush toilets	person	50	–Bar restaurant with show	seat	175
–Park, park for picnicking with flush toilets only	person	20	Meeting hall	seat or person	20 or 15
–Public pool and beach with toilets and showers	person	40	Dance and meeting hall		
Residential part of a building other than a single or multi-family dwelling	bedroom	540 ⁴	–with toilets only	person or square metre	8 or 15
			–with restaurant	seat	125
			–with bar	seat	20
			–with restaurant and bar	client	150
			Bowling alley		
			–without bar or restaurant	lane	400
			–with bar or restaurant	lane	800

Services offered in a building or on a site other than an isolated dwelling	Unit of measurement	Flow in litres per day ²
Gas station ³		
–Gas pump	pair of pumps	1900
or		
based on number of vehicles served	vehicle	40
and		
based on number of employees	employee	50

1. Unit flow considers only domestic waste water discharged by the building or site.

2. Per unit of measure.

3. The building must produce only domestic waste water within the meaning of this Regulation unless the plumbing system allows waste water to be segregated such that only domestic waste water is channelled to the disposal system.

4. The minimum hydraulic capacities in section 1.3 may be used in lieu of the unit flow specified in the table to establish the design flow of treatment systems covered by sections 11.1, 16.2, 87.8 and 87.14.⁷.

TRANSITIONAL AND FINAL

82. A building referred to in subparagraph b.1 of the first paragraph of section 2 of the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), introduced by section 7 of this Regulation, the construction of which was authorized under section 22 of the Environment Quality Act (chapter Q-2) but that was built after the coming into force of this Regulation, remains governed by the conditions under which the authorization was granted as regards the disposal of domestic waste water, grey water or toilet effluents.

83. This Regulation comes into force of the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104397

Draft Regulation

Financial Administration Act
(chapter A-6.001)

Savings products — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting savings products, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to facilitate administration of the book based system as regards the management and sale of savings products by Épargne Placements Québec, among other things to relieve a participant or the person authorized to act in the participant's name from the requirement to file a prescribed form if the requested information has already been sent in another manner to Épargne Placements Québec.

The draft Regulation specifies that a participant who is no longer domiciled in Québec cannot effect a securities purchase transaction or reinvest maturing securities.

It also clarifies the role and powers of sales agents authorized to sell Épargne Placements Québec products pursuant to agreements they have entered into with Épargne Placements Québec.

An additional proposal in the draft Regulation is to integrate the provisions dealing with automatic reinvestment into the division pertaining to transactions.

The draft Regulation provides for the sending of an annual Portfolio Statement to all participants, but limits the quarterly sending of Portfolio Statements solely to those participants having made a transaction during the quarter. It will be possible, however, for all participants to remotely access their quarterly Portfolio Statements.

The draft Regulation also proposes to restrict the possibility of transferring a participant's securities solely to the cases provided for in the Regulation, which will now allow for, on certain conditions, transfer of securities to a participant's former spouse and transfer of securities of a legal person to a shareholder.

The measures proposed by the draft Regulation are not likely to entail consequences for enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Julie Simard, Coordinator – Financial Documentation and Compliance, Ministère des Finances, 390, boulevard Charest Est, 7^e étage, Québec (Québec) G1K 3H4, telephone: 418 643-8887; fax: 418 528-0984; email: Julie.Simard@finances.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Finance, 390, boulevard Charest Est, 8^e étage, Québec (Québec) G1K 3H4.

ERIC GIRARD,
Minister of Finance

Regulation to amend the Regulation respecting savings products

Financial Administration Act
(chapter A-6.001, s. 73, pars. 1 to 3 and 5)

1. Section 3 of the Regulation respecting savings products (chapter A-6.001, r. 9) is replaced by the following:

“**3.** A participant file must be established for each participant in order to acquire the first savings product.”

2. Section 5 is amended

(1) by replacing the portion before paragraph 1 by the following:

“A participant may hold savings products in one or more of the following accounts:”;

(2) by striking out “in which all the savings products acquired by a participant are held, other than products held in an account referred to in paragraph 2 or 3” in paragraph 1.

3. Section 8, amended by section 219 of the Act respecting mainly the implementation of certain provisions of the Budget Speeches of 17 March 2016, 28 March 2017, 27 March 2018 and 21 March 2019, is again amended

(1) by striking out “form or”;

(2) by replacing “, by a person authorized under section 75 of the Financial Administration Act (chapter A-6.001) or by the Government” by “or by a person authorized under section 75 of the Financial Administration Act (chapter A-6.001)”;

(3) by adding the following paragraphs at the end:

“Despite the foregoing and any inconsistent provision, a prescribed form filed by the participant or the person authorized to act in the participant’s name is not required if the information requested in the form has been otherwise sent to Épargne Placements Québec by the participant or the person so authorized.

The second paragraph does not operate to exempt a natural person acting through a power of attorney from, if applicable, the rules set out in sections 35 and 36.”

4. Section 9 is amended by inserting “domiciled in Québec” in paragraph 4 after “natural person”.

5. Section 20 is amended by replacing “on the form” by “under section 19”.

6. The following subdivision is inserted after section 22:

“*§§V. Sales agents*

22.1. Despite any inconsistent provision, sales agents that have entered into an agreement with Épargne Placements Québec for the sale of any savings product referred to in section 1 are deemed to be authorized to act in the name of their clients for the purpose of their participation in the book based system.”

7. The following is inserted after section 25:

“**25.1.** Sales agents that have entered into an agreement with Épargne Placements Québec for the sale of any savings product referred to in section 1 are, for the purposes of section 24, deemed to be authorized to act in the name of their clients participating in the book based system.

With regard to their clients, only sales agents are empowered to have a purchase or sale transaction or a transfer of ownership of a security effected in a participant’s securities portfolio.

This section applies despite any inconsistent provision.”

8. Section 30 is amended by replacing “the form in Schedule I” at the end of the second paragraph by “the prescribed form”.

9. Section 31 is amended by replacing “accompanied by a blank voided cheque” in the first paragraph by “sent with the detail of that information to Épargne Placements Québec”.

10. The following is inserted after section 31:

“**31.1.** A participant who is no longer domiciled in Québec may no longer, in any manner, effect a purchase transaction.”

11. Section 32 is amended by replacing “sections 53 and 54” in the first paragraph by “section 32.1”.

12. The following is inserted after section 32:

“**32.1.** Subject to cancellation of participation pursuant to section 23, if Épargne Placements Québec has not received instructions from the participant domiciled in Québec or the person authorized to act in the participant’s name specifying how maturing securities are to be dealt with, the maturity value of the securities is automatically reinvested on their maturity date in Flexi-Plus Savings units.

Despite the foregoing, the maturity value of Québec Savings Bonds is automatically reinvested in Québec Savings Bonds issued on the maturity date, or if such bonds are not available, in Flexi-Plus Savings units.”

13. Section 33, amended by section 220 of the Act respecting mainly the implementation of certain provisions of the Budget Speeches of 17 March 2016, 28 March 2017, 27 March 2018 and 21 March 2019, is replaced by the following:

“**33.** Épargne Placements Québec must send an annual statement to the participant or the person authorized to act in the participant’s name, called “Portfolio Statement”, which details the status of the participant’s securities portfolio at 31 December of the preceding year. A Portfolio Statement must also be sent after each quarter in which a transaction was effected. Another statement called “Transaction Confirmation” must also be sent to confirm certain transactions in the participant’s securities portfolio and entered in the book based system.

The participant or the person authorized to act in the participant’s name may also remotely access the information appearing in the participant’s securities portfolio as well as the Portfolio Statement produced quarterly by Épargne Placements Québec.

Sales agents referred to in section 25.1 are, with regard to their clients, authorized to remotely access the information appearing in their client’s securities portfolio and the Portfolio Statement of securities concerning them produced quarterly by Épargne Placements Québec.”

14. Section 37 is amended by inserting “in the cases and on the conditions set out in this Regulation” in the first paragraph after “in the book based system”.

15. Section 38 is amended

(1) by replacing “41” by “40.1”;

(2) by adding “or a shareholder of such a legal person in respect of which the other shareholders and directors have expressly consented to the transfer” at the end.

16. Section 39 is amended by replacing “form in Schedule I” by “prescribed form”.

17. The following is inserted after section 40:

“**40.1.** In the case of divorce, marriage annulment, dissolution or annulment of civil union, or separation of spouses in a de facto union, a transfer is made to the former spouse of a participant only if the document or act attesting to the termination or annulment of the marriage, civil union or de facto union and the right of ownership of the security has been sent to Épargne Placements Québec.”

18. Section 45 is amended

(1) by inserting “into the participant’s designated account” in the first paragraph after “transfer of funds”;

(2) by replacing the second paragraph by the following:

“Payments made to the Government for the purchase of a security may be made by cheque or transfer of funds from a recognized financial institution or by any other manner of payment accepted by Épargne Placements Québec.”

19. Section 49 is revoked.

20. Division V of Chapter I comprising sections 51 to 54 is revoked.

21. Section 61 is amended by replacing “form in Schedule II” at the end of the second paragraph by “prescribed form”.

22. Schedules I and II are revoked.

23. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104399

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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