

**Gazette**  
officielle  
<sup>DU</sup>**Québec**

Part

**2**

**No. 24**

15 June 2005

**Laws and Regulations**

Volume 137

**Summary**

Table of Contents

Acts 2005

Coming into force of Acts

Regulations and other acts

Parliamentary Committees

Erratum

Index

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2005

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.



## Table of Contents

Page

### Acts 2005

62	Municipal Powers Act .....	1753
85	An Act respecting the Centre de services partagés du Québec .....	1815
114	Appropriation Act No. 1, 2005-2006 .....	1837
	List of Bills sanctioned (1 June 2005) .....	1751

### Coming into force of Acts

511-2005	Securities Act, An Act to amend the... — Coming into force of section 22 .....	1867
----------	--	------

### Regulations and other acts

519-2005	Professional Code — Optométristes — Equivalence standards for the issue of a permit by the Ordre (Amend.) .....	1869
520-2005	Professional Code — Professional activities which may be performed by a clinical perfusionist .....	1870
521-2005	Professional Code — Huissiers de justice — Terms and conditions for the issue of a permit by the Chambre (Amend.) .....	1871
522-2005	Medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients (Amend.) .....	1872
523-2005	Professional Code — Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit by the Ordre .....	1873
524-2005	Professional Code — Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders (Amend.) .....	1877
	Agreement concerning new methods of voting for an election using "Accu-Vote ES 2000" ballot boxes — Municipality of Donnacona .....	1878
	Agreement concerning new methods of voting for an election using "Accu-Vote ES 2000" ballot boxes — Municipality of Mont-Laurier .....	1893
	Agreement concerning new methods of voting for an election using computerized polling stations and "PERFAS-TAB" ballot boxes — Municipality of Thurso .....	1907

### Parliamentary Committees

Committee on Culture	— General consultation — The religious heritage of Québec .....	1921
----------------------	---	------

### Erratum

Securities Act	— Concordant regulations to Regulation 51-102 respecting continuous disclosure obligations .....	1923
----------------	--	------



**PROVINCE OF QUÉBEC**

1st SESSION

37th LEGISLATURE

QUÉBEC, 1 JUNE 2005

---

OFFICE OF THE LIEUTENANT-GOVERNOR

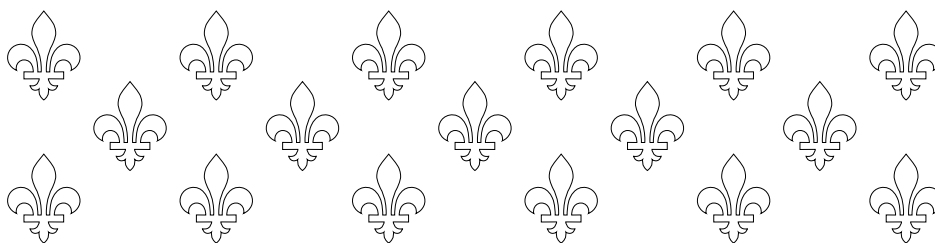
*Québec, 1 June 2005*

This day, at thirty minutes past eight o'clock in the evening, Her Excellency the Lieutenant-Governor was pleased to sanction the following bill:

114 Appropriation Act No. 1, 2005-2006

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 62  
(2005, chapter 6)

## **Municipal Powers Act**

---

---

**Introduced 17 June 2004**  
**Passage in principle 3 November 2004**  
**Passage 5 May 2005**  
**Assented to 24 May 2005**

---

**Québec Official Publisher**  
**2005**

## EXPLANATORY NOTES

*This bill is part of the municipal legislation revision process and represents an effort to group together and simplify the provisions of various Acts that concern municipal powers.*

*Thus, the bill assigns general administrative and regulatory powers in various areas of jurisdiction to local municipalities and regional county municipalities in order to give them more flexibility. The bill favours a wider application of the Civil Code provisions applicable to legal persons.*

*Under the bill, by-laws are made only to formulate decisions of a normative nature.*

*The bill reaffirms the powers of local municipalities in the areas of culture, recreation, community activities and parks, local economic development, power and telecommunications, the environment, sanitation, nuisances, safety and transportation. In the case of regional county municipalities, the bill maintains existing powers, as regards both the powers exercised concurrently with local municipalities and the powers that are exclusive to regional county municipalities; it also clarifies their jurisdiction over watercourses and lakes.*

*For those purposes and for purposes of cohesion, the bill amends or repeals various Acts relating to municipal affairs.*

## LEGISLATION AMENDED BY THIS BILL:

- Agricultural Abuses Act (R.S.Q., chapter A-2);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);



- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);
- Fuel Tax Act (R.S.Q., chapter T-1);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);
- Act respecting roads (R.S.Q., chapter V-9);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29).

**LEGISLATION REPEALED BY THIS BILL:**

- Peddlers Act (R.S.Q., chapter C-30);
- Act respecting sales of municipal public utilities (R.S.Q., chapter V-4);
- Temperance Act (R.S.Q., 1964, chapter 45).

## **Bill 62**

### **MUNICIPAL POWERS ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **TITLE I**

##### **SCOPE AND INTERPRETATION**

- 1.** This Act applies to local municipalities and regional county municipalities but not to Northern, Cree or Naskapi villages.
- 2.** Under this Act, municipalities are granted powers enabling them to respond to various changing municipal needs in the interest of their citizens. The provisions of the Act are not to be interpreted in a literal or restrictive manner.
- 3.** A provision of a municipal by-law adopted under this Act that is inconsistent with a provision of an Act or regulation of the Government or one of its ministers is inoperative.

#### **TITLE II**

##### **POWERS OF A LOCAL MUNICIPALITY**

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

- 4.** In addition to the areas of jurisdiction conferred on it by other Acts, a local municipality has jurisdiction in the following fields:
  - (1) culture, recreation, community activities and parks;
  - (2) local economic development, to the extent set out in Chapter III;
  - (3) power development and community telecommunications systems;
  - (4) the environment;
  - (5) sanitation;
  - (6) nuisances;

(7) safety; and

(8) transportation.

A local municipality may adopt non-regulatory measures in the fields listed in the first paragraph and as regards childcare. However, a local municipality may not delegate a power in those fields except to the extent set out in this Act.

**5.** Under this Act and to the extent provided for in it, a local municipality adopts a by-law when it wishes to make a rule of a general and impersonal nature mandatory.

**6.** In exercising a regulatory power under this Act, a local municipality may, in particular,

(1) prescribe prohibitions;

(2) specify the cases where a permit is required, limit the number of permits and prescribe the cost, conditions and terms of issue and the rules governing the suspension or revocation of a permit;

(3) provide that one or more provisions of a by-law apply to part or all of its territory;

(4) create classes and make specific rules for each of them;

(5) prescribe the obligation to furnish security to ensure that premises are restored to their original state when a person carries on an activity or carries out work in the public domain; and

(6) prescribe rules that refer to standards made or approved by a third person. These rules may provide that changes made to the standards form part of the standards as if they had been adopted by the local municipality. Such changes come into force on the date set by the municipality under a resolution the adoption of which must be the subject of a public notice in accordance with the Act governing that municipality.

When a local municipality requires an itinerant merchant to obtain a permit under subparagraph 2 of the first paragraph, that permit may only be issued to a person who provides proof of having first obtained a permit in accordance with the Consumer Protection Act (R.S.Q., chapter P-40.1).

## **CHAPTER II**

### **CULTURE, RECREATION, COMMUNITY ACTIVITIES AND PARKS**

**7.** A local municipality may make by-laws governing the cultural, recreational and community services it offers and the use of its parks.

**8.** In cooperation with a non-profit body, a school board or an educational institution, a local municipality may establish or operate a cultural, recreational or community facility in its territory or, after notifying the municipality concerned, outside its territory.

It may also grant assistance to a person outside its territory for the establishment and operation of facilities and public places intended for cultural, recreational or community activities.

### CHAPTER III

#### LOCAL ECONOMIC DEVELOPMENT

**9.** In order to promote its economic development, a local municipality may establish and operate

- (1) a convention centre or an exhibition centre;
- (2) a public market;
- (3) a railway siding; and
- (4) a tourist information office.

It may entrust a person with the operation of a centre referred to in subparagraph 1 of the first paragraph.

**10.** A local municipality may, by by-law, regulate

- (1) the use of the services offered in the facilities listed in the first paragraph of section 9;
- (2) economic activities; and
- (3) the exhibiting, carrying or distribution of printed matter or other objects on a public road or a private immovable.

**11.** A local municipality may establish a non-profit body whose purpose is to provide technical support to an enterprise situated in its territory.

**12.** A local municipality whose territory is included in that of a regional county municipality must make an annual contribution in support of the local development centre by paying a sum the amount of which is determined by by-law of the regional county municipality or according to rules prescribed in the by-law.

In the absence of a by-law referred to in the first paragraph when the budget of the regional county municipality is adopted for a fiscal year, the amount to be paid by each local municipality for the fiscal year is determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for determining the amount that each local municipality is required to pay in the circumstance described in the second paragraph. The regulation may prescribe separate rules that vary from one regional county municipality to another.

The sum is integrated into the share that the local municipality is required to pay to the regional county municipality under section 205.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

**13.** Section 12 applies, with the necessary modifications, to a local municipality whose territory is not included in that of a regional county municipality.

In the case of Ville de Montréal, if two or more local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph of section 12 must prescribe rules for the apportionment of the sum among those centres.

The second and third paragraphs of section 12 do not apply to Ville de Laval.

## CHAPTER IV

### POWER AND TELECOMMUNICATIONS

**14.** A local municipality may, by by-law, regulate the use of the power it develops.

**15.** A local municipality may entrust a person with selling the power produced by a residual materials disposal facility or water purification works.

**16.** A local municipality may make by-laws on the placing of wires, including wire burial.

It may also prescribe, by by-law, that poles and other supportive facilities must be used in common by any persons operating a telecommunications or electric company or any other service of the same nature.

**17.** A local municipality may form a limited partnership with Hydro-Québec for the purpose, among other things, of producing electricity.

Hydro-Québec must at all times provide at least half of the contribution to the common stock of the limited partnership, and must be the partnership's general partner.

**18.** A local municipality may make by-laws on the use of any community telecommunications system it possesses.

The municipality may not acquire existing community telecommunications systems by expropriation.

## CHAPTER V

### ENVIRONMENT

#### DIVISION I

##### GENERAL PROVISIONS

**19.** A local municipality may adopt by-laws on environmental matters.

**20.** A local municipality may mandate a social trust that it has constituted for environmental purposes to carry out work on an immovable resulting from a program referred to in the second paragraph of section 92.

#### DIVISION II

##### WATER SUPPLY, SEWERS AND WATER PURIFICATION

###### §1. — *General provisions*

**21.** The municipality is not liable for damage caused to an immovable or its contents if the owner of the immovable neglects or omits to install an apparatus intended to reduce the risk of malfunction of a water supply system or sewer system in accordance with the by-law adopted under section 19. Such a by-law may apply to an immovable already erected if it prescribes a minimum period of one year to allow the owner to comply with that obligation.

**22.** A local municipality may entrust a person with the construction and operation of its waterworks system, sewer system or other water supply or water purification works, for a maximum term of 25 years. It may also entrust a person with the operation of those systems or works for such a term.

The resolution authorizing a contract made under the first paragraph must be submitted for approval to the qualified voters and the Government.

**23.** Despite its by-laws governing the water supply, a local municipality may enter into agreements with a person whose activities require an unusually high water consumption.

**24.** In exercising its powers as regards water supply, sewers and water purification, a local municipality may carry out work on a private road and is not bound to pay any compensation for the use of that road to carry out the work.

**25.** A local municipality may install private conduits, water intakes and sewer outlets and connect private conduits to public conduits at the expense of the owner.

**26.** In order to serve its territory, a local municipality may also exercise, outside its territory, its powers as regards water supply and sewers.

The by-laws adopted under section 19 apply to the owner or occupant of an immovable outside its territory served by the municipality under an intermunicipal agreement.

§2. — *Water supply*

**27.** The municipality may suspend the supply of water only

(1) if a person makes abusive use of the water or controls equipment that causes water to be wasted or the quality of the water to deteriorate, and fails to take the required corrective measures within 10 days after the municipality sends a notice exposing the problem, indicating the corrective measures to be taken and informing the person that the water supply could be suspended. The suspension continues until corrective measures are taken;

(2) if a person refuses to admit the municipal employees responsible for ensuring the proper functioning of the water supply system or the application of a by-law adopted under a provision of this chapter. The supply of water is suspended so long as the refusal continues;

(3) if a person operating an enterprise fails to pay for the water supply and has not remedied the situation within 30 days of a notice to that effect sent by the municipality.

The sum required for the water supply, except to the extent that it is related to actual consumption, remains payable throughout the period in which the service is suspended under the first paragraph.

**28.** A local municipality is not bound to guarantee the quantity of water to be supplied.

No person may refuse to pay the water rate on account of a lack of water.

§3. — *Sewers and water purification*

**29.** A local municipality may enter into an agreement with the Minister under which it is authorized to negotiate a turn-key contract in exercising its powers as regards waste water purification.

The municipality and the Minister may agree upon conditions as regards the contract.



**30.** The turn-key contract must state the objectives set by the municipality and, as applicable, the cost limits and other general conditions the purification facilities must respect.

The contract confers on the contracting partner the responsibility for designing purification facilities that meet the objectives and respect the limits and conditions set out, and for building and operating the facilities for a period specified in the contract, which must not be less than five years.

The contract may also confer on the contracting partner the responsibility for ensuring long-term financing for the facilities.

**31.** The municipality must submit to the Minister the draft turn-key contract it negotiates following the agreement.

Once it has the Minister's approval, the municipality may sign the contract. No other approval is required.

**32.** The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work done under a turn-key contract.

**33.** In accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 979 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), a local municipality may impose a special tax for the purpose of paying all or part of its obligations arising from a turn-key contract.

The municipality may also impose such a tax for the purpose of paying all or part of its share of the expenses arising from such a contract to another local municipality, a regional county municipality, an intermunicipal management board or a metropolitan community.

### **DIVISION III**

#### **RECYCLABLE MATERIALS**

**34.** A local municipality may entrust a person with the establishment and operation of its facility for salvaging and treating recyclable material.

### **DIVISION IV**

#### **COMMON FENCE, COMMON DITCH, DRAINAGE DITCH AND CLEARANCE**

**35.** A local municipality may designate a person to try to resolve the disagreements referred to in section 36.

Subject to the conditions set out in the instrument of designation, the local municipality may broaden the designated person's mandate to cover all the owners in its territory.

The remuneration and eligible expenses of the designated person are specified in the instrument of designation.

**36.** The owner of land situated in the agricultural zone of a local municipality within the meaning of subparagraph 17 of the first paragraph of section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), the owner of land situated outside that zone and who carries on an agricultural activity within the meaning of subparagraph 0.1 of the first paragraph of section 1 of that Act on that land, or the owner of land who carries on forest activities on that land may, regarding that land, request the designated person in writing to examine a matter and try to resolve a disagreement relating to

(1) the construction, repair or maintenance of a common fence or common ditch under article 1002 of the Civil Code;

(2) drainage work on that land involving the creation, improvement or maintenance of a drainage ditch

(a) used solely for drainage or irrigation;

(b) that was artificially created; or

(c) the watershed of which has an area of less than 100 hectares; or

(3) clearances under article 986 of the Civil Code.

The application must describe the nature, extent and expected cost of the proposed work and provide an estimate of the contribution the interested owners must make.

The owner of land adjacent to land referred to in the first paragraph may exercise the rights set out in that paragraph regarding that land, even if the owner does not meet the criteria specified in the paragraph.

The designated person does not lose his or her mandate simply because

(1) there is a maximum discrepancy of 10% in the evaluation of the drained area; or

(2) the application also concerns land situated in the territory of another local municipality.

**37.** After serving a three-day notice on the interested owners, to which is attached a copy of the application, the designated person goes to the premises to examine the situation and endeavour to bring the owners to an agreement.

**38.** The designated person may visit land that is the subject of an application at any reasonable time and require the production of any document or information considered necessary.

**39.** If the designated person is of the opinion that land belonging to an interested owner who was not notified under section 37 will be affected by the work, the designated person may inform that owner so that the owner may submit observations.

**40.** After giving all the interested owners an opportunity to submit observations, the designated person may communicate his or her conclusions to them, endeavour to bring them to an agreement, and, if applicable, order the carrying out of work, specifying the place, nature and extent of the work, the time limit for carrying it out, the contribution to be made by the interested parties, and the nature of their contribution.

The designated person may also order that all or part of the work be carried out by the local municipality, at the expense of the interested parties.

If there is a disagreement relating to drainage work, the contribution of an interested owner is determined according to the area of the owner's land that drains into the drainage ditch, or, if it is impossible to determine it according to that criterion, according to the number of interested owners.

**41.** The designated person's remuneration and expenses are borne by the interested owners proportionally to their share of the work.

In the case of an application that is not followed by an agreement or an order for the carrying out of work, the owner who made the application must pay the remuneration and expenses of the designated person.

**42.** If an interested owner fails to carry out his or her share of the work within the time stipulated in the order, the local municipality is authorized to do it at the expense of that owner.

**43.** A decision of the designated person must be communicated in writing and include reasons. It is notified to the interested owners and is executory on the expiry of 20 days after the date it is received.

**44.** The original of the decision is filed in the archives of the local municipality where the application to do the work was made and a copy of the decision is sent to any other local municipality concerned.

**45.** If land situated in the territory of more than one local municipality benefits from the work, any work not done by an interested owner is carried out under the authority of the council of the local municipality in whose territory the application to do the work was made under section 36.

**46.** The work is carried out according to the decision of the designated person and is inspected by the latter while being carried out and after being completed to ensure that the decision is complied with.

**47.** Once the work is completed, the designated person sends the inspection report to the local municipality where the application to do the work was made.

**48.** The local municipality where the application to do the work was made collects the contribution payable by an owner according to the decision of the person designated or because of the owner's failure under section 42.

An amount owed by the owner of property situated in the territory of a neighbouring local municipality is paid by the latter on receipt, after the work is completed, of a copy of the inspection report by the designated person and a claim accompanied by vouchers sent to the neighbouring local municipality by the local municipality where the application to do the work was made. Section 96 applies to the recovery of the amount disbursed by the neighbouring local municipality.

**49.** No person may hinder a designated person in the exercise of the functions of office.

On request, the designated person must provide identification and produce proof of appointment signed by the clerk or the secretary-treasurer.

**50.** A person designated under section 35 may not be prosecuted for acts performed in good faith in the exercise of the functions of office.

**51.** An interested owner may apply to the Court of Québec for a review of the decision made by the designated person.

The motion must be made and served on the other interested owners within 20 days of receipt of the decision of the designated person. However, on reasonable grounds, the Court may relieve the applicant from failure to act within that time limit.

The filing of the motion with the office of the Court suspends the execution of the designated person's decision until the judge has rendered a decision.

The Court may render any decision the person designated under section 40 could have rendered, and make any order designed to protect the rights of the parties. It may decide on every matter of fact or of law.

The decision is communicated in writing and includes reasons. It may not be appealed.

## DIVISION V

### OTHER PROVISIONS

**52.** A local municipality may, by by-law, prohibit the spreading of manure, sludge or residues from pulp and paper mills for up to 12 days, the dates of which are determined by the municipality so that the prohibition applies after 31 May and before 1 October and for not more than three consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing it must be adopted by the last day of February and published by the last day of March of that year.

The clerk or the secretary-treasurer may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where it has rained for three consecutive days, the clerk or the secretary-treasurer must grant the authorization.

The by-law may prescribe maximum numbers of days that are greater than the numbers set out in the first paragraph if an agreement to that effect is entered into beforehand between the municipality and the regional federation that is affiliated with the association certified in accordance with section 8 of the Farm Producers Act (R.S.Q., chapter P-28) and whose territory includes the greatest part of the municipality's territory.

If most of the farm producers in the territory of the municipality are members of a syndicate, as defined in paragraph *e* of section 1 of the Farm Producers Act, affiliated with the regional federation referred to in the fourth paragraph, the agreement may be made with that syndicate.

**53.** A local municipality may apply pesticides on an immovable, with the consent of the owner.

**54.** A local municipality may plant and maintain plants on an immovable, with the consent of the owner.

## CHAPTER VI

### SANITATION

**55.** A local municipality may adopt by-laws in matters of sanitation.

Despite any provision of a special Act, a by-law under the first paragraph may not pertain to matters covered by the Food Products Act (R.S.Q., chapter P-29).

**56.** If the owner or occupant of an immovable is convicted of an offence against a sanitation by-law, a judge, in addition to imposing any other penalty, may order the offender to abate the unsanitary condition within the time the

judge prescribes or to have the necessary work carried out to prevent its recurrence. If the person fails to comply within the prescribed time, the unsanitary condition may be abated by the municipality at the expense of that person.

Prior notice of the application for an order must be given by the prosecutor to the person, who could be compelled, under such an order, to abate the unsanitary condition, except if the parties are in the presence of the judge.

**57.** If the municipality notes unsanitary conditions in connection with an immovable, it may send a formal notice to the owner or occupant of the immovable requiring the owner or occupant, within the time the municipality prescribes, to abate them or do the necessary work to prevent their recurrence.

**58.** If the formal notice sent under section 57 is not acted upon within the time mentioned, a judge of the Superior Court sitting in the district where the immovable is situated may, upon a motion presented even during the suit, require the owner or occupant of the immovable to take the steps required to abate the unsanitary condition within the time the judge determines or to prevent its recurrence, and order that, on failure to do so, the municipality may itself take the required steps at the expense of the owner or occupant.

When the owner and occupant of the immovable are unknown, unconfirmed or cannot be found, the judge may authorize the municipality to take immediate steps to remedy the situation and eventually claim the cost from the owner or occupant.

## CHAPTER VII

### NUISANCES

**59.** A local municipality may adopt by-laws on nuisances.

**60.** Section 56 applies, with the necessary modifications, to an offence against a by-law adopted under section 59.

**61.** If the municipality notes a nuisance in or on an immovable, sections 57 and 58 apply, with the necessary modifications.

## CHAPTER VIII

### SAFETY

**62.** A local municipality may adopt by-laws in matters of safety.

The municipality may remove an obstacle in the public domain at the expense of a person who fails to comply with a municipal by-law to that effect.

**63.** A local municipality may impound, sell for profit or eliminate a stray or dangerous animal. It may also have an animal suffering from a contagious disease isolated until cured, or eliminated, on a certificate from a veterinary surgeon.

The municipality may also enter into an agreement to authorize a person to enforce a by-law concerning animals. The person with whom the municipality enters into an agreement and the person's employees have the powers of employees of the municipality for the purposes of the enforcement of the municipal by-law.

This section applies despite any inconsistent provision of the Agricultural Abuses Act (R.S.Q., chapter A-2).

**64.** A local municipality may entrust a person with the organization and management of its fire prevention department.

**65.** A local municipality may authorize a peace officer to interrupt the sound signal of an alarm system and, for that purpose, to enter an immovable not belonging to the municipality if no one is in it at that time.

The local municipality may claim an amount it determines, by a by-law adopted under section 62, where such a system is defective or malfunctions or is set off for no valid reason.

## CHAPTER IX

### TRANSPORTATION

#### DIVISION I

##### ROADS

**66.** A local municipality has jurisdiction over public roads that are not under the authority of the Government of Québec or the Government of Canada or one of their departments or bodies.

In this Act, a public road includes any highway, road, street, lane, square, bridge, footpath or bicycle path, sidewalk or other road that is not in the private domain, and all the works or installations, including a ditch, needed for its improvement, operation or management.

**67.** A local municipality may adopt by-laws to regulate

(1) any use of a public road not covered by the regulatory powers conferred on it by the Highway Safety Code (R.S.Q., chapter C-24.2);

(2) any encroachment on a public road;

- (3) excavations in the public roads of the municipality;
- (4) the construction and maintenance of works over or under a public road;  
and
- (5) the numbering of immovables.

**68.** A local municipality may regulate access to a public road.

A regulatory provision adopted under this section must not cause the immovable to be enclosed, or provide access, from that immovable, only to a public road situated in the territory of another municipality, or cause a no-access servitude acquired by the Minister of Transport to be inoperative or reduce the effect of the servitude, without the authorization of that Minister.

**69.** A local municipality may project snow that covers a public road onto adjoining private land.

**70.** A local municipality may maintain a private road open to the public by permission of the owner or occupant, on a request by a majority of the owners or occupants of the abutting property.

**71.** A contract under which a local municipality entrusts a person with the responsibility for converting its public lighting network and administering and maintaining the network during the period determined in the contract may also stipulate that that person is responsible for financing the cost for the municipality of acquiring the network and for reimbursing the cost through the fees the municipality pays that person in instalments the size and number of which are determined in the contract.

The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract entered into in accordance with the first paragraph.

**72.** A private road open to public traffic for 10 years or more becomes the property of the local municipality upon the observance of the following formalities:

- (1) the municipality approves by resolution a description, based on the cadastre in force, of the private road to which it proposes to apply this section;

- (2) a copy of the description, certified by a land surveyor, is filed with the office of the municipality;

- (3) the municipality has a notice published in the *Gazette officielle du Québec* and in a daily newspaper in the territory of the municipality twice, with an interval of not less than three months and not more than four months between publications. The notice contains

- (a) the full text of this section;



(b) a summary description of the private road concerned;

(c) a declaration that the formalities prescribed by subparagraphs 1 and 2 have been observed.

The municipality submits to the Minister responsible for the cadastre a cadastral plan showing the private road that has become its property because of this section. In addition, in the case of a plan involving a renumbering, the municipality must give notice of the deposit to any person whose address has been registered, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

A right that third parties might claim to the ownership of the site of the private road in question is prescribed unless the appropriate recourse is exercised before the competent court within one year after the last publication in the *Gazette officielle du Québec*.

The municipality cannot apply this section to a private road on which it has levied a tax within the preceding 10 years.

**73.** If a local municipality notes that the site of an existing public road is not in conformity with the titles, it approves by resolution a description of the land prepared by a land surveyor that corresponds to that site and is based on the cadastre in force.

A copy of the description, certified by a land surveyor, must be filed with the office of the municipality.

The municipality sends a notice to any owner of the land concerned and any holder of another real right in the land, by any means providing evidence that it was sent,

(1) identifying the land to which the resolution provided for in the first paragraph applies, using the name of the public road concerned wherever possible;

(2) identifying the resolution approving the description of the land and mentioning its date and the fact that the site of the land is based on that description; and

(3) reproducing the text of section 74 and making the necessary links with the purpose of the notice.

The land to which the resolution provided for in the first paragraph applies becomes the property of the municipality on the date the notice provided for in the third paragraph is sent. The municipality submits to the Minister responsible for the cadastre a cadastral plan showing the land that has become its property because of this section. In addition, in the case of a plan involving a

renumbering, the municipality must give notice of the deposit to any person whose address has been registered, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

**74.** A real right that could be asserted in respect of land that is the subject of a description referred to in section 73 is extinguished as of the sending of the notice provided for in that section.

The holder of a real right extinguished under the first paragraph may, however, claim an indemnity from the municipality as compensation for the loss of the right. Failing an agreement, the amount of the indemnity is determined by the Administrative Tribunal of Québec on the application of the person claiming the indemnity or the municipality, and sections 58 to 68 of the Expropriation Act (R.S.Q., chapter E-24) apply, with the necessary modifications.

The right to the indemnity under the second paragraph is prescribed three years after the notice is sent in accordance with section 73.

**75.** When a public road is divided by the boundary of two local municipalities in such a way that a single municipality must be responsible for managing that road, the municipalities concerned must enter into an intermunicipal agreement.

**76.** If the municipalities fail to enter into an agreement under section 75, either one may request that the Minister appoint an arbitrator to rule on whether the management of the parts of the public road concerned need be the responsibility of a single municipality, decide, if necessary, which municipality is to be responsible and prescribe rules for the sharing of expenses.

As soon as possible after the adoption of the resolution setting out the request, the municipality making the request must forward a certified copy of it to the other municipality.

The arbitrator appointed under the first paragraph may, after hearing the parties, either rule that there is no need for a single municipality to be responsible for the management of the parts of the public road concerned or rule that uniform management is necessary, decide which municipality is to be responsible and prescribe rules for the sharing of expenses. The arbitrator may issue any other order necessary to preserve the rights of the parties.

The arbitrator's decision ceases to have effect if the two municipalities reach an agreement under section 75.

Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, with the necessary modifications, to the arbitration referred to in the third paragraph.

The arbitrator's remuneration is determined by the Minister. The costs of the arbitration are divided equally among the municipalities, unless the arbitrator decides otherwise, giving reasons.

**77.** Sections 75 and 76 apply, with the necessary modifications, to a public road that runs along the boundary of two local municipalities.

**78.** Work done to construct or reconstruct a sidewalk must facilitate access to the sidewalk by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1).

## **DIVISION II**

### **PARKING**

**79.** A local municipality may regulate parking by by-law.

In exercising its power under the first paragraph and after obtaining the consent of the owner, the local municipality may determine the private parking areas to which the by-law applies.

**80.** A local municipality may, by by-law, regulate the towing and impounding of vehicles parked in violation of a regulatory provision adopted under this Act or the Highway Safety Code (R.S.Q., chapter C-24.2), set the tariff of towing or removal costs, and prescribe who is to pay the costs.

**81.** A person authorized by a local municipality to enforce its parking by-laws may move a vehicle or have it moved and store it, at the owner's expense, for the purposes of maintenance work or in other cases determined by by-law by the municipality.

## **DIVISION III**

### **PORT AND AIRPORT FACILITIES**

**82.** A local municipality may regulate access to its port and airport facilities.

**83.** A local municipality may also establish, acquire and operate a port or airport facility outside its territory after notifying the municipality that has jurisdiction over the territory concerned.

**84.** A local municipality may entrust a person with the operation of its port or airport facilities.

## CHAPTER X

### OTHER POWERS

**85.** In addition to the regulatory powers under this Act, a local municipality may adopt a by-law to ensure peace, order, good government, and the general welfare of its citizens.

**86.** A local municipality may, by by-law, regulate the use of vehicles or trailers for housing or commercial purposes.

**87.** A local municipality may adopt by-laws

(1) to regulate the burial and disinterment of bodies; and

(2) to regulate the establishment of cemeteries.

**88.** A local municipality may agree to administer a cemetery under an agreement with the cemetery administrator.

**89.** A local municipality may have bodies interred in violation of the law removed, close a cemetery, and have bodies removed from the cemetery.

## CHAPTER XI

### GENERAL PROVISIONS

**90.** In addition to the financial assistance otherwise provided for, a local municipality may grant any assistance it considers appropriate with respect to the matters referred to in sections 4 and 85 to 89.

It may also contribute financially to the costs of moving or burying an electric power distribution or telecommunications system.

The Municipal Aid Prohibition Act (R.S.Q., chapter I-15) does not apply to assistance granted

(1) for the establishment or operation of a convention centre or an exhibition centre;

(2) to a non-profit body that provides technical support to an enterprise situated in its territory;

(3) to the owner of an immovable to help the owner comply with the obligation to install an apparatus intended to reduce the risk of malfunction of a water supply system or sewer system and keep the apparatus in good working order;

(4) for damage to property caused by persons riotously or tumultuously assembled;

(5) to the owner of a dwelling or a building to cover the cost of installing a fire alarm, a fire extinguishing or fire fighting apparatus, or a fire escape; or

(6) under the second paragraph.

**91.** In addition, a local municipality may grant assistance in the following matters:

(1) assistance to disadvantaged natural persons or natural persons in need;

(2) the undertaking and furtherance, in or outside its territory, of education, cultural activities, youth training, works of charity and any action for the general welfare;

(3) the operation of a health care institution; and

(4) agriculture.

In exercising the power under subparagraph 1 of the first paragraph, a local municipality may establish shelters.

**92.** A local municipality may, by by-law, establish a program under which it grants subsidies or tax credits to professional artists within the meaning of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01) and to artists within the meaning of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1). A legal person controlled by such an artist or a group of such artists that is not a legal person is eligible under the program in place of the artist who controls the legal person or the artists who make up the group.

A local municipality may, by by-law, establish an environmental restoration program and grant a subsidy for work on an immovable consistent with that program. The amount of the subsidy must not exceed the actual cost of the work. With the consent of the owner, the municipality may carry out any work required on an immovable under such a program.

In exercising the power to grant assistance under this Act, a local municipality may also establish any other assistance program.

The first and second paragraphs apply despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

**93.** A local municipality may establish a body for the following purposes:

(1) industrial, commercial or tourism promotion;

(2) organization and promotion of cultural and recreational activities; and

(3) environmental protection.

It may entrust to the bodies referred to in the first paragraph the organization and management of activities relating to the purposes they pursue.

**94.** A local municipality may entrust to non-profit partnerships or legal persons the organization and management, on its behalf, of activities or bodies referred to in the first paragraph of section 93.

**95.** A local municipality may install any equipment or device on an immovable or do any work on the immovable necessary for the exercise of its powers.

For the purposes of the first paragraph, the employees of the municipality or the persons it authorizes may enter or move about on any immovable at any reasonable time.

The exercise of the powers granted under this section is subject, however, to the restoration of the premises to their former state and to compensation of the owner or person in charge of the premises for any damage. In addition, the municipality is bound, except in an emergency, to give the owner or any other person in charge of the immovable prior notice of at least 48 hours of its intention to enter or move about on the immovable for the purposes mentioned in the first paragraph.

**96.** An amount owed to the municipality following its intervention under this Act is considered a property tax if the claim is related to an immovable and if the debtor is the owner of the immovable. Otherwise, the claim is considered a non-property tax.

**97.** The resolution by which a local municipality alienates a public utility must be approved by the qualified voters and the Government.

The first paragraph does not apply when the acquirer of the utility is another municipality, an intermunicipal board or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

### TITLE III

#### POWERS OF A REGIONAL COUNTY MUNICIPALITY

##### CHAPTER I

###### GENERAL PROVISIONS

**98.** A local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality for the purposes of this Title, with the necessary modifications.

**99.** A regional county municipality may make by-laws on any regional matter relating to its citizens that is not otherwise regulated.

**100.** The Municipal Aid Prohibition Act (R.S.Q., chapter I-15) does not apply to assistance granted under sections 122 to 126.

## CHAPTER II

### POWERS EXERCISED CONCURRENTLY WITH A LOCAL MUNICIPALITY

**101.** A regional county municipality may exercise the powers set out in subparagraph 3 of the first paragraph of section 9, paragraph 1 of section 10 as regards a railway siding, sections 11, 17, 82 to 84 and 88, section 91, the first and third paragraphs of section 92, and sections 93 and 94, with the necessary modifications.

Sections 5 and 6, section 81 as regards a regional park, the fourth paragraph of section 92 and section 96 apply to regional county municipalities, with the necessary modifications.

A regional county municipality may adopt non-regulatory measures regarding port or airport facilities. However, it may delegate only the operation of those facilities.

**102.** A regional county municipality may grant assistance

(1) to a person for the establishment and operation in or outside its territory of equipment and public places for cultural, recreational and community activities;

(2) to a partnership or legal person devoted to the pursuit of the purposes mentioned in paragraph 1 of this section, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93.

## CHAPTER III

### EXCLUSIVE POWERS OF A REGIONAL COUNTY MUNICIPALITY

#### DIVISION I

#### WATERCOURSES AND LAKES

§1. — *Watercourses*

**103.** A regional county municipality has jurisdiction over continuously or intermittently flowing watercourses, including those artificially created or modified, except

(1) watercourses or parts of watercourses that the Government determines, after consultation with the Minister of Sustainable Development, Environment and Parks, by an order in council that comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the order;

(2) a ditch along a public road;

(3) a common ditch within the meaning of article 1002 of the Civil Code; and

(4) a drainage ditch

(a) used solely for drainage or irrigation;

(b) that was artificially created; and

(c) the watershed of which has an area of less than 100 hectares.

The part of a watercourse used as a ditch remains under the jurisdiction of the regional county municipality.

**104.** A regional county municipality may adopt by-laws to regulate matters relating to water flow in watercourses, including crosspieces, obstructions and nuisances.

If a person does not carry out work required by a by-law under the first paragraph, the regional county municipality may carry it out at the person's expense.

**105.** If informed of the presence in a watercourse of an obstacle that threatens the safety of persons or property, a regional county municipality must carry out the work required to restore normal water flow.

An employee designated by a regional county municipality for that purpose may immediately withdraw from a watercourse any obstructions that prevent or hamper normal water flow, without prejudice to the municipality's right to recover the costs relating to their withdrawal from any person responsible for their presence.

**106.** A regional county municipality may carry out work to create, improve or maintain a watercourse. The work may be carried out in the bed or on the banks of the watercourse or on the land bordering on them.

**107.** The owner or occupant of land must allow the employees or representatives of the regional county municipality access to the watercourse for the inspections necessary in the performance of their duties. The owner or occupant must also allow machinery and equipment any access required to carry out work.



Before undertaking work, a regional county municipality must give the owner or occupant of the land at least 48 hours' prior notice of its intention to move about on that land, unless prevented from doing so by the urgent need to remedy the situation.

The regional county municipality is bound to restore the premises to their original state and to pay compensation for any damage caused by its intervention.

**108.** A regional county municipality may assign the enforcement of the by-laws, the recovery of claims and the management of the work provided for in this subdivision to a local municipality in its territory by an agreement made in accordance with Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

Section 107 applies, with the necessary modifications, to a local municipality and to its employees and representatives to whom a function is assigned under the first paragraph.

**109.** A watercourse linking or separating the territory of two or more regional county municipalities is under the joint jurisdiction of those regional county municipalities. Joint jurisdiction is exercised under an agreement or through the board of delegates, as the regional county municipalities concerned choose. Failing an agreement on the exercise of the joint jurisdiction within 60 days of the sending of a notice for that purpose by one regional county municipality to the other regional county municipalities concerned, jurisdiction is exercised through the board of delegates.

The board of delegates possesses and exercises all the powers of a regional county municipality regarding that watercourse.

## §2. — *Lakes*

**110.** A regional county municipality may carry out work to regulate the water level of a lake and do bed maintenance work.

Sections 107 and 108 apply, with the necessary modifications.

## **DIVISION II**

### **POWER**

**111.** A regional county municipality may form a limited partnership with a private-sector enterprise for the purpose of producing electric power at a hydro-electric power station with a generating capacity of 50 megawatts or less provided by hydraulic power in the domain of the State. The private-sector enterprise must at all times provide at least half of the contribution to the common stock of the limited partnership, and must be the partnership's general partner.

**DIVISION III****REGIONAL PARKS**

**112.** A regional county municipality may, by by-law, determine the location of a regional park, whether or not it is the owner of the land. Before the by-law is passed, the regional county municipality must give notice and post the notice in accordance with the fourth paragraph of article 445 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

In the by-law referred to in the first paragraph, the regional county municipality may mention the local municipalities that may not exercise the right of withdrawal granted by the third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) as regards the exercise of the powers provided for in this section and in sections 113 to 120. In the case of a local municipality that exercised the right of withdrawal as regards those powers before the coming into force of the by-law, it may also indicate the date on which the withdrawal ends. As of that date, the representative of the local municipality again participates in the deliberations of the council of the regional county municipality that concern the exercise of those powers.

The by-law referred to in the first paragraph is without effect for third persons as long as the regional county municipality is not the owner of the land or has not made an agreement with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land, allowing it to operate the park.

**113.** As of the coming into force of a by-law under section 112, the regional county municipality may make an agreement with a person holding a right of ownership or any other right in an immovable situated in the park concerned.

**114.** The regional county municipality may take any non-regulatory measure relating to regional parks. However, a regional county municipality may only assign a power to the extent set out in sections 116 and 117.

**115.** As regards a regional park, the regional county municipality may adopt by-laws on any matter relating to

- (1) park administration and operation;
- (2) the protection and conservation of nature;
- (3) user safety;
- (4) the use or parking of vehicles;
- (5) the possession or keeping of animals;

(6) the posting of information;

(7) the operation of businesses;

(8) recreational activities; and

(9) any use of a public road not covered by the regulatory powers conferred on it by the Highway Safety Code (R.S.Q., chapter C-24.2).

**116.** The regional county municipality may operate or entrust a person with the operation of sleeping-accommodation, catering or commercial establishments or parking lots in a regional park.

**117.** The regional county municipality may entrust the organization or operation of the park concerned to a non-profit body constituted as a legal person.

It may also entrust to that body the exercise of any power under section 113 or 116.

**118.** The regional county municipality may stand surety for the body referred to in section 117. However, it must obtain the authorization of the Minister to stand surety for an obligation of \$50,000 or more.

Before giving the authorization, the Minister may order the regional county municipality to submit the decision authorizing the surety to the approval of the persons qualified to vote in the local municipalities that must contribute to the payment of the expenditures relating to the regional park.

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, to the approval sought under the second paragraph.

The regional county municipality may also grant subsidies to the body referred to in section 117.

**119.** Articles 935 to 936.3 and 938 to 938.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), on the awarding of contracts, apply to the non-profit body referred to in section 117, with the necessary modifications.

The body is deemed to be a regional county municipality for the purposes of the regulation made under article 938.0.1 of the Code.

**120.** The regional county municipality, a local municipality or a metropolitan community may make an agreement with respect to parks in accordance with Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

**121.** If a local municipality that is considered to be a regional county municipality stands surety for the body referred to in section 117, subsection 3 of section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 9 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) applies, as the case may be.

The first paragraph applies despite the first three paragraphs of section 118.

#### **DIVISION IV**

#### **REGIONAL ECONOMIC DEVELOPMENT**

**122.** A regional county municipality may grant technical assistance to a private-sector enterprise by providing it with the services of an economic development agent.

**123.** A regional county municipality may grant assistance to a non-profit body that provides technical support to an enterprise situated in its territory.

**124.** A regional county municipality must provide financial support to the local development centre operating in its territory commensurate with the contributions collected for that purpose from the local municipalities in the territory.

**125.** A regional county municipality may give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase.

The fund must be administered by a non-profit body established for that purpose.

The resolution must indicate the maximum contribution the regional county municipality may make to the fund. The amount it may commit under this section may not exceed \$500,000.

**126.** A regional county municipality may establish a fund to provide financial support for operations to develop land or forest resources in the domain of the State or private land or forest resources.

This fund must be administered by the regional county municipality. The regional county municipality may delegate to a person all or part of the administration of the fund.

In addition to the sums provided for in article 14.16 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) or section 29.18 of the Cities and Towns Act (R.S.Q., chapter C-19), the fund receives, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of Title I of the Forest Act (R.S.Q., chapter F-4.1).

**TITLE IV****AMENDING PROVISIONS****AGRICULTURAL ABUSES ACT**

**127.** Section 6 of the Agricultural Abuses Act (R.S.Q., chapter A-2) is amended by replacing “the road or rural inspector” in the seventh line of subsection 2 by “a municipal employee designated by the municipality”.

**128.** Section 7 of the Act is amended

(1) by replacing “one or more inspectors charged with” in the second and third lines of subsection 3 by “one or more persons responsible for”;

(2) by replacing “the inspector” in the third line of the first paragraph of subsection 4 by “the person responsible”;

(3) by replacing “the inspector shall himself have the right to destroy the said noxious weeds” in the second and third lines of the second paragraph of subsection 4 by “the person responsible shall have the right to destroy the said noxious weeds himself”.

**ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

**129.** Section 85 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by adding the following sentence at the end of the third paragraph: “The municipality may carry out the program of acquisition of immovables when the special planning program and the planning by-laws consistent with the program are in force.”;

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

“The municipality may also acquire an immovable situated in that part of its territory designated as the “centre” or “central sector”, even if the acquisition is not provided for by a program of acquisition of immovables, with a view to alienating it or leasing it to a person who requires it to carry out a project that is consistent with the special planning program, if the person is already the owner of land or the beneficiary of a promise of sale of land representing two thirds of the area required to carry out the project.”

**130.** The Act is amended by inserting the following section after section 85:

**“85.0.1.** For the purposes of the third and fourth paragraphs of section 85, the municipality may, in particular,

- (1) expropriate an immovable;
- (2) hold and manage the immovable; and
- (3) carry out the required development, restoration, demolition or clearing work on the immovable.”

**131.** The Act is amended by inserting the following sections after section 85.1:

**“85.2.** Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, adopt a revitalization program for a sector it delimits within a zone specified in the zoning by-law in which most of the buildings are at least 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, as applicable,

- (1) the persons or classes of persons that may benefit from it;
- (2) the buildings or classes of buildings covered by it;
- (3) the nature of activities covered;
- (4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which may not exceed five years; and
- (5) the terms and conditions governing its implementation.

**“85.3.** Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may exercise the powers mentioned in section 85.0.1 within the framework of a revitalization program.

**“85.4.** Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, adopt a revitalization program for that part of its territory designated as the “centre” or “central sector” pursuant to a special planning program. It may, on the conditions it determines, make an order granting a subsidy for work consistent with the revitalization program. The amount of the subsidy must not exceed the actual cost of the work.

The municipality may establish classes of immovables and classes of work, and combine them, for the purposes mentioned in the first paragraph. It may establish different conditions for different classes and combinations of classes and order that a subsidy be granted only for one or some of them.

The municipality may have recourse to the second paragraph in a different manner for different sectors of its territory that it determines.

Furthermore, a municipality whose territory includes several “centres” or “central sectors” under a special planning program may have recourse to the second paragraph in a different manner for each of them.”

**132.** Section 113 of the Act, amended by section 7 of chapter 20 and section 71 of chapter 31 of the statutes of 2004, is again amended

(1) by inserting the following subparagraphs after subparagraph 14 of the second paragraph:

“(14.1) to regulate or restrict by zone the installation, maintenance, number and height of telecommunications antennae and other similar devices;

“(14.2) to regulate or restrict by zone the construction, installation, alteration, upkeep and continued use of awnings;”;

(2) by replacing subparagraph 15 of the second paragraph by the following subparagraphs:

“(15) to regulate or restrict by zone the location, layout, height and maintenance of fences, walls, hedges, shrubs and trees;

“(15.1) to require that a fence be built around a landowner’s property;”.

**133.** Section 119 of the Act is amended by inserting “15,” after “14,” in the first line of paragraph 2.

**134.** The Act is amended by inserting the following chapter after section 148:

#### “CHAPTER V.0.1

##### “DEMOLITION OF IMMOVABLES

“**148.0.1.** In this chapter, “dwelling” means a dwelling within the meaning of the Act respecting the Régie du logement (chapter R-8.1).

“**148.0.2.** The council of a municipality may, by by-law,

(1) prohibit the demolition of an immovable or an immovable that includes one or more dwellings unless the owner has obtained authorization from the committee referred to in section 148.0.3;

(2) prescribe the procedure to be followed in applying for an authorization; and

(3) provide that, for certain categories of immovables that it shall specify, the public notice provided for in section 148.0.5 is not required.

**“148.0.3.** A council that has adopted a by-law under section 148.0.2 must establish a committee to authorize applications for demolition and to exercise any other powers conferred on it by this chapter.

This committee shall be composed of three council members designated by the council for one year. Their term is renewable.

By the by-law adopted under section 148.0.2, the council may assign itself the functions conferred on the committee by this chapter, in which case sections 148.0.1, 148.0.2, 148.0.4 to 148.0.18 and 148.0.21 to 148.0.24 apply to the council, with the necessary modifications.

**“148.0.4.** The by-law referred to in section 148.0.2 may prescribe that, before an application for authorization is considered, the owner submit to the committee, for approval, a preliminary program for the utilization of the vacated land. The by-law may also prescribe that, if the program is approved, the owner must provide the municipality, prior to the issuance of an authorization certificate, with a monetary guarantee of execution of the program in an amount not exceeding the value on the assessment roll of the immovable to be demolished.

That program may only be approved if it is in conformity with the municipal by-laws. To determine conformity, the committee must consider the by-laws in force at the time the program is submitted to it, except when the issuance of a building permit for the proposed program is suspended by reason of a notice of motion. When the issuance of permits is suspended, the committee may not approve the program before the suspension expires or the amending by-law that was the subject of the notice of motion comes into force, if such coming into force occurs before the suspension expires; the decision of the committee is then rendered having regard to the by-laws in force at the time of the decision.

**“148.0.5.** On being seized of an application for authorization to demolish, the committee must have a notice of the application, easily visible to passers-by, posted on the immovable referred to in the application. Furthermore, it must immediately have a public notice of the application published, except in the cases provided for in the by-law adopted under section 148.0.2.

Every notice referred to in this section must reproduce the first paragraph of section 148.0.7.

**“148.0.6.** The applicant must send a notice of the application to each of the lessees of the immovable, where applicable.

**“148.0.7.** A person wishing to oppose the demolition must do so by writing to the clerk or secretary-treasurer of the municipality, giving the reasons for objecting, within 10 days of publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned.



Before rendering its decision, the committee must consider the objections received. Its sittings are public.

The committee may also hold a public hearing if it considers it advisable.

**“148.0.8.** When the immovable that is the subject of the application includes one or more dwellings, a person wishing to acquire that immovable and preserve it as rental housing may, as long as the committee has not rendered its decision, intervene in writing with the clerk or the secretary-treasurer to ask for time to undertake or pursue negotiations to acquire the immovable.

**“148.0.9.** The committee shall postpone its decision if it believes that the circumstances justify it, and shall grant the intervener a period of not more than two months from the end of the hearing to terminate the negotiations. The committee may not postpone its decision for that reason more than once.

**“148.0.10.** The committee shall grant the authorization if it is convinced of the advisability of the demolition, taking into account the public interest and the interest of the parties.

Before deciding an application for authorization to demolish, the committee must consider the condition of the immovable that is the subject of the application, the deterioration of the architectural appearance or aesthetic character of the neighbourhood or of the quality of life in the neighbourhood, the cost of restoration, the intended use of the vacated land and any other pertinent criterion, in particular, when the immovable includes one or more dwellings, the prejudice caused to lessees, the housing needs in the area and the possibility of relocating the lessees.

**“148.0.11.** In addition, the committee must reject the application for authorization if the preliminary program for the utilization of the vacated land has not been approved or if the exigible fees have not been paid.

**“148.0.12.** If the committee grants the authorization, it may impose conditions for the demolition of the immovable or the utilization of the vacated land. It may, in particular, determine the conditions on which a lessee may be relocated, when the immovable includes one or more dwellings.

**“148.0.13.** The lessor to whom authorization to demolish has been granted may evict a lessee to demolish a dwelling.

However, no lessee may be compelled to leave a dwelling before the term of the lease or before the expiry of three months from the issuance of the authorization certificate, whichever is later.

**“148.0.14.** The lessor must pay an indemnity equal to three months' rent and moving expenses to a lessee evicted from a dwelling. If the damages

resulting from the prejudice caused to the lessee exceed that sum, the lessee may apply to the Régie du logement to set the amount of the damages.

The indemnity is payable when the lessee leaves the dwelling, and the moving expenses, on presentation of the vouchers.

**“148.0.15.** If the committee grants the authorization, it may set the time within which the demolition work must be undertaken and completed.

It may, for reasonable cause, change the time set, provided that the application for the change is made before the time has expired.

**“148.0.16.** If the demolition work is not undertaken before the expiry of the time set by the committee, the authorization is without effect.

If a lessee continues to occupy a dwelling on the expiry date, the lease is extended of right and the lessor may, within one month, apply to the Régie du logement to set the rent.

**“148.0.17.** If the work is not completed within the time set, the council may have it carried out and recover the costs of the work from the owner. The costs constitute a prior claim on the land where the immovable was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec; the costs are secured by a legal hypothec on the land.

**“148.0.18.** The committee’s decision concerning the demolition must be substantiated and immediately sent to every party concerned by registered or certified mail.

**“148.0.19.** Within 30 days of a decision of the committee, a person may appeal the decision to the council.

Every member of the council, including a member of the committee, may sit on the council to hear an appeal made under the first paragraph.

**“148.0.20.** The council may confirm a decision of the committee or make the decision that the committee should have made.

**“148.0.21.** No certificate authorizing demolition may be issued by the person designated under paragraph 7 of section 119 before the expiry of 30 days as provided in section 148.0.19 or, if there has been an appeal under that section, before the council has rendered a decision authorizing the demolition.

**“148.0.22.** A person who demolishes an immovable or has it demolished without the committee’s authorization or in contravention of the conditions of the authorization is liable to a fine of not less than \$5,000 and not more than \$25,000.

In addition, the by-law referred to in section 148.0.2 may require that person to restore the immovable so demolished to its former condition. If the offender fails to restore the immovable in accordance with the by-law, the council may have the work carried out and recover the costs from the offender, in which case section 148.0.17 applies, with the necessary modifications.

**“148.0.23.** Throughout the demolition work, a copy of the authorization certificate must be in the possession of a person in authority on the premises. A municipal officer designated by the council may enter the premises where the work is being carried out at any reasonable time to ascertain whether the demolition is in conformity with the committee’s decision. On request, the officer must provide identification and produce a certificate issued by the municipality attesting the authority vested in the officer.

A person who

(1) refuses to allow a municipal officer on the premises where the demolition work is being carried out; or

(2) is the person in authority responsible for the demolition work and who, on the premises where the demolition work is to take place, refuses to show a municipal officer a copy of the authorization certificate

is liable to a fine not exceeding \$500.

**“148.0.24.** A member of the council who ceases to be a member of the committee before the end of that member’s term of office, is unable to act, or has a direct or indirect personal interest in a matter of which the committee is seized, is replaced by another member of the council designated by the council for the unexpired portion of the term, for the duration of the inability or for the duration of the hearing of the matter in which the member has an interest, as the case may be.

**“148.0.25.** Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, on the conditions and in the sectors of the territory of the municipality it determines, order that a subsidy be granted for the demolition of buildings beyond repair, unsuited to their purpose or incompatible with their environment, or for landscaping or repairing immovables following a demolition project.

The maximum amount of a subsidy must not exceed the actual cost of the work.

**“148.0.26.** The municipality may establish classes of immovables and classes of work, and combine them, for the purposes mentioned in section 148.0.25. It may establish different conditions for different classes and combinations of classes and order that a subsidy be granted only for one or some of them.

The municipality may have recourse to the first paragraph in a different manner for different sectors of its territory that it determines.”

**135.** Section 188 of the Act is amended by adding the following subparagraphs after subparagraph 4 of the fourth paragraph:

“(5) the exercise of its jurisdiction over watercourses, under Division I of Chapter III of Title III of the Municipal Powers Act (2005, chapter 6);

“(6) a contribution to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase, under section 125 of the Municipal Powers Act;

“(7) a function of a regional county municipality provided for in section 12 or 124 of the Municipal Powers Act.”

#### CULTURAL PROPERTY ACT

**136.** Section 60 of the Cultural Property Act (R.S.Q., chapter B-4) is replaced by the following section:

“**60.** Subject to section 96.1, this chapter applies to every local municipality.”

**137.** The Act is amended by inserting the following division after Division IV:

#### “DIVISION IV.1

#### “DEMOLITION PROHIBITED

“**96.1.** A local municipality or a regional county municipality may adopt a by-law to prohibit, for a period not exceeding 12 months, the demolition of any immovable that could be declared cultural property or that is situated in a territory that could be declared a historic or natural district.

The prohibition shall take effect as of the notice of motion of the by-law prohibiting the demolition.

However, if the by-law is not adopted and enforced within three months of the date of the notice of motion, the prohibition ceases to apply.

Within 15 days after the adoption of such a by-law, the municipality must request the Minister of Culture and Communications to have the immovable concerned recognized or classified as cultural property, or the territory concerned declared a historic or natural district.

At the expiry of 12 months from the date of the notice of motion, if the immovable concerned has not been recognized or classified as cultural property, or the territory concerned has not been declared a historic or natural district, or if the Minister has not given a notice of intention or published a notice of recommendation, the by-law ceases to have effect.

The owner of an immovable who demolishes it or has it demolished while it is under the prohibition provided for in the first paragraph is liable to a fine not exceeding \$25,000.”

#### CHARTER OF VILLE DE GATINEAU

**138.** Section 46 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is replaced by the following section:

“**46.** The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (2005, chapter 6).”

**139.** Section 10 of Schedule B to the Charter is replaced by the following section:

“**10.** When a vehicle may be removed or towed for an offence under a parking by-law, the prescribed removal or towing costs may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (chapter C-25.1).”

**140.** Section 14 of Schedule B to the Charter is amended by replacing “412.2 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “148.0.2 of the Act respecting land use planning and development (chapter A-19.1)”.

**141.** Section 26 of Schedule B to the Charter is amended by replacing “sections 471.0.5 and 471.0.6 of the Cities and Towns Act (chapter C-19)” in the second and third lines of the second paragraph by “section 9 and paragraph 1 of section 10 of the Municipal Powers Act (2005, chapter 6)”.

**142.** Sections 53 to 58 of the Charter and sections 9, 11 to 13 and 15 to 17 of Schedule B to the Charter are repealed.

#### CHARTER OF VILLE DE LÉVIS

**143.** Section 74 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out “, by by-law,” in the first line.

**144.** Sections 75 to 80 of the Charter are repealed.

**145.** Section 82 of the Charter is amended by replacing “under the management of the city pursuant to section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

**146.** Section 92 of the Charter is amended by replacing “by-law adopted under section 74, except those provided for in section 79” in the third and fourth lines of the first paragraph by “decision made under section 74, except the power provided for in section 120 of the Municipal Powers Act (2005, chapter 6)”.

#### CHARTER OF VILLE DE LONGUEUIL

**147.** Section 60.2 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), amended by section 143 of chapter 29 of the statutes of 2003, is again amended by replacing “466.3 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “13 of the Municipal Powers Act (2005, chapter 6)”.

**148.** Section 61 of the Charter is amended by striking out “, by by-law,” in the first line.

**149.** Section 69 of the Charter is amended by replacing “under the management of the city pursuant to section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

**150.** Section 78 of the Charter is amended

(1) by replacing “by-law adopted” in the third line of the first paragraph by “decision made”;

(2) by replacing “those provided for in section 66” in the third and fourth lines of the first paragraph by “the power referred to in section 120 of the Municipal Powers Act (2005, chapter 6)”.

**151.** Section 45 of Schedule C to the Charter is amended by replacing “paragraph 2 of section 463 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “the by-laws relating to nuisances adopted under section 59 of the Municipal Powers Act (2005, chapter 6)”.

**152.** Section 47 of Schedule C to the Charter, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by replacing “542.1 and section 542.2 and 542.6 of the Cities and Towns Act (chapter C-19)” in the fifth and sixth lines of the first paragraph by “85.2, section 85.3 and the second, third and fourth paragraphs of section 85.4 of the Act respecting land use planning and development (chapter A-19.1)”.

**153.** Sections 62 to 67 of the Charter and sections 28 to 31, 33, 34 and 43 of Schedule C to the Charter are repealed.

#### CHARTER OF VILLE DE MONTRÉAL

**154.** Section 34.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “section 28 of the Cities and Towns Act (chapter C-19)” in the first and second lines of paragraph 2 by “the second paragraph of section 8 and sections 90 to 92 of the Municipal Powers Act (2005, chapter 6)”.

**155.** Section 92 of the Charter is replaced by the following section:

“**92.** The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (2005, chapter 6).”

**156.** Section 94 of the Charter is amended by striking out “by by-law” in the first line of the second paragraph.

**157.** Section 105 of the Charter is amended by replacing “The city shall identify by by-law from among the streets and roads for whose management it is responsible under section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “The city shall identify from among the streets and roads over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

**158.** Section 141 of the Charter is amended by replacing “in a by-law” in the third line of the first paragraph by “in a decision made”.

**159.** Section 66 of Schedule C to the Charter is amended by replacing “paragraph 14 of section 415 of the Cities and Towns Act (chapter C-19)” in the second line by “subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (2005, chapter 6)”.

**160.** Section 69 of Schedule C to the Charter is amended by striking out “, by by-law” in the first line.

**161.** Section 87 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

**162.** Section 88 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the second and third lines of the first paragraph by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

**163.** Section 89 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the second and third lines of the first paragraph by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

**164.** Section 90 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

**165.** Section 152 of Schedule C to the Charter is amended by replacing “28.1 and 28.2 of the Cities and Towns Act (chapter C-19)” in the first line of the second paragraph by “85 and 85.0.1 of the Act respecting land use planning and development (chapter A-19.1)”.

**166.** Section 169 of Schedule C to the Charter is amended

(1) by replacing “412.1 to 412.26 of the Cities and Towns Act (chapter C-19)” in the second line of the first paragraph by “148.0.1 to 148.0.24 of the Act respecting land use planning and development (chapter A-19.1)”;

(2) by replacing “Cities and Towns Act” in the first line of the second paragraph by “Act respecting land use planning and development”;

(3) by replacing “412.23” in the second line of the second paragraph by “148.0.3”.

**167.** Section 187 of Schedule C to the Charter is amended by replacing “contemplated by subparagraph 14 of the fifth paragraph of section 415 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “referred to in subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (2005, chapter 6)”.

**168.** Section 188 of Schedule C to the Charter is replaced by the following section:

“**188.** Section 187 of this Schedule and subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (2005, chapter 6) do not affect any contract made before 19 March 1911.”

**169.** Section 202 of Schedule C to the Charter is amended by replacing “subparagraph 17 of the first paragraph of section 415 of the Cities and Towns Act (chapter C-19)” in the third and fourth lines of the second paragraph by “section 16 of the Municipal Powers Act (2005, chapter 6)”.



**170.** Section 222 of Schedule C to the Charter is amended

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

**“222.** In exercising the powers provided for in the Municipal Powers Act (2005, chapter 6) as regards power development, residual materials management and lighting in its territory, the city may”;

(2) by replacing “subparagraph 10 of the first paragraph of section 413, sections 445 and 446 of the Cities and Towns Act (chapter C-19) and section 71 of this Schedule” in the second, third and fourth lines of paragraph 3 by “the Municipal Powers Act (2005, chapter 6) as regards power development, residual materials management and lighting in its territory”.

**171.** Sections 93, 95 to 99, 101, 103 and 105.1 of the Charter and sections 72 to 75, 78, 79 and 161 of Schedule C to the Charter are repealed.

## CHARTER OF VILLE DE QUÉBEC

**172.** Section 76 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is replaced by the following section:

**“76.** The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (2005, chapter 6).”

**173.** Section 81 of the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “The contract” in the first line of the second paragraph by “A contract granted to operate one or more residual materials disposal sites or establishments for recycling residual materials”.

**174.** Section 82 of the Charter is amended by replacing “79” in the second line of the first paragraph by “19 of the Municipal Powers Act (2005, chapter 6) as regards residual materials management”.

**175.** Section 84 of the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “The prescribed” in the first line of the second paragraph by “When fines are prescribed for offences under a city by-law relating to residual materials management, the”;

(3) by replacing “subparagraph 6 of the second paragraph of section 79,” in the first and second lines of subparagraph 2 of the second paragraph by “a by-law adopted under section 19 of the Municipal Powers Act (2005,

chapter 6) relating to procedures for separating and conditioning residual materials for the purposes of removal, selective collection or recycling.”.

**176.** Section 85 of the Charter is amended by striking out “, by by-law” in the first line.

**177.** Section 94 of the Charter is amended by replacing “under the management of the city pursuant to section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

**178.** Section 95 of the Charter is amended by striking out the second paragraph.

**179.** Section 111 of the Charter is amended by replacing “sections 96 to 110” in the first line by “this subdivision”.

**180.** Section 121 of the Charter is amended

(1) by replacing “by-law adopted” in the third line of the first paragraph by “decision made”;

(2) by replacing “those provided for in section 90” in the third and fourth lines of the first paragraph by “the power referred to in section 120 of the Municipal Powers Act (2005, chapter 6)”.

**181.** Section 55 of Schedule C to the Charter is amended by replacing “bicycle riding or other modes of locomotion listed in section 91 of the Charter” in the fourth and fifth lines by “bicycling, rollerblading, skateboarding, roller skiing or any other similar mode of locomotion”.

**182.** Section 73 of Schedule C to the Charter is amended by replacing “paragraph 10 of section 413 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “section 19 of the Municipal Powers Act (2005, chapter 6) relating to residual materials management”.

**183.** Section 96 of Schedule C to the Charter is amended

(1) by replacing “412.2 of the Cities and Towns Act (chapter C-19)” in the fourth and fifth lines by “148.0.2 of the Act respecting land use planning and development (chapter A-19.1)”;

(2) by replacing “412.2” in the sixth line by “148.0.2”.

**184.** Section 132 of Schedule C to the Charter is amended by replacing “paragraph 22 of section 415 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “section 62 of the Municipal Powers Act (2005, chapter 6)”.

**185.** Section 133 of Schedule C to the Charter is amended by replacing “paragraph 23 of section 415 of the Cities and Towns Act (chapter C-19), the rate” in the first and second lines by “winter maintenance of public roads, as defined in the second paragraph of section 66 of the Municipal Powers Act (2005, chapter 6), the city council may impose a special tax on the taxable property of the owners living along those roads, based on the value, area or frontage of the property. The rate”.

**186.** Sections 77, 79, 86 to 92, 96 and 110 of the Charter and sections 51, 54, 75, 77, 80, 127 to 130, 146 and 160 of Schedule C to the Charter are repealed.

#### CITIES AND TOWNS ACT

**187.** Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing subsection 1 by the following subsections:

“(1) A municipality may have a seal.

“(1.0.1) Unless otherwise provided, no property of a municipality may be alienated otherwise than in return for valuable consideration. Each month the clerk of a municipality must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the municipality otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

“(1.0.2) Unless otherwise provided, no municipality may acquire or build property mainly for leasing purposes.”;

(2) by replacing subsection 1.1 by the following subsection:

“(1.1) A transfer by gratuitous title or a loan for use of the rights to and licences for the processes developed by a municipality may only be made in favour of the Government, one of its Ministers or bodies, a municipality, a metropolitan community, a school board or a non-profit body.”;

(3) by striking out subsection 2;

(4) by replacing “subsection 2” in the third line of the first paragraph of subsection 3 by “the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of the Municipal Powers Act (2005, chapter 6)”.

**188.** Section 29.14.1 of the Act, amended by section 26 of chapter 5 of the statutes of 2003, is again amended by replacing the second paragraph by the following paragraph:

“The fine belongs to the local municipality if it instituted the proceedings, and must be paid into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality. If a local municipality whose territory is not contained in the territory of a regional county municipality institutes the proceedings, the fine belongs to the local municipality and must be paid into a fund established by it under that same section. The Minister of Natural Resources and Wildlife may authorize payment into any other such fund the Minister determines.”

**189.** Section 29.18 of the Act is amended by replacing the first paragraph by the following paragraph:

**“29.18.** Moneys deriving from the leasing, development or alienation of land in the domain of the State, or land acquired from the domain of the State, and moneys deriving from the management of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1) must be paid either by the local municipality into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality, or by the local municipality whose territory is not contained in that of a regional county municipality into a fund established by it under that same section.”

**190.** Section 71 of the Act, amended by section 94 of chapter 20 of the statutes of 2004, is again amended by inserting “, designated under section 35 of the Municipal Powers Act (2005, chapter 6)” after “development (chapter A-19.1)” in the fourth line of the third paragraph.

**191.** Section 465.1 of the Act is amended by replacing “or for any person the municipalities may subsidize under subparagraph *d* of the first paragraph of subsection 2 of section 28 or under section 28.0.1 of this Act” in the first paragraph by “or for any person the municipalities may subsidize under the first paragraph of section 92 of the Municipal Powers Act (2005, chapter 6) or for any partnership or legal person devoted to the pursuit of the purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of that Act that the municipalities may subsidize”.

**192.** Section 468.32 of the Act is replaced by the following sections:

**“468.32.** In the pursuit of its objects, the management board may

- (1) have a seal; and
- (2) acquire movable or immovable property by expropriation.

When the object of the agreement is the supply of drinking water, the management of waste water or the development or operation of an airport

facility, the management board may acquire immovables within a radius of 50 kilometres outside the territory in which it has jurisdiction, by agreement or expropriation.

**“468.32.1.** Unless otherwise provided, no property of the management board may be alienated otherwise than in return for valuable consideration. Each month the secretary must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the management board otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

**“468.32.2.** Unless otherwise provided, no management board may acquire or build property mainly for leasing purposes.”

**193.** Section 468.51 of the Act is amended

(1) by striking out “, sections 573.5 to 573.10” in the fourth and fifth lines of the first paragraph;

(2) by inserting “sections 29 to 33 of the Municipal Powers Act (2005, chapter 6),” before “sections 1, 2, 4” in the sixth line of the first paragraph.

**194.** Sections 28.0.0.1 to 28.2, 29.11, 29.12.1, 110, 111, 360.1, 410, 412, 412.1 to 412.25, 413 to 415, 422 to 458, 459, 460, 462 to 463.2, subparagraphs 1 to 7 and 9 of section 464, sections 466 to 467.8, 467.10.1 to 467.20, 471 to 471.0.7, 482, 542.1, 542.2, 542.4 to 542.7 and 573.5 to 573.13 of the Act are repealed.

#### HIGHWAY SAFETY CODE

**195.** Section 498 of the Highway Safety Code (R.S.Q., chapter C-24.2) is replaced by the following section:

**“498.** No person may dispose of, deposit or abandon any objects or substances on a public highway, unless authorized to do so by the person responsible for the maintenance of that highway.

No driver may allow any substance to fall from the vehicle.”

**196.** Section 626 of the Code, amended by section 73 of chapter 2 of the statutes of 2004, is again amended

(1) by adding the following at the end of paragraph 3: “the municipality may, on the conditions it determines, appoint persons it authorizes to collect on its behalf the sums payable for the registration of non-motorized vehicles and to perform any other operation it indicates, and may determine the amount and mode of their remuneration;”;

(2) by adding the following paragraph after paragraph 14:

“(15) regulate the laying out of reserved lanes for emergency vehicles in the vicinity of buildings subject to Chapter III of the Building Act (chapter B-1.1) and prohibit the parking in those lanes of any other vehicle, even without the consent of the owner of the building.”;

(3) by adding the following paragraph after the first paragraph:

“Regional county municipalities shall exercise the regulatory powers provided for in this section only in regional parks.”

#### MUNICIPAL CODE OF QUÉBEC

**197.** Articles 6 and 6.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are replaced by the following articles:

**“6.** A municipality may have a seal.

**“6.1.** Unless otherwise provided, no property of a municipality may be alienated otherwise than for a consideration. Each month the secretary-treasurer of a municipality must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the municipality otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

**“6.2.** A transfer by gratuitous title or a loan for use of the rights to and licences for the processes developed by a municipality may only be made in favour of the Government, one of its ministers or bodies, a municipality, a metropolitan community, a school board or a non-profit body.

**“6.3.** Unless otherwise provided, no municipality may acquire or build property mainly for leasing purposes.”

**198.** Article 9 of the Code is amended by replacing “article 8” in the second line of the first paragraph by “the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of the Municipal Powers Act (2005, chapter 6)”.

**199.** Article 14.12.1 of the Code is amended by replacing the second paragraph by the following paragraph:

“The fine belongs to the local municipality if it instituted the proceedings, and must be paid into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality. If a regional county municipality or a local municipality whose territory is not contained in the territory of a regional county municipality institutes the proceedings, the fine belongs to that municipality and must be paid into a fund established by it under that

same section. The Minister of Natural Resources and Wildlife may authorize payment into any other such fund the Minister determines.”

**200.** Article 14.16 of the Code is amended by replacing the first paragraph by the following paragraph:

“**14.16.** Moneys deriving from the leasing, development or alienation of land in the domain of the State, or land acquired from the domain of the State, and moneys deriving from the management of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1) must be paid either by the local municipality into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality or, in the case of a regional county municipality or a local municipality whose territory is not contained in that of a regional county municipality, by that municipality into a fund established by it under that same section.”

**201.** Article 14.18 of the Code is amended by replacing “14.17” in the fifth line by “14.16”.

**202.** Article 25 of the Code, amended by section 250 of chapter 19 of the statutes of 2003, is again amended

(1) by striking out paragraphs 28, 31 and 36;

(2) by striking out “, except in article 737,” in the first line of paragraph 38.

**203.** Article 207 of the Code is amended by inserting “, orders of a person designated under section 35 of the Municipal Powers Act (2005, chapter 6)” after “judgments” in the fourth line.

**204.** Article 267.0.1 of the Code, amended by section 109 of chapter 20 of the statutes of 2004, is again amended by inserting “under section 35 of the Municipal Powers Act (2005, chapter 6), or” after “development or” in the fourth line of the third paragraph.

**205.** Article 440 of the Code is replaced by the following article:

“**440.** Every municipality may also, by resolution, order a census to be taken of the inhabitants of all or part of its territory.”

**206.** Article 601 of the Code is replaced by the following articles:

“**601.** In the pursuit of its objects, the management board may

(1) have a seal; and

(2) acquire movable or immovable property by expropriation.

When the object of the agreement is the supply of drinking water, the management of waste water or the development or operation of an airport facility, the management board may acquire immovables within a radius of 50 kilometres outside the territory in which it has jurisdiction, by agreement or expropriation.

**“601.1.** Unless otherwise provided, no property of the management board may be alienated otherwise than by onerous title. Each month the secretary must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the management board otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

**“601.2.** Unless otherwise provided, no management board may acquire or build property mainly for leasing purposes.”

**207.** Article 620 of the Code is amended

(1) by striking out “, 573.5 to 573.10” in the fourth and fifth lines of the first paragraph;

(2) by inserting “sections 29 to 33 of the Municipal Powers Act (2005, chapter 6),” before “sections 1, 2, 4” in the seventh line of the first paragraph.

**208.** Article 678 of the Code is replaced by the following article:

**“678.** A regional county municipality may adopt by-laws or resolutions on each of the matters mentioned in articles 491, 492, 520, 569 to 624 and 626.”

**209.** Article 678.0.3 of the Code is amended by striking out “, *procès-verbaux*” in the first line of the second paragraph.

**210.** Article 711.2 of the Code is amended by replacing “or for any person the municipalities may subsidize under subparagraph 4 of the first paragraph of article 8 or under article 9.1 of this Code” in the first paragraph by “or for any person the municipalities may subsidize under the first paragraph of section 92 of the Municipal Powers Act (2005, chapter 6) or for any partnership or legal person devoted to the pursuit of the purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of that Act that the municipalities may subsidize”.

**211.** Article 724 of the Code is amended

(1) by striking out the first, second, third and fourth paragraphs;



(2) by replacing “any such” in the first line of the fifth paragraph by “a”;

(3) by striking out the sixth and seventh paragraphs.

**212.** Article 934 of the Code is amended by striking out “, or by day labour under the direction of the municipal inspector” in the fourth line.

**213.** Article 1103 of the Code is amended by striking out “under article 739” in the third line of the first paragraph.

**214.** Articles 8 to 8.2, 9.1, 11, 12, 14.9, 14.17, 29 to 31, 213, 214, 219, 221 to 267, 443, 490, 493, 494 to 519, 521 to 533, 535.1 to 540, paragraphs *b* and *c* of subarticle 1 and subarticles 2 and 3 of article 541, articles 542 to 548.3, 550 to 565, 566.1 to 568, 625 to 625.2, 627, 627.1 to 628, 630 to 633, 681, 688 to 688.5, 688.7 to 688.12, 711.20 to 719, 722, 723, 726 to 765, 773 to 792, 794 to 932, 939 to 944.3, 953, 994, 1008, 1009, 1011 to 1011.3 and 1128 to 1131 of the Code are repealed.

#### PEDDLERS ACT

**215.** The Peddlers Act (R.S.Q., chapter C-30) is repealed.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**216.** The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 159.18:

**“159.19.** The local municipalities whose territory is situated within the territory of the Community shall lose the powers and jurisdiction provided for in this division as soon as the Community exercises them.

The regulatory, administrative and other acts of a local municipality for which the Community is substituted that relate to the powers and jurisdiction referred to in the first paragraph remain in force until they are replaced or repealed. They are deemed to be instruments of the Community.”

#### ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

**217.** Section 27 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing “467 of the Cities and Towns Act (chapter C-19) or article 525 of the Municipal Code (chapter C-27.1)” in the first, second and third lines of the first paragraph by “48.18 of the Transport Act (chapter T-12)”.

**218.** Section 27.3 of the Act is amended by replacing “467.11 of the Cities and Towns Act (chapter C-19) or article 536 of the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines by “48.39 of the Transport Act (chapter T-12)”.

**219.** Section 27.4 of the Act is amended by replacing “467.7.4 of the Cities and Towns Act (chapter C-19) or article 532.4 of the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines by “48.30 of the Transport Act (chapter T-12)”.

**220.** Section 28 of the Act is amended by replacing “467 of the Cities and Towns Act (chapter C-19) or article 525 of the Municipal Code (chapter C-27.1)” in the first, second and third lines of the first paragraph by “48.18 of the Transport Act (chapter T-12)”.

#### JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

**221.** Section 35 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2) is amended by inserting “and the Municipal Powers Act (2005, chapter 6)” after “(chapter C-19)” in the second line of the first paragraph.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**222.** Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended

(1) by striking out paragraph 3.0.1;

(2) by inserting the following paragraph after paragraph 3.4:

“(3.5) proceedings under section 74 of the Municipal Powers Act (2005, chapter 6);”.

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

**223.** The Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by inserting the following section after section 22:

“**22.1.** When the draining of one or more pieces of land necessitates work both in Québec and in a neighbouring province, the Minister, upon the application of the municipalities concerned or the neighbouring province, may, after an agreement with the latter, designate what work is to be done, order it carried out and, if the persons concerned refuse to comply with the order, have the work done at their expense.”

## ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

**224.** Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), amended by section 6 of chapter 8 of the statutes of 2003, is again amended by replacing “a road opened in conformity with section 422 of the Cities and Towns Act (chapter C-19), a street or road opened pursuant to a municipal by-law, resolution or *procès-verbal*” in the first, second and third lines of subparagraph 4 of the first paragraph by “a public road opened in accordance with the second paragraph of section 4 of the Municipal Powers Act (2005, chapter 6)”.

## ENVIRONMENT QUALITY ACT

**225.** Sections 71, 76 to 82, 84 and 85 of the Environment Quality Act (R.S.Q., chapter Q-2) are repealed.

**226.** Section 124 of the Act is amended by adding the following sentence at the end of the fourth paragraph: “This paragraph applies despite section 3 of the Municipal Powers Act (2005, chapter 6).”

## ACT RESPECTING THE RÉGIE DU LOGEMENT

**227.** Section 35 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing “paragraph 5 of section 412 of the Cities and Towns Act or pursuant to paragraph 1 of article 493 of the Municipal Code (chapter C-27.1)” in the third and fourth lines of the third paragraph by “section 96.1 of the Cultural Property Act (chapter B-4)”.

## WATERCOURSES ACT

**228.** Section 69.2 of the Watercourses Act (R.S.Q., chapter R-13) is amended by replacing “the second paragraph of article 678 of the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines of the second paragraph by “section 111 of the Municipal Powers Act (2005, chapter 6)”.

## ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

**229.** Section 2 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) is amended by replacing “a by-law” in the second line of paragraph 2 by “a resolution”.

**230.** Section 3 of the Act is replaced by the following section:

**“3.** A local municipality may establish an electricity system for public and private needs.

It may adopt by-laws on the administration of the system.”

**231.** Section 5 of the Act is amended by striking out “contemplated by the by-law” in the second line of the first paragraph.

**232.** Section 7 of the Act is amended by striking out paragraph 1.

**233.** Section 12 of the Act is amended

(1) by replacing “a by-law” in the first line of subsection 1 by “a resolution”;

(2) by replacing “by-law” in the second line of subsection 2 by “resolution”.

**234.** Section 13 of the Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“The resolution by which each municipality concerned exercises the power provided for in the first paragraph must be submitted to the qualified voters for approval.”

**235.** Section 15 of the Act is replaced by the following section:

“**15.** The resolution by which a municipality alienates or stops operating an electricity system belonging to it must be submitted to the qualified voters for approval.”

#### FUEL TAX ACT

**236.** Section 10.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by replacing “467 of the Cities and Towns Act (chapter C-19), article 525 of the Municipal Code of Québec (chapter C-27.1) or section 3 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1)” in the fifth, sixth, seventh and eighth lines of the third paragraph by “3 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) or section 48.18 of the Transport Act (chapter T-12)”.

#### TRANSPORT ACT

**237.** The Transport Act (R.S.Q., chapter T-12) is amended by inserting the following divisions after section 48.17:

##### “DIVISION V.3

##### “MUNICIPAL PUBLIC TRANSIT SERVICE

“**48.18.** A local municipality may, by a by-law a copy of which must be sent to the Minister, organize a public transit service in the territory of the municipality and provide links to points outside the territory. The proposed service must be described in the by-law.

**“48.19.** The public transit service may only be supplied by a carrier that is a public body providing public transit, a holder of a bus transport permit, a holder of a taxi permit, a group of taxi permit holders or a school bus carrier under contract with the municipality.

When the contract is made with a school bus carrier, the carrier may use vehicles other than school buses or minibuses. In such a case, the carrier may not use those vehicles to transport pupils.

**“48.20.** When a municipality organizes for the first time a public transit service other than shared transportation by taxi, and when the holder of a bus transport permit of the class determined by regulation of the Government operates in its territory, the municipality must first deliver its specifications for the proposed public transit service to that permit holder.

Within 30 days following the delivery of the specifications, the permit holder may submit a proposal to the municipality.

The Government may, by regulation, determine the class of bus transport permit a person is required to hold under this section.

**“48.21.** Failing an agreement with the permit holder within 90 days following the delivery of the specifications, the municipality may call for tenders.

The municipality must negotiate with the permit holder again within 30 days after the opening of tenders, having notified all the tenderers in writing, and make a contract with the permit holder if the latter agrees to execute it at or below the price of the lowest tender.

No changes may be made to the specifications for the purposes of the call for tenders or the negotiation.

**“48.22.** After receiving a copy of the contract made by the municipality to organize a public transit service other than shared transportation by taxi, and despite section 40, the Commission shall amend or, if necessary, revoke any bus transport permit of the class determined by the regulations under section 48.20 authorizing its holder to operate, in the territory of the municipality, a service that would compete with the service provided under the contract. The permit may be amended or revoked only to the extent necessary to eliminate competing services.

This section applies even when the permit holder is a party to the contract. It does not apply when the municipality organizes a public transit service for the first time and the contract is for a period of less than six months.

Before amending or revoking a permit under the first paragraph, the Commission must notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the permit holder at least 10 days to submit observations.

**“48.23.** Upon making a contract, a local municipality must send a copy to the Minister and to the Commission.

When the contract provides that the remuneration of the carrier is to be based, in whole or for the greater part, on the number of passengers carried, it must indicate, on an annual basis, the number of passengers projected by the parties and contain a clause whereby the municipality undertakes to make up any insufficiency of receipts attributable to a smaller number of passengers than the number projected in the contract.

**“48.24.** The municipality shall, by resolution, set the various passenger fares for the classes of users it determines.

The municipality may make changes in the service; the changes are made by by-law, except schedule changes, which may be made by resolution.

A certified copy of any resolution concerning fares or schedules must be published in a newspaper in the territory of the municipality and be posted in every vehicle. No fare or schedule change may come into force before the expiry of 30 days after the date of publication and posting.

The carrier must collect fares and provide the new service. The contract must contain clauses for adjusting the contract price to take account of changes in the service.

**“48.25.** A member of the council who proposes that a by-law be adopted to make a change in the service must table a draft by-law. A summary of the draft must be published in a newspaper in the territory of the municipality and be posted in the carrier’s vehicles at least 30 days before the adoption of the by-law.

**“48.26.** A copy of a by-law making a change in the service must be sent to the Minister.

**“48.27.** When a local municipality makes a by-law under section 48.18 or 48.24 by which it provides for the establishment of links to points outside the territory of the municipality or for changes in those links, the Minister may, within 30 days after receiving a copy of the by-law, disallow it as regards such links. The Minister shall then notify the municipality and cause the decision to be published in the *Gazette officielle du Québec*.

However, the Minister may inform the municipality before the 30 days expires that the by-law will not be disallowed.

**“48.28.** A draft by-law of a council providing for the establishment of links to points within the territory of a public body providing public transit, or for changes in those links, must be sent to the body and to each local municipality whose territory is included in that of the body and is concerned by the proposed route at least 30 days before the date set for the adoption of the by-law.

**“48.29.** In the cases provided for in section 48.28, a local municipality, when sending its by-law to the Minister, must attach a copy of the notices it has received from the public body providing public transit and from the municipalities to which the draft by-law has been sent.

**“48.30.** On the occasion of a special event, a local municipality may make a contract by resolution with a carrier referred to in section 48.19 to provide a temporary public transit service in the territory of the municipality that does not compete with the service provided by the holder of a permit pursuant to that permit.

**“48.31.** A local municipality may lease or acquire property for the purpose of organizing a public transit service, and entrust the property to the carrier under contract with it. It may also make service contracts.

**“48.32.** Transport supplied under sections 48.18 to 48.31 is not under the jurisdiction of the Commission.

**“48.33.** The Commission may not issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of a municipality, a group of municipalities or an intermunicipal board that organizes a public transit service, without the prior authorization of the municipality, the municipality that is the mandatary of the group of municipalities or the intermunicipal board.

If the municipality or the intermunicipal board does not indicate its refusal to the Commission within 60 days after the Commission’s application for authorization, it is deemed to have given its authorization.

This section does not apply in the case of a cancellation or reduction of service or in the case of the establishment of a new service that does not compete with the public transit service organized by the municipality, the municipality that is the mandatary of the group of municipalities or the intermunicipal board.

**“48.34.** For the purposes of this division, unless the context indicates another meaning, the service consists of the routes, frequency and schedule of trips.

**“48.35.** A local municipality may take any appropriate measure to promote the organization and operation of public transit services it does not organize itself and to provide support services to the users and organizers of those services.

**“48.36.** A local municipality, by resolution, may grant a subsidy to the holder of a bus transport permit that serves the territory of the municipality or maintains a route in the territory.

**“48.37.** This division applies, with the necessary modifications, to an intermunicipal board exercising powers under it.

**“48.38.** This division does not apply to a municipality whose territory forms part of the territory of a public body providing public transit.

#### **“DIVISION V.4**

##### **“MUNICIPAL PUBLIC TRANSIT SERVICE FOR HANDICAPPED PERSONS**

**“48.39.** A local municipality whose territory is not served by a public transit authority or other public body providing public transport that offers paratransit services must, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract to make paratransit available within its territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution.

Similarly, a local municipality may, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract to provide links to points outside the territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution.

**“48.40.** As soon as the contract is made, the local municipality must send a copy of it to the Minister and to the Commission.

**“48.41.** A local municipality, by resolution, shall set the various passenger fares for the classes of users it determines. It may also make changes in the service by resolution.

A certified copy of any resolution concerning fares must be published in a newspaper in the territory of the municipality and be posted in each vehicle. No fare may come into force before the expiry of 30 days after the date of publication and posting.

The carrier shall collect fares and provide the new service. Every contract must contain clauses for adjusting the contract price to take account of changes in the service.

**“48.42.** Sections 48.39 to 48.41 apply, with the necessary modifications, to an intermunicipal board exercising powers under those sections.

**“48.43.** A local municipality may also make a resolution, a copy of which must be sent to the Minister, to grant a subsidy to a non-profit body that organizes a special transportation service for handicapped persons in the territory of the municipality and, where applicable, provides links to points situated outside the territory. No such subsidy may be granted before the municipality and the body have made an agreement on the service to be operated.



Upon making the agreement, the local municipality must send a copy to the Minister.”

#### ACT RESPECTING OFF-HIGHWAY VEHICLES

**238.** Section 8 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing “article 688.2 of the Municipal Code of Québec (chapter C-27.1)” in the second and third lines of subparagraph 2 of the first paragraph by “section 115 of the Municipal Powers Act (2005, chapter 6)”.

#### ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

**239.** The Act respecting sales of municipal public utilities (R.S.Q., chapter V-4) is repealed.

#### ACT RESPECTING ROADS

**240.** Section 2 of the Act respecting roads (R.S.Q., chapter V-9) is amended by replacing “subdivision 22.2 of Division XI of the Cities and Towns Act (chapter C-19), or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (chapter C-27.1)” in the third, fourth and fifth lines of the second paragraph by “Chapter I and Division I of Chapter IX of Title II of the Municipal Powers Act (2005, chapter 6)”.

**241.** Section 3 of the Act is amended by replacing “subdivision 22.2 of Division XI of the Cities and Towns Act (chapter C-19), or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (chapter C-27.1)” in the fourth, fifth and sixth lines of the first paragraph by “Chapter I and Division I of Chapter IX of Title II of the Municipal Powers Act (2005, chapter 6)”.

**242.** Section 66 of the Act is repealed.

#### TEMPERANCE ACT

**243.** The Temperance Act (R.S.Q., 1964, chapter 45) is repealed.

#### ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

**244.** Section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29) is amended by inserting “lakes and” after “municipal” in paragraph 7.

**TITLE V****MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**245.** No provision of an Act or an order made under the Act respecting municipal territorial organization (R.S.Q., chapter O-9) and governing the powers of a particular municipality, in force on 1 January 2006, may operate to restrict the scope of a power granted by this Act.

**246.** In the Acts and the statutory instruments under them, a reference to a provision repealed or replaced by this Act is a reference to the corresponding provision of this Act.

**247.** Municipal roads that existed on 2 November 1871 may retain the width they had on 17 June 2004, even though that width may be less than required by the law under which those roads were established.

**248.** The by-laws, resolutions, minutes, agreements and other acts of a local municipality or a regional county municipality that were adopted in accordance with a provision replaced or repealed by this Act remain in force or continue to have effect until they are replaced or repealed or until their purposes have been achieved.

**249.** A local municipality has 24 months as of 1 January 2006 to adopt a by-law relating to a matter referred to in articles 250 to 267 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) or section 438 of the Cities and Towns Act (R.S.Q., chapter C-19), as they read on 23 May 2005, the substance of which has been preserved in the form of a regulatory power by this Act. In the meantime, those sections continue to have effect.

**250.** The Minister of Municipal Affairs and Regions is responsible for the administration of this Act.

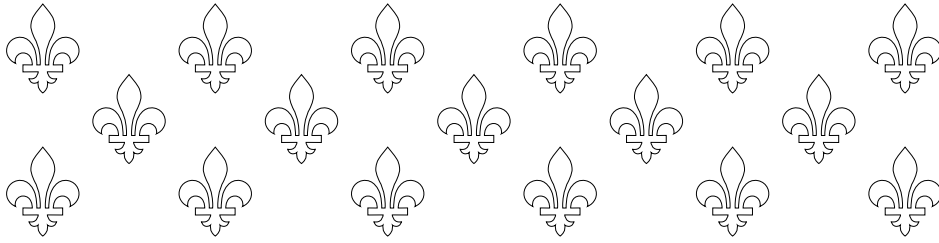
**251.** This Act comes into force on 1 January 2006.

## TABLE OF CONTENTS

	SECTIONS
<b>TITLE I</b>	SCOPE AND INTERPRETATION 1-3
<b>TITLE II</b>	POWERS OF A LOCAL MUNICIPALITY 4-97
<b>CHAPTER I</b>	GENERAL PROVISIONS 4-6
<b>CHAPTER II</b>	CULTURE, RECREATION, COMMUNITY ACTIVITIES AND PARKS 7-8
<b>CHAPTER III</b>	LOCAL ECONOMIC DEVELOPMENT 9-13
<b>CHAPTER IV</b>	POWER AND TELECOMMUNICATIONS 14-18
<b>CHAPTER V</b>	ENVIRONMENT 19-54
<b>DIVISION I</b>	GENERAL PROVISIONS 19-20
<b>DIVISION II</b>	WATER SUPPLY, SEWERS AND WATER PURIFICATION 21-33
	§1. — <i>General provisions</i> 21-26
	§2. — <i>Water supply</i> 27-28
	§3. — <i>Sewers and water purification</i> 29-33
<b>DIVISION III</b>	RECYCLABLE MATERIALS 34
<b>DIVISION IV</b>	COMMON FENCE, COMMON DITCH, DRAINAGE DITCH AND CLEARANCE 35-51
<b>DIVISION V</b>	OTHER PROVISIONS 52-54
<b>CHAPTER VI</b>	SANITATION 55-58
<b>CHAPTER VII</b>	NUISANCES 59-61
<b>CHAPTER VIII</b>	SAFETY 62-65
<b>CHAPTER IX</b>	TRANSPORTATION 66-84
<b>DIVISION I</b>	ROADS 66-78
<b>DIVISION II</b>	PARKING 79-81
<b>DIVISION III</b>	PORT AND AIRPORT FACILITIES 82-84
<b>CHAPTER X</b>	OTHER POWERS 85-89
<b>CHAPTER XI</b>	GENERAL PROVISIONS 90-97

---

<b>TITLE III</b>	POWERS OF A REGIONAL COUNTY MUNICIPALITY	98-126
<b>CHAPTER I</b>	GENERAL PROVISIONS	98-100
<b>CHAPTER II</b>	POWERS EXERCISED CONCURRENTLY WITH A LOCAL MUNICIPALITY	101-102
<b>CHAPTER III</b>	EXCLUSIVE POWERS OF A REGIONAL COUNTY MUNICIPALITY	103-126
<b>DIVISION I</b>	WATERCOURSES AND LAKES	103-110
	§1. — <i>Watercourses</i>	103-109
	§2. — <i>Lakes</i>	110
<b>DIVISION II</b>	POWER	111
<b>DIVISION III</b>	REGIONAL PARKS	112-121
<b>DIVISION IV</b>	REGIONAL ECONOMIC DEVELOPMENT	122-126
<b>TITLE IV</b>	AMENDING PROVISIONS	127-244
<b>TITLE V</b>	MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS	245-251



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 85  
(2005, chapter 7)

## **An Act respecting the Centre de services partagés du Québec**

---

---

**Introduced 16 December 2004**  
**Passage in principle 17 March 2005**  
**Passage 11 May 2005**  
**Assented to 24 May 2005**

---

**Québec Official Publisher**  
**2005**

## EXPLANATORY NOTES

*This bill establishes the Centre de services partagés du Québec and defines its organizational and operational rules.*

*The bill specifies that the mission of the Centre de services partagés du Québec is to provide public bodies with the property and the administrative services they require in the exercise of their functions, especially as regards human, financial, physical and informational resources.*

*To fulfil its mission, the Centre de services partagés du Québec may purchase or lease property, and alienate it when it is no longer needed. It may develop and supply products and services in the areas of information technology and telecommunications and resources management. It may also provide publishing, reprography, mail and equipment maintenance services. Furthermore, the Centre de services partagés du Québec acts as Québec Official Publisher and exercises the functions assigned to Les Publications du Québec.*

*The bill provides that a public body may require a service from the Centre and enter into an agreement with the Centre for that purpose. The Government may provide for the sharing of administrative services for the benefit of two or more public bodies.*

*In addition, the bill repeals the Act respecting the Service des achats du gouvernement and part of the Act respecting government services to departments and public bodies, and contains transitional provisions and consequential amendments.*

### LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Public Administration Act (R.S.Q., chapter A-6.01);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);

- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- Election Act (R.S.Q., chapter E-3.3);
- Hydro-Québec Act (R.S.Q., chapter H-5);
- Act respecting the Ministère de la Culture et des Communications (R.S.Q., chapter M-17.1);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

**LEGISLATION REPEALED BY THIS BILL:**

- Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4).





## Bill 85

### AN ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### ESTABLISHMENT

**1.** A legal person is established under the name “Centre de services partagés du Québec”.

**2.** The Centre is a mandatary of the State.

The property of the Centre forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The Centre binds none but itself when it acts in its own name.

**3.** The head office of the Centre is located at the place the Centre determines in the territory of the Communauté métropolitaine de Québec. Notice of the location and any relocation of the head office of the Centre is published in the *Gazette officielle du Québec*.

The Centre may hold its meetings anywhere in Québec.

#### CHAPTER II

##### MISSION AND POWERS

**4.** The mission of the Centre is to provide or make available to public bodies the property and the administrative services they require in the exercise of their functions, especially with regard to human, financial, physical and informational resources.

For that purpose, the Centre is to pursue the rationalization and optimization of administrative support services while ensuring their quality and adequacy in meeting the needs of public bodies. The Centre is to concern itself with the availability of its services in the regions and the regional economic impact of its action. The Centre is also to support the development of internal expertise in the area of administrative services.

**5.** In pursuing its mission, the Centre may exercise functions and render services that include

- (1) purchasing and leasing movable property for public bodies;
- (2) promoting reuse within public bodies, and disposing of property when it is no longer needed;
- (3) developing, supplying, managing and maintaining products and services related to information technology and telecommunications;
- (4) developing and providing resource management business solutions;
- (5) providing any other service, professional or otherwise, which public bodies may require, such as printing, publishing, marketing, media booking, audiovisual services, exhibitions, reprography, mail and equipment maintenance;
- (6) amalgamating services and managing them; and
- (7) managing copyrights on the documents held by public bodies, in accordance with the standards established jointly by the Minister of Culture and Communications and the Minister of Government Services, and seeing that they are complied with.

The Centre exercises any other related function assigned to it by the Government.

**6.** When so mandated by the Attorney General, the Centre manages and disposes of the property referred to in section 32.17 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19).

**7.** For the purposes of this Act, public bodies include the departments, bodies and persons listed in Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) and any person or body whose personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The National Assembly and persons appointed or designated by the National Assembly to an office under its authority are not public bodies.

**8.** A public body, the National Assembly, a person appointed or designated by the National Assembly to an office under its authority and a legal person established in the public interest may obtain any service made by the Centre, on the conditions the Centre determines.

**9.** A public body and the Centre may enter into an agreement by which the Centre agrees to provide a service that is part of the Centre's mission.

The agreement can be by gratuitous or onerous title.

The Centre may also enter into such an agreement with the National Assembly, with a person appointed or designated by the National Assembly to an office under its authority or with a legal person established in the public interest.

**10.** The Government may, on the conditions and to the extent it determines, require one or more public bodies to call on the Centre to obtain a service that is part of the Centre's mission.

The order may provide for the remuneration of the Centre by the public body concerned.

This section does not apply to the Conseil de la magistrature, to the committee on the remuneration of the judges of the Court of Québec and the municipal courts or to administrative bodies exercising adjudicative functions.

**11.** The Centre may engage a person to see that an agreement or order is carried out; however, the carrying out of the agreement or order remains under the supervision and responsibility of the Centre.

**12.** At the request of the Minister, the Centre advises the Minister on any matter under its jurisdiction and makes any recommendation it considers appropriate.

**13.** The Centre may alienate the expertise it has acquired or developed and the related intellectual property rights. The Centre may also provide consulting services related to its expertise.

**14.** Subject to the applicable legislative provisions, the Centre may enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

**15.** The Centre may not, without the Government's authorization,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or contrary to the conditions determined by the Government;

(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(4) dispose of shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the conditions determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

**16.** Chapter II of the Public Administration Act (R.S.Q., chapter A-6.01) applies to the Centre as if it were a body designated under the second paragraph of section 5 of that Act.

**17.** The Centre must establish a policy for examining and processing the complaints it receives regarding its service-related operations.

### CHAPTER III

#### ORGANIZATION AND OPERATION

**18.** The affairs of the Centre are administered by a board of directors composed of ten members appointed by the Government, including a president and director general, and the Deputy Minister of Government Services.

At least six members other than the president and director general must be from the Administration. Of these six, at least one must work in a region other than the Montréal or Québec region.

**19.** The chair and the vice-chair of the board of directors are appointed by the Government from among the members of the board.

**20.** The chair of the board calls and presides at meetings of the board of directors, sees to the proper conduct of the board's proceedings and exercises any other functions assigned by the board.

The vice-chair of the board exercises the functions of the chair of the board when the latter is absent or unable to act.

**21.** The president and director general is appointed for a term not exceeding five years and the other board members, except for the Deputy Minister of Government Services, for a term not exceeding three years.

On the expiry of their term, board members remain in office until replaced or reappointed.

**22.** A vacant position on the board of directors, other than that of president and director general, is filled by the Government for the unexpired portion of the term of the member to be replaced.

Absence from the number of board meetings determined in the internal by-laws of the Centre, in the cases and circumstances specified, constitutes a vacancy.

**23.** The board members, other than the president and director general, receive no remuneration except in the cases and on the conditions that may be determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions in the cases, on the conditions and to the extent determined by the Government.

**24.** The quorum at meetings of the board of directors is the majority of its members, including the president and director general or the chair of the board.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

**25.** The members of the board may waive notice of a meeting. Attendance at a meeting of the board constitutes a waiver of notice, unless the members are present to contest the legality of the meeting.

**26.** If all agree, the board members may take part in a meeting by means of equipment enabling all participants to communicate directly with one another.

**27.** Written resolutions, signed by all board members entitled to vote, have the same value as if they had been adopted during a meeting of the board of directors.

A copy of all such resolutions is kept with the minutes of the proceedings or other equivalent record book.

**28.** The president and director general is responsible for the administration and direction of the Centre within the scope of its by-laws and policies. The president and director general is assisted in those functions by as many vice-presidents as the Government determines, appointed by the Government for a term not exceeding five years.

**29.** The president and director general and the vice-president or vice-presidents exercise their functions on a full-time basis.

**30.** The Government determines the remuneration, employment benefits and other conditions of employment of the president and director general and of the vice-president or vice-presidents.

**31.** The minutes of the meetings of the board of directors, approved by the board and certified by the president and director general, the vice-chair of the board, the secretary or another person authorized by the Centre, are authentic. The same applies to documents and copies of documents emanating from the Centre or forming part of its records, if they are so certified.

**32.** An intelligible transcription of a decision or other data stored by the Centre in a computer or in a computer-readable medium is a document of the Centre and is evidence of its contents if it is certified by a person referred to in section 31.

**33.** A deed, document or writing is binding on and may be attributed to the Centre only if it is signed by the chair or the vice-chair of the board, the president and director general, a vice-president, the secretary or another personnel member authorized by the Centre and, in the latter case, only to the extent determined by regulation of the Centre.

**34.** The Centre may, by regulation and subject to specified conditions, allow a signature to be affixed by means of an automatic device, an electronic signature to be affixed, or a facsimile of a signature to be engraved, lithographed or printed on specified documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 31.

**35.** The Centre must establish an audit committee under the authority of the board of directors.

The committee examines whether the resources of the Centre are managed in accordance with the applicable rules and whether the Centre uses its resources efficiently; the committee reports its findings and conclusions and any recommendations it may have to the board of directors.

**36.** The Centre may, in its internal by-laws, determine the mode of operation of the board of directors. It may form an executive committee and any other committee, determine their mode of operation and delegate powers of the board to them.

**37.** The standards of ethics and professional conduct adopted by the Centre for the members of the board of directors in accordance with a regulation made under section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) are published by the Centre in its annual management report.

**38.** The secretary and the other members of the personnel of the Centre are appointed in accordance with the Public Service Act.

**39.** The Minister may issue directives concerning the policies and general objectives to be pursued by the Centre.

Directives are submitted to the Government for approval. Once approved, they are binding on the Centre.

Directives are laid before the National Assembly within 15 days of their approval by the Government or, if the Assembly is not sitting, within 15 days of resumption.

**CHAPTER IV****QUÉBEC OFFICIAL PUBLISHER**

**40.** The Centre acts as Québec Official Publisher.

**41.** The Official Publisher prints and publishes, or commissions the printing and publishing of

(1) the statutes of Québec;

(2) an official journal, known as the *Gazette officielle du Québec*; and

(3) the documents, notices and announcements that the Government, the Office of the National Assembly or an Act require the Official Publisher to print or publish.

**42.** All documents, notices and announcements the publication of which is required by law are published in the *Gazette officielle du Québec*, unless another mode of publication is prescribed by law.

**43.** The Centre, under the name of “Les Publications du Québec”, exercises the functions assigned to the Official Publisher under section 5 in respect of the publishing, distribution and marketing of documents.

The Centre, under the name of “Les Publications du Québec”, is also in charge of selling the publications referred to in section 41.

**44.** The Government may, by regulation,

(1) determine terms and conditions applicable to operations relating to the publications or other works under the responsibility of the Official Publisher, except publications of the National Assembly;

(2) prescribe conditions for the publication of the *Gazette officielle du Québec*;

(3) designate the public bodies, public servants and other persons entitled to receive the *Gazette officielle du Québec* free of charge from the Official Publisher;

(4) fix the price of subscriptions to the *Gazette officielle du Québec*; and

(5) establish a tariff for the notices, announcements and documents published in the *Gazette officielle du Québec*.

## CHAPTER V

### FINANCIAL PROVISIONS

**45.** The Government may, subject to the conditions it determines,

(1) guarantee payment of the principal and interest on any loan contracted by the Centre, and guarantee its obligations; and

(2) authorize the Minister of Finance to advance to the Centre any amount considered necessary to meet its obligations or pursue its mission.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.

**46.** The operations of the Centre are funded by the revenue it derives from the commissions and professional and other fees it charges under an agreement or order, the proceeds from the goods and services it provides and the other monies it receives.

**47.** The monies received by the Centre must be allocated to the payment of its obligations. The Centre retains any surpluses, unless the Government decides otherwise.

**48.** Each year, the Centre submits its budgetary estimates for the following fiscal year to the Minister, in accordance with the form and content and the schedule determined by the Minister.

The estimates require the approval of the Government.

## CHAPTER VI

### ACCOUNTS AND REPORTS

**49.** The fiscal year of the Centre ends on 31 March.

**50.** Not later than 31 July each year, the Centre files its financial statements for the preceding fiscal year with the Minister.

**51.** The Minister lays the financial statements of the Centre before the National Assembly within 30 days of their receipt or, if the Assembly is not sitting, within 30 days of resumption.

**52.** The Auditor General audits the books and accounts of the Centre each year and whenever so ordered by the Government.

The Auditor General's report must be submitted with the financial statements of the Centre.



**53.** The annual management report of the Centre must include the information required by the Minister. The report must include an account of the measures taken by the Centre to protect personal information.

## CHAPTER VII

### AMENDING PROVISIONS

#### FINANCIAL ADMINISTRATION ACT

**54.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting “Centre de services partagés du Québec” in alphabetical order.

#### PUBLIC ADMINISTRATION ACT

**55.** Section 21 of the Public Administration Act (R.S.Q., chapter A-6.01) is amended by replacing the first paragraph by the following paragraph:

“**21.** At the request of a minister or of a body, the Centre de services partagés du Québec may intervene in a management agreement to provide for the delegation and exercise of the powers conferred on it by the Act respecting the Centre de services partagés du Québec (2005, chapter 7), and which it may not otherwise delegate.”

#### CHARTER OF VILLE DE QUÉBEC

**56.** Section 43 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended

(1) by replacing “the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4) or with a department referred to in the second paragraph of section 4 of that Act” in the first four lines of the first paragraph by “the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7) or with a department that is not required to call on the Centre’s services”;

(2) by replacing “General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement or to a department referred to in the second paragraph of section 4 of that Act” in the second, third, fourth and fifth lines of the second paragraph by “Centre de services partagés du Québec or to a department referred to in the first paragraph”;

(3) by replacing “General Purchasing Director” in the second and third lines of the third paragraph by “Centre de services partagés du Québec”.

## CITIES AND TOWNS ACT

**57.** Section 29.9.2 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing “the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4) or to a department referred to in the second paragraph of section 4 of that Act” in the last three lines of the first paragraph by “the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7) or to a department that is not required to call on the Centre’s services”;

(2) by replacing “General Purchasing Director” in the third line of the third paragraph by “Centre de services partagés du Québec”.

**58.** Section 29.12.2 of the Act is amended by replacing “General Purchasing Director” in the fifth line by “Centre de services partagés du Québec”.

**59.** Section 573.3.2 of the Act is amended

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

“**573.3.2.** A municipality may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the fourth line of the second paragraph by “Centre de services partagés du Québec”.

## MUNICIPAL CODE OF QUÉBEC

**60.** Article 14.7.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing “the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4) or to a department referred to in the second paragraph of section 4 of that Act” in the last three lines of the first paragraph by “the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7) or to a department that is not required to call on the Centre’s services”;

(2) by replacing “General Purchasing Director” in the third line of the third paragraph by “Centre de services partagés du Québec”.

**61.** Article 14.18 of the Code is amended by replacing “General Purchasing Director” in the last line by “Centre de services partagés du Québec”.

**62.** Article 938.2 of the Code is amended

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

“**938.2.** A municipality may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the fourth line of the second paragraph by “Centre de services partagés du Québec”.

**ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE  
DE MONTRÉAL****63.** Section 114 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

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

“**114.** The Community may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the third and fourth lines of the second paragraph by “Centre de services partagés du Québec”.

**ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE  
DE QUÉBEC****64.** Section 107 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended

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

“**107.** The Community may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the fourth line of the second paragraph by “Centre de services partagés du Québec” and by replacing “Financial Administration Act (chapter A-6.001)” in the last line of that paragraph by “Public Administration Act (chapter A-6.01)”.

**ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS  
IN THE BOOK INDUSTRY****65.** Section 6 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by replacing “Act respecting government services to departments and public bodies (chapter S-6.1)” in

subparagraph 3 of the fourth paragraph by “Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ELECTION ACT

**66.** Section 488.1 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing “Act respecting government services to departments and public bodies (chapter S-6.1)” in the second and third lines of the third paragraph by “Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### HYDRO-QUÉBEC ACT

**67.** Section 47 of the Hydro-Québec Act (R.S.Q., chapter H-5) is repealed.

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

**68.** Section 14 of the Act respecting the Ministère de la Culture et des Communications (R.S.Q., chapter M-17.1) is amended by replacing “minister responsible for the administration of the Act respecting government services to departments and public bodies (chapter S-6.1),” in the first, second and third lines of paragraph 10 by “minister responsible for the administration of the Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

**69.** Section 32.17 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by replacing “the General Purchasing Director designated under the Act respecting the Service des achats du gouvernement (chapter S-4)” in the first, second and third lines by “the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES

**70.** Section 30 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1) is amended by replacing “Notwithstanding subparagraph 2 of the first paragraph of section 2 of the Act respecting government services to departments and public bodies (chapter S-6.1)” in the first, second and third lines of the first paragraph by “Despite the Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**71.** Section 12.41 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by replacing “Act respecting government services to departments and public bodies (chapter S-6.1)” in the second and third lines

of subparagraph 2 of the first paragraph by “Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**72.** Section 3.17 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by replacing “Notwithstanding subparagraph 2 of the first paragraph of section 2 of the Act respecting government services to departments and public bodies (chapter S-6.1)” in the first, second and third lines by “Despite the Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**73.** Section 176.0.1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing “the Act respecting the Service des achats du gouvernement (chapter S-4), the Act respecting government services to departments and public bodies (chapter S-6.1)” in the first, second, third and fourth lines by “section 10 of the Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING THE SERVICE DES ACHATS DU GOUVERNEMENT

**74.** The Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is repealed.

#### ACT RESPECTING GOVERNMENT SERVICES TO DEPARTMENTS AND PUBLIC BODIES

**75.** The title of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) is replaced by the following title:

“Act respecting the government air service fund”.

**76.** Chapters I and II of the Act, comprising sections 1 to 10 and including the headings, are repealed.

**77.** The heading of Chapter III of the Act is replaced by the following heading:

“GOVERNMENT AIR SERVICE FUND”.

**78.** Section 11 of the Act is replaced by the following section:

“**11.** The government air service fund is established within the department designated by the Government.”

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

**“12.** The Government may change the name under which the fund is established or put an end to its activities.”

**80.** Section 13 of the Act is replaced by the following section:

**“13.** The Government shall determine the assets and liabilities of the fund and the nature of the costs that may be charged to the fund. It shall designate the departments and public bodies that must, to the extent it determines, call on the services of the fund.”

**81.** Section 14 of the Act is amended by replacing “Each” in the first line by “The”.

**82.** Section 15 of the Act is amended

- (1) by replacing “funds” in the first line of the first paragraph by “fund”;
- (2) by replacing “funds” in the second line of the second paragraph by “fund” and by replacing “them” in the third line of that paragraph by “it”.

**83.** Section 16 of the Act is amended

- (1) by replacing “funds” in the second line of the first paragraph by “fund”;
- (2) by replacing “a” in the third line of the second paragraph by “the”;
- (3) by replacing “a” in the third paragraph by “the”.

**84.** Section 16.1 of the Act is amended by replacing “a fund” in the first line of the second paragraph by “the fund”.

**85.** Section 17 of the Act is amended by replacing “a” in the third line by “the” and “that” in the fourth line by “the”.

**86.** Section 18 of the Act is amended by replacing “a” in the first line by “the”.

**87.** Section 19 of the Act is amended by replacing “funds” in the second line by “fund”.

**88.** Section 20 of the Act is amended by replacing “a” by “the”.

**89.** Section 21 of the Act is amended by replacing “funds” in the third line by “fund”.

**90.** Section 21.2 of the Act is amended by replacing “a special” in the second line of the first paragraph by “the special”.

**91.** Chapter IV of the Act, comprising sections 22 to 29 and including the heading, is repealed.

#### ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

**92.** Section 34 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) is amended by replacing “Act respecting the Service des achats du gouvernement (chapter S-4)” in the second line of subparagraph 2 of the first paragraph by “Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’INFORMATION JURIDIQUE

**93.** Section 3 of the Act respecting the Société québécoise d’information juridique (R.S.Q., chapter S-20) is amended by replacing “Act respecting government services to departments and public bodies (chapter S-6.1)” in the second and third lines of paragraph *f* by “Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

**94.** Section 23 of the Act is amended by replacing “Act respecting government services to departments and public bodies (chapter S-6.1)” in the first and second lines by “Act respecting the Centre de services partagés du Québec (2005, chapter 7)”.

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**95.** Section 104 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended

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

“**104.** A transit authority may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the fourth line of the second paragraph by “Centre de services partagés du Québec” and by replacing “Financial Administration Act (chapter A-6)” in the last line of that paragraph by “Public Administration Act (chapter A-6.01)”.

#### ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**96.** Section 207.1 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

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

**“207.1.** A municipality may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the fourth line of the second paragraph by “Centre de services partagés du Québec”.

**97.** Section 358.5 of the Act is amended

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

**“358.5.** The Regional Government may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (2005, chapter 7).”;

(2) by replacing “General Purchasing Director” in the fourth line of the second paragraph by “Centre de services partagés du Québec”.

## CHAPTER VIII

### TRANSITIONAL PROVISIONS

**98.** The Centre de services partagés du Québec, established under section 1 of this Act, replaces the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4), the Minister of Relations with the Citizens and Immigration as regards functions under the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) that were assigned to the Minister by Order in Council 564-2003 dated 29 April 2003, and the Minister responsible for the Act respecting government services to departments and public bodies as regards the functions exercised by the Minister under that Act, except for functions relating to the government air service. The Centre acquires the related rights and assumes the related obligations.

**99.** The Government may, to the extent and on the conditions it determines, transfer to the Centre any record, document or property in the possession of the chair of the Conseil du trésor, the Minister of Relations with the Citizens and Immigration or the minister responsible for the administration of the Act respecting government services to departments and public bodies before (*insert the date of coming into force of this section*) that the Centre requires for the exercise of the functions referred to in section 5.

**100.** The Centre becomes, without continuance of suit, a party to all proceedings to which the General Purchasing Director, the Minister responsible for the Act respecting government services to departments and public bodies and the Minister of Relations with the Citizens and Immigration was a party with respect to the functions referred to in section 98.



**101.** The government air service fund succeeds to the Fonds des services gouvernementaux to the extent provided for in an order that may provide for a transfer of assets and liabilities.

**102.** The assets and liabilities of the Fonds de l'information gouvernementale established by Order in Council 1130-96 dated 11 September 1996 are transferred to the Centre de services partagés du Québec.

**103.** Unless the context indicates otherwise, in any other Act and in any regulation, order or other document, a reference to the General Purchasing Director is a reference to the Centre de services partagés du Québec.

**104.** Every person or body that on (*insert the date of coming into force of this section*) is required to use the services of the General Purchasing Director for the acquisition of property or services or for the alienation of property under the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or under the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) is required, to the same extent, to use the services of the Centre de services partagés du Québec established under this Act, until exempted by an order.

**105.** The Regulation respecting the *Gazette officielle du Québec* (R.R.Q., chapter S-6.1, r.0.2) is deemed to have been made under section 44 of the Act respecting the Centre de services partagés du Québec (2005, chapter 7).

**106.** The employees assigned to functions referred to in section 98 become, without further formality, employees of the Centre de services partagés du Québec if a decision providing for their transfer is made by the Conseil du trésor before (*insert the date occurring one year after the date of coming into force of this section*).

**107.** The sums required for the purposes of this Act for the fiscal year 2005-2006 are taken out of the consolidated revenue fund to the extent determined by the Government.

## CHAPTER IX

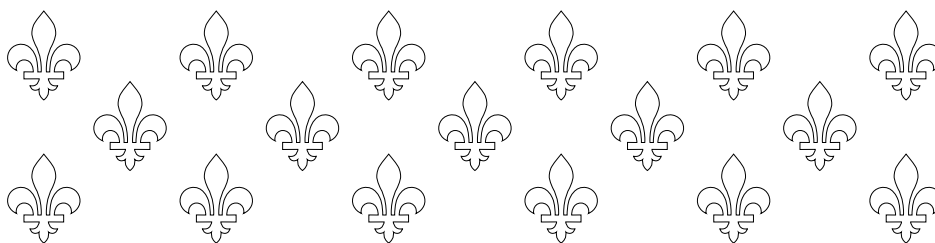
### FINAL PROVISIONS

**108.** Not later than (*insert the date occurring five years after the date of coming into force of section 5*) and subsequently every five years, the Minister must ensure that the carrying out of this Act is the subject of an independent report. The report must include an account of the Centre's management of the personal information it holds.

The Minister lays the report before the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption. The report is examined by the appropriate committee of the National Assembly.

**109.** The Minister of Government Services is responsible for the administration of this Act.

**110.** The provisions of this Act come into force on the date or dates to be set by the Government.



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 114  
(2005, chapter 9)

## **Appropriation Act No. 1, 2005-2006**

---

---

**Introduced 1 June 2005**  
**Passage in principle 1 June 2005**  
**Passage 1 June 2005**  
**Assented to 1 June 2005**

---

**Québec Official Publisher**  
**2005**

## EXPLANATORY NOTES

*This bill authorizes the Government to pay out of the consolidated revenue fund, for the 2005-2006 fiscal year, a sum not exceeding \$27,538,026,699.00, including \$445,500,000.00 for the payment of expenditures chargeable to the 2006-2007 fiscal year, representing the estimates in respect of each of the programs in the portfolios listed in Schedules 1 and 2 less the appropriations already authorized.*

*Moreover, the bill indicates which programs are covered by a net voted appropriation and specifies the amount of appropriations not entirely expended that may be carried over to 2006-2007. Finally, it establishes to what extent the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.*

## Bill 114

### APPROPRIATION ACT NO. 1, 2005-2006

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The Government may draw out of the consolidated revenue fund a sum not exceeding \$27,538,026,699.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2005-2006 fiscal year, for which provision has not otherwise been made, including an amount of \$445,500,000.00 for the payment of expenditures chargeable to the 2006-2007 fiscal year, being the amount of the estimates for each of the programs listed in Schedules 1 and 2, less the amounts totalling \$11,823,429,201.00 of the estimates voted pursuant to the Act to authorize certain appropriations necessary for the administration of the Government from 1 April 2005 (2005, chapter 4).
- 2.** The balance of any appropriation allocated for the 2005-2006 fiscal year that is not entirely used may, subject to the conditions stipulated in the Expenditure Budget, be carried over in 2006-2007, up to the equivalent of \$121,542,600.00. Moreover, the Conseil du trésor may authorize the carry-over of an additional \$128,516,500.00 subject to the conditions and procedures stipulated in the Expenditure Budget.
- 3.** In the case of programs in respect of which a net voted appropriation appears in the Expenditure Budget, the amount of the appropriation pertaining to the programs concerned may be increased, subject to the stipulated conditions, when the revenues associated with this net voted appropriation exceed revenue forecasts.
- 4.** In the case of programs in respect of which a provision has been made to this effect, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs or portfolios, for the reasons and, if need be, under the conditions described in the Expenditure Budget.
- 5.** Except for the programs covered by section 4, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs in a given portfolio, provided that such a transfer does not increase or reduce by more than 10% the amount of the appropriation authorized by statute.
- 6.** This Act comes into force on 1 June 2005.

## SCHEDULE 1

## AFFAIRES MUNICIPALES ET RÉGIONS

## PROGRAM 1

Greater Montréal Promotion and Development	44,925,300.00
--	---------------

## PROGRAM 2

Upgrading Infrastructure and Urban Renewal	285,871,000.00
--	----------------

## PROGRAM 3

Compensation in lieu of Taxes and Financial Assistance to Municipalities	230,261,900.00
--	----------------

## PROGRAM 4

General Administration	39,434,925.00
------------------------	---------------

## PROGRAM 5

Regional Development and Rurality	22,875,400.00
-----------------------------------	---------------

## PROGRAM 6

Commission municipale du Québec	2,030,400.00
---------------------------------	--------------

## PROGRAM 7

Housing	236,539,550.00
---------	----------------

## PROGRAM 8

Régie du logement	10,508,975.00
-------------------	---------------

---

872,447,450.00

## AGRICULTURE, PÊCHERIES ET ALIMENTATION

## PROGRAM 1

Bio-food Company Development, Training and Food Quality	260,507,850.00
--	----------------

## PROGRAM 2

Government Agencies	113,856,300.00
	<hr/>
	374,364,150.00

## CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

## PROGRAM 1

Secrétariat du Conseil du trésor	88,627,100.00
----------------------------------	---------------

## PROGRAM 2

Commission de la fonction publique	2,438,225.00
------------------------------------	--------------

## PROGRAM 3

Retirement and Insurance Plans	3,291,525.00
--------------------------------	--------------

## PROGRAM 4

Contingency Fund	631,361,975.00
------------------	----------------

---

	725,718,825.00
--	----------------



## CONSEIL EXÉCUTIF

## PROGRAM 1

Lieutenant-Governor's Office	643,125.00
------------------------------	------------

## PROGRAM 2

Support Services for the Premier and the Conseil exécutif	49,490,500.00
--	---------------

## PROGRAM 3

Canadian Intergovernmental Affairs	7,704,725.00
------------------------------------	--------------

## PROGRAM 4

Native Affairs	113,578,975.00
----------------	----------------

## PROGRAM 5

Youth	7,742,200.00
-------	--------------

## PROGRAM 6

Reform of Democratic Institutions and Access to Information	4,289,100.00
--	--------------

---

183,448,625.00

## CULTURE ET COMMUNICATIONS

## PROGRAM 1

Internal Management, National Institutions and Commission des biens culturels	56,621,375.00
--	---------------

## PROGRAM 2

Support for Culture, Communications and Government Corporations	313,704,825.00
--	----------------

## PROGRAM 3

Charter of the French Language	16,555,575.00
	<hr/>
	386,881,775.00

## DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET PARCS

## PROGRAM 1

Environmental Protection and Parks Management	128,984,341.00
--	----------------

## PROGRAM 2

Bureau d'audiences publiques sur l'environnement	3,912,950.00
---	--------------

---

132,897,291.00

## DÉVELOPPEMENT ÉCONOMIQUE, INNOVATION ET EXPORTATION

## PROGRAM 1

Department Administration	25,550,175.00
---------------------------	---------------

## PROGRAM 2

Economic Development and Assistance to Enterprises	215,034,875.00
---	----------------

## PROGRAM 3

Research, Science and Technology	162,608,000.00
	<hr/>
	403,193,050.00

## ÉDUCATION, LOISIR ET SPORT

## PROGRAM 1

Administration and Consulting	111,527,775.00
-------------------------------	----------------

## PROGRAM 2

Tourism and Hotel Industry Training	14,521,900.00
-------------------------------------	---------------

## PROGRAM 3

Financial Assistance for Education	351,637,375.00
------------------------------------	----------------

## PROGRAM 4

Pre-school, Primary and Secondary Education	4,909,698,550.00
--	------------------

## PROGRAM 5

Higher Education	2,216,996,375.00
------------------	------------------

## PROGRAM 6

Development of Recreation and Sport	24,205,800.00
	<hr/>
	7,628,587,775.00

## EMPLOI ET SOLIDARITÉ SOCIALE

## PROGRAM 1

Employment Assistance Measures	672,163,400.00
--------------------------------	----------------

## PROGRAM 2

Financial Assistance Measures	1,814,072,600.00
-------------------------------	------------------

## PROGRAM 3

Management Support	131,124,375.00
--------------------	----------------

---

	2,617,360,375.00
--	------------------

## FAMILLE, AÎNÉS ET CONDITION FÉMININE

## PROGRAM 1

Planning, Research and Administration	20,516,400.00
---------------------------------------	---------------

## PROGRAM 2

Assistance Measures for Families	955,305,625.00
----------------------------------	----------------

## PROGRAM 3

Condition of the Elderly	2,049,800.00
--------------------------	--------------

## PROGRAM 4

Status of Women	4,290,575.00
-----------------	--------------

## PROGRAM 5

Public Curator	32,145,225.00
----------------	---------------

---

	1,014,307,625.00
--	------------------

## FINANCES

## PROGRAM 1

Department Administration	45,479,550.00
---------------------------	---------------

## PROGRAM 2

Budget and Taxation Policy, Economic Analysis and Administration of Government Financial and Accounting Activities	109,154,050.00
	<hr/>
	154,633,600.00



## IMMIGRATION ET COMMUNAUTÉS CULTURELLES

## PROGRAM 1

Immigration, Integration and Cultural Communities	77,865,550.00
--	---------------

## PROGRAM 2

Organization Reporting to the Minister	517,800.00
	<hr/>
	78,383,350.00

## JUSTICE

## PROGRAM 1

Judicial Activity	19,131,600.00
-------------------	---------------

## PROGRAM 2

Administration of Justice	228,971,693.00
---------------------------	----------------

## PROGRAM 3

Administrative Justice	11,876,930.00
------------------------	---------------

## PROGRAM 4

Assistance to Persons Brought before the Courts	144,926,400.00
--	----------------

## PROGRAM 5

Protection Organization Reporting to the Minister	5,547,050.00
--	--------------

---

	410,453,673.00
--	----------------

## PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

## PROGRAM 1

The Public Protector	5,702,675.00
----------------------	--------------

## PROGRAM 2

The Auditor General	15,119,025.00
---------------------	---------------

## PROGRAM 4

The Lobbyists Commissioner	2,058,225.00
----------------------------	--------------

---

	22,879,925.00
--	---------------

## RELATIONS INTERNATIONALES

## PROGRAM 1

International Affairs	68,776,275.00
	<hr/>
	68,776,275.00

## RESSOURCES NATURELLES ET FAUNE

## PROGRAM 1

Management of Natural Resources and Wildlife	267,643,800.00
	<hr/>
	267,643,800.00

## REVENU

## PROGRAM 1

Tax Administration	330,700,050.00
	<hr/>
	330,700,050.00

## SANTÉ ET SERVICES SOCIAUX

## PROGRAM 1

National Operations	206,371,750.00
---------------------	----------------

## PROGRAM 2

Regional Operations	9,134,989,975.00
---------------------	------------------

## PROGRAM 3

Office des personnes handicapées du Québec	35,996,485.00
---	---------------

---

	9,377,358,210.00
--	------------------

## SÉCURITÉ PUBLIQUE

## PROGRAM 1

Security, Prevention and Internal Management	296,511,950.00
---	----------------

## PROGRAM 2

Sûreté du Québec	248,941,050.00
------------------	----------------

## PROGRAM 3

Agencies Reporting to the Minister	21,069,650.00
	<hr/>
	566,522,650.00



## SERVICES GOUVERNEMENTAUX

## PROGRAM 1

Government Services	53,859,850.00
	<hr/>
	53,859,850.00

## TOURISME

## PROGRAM 1

Promotion and Development of Tourism	89,795,450.00
	<hr/>
	89,795,450.00

## TRANSPORTS

## PROGRAM 1

Transportation Infrastructures	910,310,950.00
--------------------------------	----------------

## PROGRAM 2

Transportation Systems	290,058,775.00
------------------------	----------------

## PROGRAM 3

Administration and Corporate Services	67,286,825.00
---------------------------------------	---------------

## PROGRAM 4

Promotion and Development of Québec's Capital	19,058,200.00
--	---------------

---

	1,286,714,750.00
--	------------------

## TRAVAIL

## PROGRAM 1

Labour

45,598,175.00

45,598,175.00

27,092,526,699.00

## SCHEDULE 2

## EMPLOI ET SOLIDARITÉ SOCIALE

## PROGRAM 2

Financial Assistance Measures	279,000,000.00
	<hr/>
	279,000,000.00

## FAMILLE, AÎNÉS ET CONDITION FÉMININE

## PROGRAM 2

Assistance Measures for Families	160,000,000.00
	<hr/>
	160,000,000.00

## TRAVAIL

## PROGRAM 1

Labour

6,500,000.00

6,500,000.00

445,500,000.00





---

## Coming into force of Acts

---

Gouvernement du Québec

### **O.C. 511-2005, 1 June 2005**

#### **An Act to amend the Securities Act (2001, c. 38) — Coming into force of section 22**

COMING INTO FORCE of section 22 of the Act to amend the Securities Act (2001, c. 38)

WHEREAS the Act to amend the Securities Act (2001, c. 38) was assented to on 1 November 2001;

WHEREAS section 101 of the Act provides that it comes into force on 1 November 2001, except paragraph 3 of section 5, sections 8 to 13, 15 to 17, paragraph 2 of section 18 and sections 19, 20, 22 to 33, 35 to 52, 54, 58 to 60, 64, 82 and 100, which come into force on the date or dates to be fixed by the Government;

WHEREAS Order in Council 629-2003 dated 4 June 2003 fixed 27 June 2003 as the date of coming into force of sections 8 to 11, 15 to 17, paragraph 2 of section 18 and sections 19, 20, 24 to 33, 35 to 52, 54, 59, 60, 82 and 100 of the Act;

WHEREAS it is expedient to fix 1 June 2005 as the date of coming into force of section 22 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT section 22 of the Act to amend the Securities Act (2001, c. 38) come into force on 1 June 2005.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

6874



## Regulations and other acts

Gouvernement du Québec

### O.C. 519-2005, 1 June 2005

Professional Code  
(R.S.Q., c. C-26)

**Optométristes**  
— **Equivalence standards for the issue**  
**of a permit by the Ordre**  
— **Amendment**

Regulation to amend the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS the Bureau of the Ordre des optométristes du Québec adopted the Regulation to amend the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec;

WHEREAS, under section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 6 October 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, no comments were made to the Office des professions du Québec following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, attached hereto, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec \*

Professionnal Code  
(R.S.Q., c. C-26)

**1.** The Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec is hereby amended via the replacement of article 7 with the following:

“7. A person holding a diploma in optometry issued by an educational institution outside Québec shall be granted a diploma equivalence if the diploma was obtained upon completion of university studies comprising the equivalent of 197 credits, 169 of which shall be apportioned as follows:

1) 50 credits in biological and biomedical sciences, which must pertain specifically to human and ocular anatomy, general and ocular histology, general and ocular physiology, general and ocular pharmacology, general and ocular pathology and microbiology;

\* The Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec approved by Order in Council 452-99 of April 21, 1999 (1999, *G.O.* 2, 1645) has not been amended since that time.

2) 16 credits in optics, which must pertain specifically to geometric, physical, and ophthalmic optics;

3) 15 credits in vision science;

4) 52 credits in optometric science, which must pertain specifically to general optometry, orthoptics, contact lenses and low vision;

5) 36 credits obtained following a clinical training period, which must be completed specifically in the areas of general optometry, orthoptics, contact lenses and low vision.

Each credit shall represent 15 hours of attendance in class or 45 hours worked in the course of a training period.”

**2.** This regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

6868

Gouvernement du Québec

**O.C. 520-2005**, 1 June 2005

Professional Code  
(R.S.Q., c. C-26)

**Clinical perfusionist  
— Professional activities which may be performed  
by a clinical perfusionist**

Regulation respecting the professional activities which may be performed by a clinical perfusionist

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the bureau 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 95 of the Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Bureau of the Collège des médecins du Québec adopted the Regulation respecting professional activities that may be performed by a clinical perfusionist;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 November 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities which may be performed by a clinical perfusionist, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**Regulation respecting the professional  
activities which may be performed by  
a clinical perfusionist**

Professional Code  
(R.S.Q., c. C-26, s. 94 *h*)

**1.** The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians those which, following an individual or collective prescription, may be performed by clinical perfusionist or by others persons in a centre operated by an institution pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) or in the course of the inter-hospital transportation of a patient or of an organ.

**2.** In this Regulation, “clinical perfusionist” means:

(1) any person who holds a clinical perfusionist diploma issued by Université de Montréal;

(2) any person who was a clinical perfusionist on 30 April 2003;

**3.** A clinical perfusionist may perform the following professional activities:

(1) starting, supervising, maintaining, transporting, discontinuing or stopping the circulatory supports;

(2) regulating oxygen flow-metres on the circulatory supports;

(3) administer medications or other substances through injection or inhalation in the circuit of the circulatory supports;

(4) adjusting the anticoagulation according to coagulation time and hematologic tests;

(5) performing arterial and venous samples through catheters already in place or through the circuit of the circulatory supports;

(6) performing, analyzing and interpreting blood gas and performing the necessary regulation of the oxygen flow-metres on the circulatory supports;

(7) inducing hypothermia or hyperthermia by way of circulatory supports;

(8) starting and discontinuing the circulatory arrest during an extracorporeal circulation;

(9) performing a treatment by way of ultrafiltration or hemodialysis through the circulatory supports;

(10) starting and supervising the devices used for autotransfusion and plasmapheresis in the operating room or in the intensive care unit;

(11) irrigate the arterial or venous catheter with an heparin solution;

(12) programming the pacemaker.

**4.** A student duly enrolled in a program of studies leading to a diploma as contemplated in the first paragraph of section 2, may perform, pursuant to section 3, any activities that may be performed by a clinical perfusionist insofar as they are required for the completion of this program.

**5.** This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

6869

Gouvernement du Québec

## O.C. 521-2005, 1 June 2005

Professional Code  
(R.S.Q., c. C-26)

### Huissiers de justice

#### — Terms and conditions for the issue of a permit

#### by the Chambre

#### — Amendment

Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the bureau 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, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Code, the bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS the Bureau of the Chambre des huissiers de justice du Québec made the Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec;

WHEREAS, under section 95 of the Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 December 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec, attached hereto, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec\***

Professional Code  
(R.S.Q., c. C-26, s. 94 pars. *h* and *i*)

**1.** The Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de Justice du Québec is amended in section 23 by replacing “2005” by “2006”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6870

Gouvernement du Québec

### **O.C. 522-2005, 1 June 2005**

Podiatry Act  
(R.S.Q., c. P-12)

#### **Podiatrist**

**— Medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients**

#### **— Amendments**

Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients

WHEREAS, under section 12 of the Podiatry Act (R.S.Q., c. P-12), the Office des professions du Québec shall prepare periodically, by regulation, after consultation with the Conseil du médicament, the Ordre des podiatres du Québec, the Ordre des médecins du Québec and the Ordre des pharmaciens du Québec, a list of the medications which a podiatrist may use in the practice of his profession or which he may administer or prescribe to his patients, and determine, where required, the conditions subject to which a podiatrist may administer and prescribe such medications;

WHEREAS, under that section, the Office made the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, approved by Order in Council 1057-91 dated 24 July 1991;

WHEREAS, under that section, after consultation with the Conseil du médicament, the Ordre des podiatres du Québec, the Ordre des médecins du Québec and the Ordre des pharmaciens du Québec, the Office at its sitting of 17 June 2004 made the Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients;

WHEREAS, in accordance with section 13 of the Professional Code (R.S.Q., c. C-26), every regulation made by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 7 July 2004

\* The Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de Justice du Québec, approved by Order in Council 449-99 dated 21 April 1999 (1999, *G.O.* 2, 1101), has been amended once, by the regulation approved by Order in Council 437-2002 dated 10 April 2002 (2002, *G.O.* 2, 2234).

with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 13 of the Professional Code, the Office des professions du Québec is submitting the Regulation to the Government for approval;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients\***

Podiatry Act  
(R.S.Q., c. P-12, s. 12)

**1.** Schedule I to the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients is amended

(1) by replacing “Bétaméthasone, dipropionate de” in the French text by “Bétaméthasone, dipropionate de”;

(2) by inserting “Lorazepam” and the following specification after “Loratadine”:

“Pharmaceutical form intended for oral and sublingual administration in anticipation of surgical procedures, containing 0.5 mg or 1 mg of Lorazepam per tablet

\* The Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, approved by Order in Council 1057-91 dated 24 July 1991 (1991, *G.O.* 2, 3231), has been amended once, by the regulation approved by Order in Council 142-2003 dated 12 February 2003 (2003, *G.O.* 2, 1013).

Quantity limited to 4 tablets”.

**2.** Schedule II is amended

(1) by inserting “Betamethasone acetate and phosphate” and the following specification after “Benzocaine”:

“Pharmaceutical forms intended for administration by intramuscular or intradermal injection”;

(2) by striking out “Pharmaceutical forms intended for topical application and administration per intradermal or intramuscular injection” in the specification for “Betamethasone dipropionate”;

(3) by inserting “Lorazepam” and the following specification after “Loratadine”:

“Pharmaceutical form intended for oral and sublingual administration in anticipation of surgical procedures, containing 0.5 mg or 1 mg of Lorazepam per tablet

Quantity limited to 4 tablets”.

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6871

Gouvernement du Québec

**O.C. 523-2005, 1 June 2005**

Professional Code  
(R.S.Q., c. C-26)

### **Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit by the Ordre**

Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS the Bureau of the Ordre des technologues en radiologie du Québec made the Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall 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 (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 November 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office des professions du Québec received no comments following publication of the draft Regulation;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

---

## **Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 93, par. c)

### **DIVISION I GENERAL**

**1.** The secretary of the Ordre des technologues en radiologie du Québec shall send a copy of this Regulation to a candidate wishing to be granted an equivalence for a diploma issued by an educational institution outside Québec or a training equivalence to be issued a permit by the Order.

**2.** In this Regulation,

(1) “diploma equivalence” means recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), that a diploma issued by an educational institution outside Québec certifies that the level of knowledge and skills attained by its holder is equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit of the Order;

(2) “training equivalence” means recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Code, that the training of a candidate shows that the candidate has the level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit of the Order.

### **DIVISION II DIPLOMA EQUIVALENCE STANDARDS**

**3.** A candidate holding a diploma issued by an educational institution outside Québec shall be granted an equivalence of diploma if the diploma was issued upon completion of studies of a level equivalent to the college level comprising a minimum of training hours apportioned as follows:

(1) 2805 hours of training including 2125 hours of specific training in radiodiagnostic technology apportioned as follows:



- (a) 100 hours of anatomy and physiology applied to radiodiagnostics;
- (b) 115 hours of physics applied to radiodiagnostics;
- (c) 115 hours on radiodiagnostic apparatus;
- (d) 50 hours in pharmacology and medication administration methods;
- (e) 60 hours of care and health and safety in radiodiagnostics;
- (f) 55 hours of helping relationships and communication in radiodiagnostics;
- (g) 80 hours of image production in radiodiagnostics;
- (h) 75 hours of radioprotection;
- (i) 275 hours of examination methods in general radiology, tomodesitometry and ultra-sonography;
- (j) 50 hours of examination methods in radiology and magnetic resonance imagery;
- (k) 920 hours of clinical practice in general radiodiagnostics;
- (l) 115 hours of clinical practice in ultra-sonography; and
- (m) 115 hours of clinical practice in tomodesitometry;
- (2) 2925 hours of training including 2260 hours of specific training in nuclear medicine technology apportioned as follows:
- (a) 60 hours of chemistry applied to nuclear medicine;
- (b) 45 hours of measuring and image production in nuclear medicine;
- (c) 75 hours of electronics applied to nuclear medicine;
- (d) 60 hours on the effects of radiation on matter and living beings;
- (e) 105 hours on mathematical problems in nuclear medicine;
- (f) 60 hours in biochemistry applied to nuclear medicine;
- (g) 45 hours of care methods in nuclear medicine;
- (h) 75 hours in radiopharmacology;
- (i) 60 hours of health and safety and radioprotection in nuclear medicine;
- (j) 90 hours of anatomy and physiology applied to nuclear medicine;
- (k) 175 hours on apparatus in nuclear medicine;
- (l) 60 hours of helping relationships and communication in nuclear medicine;
- (m) 75 hours in data input in nuclear medicine;
- (n) 75 hours of quality control in nuclear medicine;
- (o) 75 hours on the components of urinary and central nervous systems;
- (p) 60 hours on the components of the heart and circulatory system;
- (q) 105 hours on the components of the osteo-articular and endocrinian systems;
- (r) 90 hours on the components of the digestive and respiratory systems and other systems; and
- (s) 870 of clinical practice; or
- (3) 2595 hours of training including 1915 hours of specific training in radio-oncology technology apportioned as follows:
- (a) 100 hours of anatomy and physiology applied to radio-oncology;
- (b) 125 hours of physics applied to radio-oncology;
- (c) 60 hours of health and safety and radioprotection;
- (d) 75 hours on apparatus and telerradiotherapy;
- (e) 95 hours of dosimetry;
- (f) 60 hours of radio-oncology;
- (g) 160 hours of care methods in external radiotherapy;
- (h) 45 hours on the making of accessories in radio-oncology;
- (i) 40 hours in brachytherapy;
- (j) 95 hours of simulation methods;

(k) 60 hours of helping relationships and communication in radio-oncology ;

(l) 700 hours of clinical practice in external radiotherapy ;

(m) 150 hours of clinical practice in simulation ; and

(n) 150 hours of clinical practice in dosimetry.

**4.** Despite section 3, where the diploma in respect of which an equivalence application has been filed was issued more than 5 years prior to the application and the candidate's knowledge, taking into account developments in the profession, no longer corresponds to the knowledge which at the time of the application is being taught in a program of studies leading to a diploma recognized by a regulation of the Government made under the first paragraph of section 184 of the Code as giving access to the permits, the candidate shall be granted a training equivalence in accordance with section 5, if the candidate has acquired the required level of knowledge and skills since the diploma was obtained.

### DIVISION III TRAINING EQUIVALENCE STANDARDS

**5.** A candidate shall be granted a training equivalence if the candidate demonstrates that his or her level of knowledge and skills in radiodiagnostic technology, nuclear medicine technology and radio-oncology technology is equivalent to the level of knowledge acquired by the holder of a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit of the Order.

To determine the training equivalence of a candidate, the Bureau shall take all the following factors into consideration :

(1) the nature and duration of the relevant work experience of the candidate ;

(2) the nature and content of the courses taken and the results obtained ;

(3) the training periods and the other continuing training or upgrading activities ;

(4) the total number of years of schooling ; and

(5) the fact that the candidate holds one or more diplomas issued in Québec or elsewhere.

### DIVISION IV EQUIVALENCE RECOGNITION PROCEDURE

**6.** A candidate applying in writing for a diploma equivalence or a training equivalence to be issued a permit of the Order shall provide the secretary of the Order with the following supporting documents, and with the fees for examination of the application payable pursuant to paragraph 8 of section 86.0.1 of the Code :

(1) the candidate's academic record including a description of the courses taken, the number of hours of each and the results obtained ;

(2) a copy of the diplomas held by the candidate, certified by the educational institution ;

(3) an attestation of the candidate's successful completion of the training periods ;

(4) an attestation and description of the candidate's relevant work experience ; and

(5) where applicable, an attestation of the candidate's participation in continuing training or upgrading activities in the field since the diploma was obtained.

**7.** Where the documents forwarded in support of an equivalence application are written in a language other than French or English, they must be accompanied by a translation in French or in English attested to by a sworn declaration from the person who did the translation.

**8.** The person designated by the Bureau to examine the equivalence applications shall make the appropriate recommendations to the Bureau.

In order to make an appropriate recommendation, that person may require the applicant for a training equivalence to come to an interview, to pass an examination, to complete a training period, or all three of those.

**9.** At the first meeting following the date of receipt of the recommendation referred to in section 9, the Bureau of the Order shall decide

(1) to grant a diploma or training equivalence to the candidate ;

(2) to recognize part of the training equivalence of the candidate ; or

(3) to refuse to recognize the diploma or training equivalence of the candidate.

The Bureau shall notify the candidate of its decision by registered mail within 15 days of the decision.

Where the Bureau refuses to recognize the equivalence applied for or recognizes part of the training equivalence, it must, at the same time, inform the candidate in writing of the programs of study or, as the case may be, additional training, training periods or examinations that must be successfully completed, within the time period allowed, for the equivalence to be granted.

**10.** A candidate who is informed of the Bureau's decision not to recognize the equivalence applied for or to recognize part of it may apply to the Bureau for review, provided that the candidate applies to the secretary in writing within 30 days after the date on which the decision is received.

The Bureau shall, at the first regular meeting following the date of receipt of the application, study the application for review. It must, before making a decision, allow the candidate to make submissions at the meeting.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date of the meeting. The candidate may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

The decision of the Bureau is final and must be sent to the candidate in writing by registered mail within 30 days following the date of the meeting.

**11.** This Regulation replaces the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the *Ordre des techniciens en radiologie du Québec*, approved by Order in Council 1439-92 dated 23 September 1992.

An application for the recognition of a diploma in respect of which the committee referred to in section 5 of that Regulation has, before the date of coming into force of this Regulation, sent its recommendation to the Bureau of the Order, is examined according to the Regulation that this Regulation replaces.

**12.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6872

Gouvernement du Québec

## O.C. 524-2005, 1 June 2005

Professional Code  
(R.S.Q., c. C-26)

### **Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders — Amendment**

Regulation to amend the Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the Government may, by regulation, after obtaining the advice of the Office des professions du Québec, in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, that is the *Ordre professionnel de la physiothérapie*, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before giving its advice to the Government, consult the educational institutions and the order concerned, the *Conférence des recteurs et des principaux des universités du Québec*, in the case of a university-level diploma, the *Fédération des cégeps*, in the case of a college-level diploma and the Minister of Education, Recreation and Sports;

WHEREAS, pursuant to that provision, the Office carried out the required consultations;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 20 October 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, following that publication, no comments were sent to the Chair of the Office;

WHEREAS, on 9 February 2005, the *Ordre de la physiothérapie* agreed to the proposed amendments;

WHEREAS, on 23 February 2005, the Office gave an opinion favourable to the Regulation attached to this Order in Council to being made by the Government;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders \***

Professional Code  
(R.S.Q., c. C-26, s. 184, 1st par.)

**1.** The Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by inserting the following after section 2.11:

“**2.12.** The diploma of college studies awarded by the Minister of Education, Recreation and Sports following studies completed in physical rehabilitation technology at the Chicoutimi, François-Xavier-Garneau, Marie-Victorin, Montmorency and Sherbrooke general and vocational colleges gives access to the permit of physical rehabilitation therapist issued by the Ordre de la physiothérapie du Québec.”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6873

\* The Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1064-2004 dated 16 November 2004 (2004, *G.O.* 2, 3155). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Gouvernement du Québec

**Agreement**

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF DONNACONA, a legal person established in the public interest, having its head office at 138, avenue Pleau, Donnacona, Province of Québec, represented by the mayor, Mr. André Marcoux, and the clerk, Mr. Bernard Naud, under resolution number 2004-09-283, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2004-02-47, passed at its meeting of February 9, 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 6, 2005, in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 6, 2005 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of September 13, 2004, resolution No. 2004-09-283 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

## 3. ELECTION

3.1 For the purposes of the general election of November 6, 2005 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

#### 4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms :

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day ;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation ;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way ;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode ;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator ;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

#### 5. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI inc.*, to recognize and tally ballot papers in accordance with this agreement.

#### 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

##### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

##### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act :

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

##### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act :

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box ;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box ;

(3) facilitate the exercise of the right to vote and ensure that voting is secret ;

(4) ensure that the electronic ballot box functions correctly ;

(5) print out the results compiled by the electronic ballot box at the closing of the poll ;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box ;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes ;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card ;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

- (1) assist the senior deputy returning officer in the latter's duties;
- (2) receive any elector referred by the senior deputy returning officer;
- (3) verify the polling booths in the polling place;
- (4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station;
- (2) ensure that the polling is properly conducted and maintain order in the polling station;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret;
- (4) receive proof of identity from electors;
- (5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;
- (6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

#### **6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

#### **6.5 Notice of election**

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

#### **6.6 Polling subdivisions**

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

#### **6.7 Verification of electronic ballot box**

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

##### *“§1.1 Verification of electronic ballot box*

**173.1.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm *Conseillers en gestion et informatique CGI inc.* and the representatives of the candidates.

**173.2.** During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.3.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in "end of election" mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*"

## 6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

**"175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it."

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box."

## 6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

**"182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the



list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”

#### 6.10 Booths

The following is substituted for section 191 of the Act :

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”

#### 6.11 Ballot papers

The following is substituted for section 193 of the Act :

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”

Section 195 of the Act is revoked.

#### 6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph :

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:” ;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

### 6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

### 6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

### 6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

### 6.16 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

### 6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

### 6.18 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

### 6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act :

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

## POLLING PROCEDURE

### 6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act :

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

### 6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act :

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

### 6.22 Voting

The following is substituted for section 222 of the Act :

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

### 6.23 Following the vote

The following is substituted for section 223 of the Act :

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

### 6.24 Automatic acceptance

The Act is amended by inserting the following after section 223 :

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

### 6.25 Cancelled ballots

The following is substituted for section 224 of the Act :

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

### 6.26 Visually impaired person

Section 227 of the Act is amended :

(1) by substituting the following for the second and third paragraphs :

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.” ; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.27 Compilation of results

The following is substituted for sections 229 and 230 of the Act :

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book :

(1) the number of ballot paper cards received from the returning officer ;

(2) the number of electors admitted to vote ;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards ;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230 :

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.28 Compiling sheet

Section 231 of the Act is revoked.

### 6.29 Counting of the votes

Section 232 of the Act is revoked.

### 6.30 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.31 Rejected ballot papers, procedural omission, valid ballot papers

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.32 Contested validity

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

### 6.33 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;
- (3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

### 6.34 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a recipient, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”

Section 244 of the Act is revoked.

### 6.35 Addition of votes

The following is substituted for section 247 of the Act :

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”

### 6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act :

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”

### 6.37 Placing in envelope

The following is substituted for section 249 of the Act :

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”

### 6.38 New counting of the votes

The following is substituted for section 250 of the Act :

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”

### 6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.40 Access to ballot papers

The following is substituted for section 261 of the Act :

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may

not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

#### 6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

#### 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

#### 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31, 2025.

#### 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

#### 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 6, 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system;
- the cost of adapting election procedures;
- non-recurrent costs likely to be amortized;
- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 6, 2005, using traditional methods;
- the number and duration of incidents during which voting was stopped, if any;
- the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

#### 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 6, 2005, in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

#### 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

#### AGREEMENT SIGNED IN THREE COPIES

In Donnacona, on this 20th day of the month of September of the year 2004

#### THE MUNICIPALITY OF DONNACONA

By: \_\_\_\_\_  
ANDRÉ MARCOUX, *Mayor*

By: \_\_\_\_\_  
BERNARD NAUD, *Clerk*

In Québec, on this 6th day of the month of October of the year 2005

#### THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 2nd day of the month of November of the year 2004

#### THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

By: \_\_\_\_\_  
DENYS JEAN, *Deputy Minister*



## SCHEDULE

## MODEL BALLOT PAPER HOLDER

## MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

## Mayor Office

Marie BONENFANT ●

Jean-Charles BUREAU ●  
Appartenance politique

Pierre-A. LARRIVÉE ●

## Councillor seat no. 1

Robert ALLARD ●

Denise LESSARD ●  
Appartenance politique

Serge LECLERC ●

## Councillor seat no. 2

Jean-Pierre BRODEUR ●  
Appartenance politique

Guy BROSSÉ ●

Maurice RICHARD ●

## Councillor seat no. 3

Gérard CYR ●  
Appartenance politique

Claudine DUSSAULT ●

Anne DUBÉ ●

Monique LEMAIRE ●

## Councillor seat no. 4

Luc GAUTHIER ●

Carl LUSSIER ●  
Appartenance politique

Hélène ROCHETTE ●

Sylvain ST-PIERRE ●

## Councillor seat no. 5

Joël MORIN ●  
Appartenance politique

Alain PERRON ●

## Councillor seat no. 6

Claude BRETON ●

Alain TREMBLAY ●  
Appartenance politique

<input type="text"/>	<input type="text"/>
<b>Initials of the deputy returning officer</b>	<b>Polling subdivision</b>
Printer name Address City Postal code	

Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF MONT-LAURIER, a legal person established in the public interest, having its head office at 485, rue Mercier, Mont-Laurier, Province of Québec, represented by the mayor, Michel Adrien, and the clerk or secretary-treasurer, Blandine Boulianne, under resolution number 05-02-101, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 05-01-068, passed at its meeting of January 24, 2005 expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 6, 2005 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 6, 2005 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of February 14, 2005, resolution No. 05-02-101 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

## 3. ELECTION

3.1 For the purposes of the general election of November 6, 2005 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

## 4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

## 5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.

## 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors’ identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

### 6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

### 6.5 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

### 6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

### 6.7 Verification of electronic ballot box

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

#### “§1.1. *Verification of electronic ballot box*

**173.1.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Technologies Nexxlink inc. and the representatives of the candidates.

**173.2.** During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.3.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer’s initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.”.

## 6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175 :

“**175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.”

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.”.

## 6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act :

“**182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book :

- (1) the number of ballot paper cards received from the returning officer ;
- (2) the number of electors who were given a ballot paper card ;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards ;
- (4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

#### 6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

#### 6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

#### 6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

#### 6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

#### 6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

#### 6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.



Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.16 **Withdrawal of authorization or recognition**

Section 199 of the Act is amended by adding the following paragraph at the end :

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

#### 6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

#### 6.18 **Provision of polling materials**

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

#### 6.19 **Examination of the electronic ballot box and polling materials**

The following is substituted for section 207 of the Act :

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act :

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

### POLLING PROCEDURE

#### 6.20 **Presence at the polling station**

The following is substituted for the third paragraph of section 214 of the Act :

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

#### 6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act :

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

## 6.22 Voting

The following is substituted for section 222 of the Act :

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

## 6.23 Following the vote

The following is substituted for section 223 of the Act :

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

## 6.24 Automatic acceptance

The Act is amended by inserting the following after section 223 :

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

## 6.25 Cancelled ballots

The following is substituted for section 224 of the Act :

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is prima facie a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

## 6.26 Visually impaired person

Section 227 of the Act is amended :

(1) by substituting the following for the second and third paragraphs :

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.27 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.28 **Compiling sheet**

Section 231 of the Act is revoked.

### 6.29 **Counting of the votes**

Section 232 of the Act is revoked.

### 6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.32 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

### 6.33 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

### 6.34 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a recipient, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.35 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

### 6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.37 Placing in envelope

The following is substituted for section 249 of the Act :

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.38 New counting of the votes

The following is substituted for section 250 of the Act :

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.40 Access to ballot papers

The following is substituted for section 261 of the Act :

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may

not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

### 6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

## 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

## 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general election of November 6, 2005.

## 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

## 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 6, 2005 the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 6, 2005 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

## 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 6, 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

## AGREEMENT SIGNED IN THREE COPIES

In Mont-Laurier, on this 18th day of the month of February of the year 2005

## THE MUNICIPALITY OF MONT-LAURIER

By: \_\_\_\_\_  
MICHEL ADRIEN, *Mayor*

\_\_\_\_\_  
BLANDINE BOULIANNE,  
*Clerk or Secretary-Treasurer*

In Québec, on this 2nd day of the month of March of the year 2005

## THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 22nd day of the month of April of the year 2005

## THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

By: \_\_\_\_\_  
DENYS JEAN, *Deputy Minister*

**SCHEDULE**

MODEL BALLOT PAPER HOLDER

**MUNICIPALITY OF MATTEAU**

Municipal Election - November 2, 2003

**“SPÉCIMEN”**

<b>Mayor Office</b>	
<b>Marie BONENFANT</b>	●
<b>Jean-Charles BUREAU</b> Appartenance politique	●
<b>Pierre-A. LARRIVÉE</b>	●

<b>City Councillor District 1</b>	
<b>Luc GAUTHIER</b>	●
<b>Carl LUSSIER</b>	●
<b>Hélène ROCHETTE</b> Appartenance politique	●
<b>Sylvain SAINT-PIERRE</b>	●

-----

--	--

**Initials of the deputy  
returning officer**

**Polling subdivion**

Printer name  
Adress  
City  
Postal code

-----



Gouvernement du Québec

## Agreement

An Act respecting elections and referendums  
in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND “PERFAS-TAB” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF THURSO, a legal person established in the public interest, having its head office at 161, rue Galipeau, Thurso, Province of Québec, represented by the mayor, M. Desmond Murphy, and the clerk or secretary-treasurer, M. Mario Boyer, under a resolution bearing number 2005-02-051, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2005-02-030, passed at its meeting of 7 February 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of 6 November 2005 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following:

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the general election held on 6 November 2005 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of 21 February 2005, resolution No. 2005-02-051 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Computerized polling station” means an apparatus consisting of the following devices:

— a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);

— a card reader for cards with bar codes;

— one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.

2.2 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a recipient for ballot papers and a modem, where necessary.

2.3 “Vote tabulator” means a device that uses an optical scanner to detect a mark made by an elector in the space provided for that purpose on a ballot paper.

2.4 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.5 “Recipient for ballot paper cards” means a box into which the ballot paper cards fall.

2.6 “Transfer box” means the box in which the ballot paper cards are placed once the results of the poll have been compiled.

2.7 “Ballot paper card” means the card on which the ballot papers are printed.

2.8 “Refused ballot paper card” means a ballot paper card the insertion of which in the tabulator is refused.

2.9 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

## 3. ELECTION

3.1 For the purposes of the general election of 6 November 2005 the municipality, a sufficient number of PerFas-TAB electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

## 4. SECURITY MECHANISMS

### 4.1 Computerized polling stations

The list of electors for a polling place must correspond to the data provided by the returning officer. Access to the computers at a polling place must be secured by a password.

### 4.2 Electronic ballot boxes

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on by the senior deputy returning officer on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

## 5. PROGRAMMING

Each memory card used is specially programmed by the firm PG Elections inc. to recognize and tally ballot papers in accordance with this agreement.

## 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the partial statements of votes;

(8) put the ballot paper cards from the electronic ballot box recipient into the transfer boxes, seal them and give them to the returning officer;

(9) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the spaces provided for the affixing of the elector’s mark, and go to the polling station in order to obtain another ballot paper card;

(10) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors’ identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book;

(7) note on the screen “has voted” next to the names of electors to whom he has given a ballot paper card.”.

#### 6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act :

“**81.** The poll clerk shall, in particular,

- (1) enter in the poll book the particulars relating to the conduct of the polling;
- (2) note on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer gives ballot paper cards;
- (3) assist the deputy returning officer.”.

#### 6.5 Discretion of the chief electoral officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act :

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

#### 6.6 Notice of election

The following is added after paragraph 7 of section 99 of the Act :

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

#### 6.7 Polling subdivisions

The following is substituted for section 104 of the Act :

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

#### 6.8 Verification of computerized polling stations and electronic ballot box

The Act is amended by inserting the following subdivisions after subdivision 1 of Division IV of Chapter VI of Title I :

##### “§1.1 *Verification of computerized polling stations*

**173.1.** The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests :

- (1) searching for an elector using the card with the bar code;
- (2) searching for an elector using the keyboard, typing either the elector’s name or address;
- (3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays “has voted” for the electors concerned;
- (4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

##### §1.2 *Verification of electronic ballot boxes*

**173.2.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and

precisely, in the presence of a representative of the firm PG Elections inc. and the representatives of the candidates.

**173.3.** During the testing of the electronic ballot boxes, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.4.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in "end of election mode" and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall initial the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark made by an elector in the space provided for that purpose without supervision from the firm PG Elections inc."

## 6.9 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

**"175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box."

## 6.10 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

**"182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards ;

(4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in one of the transfer boxes.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representatives who wish to be present, shall open the recipient of the electronic ballot box and place the ballot paper cards from the recipient in one or more transfer boxes, and seal the transfer boxes. The senior deputy returning officer shall then seal the opening of the electronic ballot box. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals. Next, the senior deputy returning officer shall place the electronic ballot box in its travel case and seal it. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The senior deputy returning officer shall then give the transfer boxes and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the transfer box or boxes until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer boxes and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards from the first day shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of grouped polling stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in a transfer box and seal the box.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”

#### 6.11 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”

#### 6.12 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed in accordance with the model shown in the Schedule, by reversing process so that, on the obverse, the indications appear in white on a dark-coloured background and each

circle provided for the affixing of the elector's mark appears in white inside an coloured circle. Every ballot paper shall contain bar codes.”.

Section 195 of the Act is revoked.

### 6.13 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper cards shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

### 6.14 Ballot paper cards

“**197.** The ballot paper card shall contain on the obverse, as shown in the attached specimen:

(1) a space for the identification of:

— the name or number of the borough;

— the name or number of the electoral district, where applicable;

(2) a space for the identification of the polling subdivision;

(3) the ballot paper card(s);

(4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown on the attached specimen:

(1) arrows indicating the direction of insertion of the ballot paper card in the vote tabulator;

(2) a space for the initials of the deputy returning officer;

(3) the name of the municipality;

(4) the indication “municipal elections” and the polling date;

(5) the name and address of the printer;

(6) the indication of copyright, where applicable;

(7) the bar code, where applicable.”.

### 6.15 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through it.”.

### 6.16 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

### 6.17 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

### 6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and transfer boxes are available for each electronic ballot box.”.

### 6.19 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

### 6.20 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the poll, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

## POLLING PROCEDURE

### 6.21 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

### 6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

### 6.23 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark the ballot paper or papers in the space provided for that purpose opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.



#### 6.24 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card into the electronic ballot box without removing it from the confidentiality sleeve.”.

#### 6.25 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted and that has been given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient receiving ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

#### 6.26 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

#### 6.27 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.28 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station the in polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following information in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.29 **Manual counting of the votes**

Sections 231 to 244 of the Act, adapted as required, apply if a manual counting of the votes is necessary.

### 6.30 **Compiling sheet**

Section 231 of the Act is revoked.

### 6.31 **Electronic counting of the votes**

Section 232 of the Act is revoked.

### 6.32 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words those containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.33 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.34 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the poll in respect of the validity of the results following the printing of the results compiled by an electronic ballot box.”.

### 6.35 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards or those that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, including a copy that must be given to the senior deputy returning officer.

Using the partial statements of votes, and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

### 6.36 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** after the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards and those that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a large envelope, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or their representatives who wish to be present, the senior deputy returning officer shall place the ballot

paper cards from the electronic ballot box recipient in one or more envelopes, and then seal and initial the envelope or envelopes. Any representatives or candidates who wish to do so may initial the seal or seals.

The senior deputy returning officer shall place the envelope or envelopes in a transfer box. He shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. The senior deputy returning officer shall seal the envelope, initial it and place it in one of the transfer boxes.

The senior deputy returning officer shall place the large envelope received from the deputy returning officers in one of the transfer boxes.

The senior deputy returning officer shall then seal and initial the transfer boxes, allow the representatives who wish to do so to initial them, and give the boxes to the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.37 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

### 6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in

the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.39 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.40 New counting of the votes

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box that includes a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.41 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.42 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may

not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or magistrate.”.

### 6.43 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

## 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the chief electoral officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the transfer boxes.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

## 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before 30 November 2009.

## 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

## 10. ASSESSMENT REPORT

Within 120 days following the general election held on 6 November 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the chief electoral officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected costs of holding the general election on 6 November 2005 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot papers given out to the deputy returning officers and the number of ballot paper cards returned used and unused;

— a survey of rejected ballot papers, if the survey has been completed.

## 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on 6 November 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

### AGREEMENT SIGNED IN THREE COPIES

In Thurso, this 22nd day of February 2005

#### MUNICIPALITY OF THURSO

By: \_\_\_\_\_  
DESMOND MURPHY, *Mayor*

\_\_\_\_\_  
MARIO BOYER, *Clerk or Secretary Treasurer*

In Québec, on this 2nd day of March 2005

#### THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 22nd day of April 2005

#### THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

By: \_\_\_\_\_  
DENYS JEAN, *Deputy Minister*

**SCHEDULE**

**MODEL BALLOT PAPER CARD**

**Arrondissement**  
 xxxxxxxxxxxxxxxxxxxx  
**Borough**  
 District xxxxxxxxxxxx

**Numéro de section de vote - Poll subdivision**  
 01 02 03 04 05 06 07 08 09 10 11

**Conseiller d'arrondissement**  
**Borough councillor**

Xxxxxx XXXXXXXX

Xxxxxx XXXXXXXX  
 xxxxxxxxxxxx

Xxxxxx XXXXXXXX  
 xxxxxxxxxxxx

↑ ↑ ↑ ↑ ↑ ↙

Copyright Nixsoft Solutions Inc 2003

**Initiales du scrutateur**  
**Initials of DRO**

**Ville de Gestiville**

**Élections municipales**  
**Municipal Elections**

le 2 novembre 2003 / November 2, 2003

Droits d'auteur Solutions Nixsoft Inc. 2003

**Imprimé par / Printed by**  
**Imprimerie Untel inc.**  
 1234, rue des Érables  
 Gestiville, Qc. A1A 1A1

---

## Parliamentary Committees

---

### Committee on Culture

#### General consultation

#### The religious heritage of Québec

The Committee on Culture has resolved to study the situation of the religious heritage of Québec in order to identify solutions to ensure its preservation. The Committee has published a consultation paper which can be obtained through the clerk or by visiting the Committee's web site at the following address:

<http://www.assnat.qc.ca/fra/37legislature1/commissions/cc/index.shtml>

The Committee will hold public hearings on this matter beginning on 20 September 2005. Individuals and organizations who wish to express their views must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 2 September 2005. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies. Furthermore, individuals and organizations are invited to submit an electronic version of their brief in addition to the required paper copies.

Briefs, correspondence, and requests for information should be addressed to: Mrs. Sonia Grenon, Clerk of the Committee on Culture, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722 ; facsimile: (418) 643-0248  
E-mail: [cc@assnat.qc.ca](mailto:cc@assnat.qc.ca)





---

## Erratum

---

Gouvernement du Québec

**M.O.**, 2005-04

**Order number V-1.1-2005-04 of the Minister of  
Finance dated 19 May 2005**

Securities Act  
(R.S.Q., c. V-1.1; 2004, c. 37)

*Gazette officielle du Québec*, June 1, 2005, Vol. 137,  
No. 22, page 1496.

On page 1500 of the Regulation amending the Securities  
Regulation, in section 18, the reference to section 6  
should read “section 15”.

6877



## Index

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

	<b>Page</b>	<b>Comments</b>
Administrative justice, An Act respecting..., amended . . . . . (2005, Bill 62)	1753	
Agreement concerning new methods of voting for an election using “Accu-Vote ES 2000” ballot boxes — Municipality of Donnacona . . . . . (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1878	N
Agreement concerning new methods of voting for an election using “Accu-Vote ES 2000” ballot boxes — Municipality of Mont-Laurier . . . . . (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1893	N
Agreement concerning new methods of voting for an election using computerized polling stations and “PERFAS-TAB” ballot boxes — Municipality of Thurso . . . . . (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1907	N
Agricultural Abuses Act, amended . . . . . (2005, Bill 62)	1753	
Appropriation Act No. 1, 2005-2006 . . . . . (2005, Bill 114)	1837	
Centre de services partagés du Québec, An Act respecting the... . . . . (2005, Bill 85)	1815	
Charter of Ville de Gatineau, amended . . . . . (2005, Bill 62)	1753	
Charter of Ville de Lévis, amended . . . . . (2005, Bill 62)	1753	
Charter of Ville de Longueuil, amended . . . . . (2005, Bill 62)	1753	
Charter of Ville de Montréal, amended . . . . . (2005, Bill 62)	1753	
Charter of Ville de Québec, amended . . . . . (2005, Bill 62)	1753	
Charter of Ville de Québec, amended . . . . . (2005, Bill 85)	1815	
Cities and Towns Act, amended . . . . . (2005, Bill 62)	1753	
Cities and Towns Act, amended . . . . . (2005, Bill 85)	1815	
Committee on Culture — General consultation — The religious heritage of Québec . . . . .	1921	Parliamentary Committee
Communauté métropolitaine de Montréal, An Act respecting the..., amended . . . . (2005, Bill 62)	1753	

Communauté métropolitaine de Montréal, An Act respecting the..., amended . . . . (2005, Bill 85)	1815	
Communauté métropolitaine de Québec, An Act respecting the..., amended . . . . (2005, Bill 85)	1815	
Continuous disclosure obligations — Concordant regulations to Regulation 51-102 . . . . . (Securities Act, R.S.Q., c. V-1.1)	1923	Erratum
Cultural Property Act, amended . . . . . (2005, Bill 62)	1753	
Development of Québec firms in the book industry, An Act respecting the..., amended . . . . . (2005, Bill 85)	1815	
Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders . . . . . (Professional Code, R.S.Q., c. C-26)	1877	M
Election Act, amended . . . . . (2005, Bill 85)	1815	
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using "Accu-Vote ES 2000" ballot boxes — Municipality of Donnacona . . . . . (R.S.Q., c. E-2.2)	1878	N
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using "Accu-Vote ES 2000" ballot boxes — Municipality of Mont-Laurier . . . . . (R.S.Q., c. E-2.2)	1893	N
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using computerized polling stations and "PERFAS-TAB" ballot boxes — Municipality of Thurso . . . . . (R.S.Q., c. E-2.2)	1907	N
Environment Quality Act, amended . . . . . (2005, Bill 62)	1753	
Exercise of certain municipal powers in certain urban agglomerations, An Act respecting the..., amended . . . . . (2005, Bill 62)	1753	
Financial Administration Act, amended . . . . . (2005, Bill 85)	1815	
Fuel Tax Act, amended . . . . . (2005, Bill 62)	1753	
Government services to departments and public bodies, An Act respecting..., amended . . . . . (2005, Bill 85)	1815	
Highway Safety Code, amended . . . . . (2005, Bill 62)	1753	
Huissiers de justice — Terms and conditions for the issue of a permit by the Chambre . . . . . (Professional Code, R.S.Q., c. C-26)	1871	M

Hydro-Québec Act, amended (2005, Bill 85)	1815	
Intermunicipal boards of transport in the area of Montréal, An Act respecting..., amended	1753	
(2005, Bill 62)		
James Bay Region Development and Municipal Organization Act, amended	1753	
(2005, Bill 62)		
Land use planning and development, An Act respecting..., amended	1753	
(2005, Bill 62)		
List of Bills sanctioned (1 June 2005)	1751	
Medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients (Podiatry Act, R.S.Q., c. P-12)	1872	M
Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, An Act respecting the..., amended	1753	
(2005, Bill 62)		
Ministère de la Culture et des Communications, An Act respecting the..., amended	1815	
(2005, Bill 85)		
Ministère de la Justice, An Act respecting the..., amended	1815	
(2005, Bill 85)		
Ministère des Relations internationales, An Act respecting the..., amended	1815	
(2005, Bill 85)		
Ministère des Transports, An Act respecting the..., amended	1815	
(2005, Bill 85)		
Ministère du Conseil exécutif, An Act respecting the..., amended	1815	
(2005, Bill 85)		
Municipal and private electric power systems, An Act respecting..., amended	1753	
(2005, Bill 62)		
Municipal Code of Québec, amended	1753	
(2005, Bill 62)		
Municipal Code of Québec, amended	1815	
(2005, Bill 85)		
Municipal Powers Act	1753	
(2005, Bill 62)		
Northern villages and the Kativik Regional Government, An Act respecting..., amended	1815	
(2005, Bill 85)		
Occupational health and safety, An Act respecting..., amended	1815	
(2005, Bill 85)		
Off-highway vehicles, An Act respecting..., amended	1753	
(2005, Bill 62)		
Optométristes — Equivalence standards for the issue of a permit by the Ordre	1869	M
(Professional Code, R.S.Q., c. C-26)		

Peddlers Act, repealed (2005, Bill 62)	1753	
Podiatry Act — Medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients (R.S.Q., c. P-12)	1872	M
Preservation of agricultural land and agricultural activities, An Act respecting the..., amended (2005, Bill 62)	1753	
Professional activities which may be performed by a clinical perfusionist (Professional Code, R.S.Q., c. C-26)	1870	N
Professional Code — Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders (R.S.Q., c. C-26)	1877	M
Professional Code — Huissiers de justice — Terms and conditions for the issue of a permit by the Chambre (R.S.Q., c. C-26)	1871	M
Professional Code — Optométristes — Equivalence standards for the issue of a permit by the Ordre (R.S.Q., c. C-26)	1869	M
Professional Code — Professional activities which may be performed by a clinical perfusionist (R.S.Q., c. C-26)	1870	N
Professional Code — Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit by the Ordre (R.S.Q., c. C-26)	1873	N
Public Administration Act, amended (2005, Bill 85)	1815	
Public transit authorities, An Act respecting..., amended (2005, Bill 85)	1815	
Régie du logement, An Act respecting the..., amended (2005, Bill 62)	1753	
Roads, An Act respecting..., amended (2005, Bill 62)	1753	
Sales of municipal public utilities, An Act respecting..., repealed (2005, Bill 62)	1753	
Securities Act — Continuous disclosure obligations — Concordant regulations to Regulation 51-102 (R.S.Q., c. V-1.1)	1923	Erratum
Securities Act, An Act to amend the... — Coming into force of section 22 (2001, c. 38)	1867	
Service des achats du gouvernement, An Act respecting the..., repealed (2005, Bill 85)	1815	
Société immobilière du Québec, An Act respecting the..., amended (2005, Bill 85)	1815	

---

Société québécoise d'information juridique, An Act respecting the..., amended . . . . . (2005, Bill 85)	1815	
Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit by the Ordre . . . . . (Professional Code, R.S.Q., c. C-26)	1873	N
Temperance Act, repealed . . . . . (2005, Bill 62)	1753	
Transport Act, amended . . . . . (2005, Bill 62)	1753	
Watercourses Act, amended . . . . . (2005, Bill 62)	1753	

