



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 38
(1996, chapter 58)

**An Act to establish the road
network preservation and
improvement fund**

**Introduced 30 May 1996
Passage in principle 12 June 1996
Passage 20 December 1996
Assented to 23 December 1996**

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EXPLANATORY NOTES

This bill gives effect to a measure announced in the Budget Speech of 9 May 1996.

Under the bill, the road network preservation and improvement fund is established for the purpose of financing the work necessary for the preservation of roadways and road structures and for the improvement and development of the road network.

The bill also establishes the operating rules of the fund.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Ministère des Transports (R.S.Q., chapter M-28).

Bill 38

An Act to establish the road network preservation and improvement fund

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by inserting, after section 12.29, the following sections:

“12.30 In addition, a fund to be known as the “road network preservation and improvement fund” is established for the purpose of financing the work necessary for the preservation of roadways and road structures and for the improvement and development of the road network.

“12.31 The Government shall determine the date on which the fund begins to operate, its assets and liabilities and the nature of the expenses chargeable to it.

“12.32 The fund shall be made up of the following sums, except interest:

(1) the sums paid by the Minister of Transport out of the appropriations granted for that purpose by Parliament;

(2) the sums paid by the Minister of Finance pursuant to the first paragraph of section 12.34 and to section 12.35;

(3) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund.

“12.33 The management of the sums paid into the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions he determines.

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the Minister of Transport shall keep the books of account for and record the financial commitments chargeable to the fund. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

“12.34 The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

The Minister of Finance may conversely advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any part of the sums paid into the fund that is not required for its operation.

An advance paid to a fund shall be repayable out of the fund.

“12.35 The Minister of Transport may, as manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

“12.36 The sums necessary for payment of the remuneration and expenses pertaining to the social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund shall be paid out of the fund.

“12.37 Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

“12.38 The fiscal year of the fund ends on 31 March.

“12.39 Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.”

2. For the fiscal year 1996-97, the appropriations granted to the Office des ressources humaines in relation to the social benefits and other conditions of employment of the persons assigned to the activities of the road network preservation and improvement fund are, to the extent determined by the Government, transferred to the Ministère des Transports.

- 3.** Section 1 has effect from 1 April 1996.
- 4.** This Act comes into force on 23 December 1996.