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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 49

**An Act to amend the Act respecting  
elections and referendums in  
municipalities, the Municipal Ethics  
and Good Conduct Act and various  
legislative provisions**

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**Introduction**

**Introduced by  
Madam Andrée Laforest  
Minister of Municipal Affairs and Housing**

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## EXPLANATORY NOTES

*This bill makes various amendments to the Act respecting elections and referendums in municipalities regarding, in particular,*

*(1) the eligibility requirements for a position as a member of the council of a municipality, and new grounds for the disqualification of council members, including conduct that seriously undermines the honour and dignity of the office;*

*(2) the delimitation of the premises of a polling station for the purpose of prohibiting partisan publicity, as well as rules prohibiting a candidate from being present on the premises where voting takes place or registers are kept;*

*(3) election proceedings and the exercise of the right to vote, by clarifying the returning officer's responsibilities when receiving nomination papers, by allowing voting at the returning officer's office or at the domicile of an elector who is unable to move about for health reasons, and by broadening the possibility to vote by mail, in certain cases;*

*(4) the duties and powers of the Chief Electoral Officer, in particular regarding directives, inspections and inquiries;*

*(5) the testing of new methods of signing the register and the implementation of pilot projects for the organization and conduct of elections and referendums;*

*(6) the establishment of a fund dedicated to the financing of expenses related to holding elections; and*

*(7) the creation of new offences in particular to penalize a person who, personally or through another person, intervenes, without legitimate reason, with the returning officer in order to influence the conduct of the election.*

*The bill also amends the Municipal Ethics and Good Conduct Act regarding, in particular,*

*(1) the introduction of new rules with respect to the code of ethics and conduct of council members, including some concerning honour and respect;*

*(2) the power of the Commission municipale du Québec to impose new penalties for violations of the code of ethics and conduct; and*

*(3) the obligation for municipalities with a population of 100,000 or more that have office personnel to adopt a code of ethics and conduct applicable to such personnel.*

*The Cities and Towns Act, the Municipal Code of Québec and the Acts respecting the metropolitan communities of Montréal and Québec are amended to allow municipalities, metropolitan communities and public transit authorities to require, in a public call for tenders, that goods, services, insurers, suppliers or contractors, as applicable, be Canadian.*

*The Act respecting the Commission municipale is also amended to, in particular, give the Commission, at the Minister's request, the power to assist municipalities in the exercise of their functions.*

*The bill adds powers to the Municipal Powers Act regarding assistance for disaster risk mitigation work and for mitigation of the economic consequences, in the agriculture sector, following protection measures for drinking water intakes. The bill also introduces broadened suretyship powers for local and regional county municipalities.*

*The Act respecting tourist accommodation establishments is amended to render inapplicable any provision of a municipal by-law made under the Act respecting land use planning and development that would operate to prohibit the operation, in a principal residence, of an accommodation establishment that complies with the conditions set by law.*

*The Act respecting municipal taxation is amended to allow the Minister to modify the period of application of a property assessment roll or a roll of rental values if the Minister is shown that the work overload inherent in the simultaneous preparation of a certain number of rolls so warrants. Furthermore, main residence establishments are excluded from the class of non-residential immovables on which the business tax may be imposed.*

*The bill amends the Act respecting the Régie du logement to allow joint applications to be filed by two or more lessees of the same private seniors' residence.*

*Lastly, the bill makes amendments to the process to be used by Ville de Québec to award the contracts necessary for the Réseau structurant de transport en commun project.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Commission municipale (chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Municipal Powers Act (chapter C-47.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Election Act (chapter E-3.3);
- Act respecting tourist accommodation establishments (chapter E-14.2);
- Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting municipal territorial organization (chapter O-9);
- Act respecting the Régie du logement (chapter R-8.1);
- Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);
- Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);
- Act respecting public transit authorities (chapter S-30.01);
- Charter of the City of Laval (1965, 1st session, chapter 89).

## **Bill 49**

### **AN ACT TO AMEND THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES, THE MUNICIPAL ETHICS AND GOOD CONDUCT ACT AND VARIOUS LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES**

**1.** Section 47 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by replacing “12” in paragraph 2 by “six”.

**2.** Section 61 of the Act is amended by replacing “12” by “six”.

**3.** Section 64 of the Act is amended by inserting the following paragraph after the second paragraph:

“Any person who is not qualified to be elected under subparagraph 1 or 3 of the second paragraph of section 235 of the Election Act (chapter E-3.3) is also ineligible.”

**4.** Section 65 of the Act is amended by inserting the following paragraph after the first paragraph:

“Any person who is not qualified to be elected under subparagraph 2 of the second paragraph of section 235 of the Election Act (chapter E-3.3) is also ineligible for the same period as that prescribed in the first paragraph.”

**5.** Section 70 of the Act is amended

(1) by inserting “and acts under the authority of the Chief Electoral Officer or of any person designated for that purpose by the Chief Electoral Officer” in the first paragraph after “*ex officio*”;

(2) by inserting “and notify the Chief Electoral Officer” at the end of the second paragraph;

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

“On its own initiative or at the request of the Chief Electoral Officer, the Commission may, for cause, dismiss the returning officer after giving the latter an opportunity to be heard. In such a case, it shall designate the returning officer’s substitute and notify the Chief Electoral Officer.”

**6.** The Act is amended by inserting the following section after section 70:

**“70.0.1.** The returning officer must, in accordance with the directive issued by the Chief Electoral Officer in that regard, undergo any training given by the latter.”

**7.** Section 81.2 of the Act is amended by replacing the first paragraph by the following paragraph:

“An identity verification panel shall also be established for a poll at the returning officer’s office or for a mobile or domiciliary polling station.”

**8.** Division IV of Chapter V of Title I of the Act, comprising sections 89 to 91, is repealed.

**9.** Section 95 of the Act is replaced by the following section:

**“95.** Except to assist the candidate’s representative in the performance of the representative’s duties, to replace the representative or to act as a representative if the candidate does not have one, the candidate may be present on the premises of a polling station only to exercise his right to vote or to perform his professional duties or his duties as a member of the council of the municipality, as the case may be, in a place separate from the place where the polling station is located.

For the purposes of the first paragraph, the building in which a polling station is located is deemed to be the premises of the polling station. Such premises extend as far as the end of the waiting line of electors entitled to vote at that polling station.”

**10.** Section 99 of the Act is amended, in the first paragraph,

(1) by inserting “, including the poll at the returning officer’s office, where applicable,” after “advance poll” in subparagraph 4;

(2) by inserting the following subparagraph after subparagraph 4:

“(4.1) information on the procedure for voting at an elector’s domicile, where applicable;”.

**11.** Section 134.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “The same applies to any person domiciled in the territory of a municipality who is unable to move about for health reasons, if voting at the elector’s domicile is offered.”

**12.** Section 149 of the Act is amended by replacing “The leader” in the first paragraph by “From 1 January of the calendar year in which a general election is to be held and not later than the 30th day before polling day, the leader”.

**13.** Section 150 of the Act is amended by replacing the third paragraph by the following paragraph:

“The recognition has effect for the purposes of that general election and of every by-election held before the next general election.”

**14.** Section 162.1 of the Act is amended by striking out the last paragraph.

**15.** Section 165 of the Act is replaced by the following section:

**“165.** On the filing of a nomination paper, the returning officer shall verify whether it appears to comply with the requirements of this division and whether all the required documents are attached to it. In particular, the returning officer shall verify that

(1) the address provided by the candidate is situated in the territory of the municipality;

(2) the number of supporting signatures corresponds to the number required under section 160; and

(3) the proof of the candidate’s identity makes it possible to establish that the candidate is of full age.

Following those verifications, the returning officer shall issue a receipt and a notice of compliance that constitutes proof of the nomination.

However, the returning officer shall refuse the filing of the nomination paper of a person whose name appears on the list of ineligible persons drawn up and sent by the Chief Electoral Officer.”

**16.** Section 171 of the Act is amended, in the first paragraph,

(1) by inserting “, including for the poll at the returning officer’s office, where applicable” at the end of subparagraph 5;

(2) by inserting “, including for the poll at the returning officer’s office, where applicable,” after “advance poll” in subparagraph 7.

**17.** Section 174 of the Act is amended by replacing the third paragraph by the following paragraph:

“Despite the first two paragraphs, the returning officer may decide to hold a poll at the returning officer’s office or at any other place the returning officer determines for that purpose or that a mobile or domiciliary polling station is to visit electors on one or more of the ninth, eighth, sixth, fifth or fourth days before polling day. However, the returning officer may not decide to hold such a poll or to have such a polling station visit electors on the sixth day before polling day if the advance poll is held on that day.”

**18.** The Act is amended by inserting the following section after section 175:

**“175.1.** Any elector who is unable to move about for health reasons may vote at a domiciliary polling station, determined under section 177, if the elector

(1) applies therefor to the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors, or, if there is no revision of the list under section 277, not later than 12 days before polling day; and

(2) is registered on the list of electors as a domiciled person.

Electors who act as caregivers of an elector having the right to vote at his domicile may vote at that domicile. They must apply therefor to the returning officer within the time prescribed in subparagraph 1 of the first paragraph and be registered on the part of the list of electors corresponding to the polling subdivision in which the domicile is located.

Even if they have not made the application provided for in subparagraph 1 of the first paragraph, electors domiciled at the same place as an elector having the right to vote at his domicile and who act as caregivers of that elector may, if registered on the list of electors, ask the deputy returning officer to vote there.

Despite subparagraph 1 of the first paragraph, when visiting the domicile of an elector because of an application made under that subparagraph 1, a polling station may go to the room or apartment of an elector who is unable to move about for health reasons, on the elector’s request.”

**19.** Section 177 of the Act is amended by inserting “or domiciliary” after “mobile” in the first paragraph.

**20.** Section 177.1 of the Act is amended

(1) by inserting “or domiciliary” after “mobile”;

(2) by adding the following sentence at the end: “If the returning officer decides to hold a poll at the returning officer’s office or at any place determined by the returning officer for that purpose, the persons referred to in Division V of Chapter V may not be present at the office.”



**21.** Section 179 of the Act is replaced by the following section:

**“179.** Every advance polling station must be open from 9:30 a.m. to 8:00 p.m. The same applies to every polling station at a returning officer’s office or at any other place determined by the returning officer for that purpose, except on the fourth day before polling day, on which it closes at 2:00 p.m.

However, a mobile or domiciliary polling station may visit electors during the hours fixed by the returning officer, except as of 2:00 p.m. on the fourth day before polling day.”

**22.** Section 180 of the Act is amended by replacing “in a mobile” in the first paragraph by “at a mobile or domiciliary”.

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

**“180.1.** An elector who filed an application under subparagraph 1 of the first paragraph of section 175.1 must attest under oath, in the presence of the deputy returning officer of the polling station, to being unable to move about for health reasons.”

**24.** Section 188 of the Act is amended, in the fourth paragraph,

(1) by replacing “at the first sitting after” by “as soon as possible before”;

(2) by adding the following sentences at the end: “The document shall be sent to the Chief Electoral Officer. The returning officer is then required to offer any electors registered in the polling subdivision in which such a polling station is located and who are unable to vote there because of its inaccessibility the possibility to vote at their domicile. Sections 175.1 and 180.1 apply, with the necessary modifications.”

**25.** Section 210 of the Act is amended by replacing “10 a.m.” by “9:30 a.m.”.

**26.** The Act is amended by inserting the following chapter after section 278:

#### **“CHAPTER VI.1**

#### **“FUND DEDICATED TO EXPENSES RELATED TO HOLDING AN ELECTION**

**“278.1.** Every municipality shall establish a fund dedicated to the financing of expenses related to holding an election.

**“278.2.** The fund is made up of the sums allocated to it annually and of the interest earned on those sums.

After consultation with the returning officer, the council shall allocate to the fund, on an annual basis, the sums that are necessary to ensure that the fund is sufficient to cover the cost of the next general election in the year it is to be held.

If the fund is used to finance a by-election, the council must, before the next general election is held, provide for the reimbursement of the sums used.

For the purposes of the second paragraph, the cost of the next general election is presumed to be at least equal to the cost of the last general election or of the general election preceding the last one, whichever is higher.”

**27.** Section 283 of the Act is amended by replacing the third paragraph by the following paragraph:

“The building in which a polling station is located, the land on which the building is situated and the public roads adjacent to that land are deemed to be the premises of the polling station.”

**28.** Section 301 of the Act is amended by inserting “under paragraph 1 of section 632 or an offence” after “offence” in the first paragraph.

**29.** Section 302 of the Act is amended

(1) by inserting “or that, if the prosecutor had proceeded by indictment, an offence that would have been punishable by two years of imprisonment or more” after “two years or more” in the first paragraph;

(2) by striking out “or the day the final sentence is pronounced, whichever is later” in the second paragraph.

**30.** Section 305 of the Act is amended by inserting “as a council member” after “duties” in subparagraph 3 of the first paragraph.

**31.** The Act is amended by inserting the following section after section 305:

**“305.1.** A person whose conduct seriously undermines the honour and dignity of the office of member of the council of a municipality is disqualified from holding that office.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*, unless the judgment fixes a shorter period.”

**32.** Section 312.1 of the Act is amended

(1) by replacing “proceedings have been brought for an offence under an Act of the Parliament of Québec or Canada that is punishable by a term of imprisonment of two years or more” in the first paragraph by “an action for declaration of disqualification for a reason provided for in section 305.1 or proceedings for an offence under an Act of the Parliament of Québec or Canada that is punishable by a term of imprisonment of two years or more have been brought”;

(2) by inserting “or that, if the prosecutor had proceeded by indictment, would have been punishable by two years of imprisonment or more” at the end of the first paragraph;

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

“To assess whether it is warranted in the public interest, the court considers the seriousness of the offence or misconduct and the extent to which the offence or misconduct is likely to discredit the administration of the municipality.”

**33.** Section 312.2 of the Act is repealed.

**34.** Section 312.4 of the Act is amended by inserting the following paragraphs after paragraph 2:

“(2.1) the date on which the elector, Attorney General or municipality discontinues the action for declaration of disqualification on which the application was based;

“(2.2) the date of the judgment, having become a *res judicata*, dismissing the action for declaration of disqualification; and”.

**35.** Section 312.5 of the Act is amended by inserting “or the action” after “proceedings” in the first paragraph.

**36.** Section 312.6 of the Act is amended, in the first paragraph,

(1) by inserting “or declared disqualified” after “guilty”;

(2) by replacing “the offence” by “an offence or for misconduct”;

(3) by inserting “or action” after “proceedings”.

**37.** Section 317 of the Act is amended by replacing “for a violation of a rule of the code of ethics and conduct of the municipality” in the fifth paragraph by “under section 31 or 31.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1)”.

**38.** Section 318 of the Act is amended by striking out “or on the day the final sentence is pronounced, whichever is later” in the third paragraph.

**39.** Section 341 of the Act is amended by adding the following paragraph at the end:

“For the purposes of an application for recognition of a ticket, the date of 1 January of the calendar year in which a general election is to take place is replaced by the date of publication of the notice of election. Recognition has effect for the purposes of that by-election and any other by-election held before the next general election.”

**40.** Section 362 of the Act is amended by inserting “as a council member” after “duties” in the first paragraph.

**41.** The heading of subdivision 1 of Division II of Chapter XIII of Title I of the Act is replaced by the following heading:

“§1.—*Returning officer*”.

**42.** Sections 367 and 368 of the Act are repealed.

**43.** Section 392 of the Act is amended by striking out “the treasurer and” in the first paragraph.

**44.** Section 393 of the Act is amended

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

(2) by replacing “the treasurer and chief electoral officer, respectively,” in the second paragraph by “the Chief Electoral Officer”;

(3) by striking out the third paragraph.

**45.** Section 483 of the Act is amended by replacing “treasurer” in the second paragraph by “Chief Electoral Officer”.

**46.** Section 490 of the Act is amended by replacing “Minister of Municipal Affairs, Regions and Land Occupancy” in the third paragraph by “Chief Electoral Officer”.

**47.** Section 513.0.1 of the Act is repealed.

**48.** The Act is amended by inserting the following chapter after section 513.3:

**“CHAPTER XV**

**“DUTIES AND POWERS OF THE CHIEF ELECTORAL OFFICER**

**“DIVISION I**

**“DUTIES**

**“513.4.** The Chief Electoral Officer shall see to the application of Divisions I, II except section 66, III and V of Chapter V, Divisions I to VI and sections 276 and 277 of Chapter VI, Chapters VII and VII.1, section 338, the first paragraph of section 339, sections 341, 343 and 344, Division I of Chapter XII, Chapters XIII and XIV of this Title and section 659.1, as well as the regulations under the Chief Electoral Officer’s responsibility. The Chief Electoral Officer may issue any directive relating to such application.

In particular, the Chief Electoral Officer shall

(1) provide the returning officer, on request, with any assistance the returning officer may need to perform his or her duties and, where applicable, make recommendations to the returning officer;

(2) authorize parties and independent candidates;

(3) verify that the parties and candidates are complying with this Title; and

(4) receive, examine and, where applicable, audit the reports and returns filed with the Chief Electoral Officer.

The Chief Electoral Officer may conduct studies on the financing of the parties and independent candidates and on their election expenses.

The Chief Electoral Officer shall have access to all books, accounts and documents relating to the financial affairs of the parties and candidates.

At the request of the Chief Electoral Officer, parties or candidates must provide any information required for the performance of the Chief Electoral Officer’s duties within 30 days.

**“513.5.** If, 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 513.12 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, Regions and Land Occupancy 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 Assembly is not sitting, within 30 days of resumption.

**“513.6.** With respect to informing the public, the Chief Electoral Officer shall, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of Chapter V, Chapters VI, VII and VII.1, Division I of Chapter XII and Chapters XIII and XIV of this Title;

(2) make public the fact that he requested that a party or an independent candidate remit to him a contribution or part of a contribution, under section 440, by publishing the request on his website 30 days after it was made, along with the name of the party or independent candidate, the number of contributors, the number and amount of the contributions or parts of contributions concerned, the period they cover, and whether or not they were prescribed;

(3) provide any person applying therefor with advice and information regarding the application of the provisions of the first paragraph of section 513.4 and the application of the regulations under his responsibility;

(4) maintain an information centre on the provisions of the first paragraph of section 513.4 and on the regulations under his responsibility;

(5) regularly hold information meetings and conferences for the benefit of the parties, the candidates, the municipalities and the public;

(6) at the request of a party or an independent candidate, furnish the information required for the training of its or his official representative or official agent; and

(7) make any publicity he considers necessary.

**“513.7.** The Chief Electoral Officer may entrust the exercise of any power or function he indicates that is conferred on him under this Act to such person as he may designate.

A member of the Chief Electoral Officer’s personnel authorized under the first paragraph may also designate any person to make inquiries or carry out inspections with regard to any matter relating to the application of Divisions II and III of this chapter. In such a case, the designated person may exercise any inspection or inquiry powers or functions conferred on the Chief Electoral Officer.

## **“DIVISION II**

### **“INSPECTION POWERS**

**“513.8.** The Chief Electoral Officer may carry out inspections to verify compliance with Chapter V to VII.1, Division II of Chapter XI, Division I of Chapter XII, Chapters XIII and XIV of this Title and section 659.1 as well as the regulations under the Chief Electoral Officer’s responsibility.

**“513.9.** An inspector may

(1) enter, at any reasonable hour, premises where relevant documents are or should be kept, or where an activity is carried on in a field governed by section 513.8;

(2) inspect the premises, take photographs and verify or examine anything relevant;

(3) use any computer, equipment or other thing that is on the premises in order to access data that is relevant to the inspection and contained in an electronic device, computer system or other medium or to audit, examine, process, reproduce or print out such data;

(4) require any information, the communication of any relevant document to examine or reproduce it, and the production of any such document;

(5) use or cause to be used any copying equipment on the premises; and

(6) be accompanied by a person or persons of his choice when carrying out inspection duties.

A person having custody, possession or control of the documents or things referred to in this section shall, on request, communicate them to the inspector and facilitate their examination.

However, the inspector shall not enter a residence without the occupant’s consent.

The inspector shall, on request, identify himself and produce a certificate of authority.

**“513.10.** An inspector may, by a formal demand notified by registered mail or personal service, require that any person, whether subject to this Act or not, file by registered mail or personal service, within a reasonable time specified in the demand, any information or documents useful for verifying compliance with the provisions set out in section 513.8.

The person to whom the demand is made shall comply with it within the specified time regardless of whether the person has already filed such information or documents pursuant to a similar demand or pursuant to an obligation under this Act or the regulations.

**“513.11.** If a person does not provide access, assistance, information, documents or things as required under section 513.9 or 513.10, the Chief Electoral Officer may apply to a judge of the Court of Québec acting in chambers and that judge may order the person to provide such access, assistance, information, documents or things to the Chief Electoral Officer, or may make any order to remedy the failure that is the subject of the application, if the judge is satisfied

(1) that the person was required under section 513.9 or 513.10 to provide such access, assistance, information, documents or things and did not do so; and

(2) that the professional secrecy to which lawyers and notaries are bound cannot be invoked.

A notice must be served on the person concerned at least five days before the application is heard.

The order must be notified to the person concerned by registered mail or personal service, unless it is made from the bench in the person’s presence.

The order may be appealed to the Court of Appeal, with leave of a judge of that court. However, an appeal does not suspend the enforcement of the order, unless the judge seized of the appeal decides otherwise. The judgment cannot be appealed.

### **“DIVISION III**

#### **“INQUIRY POWERS**

**“513.12.** The Chief Electoral Officer may, on the Chief Electoral Officer’s own initiative or at the request of another person, inquire into the application of Chapters V to VII.1, Division II of Chapter XI, Division I of Chapter XII and Chapters XIII and XIV of this Title, section 659.1 and the regulations under the Chief Electoral Officer’s responsibility.

**“513.13.** The Chief Electoral Officer may refuse to make or to pursue an inquiry if the Chief Electoral Officer considers the request to be frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

**“513.14.** Each time the Chief Electoral Officer refuses to make or to pursue an inquiry at the request of a person, the Chief Electoral Officer shall inform that person of the refusal and give the reasons therefor in writing.



**“513.15.** In the course of an inquiry into an offence under this Act or the regulations, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by the Chief Electoral Officer or a person he designates, order a person, other than the person under inquiry,

(1) to communicate information or original documents, or copies of them certified by affidavit to be true copies; or

(2) to prepare and communicate a document that is based on existing documents or information.

The order shall require the documents or information to be communicated within the time, at the place and in the form specified and given to the person named in the order.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe

(1) that an offence under this Act or the regulations is being or has been committed;

(2) that the documents or information will afford evidence respecting the commission of the offence; and

(3) that the person who is the subject of the order has possession or control of the documents or information.

The order may contain any terms and conditions that the judge considers appropriate, including terms and conditions to protect lawyers’ and notaries’ professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an *ex parte* application made on the basis of an affidavit submitted by the Chief Electoral Officer in support of the application or by any person he designates, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Every copy of a document communicated under this section, on proof by affidavit that it is a true copy, is admissible in evidence in any proceeding and has the same probative force as the original document would have if it had been proved in the ordinary way.

**“513.16.** In respect of his inquiries, the Chief Electoral Officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Articles 282 to 285 of the Code of Civil Procedure (chapter C-25.01) apply to witnesses heard at an inquiry.”

**49.** Section 516.1 of the Act is replaced by the following section:

**“516.1.** Subparagraph 1 of the second paragraph of section 513.4, and sections 513.5 to 513.7 and 513.12, except where it refers to Chapter VI.1 of Title I, to 513.16 apply, with the necessary modifications, in respect of this Title.”

**50.** Section 518 of the Act is amended by replacing “12” in subparagraph 2 of the first paragraph by “six”.

**51.** Section 550 of the Act is amended by replacing the third paragraph by the following paragraph:

“The building in which the register is located, the land on which the building is situated and the public roads adjacent to that land are deemed to be the premises where the register is open for registration.”

**52.** The Act is amended by inserting the following section after section 550:

**“550.0.1.** A member of the council of the municipality may be present on the premises where a register is open for registration only to make his entries in the register or to perform his professional duties or his duties as a council member, as the case may be, in a place separate from the place where the register is open for registration.

For the purposes of the first paragraph, the building in which the register is located is deemed to be the premises where the register is open for registration and such premises extend as far as the end of the waiting line of qualified voters entitled to make their entries in the register.”

**53.** The Act is amended by inserting the following section after section 570:

**“570.1.** A member of the council of the municipality may be present on the premises of a polling station only to exercise his right to vote, to act as a representative appointed under section 570 or to perform his professional duties or his duties as a council member, as the case may be, in a place separate from the place where the polling station is located.

For the purposes of the first paragraph, the building in which a polling station is located is deemed to be the premises of the polling station and such premises extend as far as the end of the waiting line of qualified voters entitled to vote at that polling station.”

**54.** Sections 582 and 582.1 of the Act are replaced by the following sections:

**“582.** The Chief Electoral Officer may, by regulation, prescribe the form or minimum content of, a model for or the information to be included in any document provided for in Divisions I, II except section 66, III and V of Chapter V, Divisions I to VI and sections 276 and 277 of Chapter VI, Chapters VII and VII.1, section 338, the first paragraph of section 339, sections 341, 343 and 344, Division I of Chapter XII, Chapters XIII and XIV of Title I and section 659.1.

The Minister may, by regulation, prescribe the form or minimum content of, a model for or the information to be included in any other document provided for by this Act.

**“582.1.** The Chief Electoral Officer may, by regulation, determine the manner in which a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person, or a person entered as an elector or a qualified voter on such a list in the capacity of a person domiciled in the territory of a municipality designated by the Minister under section 659.4, may exercise the right to vote by mail.”

**55.** The Act is amended by inserting the following section after section 582.1:

**“582.2.** The Chief Electoral Officer shall send any draft regulation made under section 582 or 582.1 to the Minister so that the latter may present observations to the Chief Electoral Officer.

After taking the Minister’s observations into consideration, the Chief Electoral Officer shall publish the draft regulation in the *Gazette officielle du Québec* at least 45 days before it is to be made, with a notice stating that comments are welcome and specifying where they should be sent. If required by the urgency of the situation, the Chief Electoral Officer may shorten the publication period, giving reasons in the publication notice.

The regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation.”

**56.** The Act is amended by inserting the following section before section 586:

**“585.1.** A candidate or a council member who is present on the premises of a polling station or on the premises where a register is open for registration in contravention of any of sections 95, 550.0.1 and 570.1 is guilty of an offence.”

**57.** The Act is amended by inserting the following section after section 586:

**“586.1.** Every person who, personally or through another person, intervenes, without legitimate reason, with the returning officer in order to influence the conduct of the election is guilty of an offence.”

**58.** The Act is amended by inserting the following section after section 593:

**“593.1.** Every person who engages in partisan publicity in contravention of section 283 or 550 is guilty of an offence.”

**59.** Section 606 of the Act is amended by replacing “treasurer” by “Chief Electoral Officer”.

**60.** Section 631 of the Act is amended by inserting “or domiciliary” after “mobile” in paragraph 3.

**61.** The Act is amended by inserting the following sections after section 636.1:

**“636.1.1.** Every person who contravenes any of the provisions of section 513.9 or 513.10 is guilty of an offence.

**“636.1.2.** Every person who hinders or attempts to hinder the actions of the Chief Electoral Officer or of any person he designates in accordance with the law, while the Chief Electoral Officer or designated person is performing the functions of office and where no other penalty is prescribed, is guilty of an offence.”

**62.** The Act is amended by inserting the following section before section 639:

**“638.1.** Every person who is guilty of an offence described in section 585.1 is liable to a fine of not less than \$500 nor more than \$1,000.”

**63.** The Act is amended by inserting the following section after section 639.1:

**“639.2.** Every person who is guilty of an offence described in section 593.1 is liable to

(1) a fine of not less than \$500 nor more than \$1,000 in the case of a candidate, a leader of a party, another of its officers, an official representative, a delegate of the official representative, an official agent or a deputy of the official agent; or

(2) a fine of not more than \$500 in the case of any other person.”

**64.** The Act is amended by inserting the following sections after section 644:

**“644.0.1.** A person who is guilty of an offence described in section 636.1.1 is liable to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in all other cases, to a fine of not less than \$2,000 nor more than \$20,000.

The fines are doubled for a subsequent offence.

**“644.0.2.** A person who is guilty of an offence described in section 636.1.2 is liable to a fine of not less than \$500 nor more than \$10,000 in the case of a natural person or, in all other cases, to a fine of not less than \$1,000 nor more than \$20,000.

The fines are doubled for a subsequent offence.”

**65.** Section 659.2 of the Act is amended

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

“A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer,

(1) implement pilot projects for the organization and conduct of an election or a referendum; and

(2) test new methods of signing a register or voting during a procedure for registering qualified voters or during a poll.

The agreement shall provide for its period of application if it has been entered into for more than one election, referendum, registration procedure or poll.”;

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

“(1) describe the pilot projects or the new methods of signing a register or voting, as the case may be;”.

**66.** Section 659.3 of the Act is amended by replacing “polling during which” by “a pilot project or”.

**67.** Section 659.4 of the Act is amended

(1) by adding the following sentences at the end of the first paragraph: “The same applies to a person entered as an elector or a qualified voter on the list of electors or referendum list in the capacity of a person domiciled in the territory of a municipality whose name appears on a list established by the Minister of Municipal Affairs, Regions and Land Occupancy and published in the *Gazette officielle du Québec*. The Minister may determine sectors of a municipality where such a person may exercise the right to vote by mail.”;

(2) by adding the following sentence at the end of the second paragraph: “The resolution must however be passed by a two-thirds majority vote of the members of the council of the municipality.”;

(3) by striking out the last paragraph.

**68.** Section 886 of the Act is amended by adding the following sentence at the end of the first paragraph: “The Chief Electoral Officer’s report must, in particular, state his findings regarding his functions and powers provided for in section 513.4 other than those relating to the financing rules provided in Chapters XIII and XIV of Title I.”

## MUNICIPAL ETHICS AND GOOD CONDUCT ACT

**69.** Section 2 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by adding the following sentence at the end of the first paragraph: “A municipality referred to in Division II.1 must also have the code of ethics and conduct described in that division.”

**70.** Section 5 of the Act is amended by striking out subparagraph 2 of the second paragraph.

**71.** Section 6 of the Act is amended, in the first paragraph,

(1) by adding the following subparagraphs before subparagraph 1:

“(0.1) behaving in a disrespectful manner toward other members of the municipal council, municipal employees or citizens, in particular by using hurtful, denigrating or intimidating language, writings or gestures;

“(0.2) behaving in a way that undermines the honour and dignity of the office of elected officer;”;

(2) by inserting the following subparagraph after subparagraph 2:

“(2.1) contravening sections 304 and 361 of the Act respecting elections and referendums in municipalities (chapter E-2.2);”;

(3) by inserting “that is offered by a supplier of goods or services or” after “value,” in subparagraph 4.

**72.** Section 7.1 of the Act is amended by striking out the second paragraph.

**73.** The Act is amended by inserting the following section after section 7.1:

**“7.2.** The rules prescribed in sections 6 and 7.1 are deemed to form part of the municipality’s code of ethics and conduct and prevail over any inconsistent rule set out in that code.”

**74.** The Act is amended by inserting the following division after section 15:

**“DIVISION II.1**

**“CODE OF ETHICS AND CONDUCT OF OFFICE PERSONNEL**

**“15.1.** The council of a municipality with a population of 100,000 or more must, on the appointment of office personnel under section 114.4 of the Cities and Towns Act (chapter C-19), adopt, by by-law, a code of ethics and conduct applicable to such personnel, in accordance with sections 10 to 12.

Subdivision 2 of Division II of this Chapter applies, with the necessary modifications, to the code of ethics and conduct of office personnel.

**“15.2.** Sections 13 to 15 apply, with the necessary modifications, when a municipality adopts the code referred to in section 15.1.

**“15.3.** A council member who employs office personnel must ensure that those employees participate in the professional development program provided for in section 15 within the prescribed time. The same applies regarding the training imposed by the Commission municipale du Québec under subparagraph 1.1 of the first paragraph of section 31.

**“15.4.** Divisions I and II of Chapter III apply, with the necessary modifications, if an office personnel member violates a rule of the applicable code of ethics and conduct.

However, the Commission may not impose the sanctions set out in subparagraphs 3 and 4 of the first paragraph of section 31 but it may recommend that those sanctions, or any other sanction, be imposed on the council member who is responsible for the office personnel member concerned.

Furthermore, the Commission may not suspend a member of the office personnel under the second paragraph of section 31.1.

**“15.5.** Any office personnel member may consult, at the municipality’s expense, an ethics and conduct adviser to the extent provided for in section 35.”

**75.** Section 16.1 of the Act is amended by inserting “provided for in subparagraph 4 of the first paragraph of section 6 and the prohibition” after “prohibition” in the first paragraph.

**76.** Section 27 of the Act is replaced by the following section:

**“27.** Not later than 90 days after the day on which all the parties’ evidence and arguments concerning the alleged violation of the code of ethics and conduct were presented to the member designated under section 22.1, the Commission must send its decision to the council member and the municipality or, if the inquiry is still under way, inform the council member of the progress of the inquiry and the date on which the Commission will send its decision.”

**77.** Section 31 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) participation in a professional development program on municipal ethics and good conduct, at the council member’s expense, within the time prescribed by the Commission municipale du Québec;”;

(2) by replacing “while the violation of a rule of the code continued” in subparagraph 3 of the first paragraph by “, for the period determined by the Commission”;

(3) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) a penalty not exceeding \$4,000, to be paid to the municipality;”;

(4) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the suspension of the council member for a period of up to 90 days; such a suspension may continue after the expiry of the member’s term if he or she is re-elected in an election during the suspension and the latter has not expired on the day the member’s new term begins.”;

(5) by inserting “perform any duty related to the office of mayor or councillor and, in particular, may not” after “may not” in the second paragraph.

**78.** The Act is amended by inserting the following section after section 31:

**“31.1.** Where the sanction consists in undergoing a professional development program on ethics and good conduct, the council member must, within 30 days after participating in such a program, report his or her participation to the Commission and to the clerk or the secretary-treasurer of the municipality, who in turn reports it to the council.

The Commission may suspend a council member who, without a serious reason, failed to participate in the program within the prescribed time. Subparagraph 4 of the first paragraph and the second paragraph of section 31 apply to such a suspension, except that its duration is indeterminate and ends only following a decision of the Commission stating that the council member has participated in the program.”

**79.** Section 32 of the Act is amended by inserting “a penalty or” after “imposes” in the first paragraph.



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

**“32.1.** Where the Commission imposes on a council member a suspension for a period of 90 days or for periods whose total duration is 90 days or more, it must send the Attorney General of Québec its decision and all the information that was communicated as evidence to the member designated under section 22.1.”

**81.** Section 35 of the Act is amended

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

“Any lawyer or notary who requests to be on the list is entered on the list, provided that the lawyer or notary practises municipal law and meets the competency and experience requirements set by the Commission.”;

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

“Any member of a council of a municipality may obtain, at the municipality’s expense, an advisory opinion from an ethics and conduct adviser, provided that

(1) the opinion is requested as a preventive measure to help the council member observe the rules of the code of ethics and conduct applicable to the member;

(2) the adviser who prepares the opinion is entered on the list; and

(3) the fees charged by the adviser to prepare the opinion are reasonable.

The municipality pays the reasonable fees on presentation of a written attestation from the ethics and conduct adviser stating the name of the council member who requested the opinion and certifying that the requirements in subparagraphs 1 to 3 of the fourth paragraph are met.”

**82.** Section 36 of the Act is amended by inserting “provisional incapacity proceedings or” after “bringing of”.

## CITIES AND TOWNS ACT

**83.** Section 28 of the Cities and Towns Act (chapter C-19) is amended by striking out subsection 3.

**84.** Section 108.2.0.2 of the Act is amended by striking out the third paragraph.

**85.** Section 108.3 of the Act is amended by replacing “not later than 30 September following the last fiscal year to which the report pertains” in the third paragraph by “within 30 days after it is filed with the council”.

**86.** Section 328 of the Act is amended by inserting “, or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality” at the end of the second paragraph.

**87.** Section 458.26 of the Act is amended by replacing “third paragraphs of subsection 3 of section 28” in the second paragraph by “fourth paragraphs of section 91.3 of the Municipal Powers Act (chapter C-47.1)”.

**88.** Section 465.1 of the Act is amended, in the first paragraph,

(1) by replacing “or for any partnership” by “, for any partnership”;

(2) by inserting “, for the Union des municipalités du Québec or for the Fédération québécoise des municipalités locales et régionales (FQM)” at the end.

**89.** Section 468.21 of the Act is amended by inserting “, or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality he represents” after “(chapter E-2.2)” in the first paragraph.

**90.** Section 468.51 of the Act is amended by replacing “and 108 to 108.6” in the first paragraph by “, 108 to 108.2 and 108.2.1 to 108.6”.

**91.** Section 573.1.0.4 of the Act is amended by inserting “or 573.1.0.4.1” after “573”.

**92.** The Act is amended by inserting the following section after section 573.1.0.4:

**“573.1.0.4.1.** In addition to what is permitted under section 573, a municipality may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of dismissal of the tender, that all or part of the goods or services be Canadian or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the municipality uses a system of bid weighting and evaluating referred to in section 573.1.0.1 or 573.1.0.1.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a municipality may require, on pain of dismissal of the tender, that all the engineering services related to the contract be provided by suppliers from Canada, Québec or any territory determined by the municipality.

For the purposes of any services contract by which a municipality requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the municipality may require, on pain of dismissal of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the municipality.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a municipality may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

“Assembly” means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, road test and final preparation for delivery:

- (1) engine, propulsion control system and auxiliary power;
- (2) transmission;
- (3) axles, suspension or differential;
- (4) brake system;
- (5) ventilation, heating and air conditioning system;
- (6) frames;
- (7) pneumatic or electrical systems;
- (8) door system;
- (9) passenger seats and handrails;
- (10) information and destination indicator system and remote monitoring system; and
- (11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.”

**93.** Section 573.3.3.1.1 of the Act is amended

- (1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 573.1.0.4.1, respectively, allow discrimination based on territory.”;

- (2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

## MUNICIPAL CODE OF QUÉBEC

**94.** Article 9 of the Municipal Code of Québec (chapter C-27.1) is repealed.

**95.** Article 164 of the Code is amended by inserting “, or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality” at the end of the first paragraph.

**96.** Article 590 of the Code is amended by inserting “, or if his voting could violate a rule of the code of ethics and conduct of the members of the council of the municipality he represents” after “(chapter E-2.2)” in the first paragraph.

**97.** Article 620 of the Code is amended by replacing “and 108 to 108.6” in the first paragraph by “, 108 to 108.2 and 108.2.1 to 108.6”.

**98.** Article 659 of the Code is amended by replacing “third paragraphs of article 9” in the second paragraph by “fourth paragraphs of section 91.3 of the Municipal Powers Act (chapter C-47.1)”.

**99.** Article 711.2 of the Code is amended, in the first paragraph,

(1) by replacing “or for any partnership” by “, for any partnership”;

(2) by inserting “, for the Union des municipalités du Québec or for the Fédération québécoise des municipalités locales et régionales (FQM)” at the end.

**100.** Section 936.0.4 of the Code is amended by inserting “or 936.0.4.1” after “935”.

**101.** The Code is amended by inserting the following article after article 936.0.4:

**“936.0.4.1.** In addition to what is permitted under article 935, a municipality may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of dismissal of the tender, that all or part of the goods or services be Canadian or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the municipality uses a system of bid weighting and evaluating referred to in article 936.0.1 or 936.0.1.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a municipality may require, on pain of dismissal of the tender, that all the engineering services related to the contract be provided by suppliers from Canada, Québec or any territory determined by the municipality.

For the purposes of any services contract by which a municipality requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the municipality may require, on pain of dismissal of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the municipality.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a municipality may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

“Assembly” means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, road test and final preparation for delivery:

- (1) engine, propulsion control system and auxiliary power;
- (2) transmission;
- (3) axles, suspension or differential;
- (4) brake system;
- (5) ventilation, heating and air conditioning system;
- (6) frames;
- (7) pneumatic or electrical systems;
- (8) door system;
- (9) passenger seats and handrails;

(10) information and destination indicator system and remote monitoring system; and

(11) wheelchair access ramp.

For the purposes of the first paragraph, property is deemed to be Canadian if assembled in Canada, even if some of its parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(5) maintenance or repair services for office equipment;

(6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;

(7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

(8) architectural landscaping services;

(9) land use and planning services;

(10) test, analysis or inspection services for quality control;

(11) exterior and interior building cleaning services;

(12) machinery or equipment repair services;

(13) purification services;

(14) garbage removal services; and

(15) road services.”

**102.** Article 938.3.1.1 of the Code is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of article 936.0.4.1, respectively, allow discrimination based on territory.”;

(2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

**103.** Article 966.2.2 of the Code is amended by striking out the third paragraph.

**104.** Article 966.3 of the Code is amended by replacing “not later than 30 September following the last fiscal year to which the report pertains” in the third paragraph by “within 30 days after it is filed with the council”.

#### ACT RESPECTING THE COMMISSION MUNICIPALE

**105.** The Act respecting the Commission municipale (chapter C-35) is amended by inserting the following division after section 21:

##### “DIVISION II.1

##### “SUPPORT TO MUNICIPALITIES

“**21.1.** The Commission may, at the Minister’s request, intervene in a municipality facing difficulties that hinder its proper operation. The purpose of such an intervention by the Commission is to assist a municipality in the exercise of its functions.

A framework agreement entered into between the Minister and the Commission fixes the terms and conditions of such interventions.”

**106.** Section 85 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) every intermunicipal management board;”.

**107.** Section 86 of the Act is amended by inserting “of intermunicipal management boards,” after “regional county municipalities,” in the first paragraph.

**108.** Section 86.6 of the Act, enacted by section 114 of chapter 8 of the statutes of 2018, is amended by striking out “that the Commission conducted for the fiscal year ended on the preceding 31 December” in the first paragraph.



## ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**109.** Section 112 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by inserting “or 112.0.0.0.1” after “108”.

**110.** The Act is amended by inserting the following section after section 112:

**“112.0.0.0.1.** In addition to what is permitted under section 108, the Communauté may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the fifth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the fifth paragraph, by requiring, on pain of dismissal of the tender, that all or part of the goods or services be Canadian or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the Communauté uses a system of bid weighting and evaluating referred to in section 109 or section 109.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

For the purposes of any services contract by which the Communauté requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the Communauté may require, on pain of dismissal of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the Communauté.

For the purposes of the first paragraph, goods are deemed to be Canadian if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

(1) courier or mail services, including email;

(2) fax services;

(3) real estate services;

(4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;
- (7) architectural or engineering services, except the engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.”

**III.** Section 118.1.0.1 of the Act is amended

- (1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 112.0.0.0.1, respectively, allow discrimination based on territory.”;

- (2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

**ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC**

**II2.** Section 105 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by inserting “or 105.0.0.0.1” after “101”.

**II3.** The Act is amended by inserting the following section after section 105:

**“105.0.0.0.1.** In addition to what is permitted under section 101, the Communauté may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract, a contract for services mentioned in the fifth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the fifth paragraph, by requiring, on pain of dismissal of the tender, that all or part of the goods or services be Canadian or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the Communauté uses a system of bid weighting and evaluating referred to in section 102 or section 102.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

For the purposes of any services contract by which the Communauté requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the Communauté may require, on pain of dismissal of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the Communauté.

For the purposes of the first paragraph, goods are deemed to be Canadian if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;
- (7) architectural or engineering services, except the engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;

- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.”

**114.** Section 111.1.0.1 of the Act is amended

- (1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 105.0.0.0.1, respectively, allow discrimination based on territory.”;

- (2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

**MUNICIPAL POWERS ACT**

**115.** Section 91 of the Municipal Powers Act (chapter C-47.1) is amended by adding the following paragraph at the end:

“The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under subparagraph 4 of the first paragraph to mitigate the economic consequences of the protection measures applicable near a municipal drinking water withdrawal facility.”

**116.** The Act is amended by inserting the following sections after section 91.1:

**“91.2.** A local municipality may grant a subsidy for disaster risk mitigation work.

The amount of a subsidy granted under the first paragraph may not exceed the actual cost of the work. The municipality may also, with the owner’s consent, carry out any such work on an immovable.

If the owner of an immovable cannot be found, the municipality may, not earlier than the 30th day following the publication of a public notice announcing its intention, carry out the work referred to in the first paragraph on the immovable.

Where an owner refuses to consent to the carrying out of work on his or her immovable despite the existence of a serious risk to the safety of persons or property, the Superior Court may, on an application by the municipality, authorize the latter to carry out the work required to mitigate the risk. Such an application is heard and decided by preference.

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under this section.

**“91.3.** In exercising the power to grant assistance conferred on it by this Act, excluding the granting of a tax credit, a local municipality may stand surety for a person or a body. The suretyship is subject to the same limits and conditions as the power to grant assistance under which it is granted, except in the case provided for in section 92.1.1.

Any decision whereby a local municipality intends to stand surety under this section must be authorized by the Minister if

(1) the amount of the suretyship is greater than the lesser of \$25,000,000 and the amount corresponding to 5% of the appropriations provided for in the municipality’s budget for its operating expenses for the current fiscal year; or

(2) the total of the amount of that suretyship and the amount of the other suretyships already granted by the municipality under this Act or another Act exceeds the amount corresponding to 25% of the appropriations referred to in subparagraph 1.

The suretyships granted by Ville de Montréal under section 10.1 of Schedule C to the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) or section 56.5 of the Act respecting the Société d’habitation du Québec (chapter S-8) must not be considered in the calculation provided for in subparagraph 2 of the second paragraph.

Before giving the authorization, the Minister may order the local municipality to submit the decision authorizing the suretyship to the approval of the qualified voters.”

**117.** The Act is amended by inserting the following section after section 92.1:

**“92.1.1.** If a local municipality stands surety under the power to grant assistance provided for in the second paragraph of section 92.1, the second, third and fourth paragraphs of section 91.3 apply, as do the following rules:

(1) the \$250,000 and \$300,000 assistance limits set out in the second paragraph of section 92.1 do not apply;

(2) the municipality may not be surety for more than 50% of the amount of an obligation;

(3) the total amount of the suretyships granted by the municipality in accordance with this section may not exceed \$2,500,000 per fiscal year; and

(4) the amount of those suretyships is not taken into account for the purposes of the calculations provided for in the sixth paragraph of section 92.1.”

**118.** Section 101 of the Act is amended by inserting the following paragraph after the second paragraph:

“In exercising the power to grant assistance conferred on it by this Act, a regional county municipality may stand surety for a person or a body on the conditions set out in the first, second and fourth paragraphs of section 91.3, with the necessary modifications.”

**119.** Section 118 of the Act is replaced by the following section:

**“118.** A regional county municipality may, if the person referred to in section 117 is a non-profit body, grant subsidies to it.”

**120.** Section 121 of the Act is repealed.

#### ELECTION ACT

**121.** Section 490.1 of the Election Act (chapter E-3.3) is amended by striking out “Chapters XIII and XIV of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2),” in the second paragraph.

**122.** Section 491 of the Act is amended by replacing the second paragraph by the following paragraph:

“This subdivision applies, with the necessary modifications, to inquiries made for the purposes of the Act respecting school elections (chapter E-2.3) and its regulations.”

#### ACT RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

**123.** Section 6.1 of the Act respecting tourist accommodation establishments (chapter E-14.2) is amended by inserting “or to an establishment where accommodation, not including any meals served on the premises, in the principal residence of the natural person operating it is offered, by means of a single reservation, to a person or a single group of related persons at a time” at the end of the third paragraph.

**124.** The Act is amended by inserting the following division after Division II:

**“DIVISION II.1**

**“MUNICIPAL BY-LAWS**

**“21.1.** No provision of a municipal by-law adopted under the Act respecting land use planning and development (chapter A-19.1) may operate to prohibit the operation of an accommodation establishment where accommodation, not including any meals served on the premises, in the principal residence of the natural person operating it is offered, by means of a single reservation, to a person or a single group of related persons at a time.”

**ACT RESPECTING MUNICIPAL TAXATION**

**125.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 14.1:

**“14.2.** Despite sections 14 and 14.1, the Minister may extend or reduce the period of application of the roll in force or of the next roll of one or more local municipalities in respect of which a single municipal body responsible for assessment has jurisdiction.

The Minister may exercise the power provided for in the first paragraph following a request, with reasons, made by the body if the latter shows the Minister that the work overload inherent in the simultaneous preparation of a certain number of rolls so warrants.

The request must be accompanied by the agreement of every local municipality concerned and must be the subject of a public notice. The notice must also indicate that any person may submit his objection to the request in writing to the Minister within 30 days after its publication and must indicate the place where the objection is to be addressed. The body shall transmit a copy of the notice to the Minister as soon as possible after its publication, with proof of its date of publication.

The Minister shall notify the body in writing of every objection received within the prescribed time.

If the Minister’s decision is affirmative, the Minister shall publish notice of it in the *Gazette officielle du Québec*. The last fiscal year of the new period of application of the roll is then deemed to be the third fiscal year of application of the roll.

The power provided for in this section applies subject to section 81 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).”

**126.** Section 236 of the Act is amended by inserting “in respect of an establishment other than a main residence” after “(chapter E-14.2)” in paragraph 13.

**127.** Section 244.31 of the Act is amended by inserting “or main residence” after “an outfitting” in the first paragraph.

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**128.** The Act respecting municipal territorial organization (chapter O-9) is amended by inserting the following section after section 210.29.2:

**“210.29.2.1.** Chapter VI.1 of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) applies, for the financing of expenses related to the election of a warden and with the necessary modifications, to every regional county municipality in respect of which the by-law provided for in section 210.29.1 has effect.”

**129.** Section 30 of Schedule I to the Act is amended

(1) by replacing the first paragraph of section 659.2 by the following paragraphs:

“A regional county municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer,

(1) implement pilot projects for the organization and conduct of an election or a referendum in its territory or in an unorganized territory; and

(2) test new methods of signing a register or voting, during a procedure for registering qualified voters or a poll taking place in its territory or in an unorganized territory.

The agreement shall provide for its period of application if it is entered into for more than one election, referendum, registration procedure or poll.”;

(2) by replacing “new methods of voting” in the second paragraph of section 659.2 by “pilot projects or the new methods of signing a register or voting, as the case may be”.



## ACT RESPECTING THE RÉGIE DU LOGEMENT

**130.** The Act respecting the Régie du logement (chapter R-8.1) is amended by inserting the following section after section 57:

**“57.1.** Two or more lessees of a single private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) may make a joint application to the board for a declaration of the nullity, in the interest of public order, of clauses stipulated in their respective leases whose effect is substantially the same.

All lessees who are parties to the application must sign it.

Any lessee who acts as the mandatary of another must be designated in the application.”

**131.** Section 72 of the Act is amended by inserting the following paragraph after the second paragraph:

“A natural person may also be represented by another person who is a party to the same joint application referred to in section 57.1.”

**132.** Section 74 of the Act is amended by adding the following paragraph at the end:

“The designation referred to in the third paragraph of section 57.1 stands in lieu of such a mandate.”

## ACT RESPECTING THE RÉSEAU STRUCTURANT DE TRANSPORT EN COMMUN DE LA VILLE DE QUÉBEC

**133.** The Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) is amended by inserting the following section after section 3:

**“3.1.** For the purposes of the tendering process for any contract necessary for the Network project, section 573.1.0.1 of the Cities and Towns Act (chapter C-19) is to be read as follows:

**“573.1.0.1.** The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

The council may also exclude the price from the criteria used to evaluate the bids and provide that a price may be proposed only by a tenderer who has obtained a minimum number of points, in respect of criteria other than price, determined in advance by the council.

In addition, the council may choose any criterion and the minimum number of points that must be assigned to it to make it possible for the tenderer to propose a price.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all the criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria. The call for tenders or any document to which it refers shall mention the minimum total number of points required or, where applicable, the minimum number of points required in respect of one of the criteria in order for the tenderer to be allowed to propose a price.

The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.

Where the council includes the price in the criteria used to evaluate the bids, it may not grant the contract to a person other than the one who submitted, within the prescribed time, the tender that obtained the highest score. For the purposes of subsection 8 of section 573, the tender having received the highest score is considered to be the lowest tender.

Where the council excludes the price from the criteria used to evaluate the bids, it may not grant the contract to a person other than the one who, after obtaining the total minimum number of points and, if applicable, the minimum number of points required in respect of a chosen criterion, bids the lowest price.””

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

**“4.1.** For the purposes of the tendering process for any contract necessary for the Network project, the Cities and Towns Act (chapter C-19) is amended by inserting the following section after section 573.1.0.5:

**“573.1.0.5.1.** Despite section 573.1.0.5, if the council uses a system of bid weighting and evaluating for the bids referred to in section 573.1.0.1 after establishing a qualification process in accordance with section 573.1.0.2 for awarding a single contract, the council may, in the call for tenders, provide that the qualification process will be followed by individual discussions with each qualified supplier or contractor.

The discussions are intended to further define the project with a view to a potential submission of a tender by the suppliers or contractors. The discussions may be an opportunity to request the submission of technical proposals preliminary to the tenders.

The tenders obtained on completion of those discussions shall be evaluated in accordance with section 573.1.0.1.

Where the council opts for the process set out in this section, the Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions determined by the Minister, authorize the council to pay a financial compensation

(1) to each qualified supplier or contractor following the qualification process established in accordance with section 573.1.0.2 who has obtained the tender documents, where the call for tenders is cancelled before tenders are opened; or

(2) to each tenderer who submitted a compliant tender and who is not, when the contract is made, the successful tenderer.

Where the council opts for the payment of such compensation, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

Section 573.1.0.6 does not apply to the process under this section.

In addition, the call for tenders must contain

(1) the procedure and the time period for holding discussions; and

(2) provisions allowing the municipality to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.”

**“4.2.** For the purposes of the tendering process for any contract necessary for the Network project, section 573.1.0.7 of the Cities and Towns Act (chapter C-19) is amended by inserting “, 573.1.0.5.1” after “573.1.0.5”.

**“4.3.** For the purposes of the tendering process for any contract necessary for the Network project, section 573.1.0.8 of the Cities and Towns Act (chapter C-19) is amended by inserting “, 573.1.0.5.1” after “573.1.0.5” in the first paragraph.

**“4.4.** For the purposes of the tendering process for any contract necessary for the Network project, section 573.1.0.9 of the Cities and Towns Act (chapter C-19) is amended by inserting “or 573.1.0.5.1” after “573.1.0.5”.

**“4.5.** For the purposes of the tendering process for any contract necessary for the Network project, section 573.1.0.10 of the Cities and Towns Act (chapter C-19) is amended by inserting “, 573.1.0.5.1” after “573.1.0.5”.

**“4.6.** For the purposes of the tendering process for any contract necessary for the Network project, section 573.1.0.11 of the Cities and Towns Act (chapter C-19) is amended by inserting “, 573.1.0.5.1” after “573.1.0.5”.”

## ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

**135.** Section 48 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) is amended by replacing the second paragraph by the following paragraph:

“The second paragraph of section 91.3 of the Municipal Powers Act (chapter C-47.1) applies, with the necessary modifications, in respect of such a surety.”

## ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**136.** Section 99 of the Act respecting public transit authorities (chapter S-30.01) is amended by inserting “or 99.0.0.1” after “95”.

**137.** The Act is amended by inserting the following section after section 99:

“**99.0.0.1.** In addition to what is permitted under section 95, a transit authority may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract, a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of dismissal of the tender, that all or part of the goods or services be Canadian or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the transit authority uses a system of bid weighting and evaluating referred to in section 96 or section 96.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a transit authority may require, on pain of dismissal of the tender, that all the engineering services related to the contract be provided by suppliers from Canada, Québec or any territory determined by the transit authority.

For the purposes of any services contract by which a transit authority requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the transit authority may require, on pain of dismissal of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the transit authority.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a transit authority may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

"Assembly" means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, road test and final preparation for delivery:

- (1) engine, propulsion control system and auxiliary power;
- (2) transmission;
- (3) axles, suspension or differential;
- (4) brake system;
- (5) ventilation, heating and air conditioning system;
- (6) frames;
- (7) pneumatic or electrical systems;
- (8) door system;
- (9) passenger seats and handrails;
- (10) information and destination indicator system and remote monitoring system; and
- (11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;

- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (7) architectural or engineering services, except the engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.”

**138.** Section 108.1.0.1 of the Act is amended

- (1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 99.0.0.1, respectively, allow discrimination based on territory.”;
- (2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

**CHARTER OF THE CITY OF LAVAL**

**139.** Section 46*a* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for Ville de Laval by section 10 of the Charter of the City of Laval (1965, 1st session, chapter 89) and amended by section 4 of chapter 57 of the statutes of 1994, is further amended by adding the following paragraph at the end:

“The decision by the council to delegate a power to the executive committee or to take it back shall be made by a two-thirds majority vote of the council members.”

**140.** Section 51*b* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for Ville de Laval by section 12 of the Charter of the City of Laval (1965, 1st session, chapter 89), is amended by adding the following paragraphs at the end:

“Such rules may, with respect to a power of the executive committee conferred on it by law and, to the extent permitted by council by-law, with respect to a power of the council delegated to the executive committee, provide for the delegation of such a power to any officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.

However, the power to adopt a budget, a three-year program of capital expenditures or a document provided for in the Act respecting land use planning and development (chapter A-19.1), the Act respecting municipal courts (chapter C-72.01), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting municipal territorial organization (chapter O-9) may not be delegated.”

## TRANSITIONAL AND FINAL PROVISIONS

**141.** The amendment made to section 518 of the Act respecting elections and referendums in municipalities (chapter E-2.2) by section 50 does not apply to a process under way before 7 November 2021 to obtain the approval of or to consult the qualified voters. Such a process is under way from the date of adoption of the by-law, resolution or order requiring the approval or the consultation of the qualified voters.

**142.** Any office personnel member in office on (*insert the date that is six months after the date of assent to this Act*) who has not already participated in a professional development program referred to in section 15.3 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1), enacted by section 74, must participate in such a program not later than (*insert the date that is one year after the date of assent to this Act*).

**143.** Assistance granted by a local municipality under subparagraph 4 of the first paragraph of section 91 of the Municipal Powers Act (chapter C-47.1), before the coming into force of section 115, is not invalid for the sole reason that it contravenes the Municipal Aid Prohibition Act (chapter I-15).

**144.** Sections 1 to 4, 7, 9 to 13, 15 to 25 and 27 to 29, paragraph 2 of section 32, sections 33, 38, 39, 58, 60, 62 and 63 and paragraphs 1 and 2 of section 67 have effect for the purposes of any municipal election or municipal referendum as of the 2021 general municipal election.

**145.** Paragraphs 1 and 3 of section 5 and sections 6, 8, 14, 41, 42, 47 to 49, 54, 55, 57, 61, 64, 68, 121 and 122 have effect for the purposes of any municipal election or municipal referendum as of the 2025 general municipal election.

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

(1) sections 69 to 72, 74 and 75, which come into force on *(insert the date that is six months after the date of assent to this Act)*;

(2) sections 126 and 127, which come into force on 1 January 2020;

(3) section 108, which comes into force on 1 April 2020;

(4) sections 50 to 53 and 56, which come into force on 7 November 2021;

(5) sections 26 and 128, which come into force on 1 January 2022.