

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

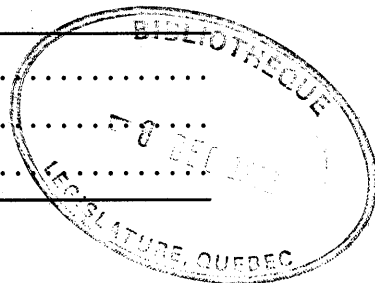
Bill 101

An Act to amend various legislation

First reading

Second reading

Third reading



M. MARC-ANDRÉ BÉDARD

Minister of Justice

QUÉBEC OFFICIAL PUBLISHER

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EXPLANATORY NOTE

This bill amends several legislative provisions. The amendments are mainly technical and are aimed at facilitating the administration of the Acts amended.

ACTS AMENDED BY THIS BILL

- (1) The Civil Code;
- (2) The Act to make provisions respecting the prosecution of offences by the Procureur général and the enforcement of parking and traffic by-laws, and to amend the Justice Department Act (1977, chapter 18);
- (3) The Financial Administration Act (R.S.Q., chapter A-6);
- (4) The Industrial Development Assistance Act (R.S.Q., chapter A-13);
- (5) The Social Aid Act (R.S.Q., chapter A-16);
- (6) The Health Insurance Act (R.S.Q., chapter A-29);
- (7) The Registry Office Act (R.S.Q., chapter B-9);
- (8) The Employment Bureaus Act (R.S.Q., chapter B-10);
- (9) The Code of Civil Procedure (R.S.Q., chapter C-25);
- (10) The General and Vocational Colleges Act (R.S.Q., chapter C-29);
- (11) The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);
- (12) The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

- (13) The Referendum Act (R.S.Q., chapter C-64.1);
- (14) The Territorial Division Act (R.S.Q., chapter D-11);
- (15) The Act respecting private education (R.S.Q., chapter E-9);
- (16) The Education Act (R.S.Q., chapter I-14);
- (17) The University Investment Act (R.S.Q., chapter I-17);
- (18) The Mining Act (R.S.Q., chapter M-13);
- (19) The Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (R.S.Q., chapter M-30.1);
- (20) The Act respecting the mode of payment for electric service in certain buildings (R.S.Q., chapter M-37);
- (21) The Act respecting labour standards (R.S.Q., chapter N-1.1);
- (22) The Summary Convictions Act (R.S.Q., chapter P-15);
- (23) The Special Corporate Powers Act (R.S.Q., chapter P-16);
- (24) The Public Health Protection Act (R.S.Q., chapter P-35);
- (25) The Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1);
- (26) The Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);
- (27) The Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- (28) The Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- (29) The Act respecting health services and social services (R.S.Q., chapter S-5);
- (30) The Public Works Act (R.S.Q., chapter T-15);
- (31) The Courts of Justice Act (R.S.Q., chapter T-16);
- (32) The Act respecting the Grand Théâtre de Québec (1982, chapter 8).

Bill 101

An Act to amend various legislation

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CIVIL CODE

1. The English text of the second paragraph of article 1078.1 of the Civil Code, enacted by section 59 of chapter 32 of the statutes of 1982, is replaced by the following text:

“There may be added to the amount so awarded, or to the amount awarded by judgment for the inexecution of an obligation contemplated in article 1077, an indemnity computed by applying to the amount, from such date, a percentage equal to the excess of the interest rate fixed according to section 28 of the Act respecting the Ministère du revenu (R.S.Q., chapter M-31) over the legal interest rate or over the agreed rate, as the case may be.”

2. Article 2132 of the said Code, replaced by section 18 of chapter 45 of the statutes of 1948 and amended by section 11 of chapter 11 of the statutes of 1980, is again amended by adding, at the end of the second paragraph, the following sentence:

“However, where the document contains a reference to a right already registered and entered in the index of immoveables, the registrar need not make a second entry of that right.”

3. Article 2136 of the said Code, amended by section 31 of chapter 72 of the statutes of 1947, replaced by section 23 of chapter 45 of the statutes of 1948 and amended by section 13 of chapter 11 of the statutes of 1980, is again amended by adding, at the end of the second paragraph, the following sentence:

"However, where the memorial contains a reference to a right already registered and entered in the index of immoveables, the registrar need not make a second entry of that right."

4. Article 2159 of the said Code, replaced by section 18 of chapter 11 of the statutes of 1980, is amended by adding, at the end, the following paragraph:

"The Minister of Justice may, as circumstances require, entrust a single registrar with the keeping of more than one registry office."

5. Article 2182 of the said Code, replaced by section 3 of chapter 91 of the statutes of 1922 and amended by section 1 of chapter 95 of the statutes of 1935, is again amended by adding, at the end of the second paragraph, the following sentence: "He may, however, on the order of the Minister of Justice or any person designated by the latter, part temporarily with the registers or books of which he is depositary to allow them to be replaced or remade."

ACT TO MAKE PROVISIONS RESPECTING THE PROSECUTION OF OFFENCES
BY THE PROCUREUR GÉNÉRAL AND THE ENFORCEMENT OF PARKING AND
TRAFFIC BY-LAWS, AND TO AMEND THE JUSTICE DEPARTMENT ACT

6. Section 6 of the Act to make provisions respecting the prosecution of offences by the Procureur général and the enforcement of parking and traffic by-laws, and to amend the Justice Department Act (1977, chapter 18) is repealed.

The first paragraph has effect from 1 January 1982.

FINANCIAL ADMINISTRATION ACT

7. Section 8 of the Financial Administration Act (R.S.Q., chapter A-6) is amended by inserting the words "or other securities" after the word "debentures" in the second line, and by inserting the word "securities" after the word "debentures" in the fifth line.

8. The said Act is amended by inserting, after section 9, the following section:

"9.1 Notwithstanding the time limit provided for by section 2 of the Photographic Proof of Documents Act (R.S.Q., chapter P-22), any document kept by the department or in its possession may be destroyed as soon as it has been reproduced.

The same applies to documents emanating from the department and kept by or in the possession of a financial institution, provided their destruction is authorized by the Minister."

9. Section 67 of the said Act is amended by replacing the words "bonds or debentures" in the third line by the words "debentures or other securities".

10. Section 68 of the said Act is replaced by the following section:

"68. The Government may make regulations providing for:

(a) the transfer, transmission, exchange or redemption of any debenture or securities;

(b) the replacement of debentures or securities which have been damaged, lost, stolen or destroyed, the payment of interest or capital to their holders or the guarantees they must furnish;

(c) the correction of errors respecting the registration of debentures or securities."

11. Section 69 of the said Act is amended by inserting the words "before maturity" after the word "redeemed" in the fourth line.

INDUSTRIAL DEVELOPMENT ASSISTANCE ACT

12. Section 20 of the Industrial Development Assistance Act (R.S.Q., chapter A-13) is replaced by the following section:

"20. At least three of the members contemplated in paragraph c of section 19 shall be appointed from among the officers of the Government."

SOCIAL AID ACT

13. The Social Aid Act (R.S.Q., chapter A-16) is amended by inserting, after section 27, the following section:

"27.1 Where legal aid is a special need, the review shall be made in accordance with sections 74 and following of the Legal Aid Act (R.S.Q., chapter A-14)."

HEALTH INSURANCE ACT

14. The Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting, after section 71.1, the following section:

"71.2 The obligation imposed on the Minister under sections 70, 71 and 71.1 does not apply in respect of a person who is or would be entitled to social aid solely for the purposes of the special need of legal aid."

REGISTRY OFFICE ACT

15. The Registry Office Act (R.S.Q., chapter B-9) is amended by inserting, after section 22, the following section:

“22.1 Where the whole or part of any register, index, repertory or other book kept by a registrar has been lost or destroyed, the Minister of Justice may, by order, require the registrar to reconstitute it in accordance with such terms and conditions as he may determine to ensure its authenticity.

Any book or part of a book used for the reconstitution must be previously authenticated.

The registrar and his deputy must affix, on the reconstituted book or part of a book, a certificate attesting that it has been reconstituted pursuant to this section. The certificate must be made under oath before the prothonotary of the district or the clerk of the Provincial Court.

The whole or part of a book so reconstituted has the same authenticity, validity and effect as that it replaces and the provisions of the Civil Code respecting the organization of registry offices apply.”

EMPLOYMENT BUREAUS ACT

16. The Employment Bureaus Act (R.S.Q., chapter B-10) is repealed.

CODE OF CIVIL PROCEDURE

17. Article 34 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by replacing the word “six” in paragraphs 1, 2 and 3 by the word “ten”;

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

“Likewise, where, following an amendment to a claim before the Superior Court, the claim becomes within the jurisdiction of the Provincial Court, the latter court is alone competent to hear the entire case and the record must be sent to it at the diligence of the parties unless, if it so happens, the defendant makes a claim which itself would be within the jurisdiction of the Superior Court.”

18. Article 196 of the said Code amended by replacing the second paragraph by the following paragraph:

“The depositions must then be made by affidavits sufficiently detailed to establish all the necessary facts in support of the conclusions sought, or be taken by stenography or written down, before a person authorized to administer the oath, and be filed in the record, and shall have the same effect as if taken in open court.”

19. Article 553 of the said Code is amended

- (1) by striking out paragraph 10;
- (2) by striking out the figure “, 10” in the second line of the last paragraph.

GENERAL AND VOCATIONAL COLLEGES ACT

20. The General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by inserting, after section 28, the following section:

“**28.1** The Minister may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy to any college in order to provide, in whole or in part, out of the appropriations voted each year for that purpose by the Legislature, for the payment in capital and interest of any loan contracted or to be contracted by the college.

He may deposit in the hands of the Minister of Finance, to be managed by him, all amounts intended for the payment in principal and interest of the debentures issued by the college, in order to constitute a sinking fund for the purposes of paying, out of such amounts, at the maturities under the terms of the loan, the principal of the debentures, and, out of the proceeds or revenue of the fund, the loans of any college.”

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

21. The English text of the first paragraph of section 61 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is replaced by the following:

“**61.** A copy of every by-law of the Community must be transmitted forthwith to the Minister.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

22. The English text of the first paragraph of section 68 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is replaced by the following:

“**68.** A copy of every by-law of the Community must be transmitted forthwith to the Minister.”

REFERENDUM ACT

23. The French text of the first paragraph of section 119 of section 2 of Appendix 2 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by replacing the word “minimum” in the third line by the word “maximum”.

24. The English text of the first paragraph of section 119 of section 2 of Appendix 2 of the said Act is amended by striking out the words “election agent” in the first line.

TERRITORIAL DIVISION ACT

25. Section 1 of the Territorial Division Act (R.S.Q., chapter D-11) is amended by replacing paragraph 2 by the following paragraph:

“(2) For the purposes of the administration of justice, into thirty-five judicial districts;”.

26. Section 9 of the said Act is amended

(1) by replacing the number “thirty-four” in the first line, by the number “thirty-five”;

(2) by inserting, after paragraph 1, the following paragraph:

“**1.1 Alma**, Chief Place: Alma.

The judicial district of Alma comprises the territory bounded as follows: starting from the point of intersection of the centre line of the Péribonca river and the extension of the southeast line of the township of Garnier; thence, successively, the following lines: the said extension and the said southeast line; part of the southeast line of the township of De L’Île to the dividing line between ranges III and IV of the cadastre of the township of Taché; in that cadastre part of the said dividing line between ranges to the southeast line of lot 42 of the said range III; the southeast line of the said lot and its extension to the centre line of the Grande Décharge river; the centre line of the said river and the centre line of the Saguenay river southeasterly to the extension of the southeast line of lot 31 of Saguenay range of the cadastre of the township of Labarre; the said extension; and, with reference to the cadastre of the said township, the southeast and southwest lines of the said lot 31; part of the southwest line of lot 30 of Saguenay range; part of the dividing line between ranges VIII and IX; the northeast line of lot 25 of range IX; part of the dividing line between ranges IX and X; part of the southwest line of lot 3 of range IX; the southeast line of lot 24 of ranges III-East, II-East and I-East; part of the northeast line of range

Est-Chemin-Kénogami and the northeast line of range Nord-Chemin-Kénogami; the southeast line of lot 45 of ranges Nord-Chemin-Kénogami and Sud-Chemin-Kénogami and its extension to the centre line of lake Kénogami; the said centre line southeasterly to the extension of the southeast line of block A of the original survey of the township of Plessis; the said extension and the southeast and southwest lines of the said block A; part of the southeast line of the township of Mésey southwesterly and its extension to the centre line of the aux Écorces river; the centre line of the said river upstream to parallel 48°00' North latitude; the said parallel westerly to the centre line of the Métabetchouan river; the centre line of the said river downstream to the extension of the dividing line between range IV and ranges I Métabetchouan river and II Métabetchouan river of the township of Saint-Hilaire; with reference to that cadastre, the said extension and part of the said dividing line between ranges; the dividing line between lots 42 and 43 in ranges IV, III, II and I; part of the southwest line of the townships of Caron and Métabetchouan; with reference to the township of Métabetchouan, the northwest line of lot D of ranges VI and V and D-2 of range IV; part of the dividing line between range III and IV; the northwest line of lot C-2 of range III; part of the dividing line between ranges II and III; in a northwesterly direction the centre line of the Métabetchouan river to its mouth; a straight line running across lake Saint-Jean to the mouth of the Péribonca river; finally, the centre line of the said river upstream to the starting point.

This judicial district comprises the following municipalities: the city of Alma; the towns of Desbiens and Métabetchouan; the villages of Hébertville-Station and Saint-Bruno; the parish of L'Ascension-de-Notre-Seigneur; the municipalities of Delisle, Hébertville, Lac-à-la-Croix, Saint-Gédéon, Saint-Henri-de-Taillon and Sainte-Monique. It also comprises the part of lake Saint-Jean and the unorganized territories situated within the above described perimeter.”;

(3) by replacing paragraph 24 by the following paragraph:

“24. Roberval, Chief Place: Roberval.

The judicial district of Roberval comprises the territory bounded as follows: starting from the point of intersection between the watershed dividing the basin of the St Lawrence river from that of Hudson's Bay and the extension of the northeast line of the township of Ingall; thence, successively, the following lines: the said watershed northeasterly to the extension of the centre line of the Péribonca river; the said extension and the centre line of the said river southerly to its mouth; a straight line running across lake Saint-Jean to the mouth of the Métabetchouan river; the centre line of the said river; the extension and part of the dividing line between ranges II and III of the cadastre of the township of Métabetchouan; in that

cadastre, the northwest line of lot C-2 of range III; part of the dividing line between ranges III and IV; the northwest line of lot D-2 of range IV and of lot D of ranges V and VI; part of the dividing line between the township of Saint-Hilaire and the townships of Métabetchouan and Caron; in the cadastre of the township of Saint-Hilaire, the dividing line between lots 42 and 43 in ranges I, II, III and IV; part of the dividing line between range IV and ranges I Métabetchouan river and II Métabetchouan river; the centre line of the Métabetchouan river upstream to the extension of the south line of the township of Malherbe; the said extension and the south line of the townships of Malherbe, Crespieul and Bécart and the north line of the townships of Chaumonot and Papin to the northeast line of the township of Ingall; finally, part of the said northeast line northwesterly and its extension across undivided land and running diagonally across the townships of Bonin, Laflamme, Routhier, Lafitau, Faguy, Berlinguet, Lindsay, Dubois, Verreau and Pfister to the starting point.

This judicial district includes the following municipalities: the city of Roberval; the towns of Dolbeau, Mistassini, Normandin, and Saint-Félicien; the villages of Albanel, Lac-Bouchette, Saint-André-du-Lac-Saint-Jean, Sainte-Jeanne-d'Arc and Saint-Prime; the parishes of Notre-Dame-de-la-Doré, Saint-Augustin and Sainte-Hedwidge; the township municipality of Albanel; the municipalities of Chambord, Girardville, Notre-Dame-de-Lorette, Péribonka, Saint-Edmond, Saint-Eugene, Saint-François-de-Sales, Saint-Ludger-de-Milot, Saint-Méthode, Saint-Stanislas and Saint-Thomas-Didyme. It also comprises the part of lake Saint-Jean and the unorganized territories situated within the above described perimeter."

ACT RESPECTING PRIVATE EDUCATION

27. Section 59.3 of the Act respecting private education (R.S.Q., chapter E-9), enacted by section 12 of chapter 26 of the statutes of 1981, is replaced by the following section:

"59.3 The Minister of Transport may make subsidies for the bussing of the persons who attend an institution declared to be of public interest which he shall designate. The amount of such subsidies shall then be determined according to the budgetary rules established by the Minister of Transport, after consultation with the Minister, and approved by the Conseil du Trésor."

EDUCATION ACT

28. Section 1 of the Education Act (R.S.Q., chapter I-14) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) The words “school corporation” or “school board” mean, indifferently, “corporations of school commissioners” or “trustees,” or “regional school boards”.

29. Section 16 of the said Act is amended by adding after paragraph 7, the following paragraph:

“(8) For determining, in all school boards or in particular school boards, the conditions of employment, the recourses and the rights of appeal of personnel who are not members of a certified association.”

30. Section 181 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Notwithstanding the first paragraph, the decision to engage or to terminate the engagement of the direction general shall be passed by a two-thirds majority of votes of all the members of the school board who are entitled to vote.”

31. Section 189 of the said Act is amended by striking out subparagraph 2 in the first paragraph.

32. Section 190 of the said Act is replaced by the following section:

“190. School commissioners and trustees shall cancel the engagements of persons holding pedagogical or educational positions in accordance with the collective agreement governing the parties.

However, failing an agreement or if the agreement does not provide for cancellation of the engagements, the following provisions apply:

(1) The school commissioners or trustees shall, after mature deliberation at a meeting called for that purpose, cancel the engagements of persons holding pedagogical or educational positions on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality.

(2) Any person who holds a pedagogical or educational position and is dismissed under the preceding paragraph may submit his grievance to arbitration, in accordance with sections 100 to 102 of the Labour Code. In such case, the court of arbitration seized of the grievance shall determine whether the procedure prescribed for the dismissal has been followed and whether the reasons alleged by the school board in support of such dismissal constitute one of the causes of cancellation contemplated in the preceding paragraph. The court of arbitration may set aside the decision of the school board if the

procedure prescribed has not been followed or, if the reasons for the dismissal are not well founded, order that the person concerned be reinstated in his duties and determine, if need be, the amount of the compensation to which he is entitled."

33. Subsection 1 of section 209 of the said Act is amended

(1) by inserting the words "or who have not been re-engaged in accordance with the provisions of the collective agreement" after the word "therein" in the third line;

(2) by replacing the words "in paragraph 2 of section 189" in the fifth line by the words "in section 190 or in the collective agreement".

34. Section 217 of the said Act, replaced by section 3 of chapter 27 of the statutes of 1981, is amended by replacing the word "Every" in the first line of the first paragraph by the words "Notwithstanding any inconsistent provision of any general or special Act or special charter, every".

The first paragraph has effect from 8 March 1982.

35. Section 225 of the said Act, replaced by section 10 of chapter 27 of the statutes of 1981 and amended by section 112 of chapter 32 of the statutes of 1982, is again amended by inserting, after the first paragraph, the following paragraph:

"He may deposit in the hands of the Minister of Finance, to be managed by him, all amounts intended for the payment in principal and interest of the debentures issued by the school board, in order to constitute a sinking fund for the purposes of paying, out of such amounts, at the maturities under the terms of the loan, the principal of the debentures, and, out of the proceeds or revenue of the fund, the loans of any school board."

The first paragraph has effect from 8 March 1982.

36. Section 322 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"The facsimile of the signature of the chairman and of the secretary-treasurer of a school board may be engraved, lithographed or printed on the debentures issued by the school board and such facsimile shall have the same effect as if the signatures themselves were affixed thereto."

37. Section 431 of the said Act, replaced by section 8 of chapter 26 of the statutes of 1981, is amended by inserting the words "juridical status," before the word "powers" in the first line.

38. Section 431.1 of the said Act, enacted by section 8 of chapter 26 of the statutes 1981, is amended by replacing the words "its users" in the second paragraph by the words "the users".

39. Section 431.9 of the said Act, enacted by section 8 of chapter 26 of the statutes of 1981, is amended by replacing the words "its users" in the second paragraph by the words "the users".

« **431.9** A regional board or school board authorized under section 195 to exercise the powers of a regional board shall receive scholl bussing subsidies in the amount determined according to the budgetary rules established by the Minister of Transport, after consultation with the Minister, and approved by the Conseil du Trésor. »

UNIVERSITY INVESTMENTS ACT

40. Section 5 of the University Investments Act (R.S.Q., chapter I-17) is amended by adding, after the first paragraph, the following paragraph:

"This section does not apply in respect of any loan contracted or issue of debentures made on or after (*insert here the date of the coming into force of section 52 of this Act*)."

41. Section 6 of the said Act is amended by adding after the first paragraph, the following paragraph:

"This section does not apply in respect of any loan contracted or issue of debentures made on or after (*insert here the date of the coming into force of section 42 of this Act*)."

42. The said Act is amended by inserting, after section after section 6, the following section:

"**6.1** The Minister of Education may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy for the purposes of investments approved under section 4 to any university establishment in order to provide, in whole or in part, out of the funds voted annually for such purposes by the Legislature, for the payment in principal and interest of any loan contracted or to be contracted by the university establishment.

He may deposit in the hands of the Minister of finance, to be managed by him, all amounts intended for the payment in principal and interest of the debentures issued by the university establish-

ment, in order to constitute a sinking fund for the purposes of paying, out of such amounts, at the maturities under the terms of the loan, the principal of the debentures, and, out of the proceeds or revenue of the fund, the loans of any university establishment.”

MINING ACT

43. Section 33 of the Mining Act (R.S.Q., chapter M-13) is amended by replacing paragraph *b* of subsection 2 by the following paragraph:

“(b) of whole lots or half-lots in the case of lots of more than twenty hectares but not more than forty-five hectares in area;”.

44. The said Act is amended by inserting, after section 38, the following section:

“**38.1** No staking may be done before seven o’clock in the morning.”

45. Section 238 of the said Act, replaced by section 8 of chapter 27 of the statutes of 1982, is amended by replacing the words “and peat”, at the end, by the words “, peat, marl, ochre or soapstone.”

46. Section 296 of the said Act is amended by replacing paragraph *k* by the following paragraph:

“(k) reserve and withdraw from staking any land which, in its opinion, may be necessary for the establishment of mining, industrial, seaport or airport facilities, the construction of means or lines of transport or communications, underground conduits, the development of water power, storage or underground reservoirs, the creation of parks or reserves and any other purposes it considers in the public interest.”

47. Section 339 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DU LOISIR, DE LA CHASSE ET DE LA PÊCHE

48. The Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (R.S.Q., chapter M-30.1) is amended by adding, after section 13, the following:

“DIVISION II

“LICENSING OF VACATION CAMPS

“**14.** The Minister may issue, on conditions determined by the Government, operating licences for vacation camps where children

under 18 years of age are sheltered during a period of school vacation and where recreational services and sports, educational or cultural equipment are provided.”

ACT RESPECTING THE MODE OF PAYMENT FOR
ELECTRIC SERVICE IN CERTAIN BUILDINGS

49. The title of the Act respecting the mode of payment for electric service in certain buildings (R.S.Q., chapter M-37) is replaced by the following title:

“Act respecting the mode of payment for electric and gas service in certain buildings”.

50. Sections 1, 2, 7, 10, 11, 13, 17, 20 and 21 of the said Act are amended by replacing the word “electricity” wherever it appears by the words “electricity or gas”.

51. Section 1 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“For the purposes of this Act, the owner or the lessor of the building or the assign to either of them is deemed to be the debtor to the electric or gas supplier for the cost of such service, even for a debt contracted with the supplier, respecting such service, by a previous owner or lessor of the building.

In this Act, the word “gas” means natural gas.”

52. Section 7 of the said Act is amended by inserting the following paragraph after the second paragraph:

“However, where one or more assignments envisage the payment of both the electric service and the gas service, that percentage may be from 10 to 20% for each of the debts.”

53. Section 20 of the said Act is amended by striking out the words “including Hydro-Québec” in the first line.

54. The said Act is amended by inserting, after section 24, the following section:

“**24.1** This Act applies to the Government and to its departments and agencies.”

55. Section 25 of the said Act is replaced by the following section:

“25. This Act applies even in regard to the cost for electric or gas service not paid for prior to (*insert here the date of sanction of Bill 101*).”

ACT RESPECTING LABOUR STANDARDS

56. The English text of paragraph 5 of section 77 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is replaced by the following paragraph:

“(5) an insurance agent within the meaning of paragraph *i* of section 1 of the Act respecting insurance (R.S.Q., chapter A-32), entirely remunerated on commission;”.

SUMMARY CONVICTIONS ACT

57. Section 63.17 of the Summary Convictions Act (R.S.Q., chapter P-15), enacted by section 9 of chapter 32 of the statutes of 1982, is amended by replacing the word “days” in the third line of the first paragraph by the words “compensatory work units”.

58. Schedule A to the said Act, enacted by section 22 of chapter 32 of the statutes of 1982, is amended by replacing the word “days” in the first line of paragraph 2 by the words “days or units”.

SPECIAL CORPORATE POWERS ACT

59. The French text of section 31 of the Special Corporate Powers Act (R.S.Q., chapter P-16) is amended by replacing the word “créanciers” in the third line by the word “créances”.

PUBLIC HEALTH PROTECTION ACT

60. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by striking out paragraph *k*.

61. Section 31 of the said Act is amended by striking out the words “a vacation camp or” in the first line of the second paragraph.

ACT RESPECTING BUILDING CONTRACTORS VOCATIONAL QUALIFICATIONS

62. Section 41 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) is replaced by the following section:

“41. The board must keep a register in which the names and addresses of licence holders and of persons qualifying partnerships or corporations shall be entered, together with the categories or sub-categories to which the licences belong.”

ACT RESPECTING THE RÉGIE DES INSTALLATION OLYMPIQUES

63. The French text of section 16.1 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by inserting the words “et de l’Approvisionnement” after the words “ministre des Travaux publics” in the third line of the second paragraph.

ACT RESPECTING THE RÉGIE DU LOGEMENT

64. Section 30.1 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by striking out the second paragraph.

65. Section 30.2 of the said Act is amended by adding, after paragraph 2, the following paragraphs:

“(3) every application the object of which is the fixing of the rent or the changing of the term or of a condition of the lease pursuant to article 1658.6 of the Civil Code.

For that purpose, the special clerk is deemed to be a commissioner and has all the powers, duties and immunities of the latter, except the power to impose imprisonment.”

66. Section 79.1 of the said Act is replaced by the following section:

“**79.1** At the time of the decision, the commissioner may adjudge the costs prescribed by regulation.”

67. Section 90 of the said Act is amended by inserting the words “or special clerks” after the word “commissioners” in the penultimate line of the second paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

68. The English text of paragraph 1 of section 223 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is replaced by the following paragraph:

“(1) establishing categories of establishments, according to the activities carried on, the number of employees, the dangers to the health and safety of workers or the frequency and seriousness of accidents and occupational diseases;”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

69. Section 173 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended

(1) by replacing subparagraph *m* of the first paragraph by the following paragraph:

“(m) prescribe standards respecting the accounting, finance, and budgets of regional councils, public establishments and of private establishments contemplated in section 177, particularly in respect of

i. the preparation of the itemized budget and the plan to balance the budget contemplated in section 178 and the date they are to be submitted to the Minister and, in the case of an establishment, to the regional council concerned;

ii. the items of the budget or of the plan for which the approval of the Minister is required before their implementation;

iii. allowable expenses for financing by the Minister, the activities with which they are connected and the cases or circumstances in which an establishment or a regional council is entitled, in addition to the financing of its allowable expenses, to the reimbursement by the Minister of other expenses specified in the regulation;

iv. the modalities of payment of the sums to be paid to the regional councils and the establishments by the Minister;

v. the use of the revenues by a regional council or an establishment, that is, the portion of those revenues that is to be set off against expenses or returned to the Minister and the portion to be kept or, in the case of an establishment, to be paid to the regional council concerned to be used for such purposes as the regulation prescribes or allows the Minister to prescribe;”;

(2) by inserting, after the word “establishment” in the first line of subparagraph *o* of the first paragraph, the words “or a regional council”.

(3) by striking out subparagraph *p* of the first paragraph.

70. Section 178 of the said Act is replaced by the following section:

“**178.** The Minister shall, on 1 April each year, send, to each of the regional councils, public establishments and private establishments contemplated in section 177, its budget for the current fiscal year. Failing such, the budget sent by the Minister for the preceding fiscal year is renewed until the regional council or the establishment receives the budget for the current fiscal year.

On receiving the budget sent by the Minister, the regional council or the establishment shall prepare and send to the Minister, in the form and in accordance with the standards prescribed by regulation,

an itemized budget in conformity with the budget received and, where such is the case, budget balancing plan. Such items of the itemized budget and of the plan as are specified by regulation are void until approved by the Government.

The particular functions entrusted by the Government to a regional council under paragraph *g* of section 18 are so to be interpreted as not to increase, restrict or change the scope of this section or any regulation thereunder, except to the extent expressly prescribed by the Government."

71. The said Act is amended by inserting, after section 178, the following sections:

"178.01 Every regional council or public establishment may, with the authorization of the Minister and according to the modalities he determines, borrow by any mode recognized by law.

At the request of the Minister, a regional council or a public establishment shall, either directly or through financial institutions with which it does business, provide him with any information on its financial condition.

"178.02 The Minister may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy to any regional council or public establishment in order to provide, in whole or in part, out of the funds voted annually for such purposes by the Legislature, for the payment in principal and interest of any loan contracted or to be contracted by the regional council or public establishment.

The Minister may deposit in the hands of the Minister of Finance, to be managed by him, all amounts intended for the payment in principal of the debentures issued by a regional council, a public establishment or a corporation contemplated in section 178.1, in order to constitute a sinking fund for the purposes of paying out of such amounts, at the maturities under the terms of the loan, the principal of the debentures and, out of the proceeds or revenue of the fund, the loans of any regional council or public establishment or of the corporation contemplated in section 178.1."

72. Section 178.1 of the said Act is replaced by the following section:

"178.1 The Minister may, on the conditions he determines, assume the carrying out of any obligation of the Corporation d'hébergement du Québec which is incorporated for an exclusively charitable purpose or grant, on behalf of the Government, a subsidy of the same nature as that contemplated in the first paragraph

of section 178.02 to provide for the payment of any loan of the said corporation, where the loan or obligation is negotiated directly or indirectly for the following purposes:

(a) acquiring, constructing or altering an immovable used or to be used by an establishment, a regional council or any other person, association or corporation specially designated by the Minister;

(b) administering and maintaining such an immovable and acquiring or obtaining, by a supply contract within the meaning of the regulations of the Minister, the furniture and equipment necessary in such an immovable and any other services that may be required;

(c) provide the financing of its activities.

The Minister may also determine which personnel of the Ministère des Affaires sociales are to be assigned for the operation of the Corporation d'hébergement du Québec and furnish to it all the equipment and premises necessary for its operations."

PUBLIC WORKS ACT

73. Section 19 of the Public Works Act (R.S.Q., chapter T-15) is amended by adding, after paragraph 4, the following paragraph:

"(5) With a view to obtaining total or partial payment of an obligation in favour of the Minister of Revenue, the Minister may, at the request of the Minister of Revenue, acquire immovables already encumbered with a real right allocated to the discharge of that obligation."

COURTS OF JUSTICE ACT

74. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting after section 5, the following section:

"**5.1** Notwithstanding any other legislative provision, the prothonotary or the clerk of a court is required to furnish at a hearing, in order to fill the office of court bailiff, only the available court bailiffs at his disposal."

75. Section 21 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**21.** The Superior Court, which is a court of record, is composed of one hundred and eighteen judges including a Chief Justice, a Senior Associate Chief Justice and an Associate Chief Justice."

76. Section 25 of the said Act is amended by inserting the word "Alma," after the words "of Abitibi," in the fourth line.

77. Section 32 of the said Act is amended

(1) by replacing the figure "sixty-six" in the second line of the first paragraph of subparagraph 1 by the figure "seventy-one";

(2) by replacing the figure "twenty-six" in the second line of subparagraph 2 by the figure "twenty-eight";

(3) by inserting the words ", another of the district of Alma" after the word "Saguenay" in the penultimate line of subparagraph 2.

78. The said Act is amended by inserting, after section 68, the following section:

" § 10.—Provisions respecting the judicial districts of Iberville, Longueuil and Beauharnois

"68.1 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Iberville have concurrent jurisdiction with those of the judicial district of Beauharnois, within their respective jurisdictions in civil, criminal and penal matters, over the territory of the municipalities of the townships of Havelock and Hemmingford and the village of Hemmingford.

"68.2 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Longueuil have concurrent jurisdiction with those of the judicial district of Beauharnois, within their respective jurisdictions in civil, criminal and penal matters, over the territory of the municipality of the parish of Saint-Isidore.

"§ 11.—Provisions respecting the judicial districts of Hull and Terrebonne

"68.3 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Hull have concurrent jurisdiction with those of the judicial district of Terrebonne, within their respective jurisdictions in civil, criminal and penal matters, over the territory of the municipality of the townships of Amherst and over the part of the municipality of Lac-des-Plages situated in the township of Amherst.

"§ 12.—Provisions respecting the judicial districts of Iberville and Bedford

"68.4 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Iberville have concurrent jurisdiction with those of the judicial district of Bedford, within their respective jurisdictions in civil, criminal and penal matters, over

the territory of the municipalities of Noyan, Saint-Georges-de-Clarenceville, Venise-en-Québec and the village of Clarenceville.”

ACT RESPECTING THE SOCIÉTÉ DU GRAND THÉÂTRE DE QUÉBEC

79. The English text of section 4 of the Act respecting the Société du Grand théâtre de Québec (1982, chapter 8) is amended by replacing the word “Montréal” in the last line by the word “Québec”.

TRANSITIONAL AND FINAL PROVISIONS

80. In no case may the registration of the notice of address or of elected domicile of an artificial person made between 23 June 1982 and 1 September 1982 be invalidated for the sole reason that it was not been made in accordance with the second paragraph of article 2161c of the Civil Code, if it was made in accordance with that article as it read before 23 June 1982.

81. An action brought before the Superior Court, the trial of which has not commenced on the date of the coming into force of section 17 and which under this section becomes within the jurisdiction of the Provincial Court is, on that date, referred to that court to be heard and decided as if had been instituted therein and as if all interlocutory judgments had been rendered therein.

Those actions cease to be under the jurisdiction of the Superior Court from that date. The prothonotary shall transmit the record of the case to the clerk of the Provincial Court and the latter shall notify the parties or their attorneys thereof and communicate to them the number assigned to the action, upon receiving the record.

82. The regulations made under section 16 of the Education Act (R.S.Q., chapter I-14) for an object provided for in paragraph 8 enacted by section 29 of this Act are deemed to have been, from the time of their coming into force, made under that paragraph.

83. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

84. Sections 7, 9 to 11, 28, 37 and 59 are declaratory.

85. This Act comes into force on the day of its sanction, except

(1) sections 20, and 40 to 42, which will come into force on the date fixed by proclamation of the Government;

(2) section 1, which will come into force on the day of the coming into force of section 59 of chapter 32 of the statutes of 1982;

(3) sections 57 and 58, which will come into force on the day of the coming into force of section 1 of chapter 32 of the statutes of 1982;

(4) sections 17, 25, 26, 76, paragraph 3 of section 77 and section 81, which will come into force on 1 April 1983.