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CHAIR:

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3rd SESSION, 65th GENERAL ASSEMBLY
Province of Prince Edward Island
67 ELIZABETH II, 2018

(Bill No. 111)

**An Act to Amend the
Municipal Government Act (No. 2)**

Bradley G. Trivers
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PRIVATE MEMBER'S BILL

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Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

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AMENDMENTS

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TITLE: An Act to Amend the Municipal Government Act (No. 2)

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE MUNICIPAL GOVERNMENT ACT (NO. 2)

BILL NO. 111

2018

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) Clauses 15(1)(a) and (b) of the *Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1*, are repealed and the following substituted:

- (a) subject to subsection (2.1), the Minister;
- (b) subject to subsection (2.1), the council of a municipality; or

(2) Clauses 15(2)(a) and (b) of the Act are repealed and the following substituted:

- (a) subject to subsection (2.1), the Minister; or
- (b) subject to subsection (2.1), the council of a municipality.

(3) Section 15 of the Act is amended by the addition of the following after subsection (2):

Petition required

- (2.1) Where the new or restructured municipality proposed by the Minister or the council of a municipality under subsection (1) or (2) respectively includes an unincorporated area, the proposal shall have the support of at least 30 percent of the persons who reside in the unincorporated area and would be electors of the new or restructured municipality, whose names appear on an accompanying petition that contains the information required in clauses (6)(a) to (d).

2. (1) Subsection 17(4) of the Act is repealed and the following substituted:

Public hearing and plebiscite

- (4) The Commission, in respect of a proposal, shall both
- (a) hold a public hearing, where an objection is filed pursuant to subsection (1); and
 - (b) hold a plebiscite among the persons who are or would be electors of the municipality proposed to be established, in accordance with an order of the Minister, where the Minister has determined there is significant public interest in the matter.

- (2) **Subsection 17(5) of the Act is amended by the addition of the words “and a plebiscite” after the words “public hearing”.**
- (3) **Subsection 17(13) of the Act is amended by the addition of the words “whose name properly appears on a petition accompanying the proposal in accordance with subsection 15(2.1) or (6) or” after the words “Any person”.**
3. (1) **Clause 19(1)(a) of the Act is amended by the addition of the words “or plebiscite” after the words “public hearing”.**
- (2) **Clause 19(2)(b) of the Act is repealed and the following substituted:**
- (b) shall consider
- (i) the evidence and submissions made at any public hearing held by the Commission or at any time during the 30-day objection period, and
- (ii) the results of any plebiscite held by the Commission;
4. **Section 20 of the Act is repealed and the following substituted:**
- 20. Endorsement of the Legislative Assembly**
- (1) The Minister, after reviewing the report of the Commission, shall submit the report of the Commission to the Speaker of the Legislative Assembly, with an accompanying motion stating the Minister’s intention to recommend to the Lieutenant Governor in Council that the Lieutenant Governor in Council
- (a) accept the recommendations of the Commission;
- (b) accept the recommendations of the Commission with modifications; or
- (c) reject the recommendations of the Commission.
- Recommendation**
- (2) After the debate and vote on the motion have been completed, the Minister shall consider the debate and review the results of the vote, and make a recommendation in line with the will of the Legislative Assembly to the Lieutenant Governor in Council that the Lieutenant Governor in Council
- (a) accept the recommendations of the Commission;
- (b) accept the recommendations of the Commission with modifications; or
- (c) reject the recommendations of the Commission.
5. **Subsection 261(1) of the Act is amended by the addition of the following after clause (b):**
- (b.1) respecting the conduct of a plebiscite to be held pursuant to subsection 17(4);
6. **This Act comes into force on a date that may be fixed by the proclamation of the Lieutenant Governor in Council.**



EXPLANATORY NOTES

SECTION 1 amends section 15 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, by adding a new subsection (2.1) that requires that where a proposal to establish a new or restructured municipality under subsections 15(1) or (2) includes an unincorporated area, the proposal must be supported by a petition that has been properly signed by at least 30 per cent of the residents of that unincorporated area. The section also amends subsections 15(1) and (2) to add references to the new subsection (2.1).

SECTION 2 repeals section 17(4) of the Act substitutes a new subsection (4) that clarifies that the Commission shall hold both a public hearing and a plebiscite when the conditions in clauses (4)(a) and (b) have been met. The section also amends subsection 17(5) to add a reference there to a plebiscite, and subsection 17(13) to clarify that a person whose name appears on a petition submitted under subsection 15(2.1) or 15(6) may appear and be heard at a public hearing on a proposal.

SECTION 3 amends clauses 19(1)(a) and 19(2)(b) of the Act to add references to a plebiscite held by the Commission pursuant to subsection 17(4) of the Act.

SECTION 4 repeals section 20 of the Act and substitutes a new section 20 that requires the Minister to submit the Commission's report to the Speaker of the Legislative Assembly, with an accompanying motion stating the Minister's intention to make one of the specified recommendations to the Lieutenant Governor in Council, and, after the debate and vote on the motion, to consider the results and make a recommendation in line with the will of the Legislative Assembly to the Lieutenant Governor in Council.

SECTION 5 amends subsection 261(1) of the Act to add a new clause (b.1) that authorizes regulations to be made for the conduct of a plebiscite to be held pursuant to subsection 17(4).

SECTION 6 provides for the commencement of the Act.

(Bill No. 111)

**An Act to Amend the
Municipal Government Act (No. 2)**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	April 5, 2018
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Francis (Buck) Watts, Speaker

Charles H. MacKay, Clerk

Bradley G. Trivers
MLA

PRIVATE MEMBER'S BILL

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