



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 130

**An Act to abolish the Ministère des Services
gouvernementaux and the Société québécoise
de récupération et de recyclage and to implement
the Government's 2010-2014 Action Plan to
Reduce and Control Expenditures by abolishing
or restructuring certain bodies and certain funds**

Introduction

**Introduced by
Madam Michelle Courchesne
Minister responsible for Government Administration and
Chair of the Conseil du trésor**

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EXPLANATORY NOTES

This bill restructures certain government departments, bodies and funds.

The Ministère des Services gouvernementaux is abolished and its responsibilities transferred to the Chair of the Conseil du trésor.

Certain funds are abolished or merged with other funds. Accordingly, the bill

(1) establishes the Natural Resources Fund to take over the activities of the forestry fund, the sustainable forest development fund and the mining heritage fund, and receives the revenues collected by the Agence de l'efficacité énergétique, which is abolished by this bill and whose activities are transferred to the Ministère des Ressources naturelles et de la Faune;

(2) establishes the Québec Research Fund to take over the activities of the Fonds de la recherche en santé du Québec, the Fonds québécois de la recherche sur la nature et les technologies and the Fonds québécois de la recherche sur la société et la culture;

(3) establishes the Territorial Information Fund to take over the activities of the land information fund and the geographic information fund;

(4) establishes the Natural Disaster Assistance Fund to take over the activities of the ice storm fund and the financial assistance fund in respect of certain disaster-affected areas;

(5) abolishes the farm-loan insurance and forestry-loan insurance funds, and transfers their activities to La Financière agricole du Québec;

(6) abolishes the government air service fund and transfers its activities to the Centre de services partagés du Québec; and

(7) abolishes the Fonds de l'industrie des courses de chevaux.

The following advisory councils have been integrated into the government departments which they come under: the Conseil consultatif du travail et de la main-d'œuvre, the Conseil de la science

et de la technologie, the Conseil des relations interculturelles, the Conseil de la famille et de l'enfance, the Conseil des aînés and the Conseil permanent de la jeunesse.

The activities of some bodies have been taken over by another body or by a government department. Thus, the activities of the Conseil des services essentiels have been taken over by the Commission des relations du travail; those of the Commission de l'équité salariale, by the Commission des normes du travail; those of the Corporation d'hébergement du Québec, by the Société immobilière du Québec, except its financial division, which has been taken over by the Ministère des Finances; those of Immobilière SHQ, by the Société d'habitation du Québec; and those of the Société québécoise de récupération et de recyclage, by the Ministère du Développement durable, de l'Environnement et des Parcs.

The bill abolishes the Société québécoise d'assainissement des eaux and creates the Parc industriel et portuaire de Bécancour, a legal person established for a private interest, which will succeed the Société du parc industriel et portuaire de Bécancour. A Commission sur l'éthique en science et en technologie has been created to advise the Minister of Economic Development, Innovation and Export Trade on the ethical issues arising from science and technology.

For the purposes of such restructuring, a number of transitional measures are provided with regard to the transfer of the rights and obligations of abolished bodies and funds, the continuation of their activities, the transfer of their assets and personnel and the terms of their members.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Public Administration Act (R.S.Q., chapter A-6.01);

- Legal Aid Act (R.S.Q., chapter A-14);
- Sustainable Forest Development Act (R.S.Q., chapter A-18.1);
- Archives Act (R.S.Q., chapter A-21.1);
- Health Insurance Act (R.S.Q., chapter A-29);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);

- Public Service Act (R.S.Q., chapter F-3.1.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting workforce vocational training and qualification (R.S.Q., chapter F-5);
- Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02);
- Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (R.S.Q., chapter M-30.001);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (R.S.Q., chapter M-30.01);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Public Protector Act (R.S.Q., chapter P-32);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);

- Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01);
- Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., chapter R-8.1.2);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20);
- Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.1);
- Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2);
- Act respecting Services Québec (R.S.Q., chapter S-6.3);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Securities Act (R.S.Q., chapter V-1.1);

- Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001);
- Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, chapter 7).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001);
- Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1);
- Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55);
- Act respecting the Conseil de la famille et de l'enfance (R.S.Q., chapter C-56.2);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);
- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1);
- Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2);
- Act respecting the government air service fund (R.S.Q., chapter F-3.2.2);
- Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);
- Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1);
- Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);
- Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45);
- Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9).

LEGISLATION ENACTED BY THIS BILL:

- Act to establish the Natural Disaster Assistance Fund;
- Act respecting energy efficiency and innovation;
- Act to establish the Parc industriel et portuaire de Bécancour.

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the annual share payable to the Agence de l’efficacité énergétique (R.R.Q., chapter R-6.01, r. 5);
- Regulation respecting the Québec sales tax (R.R.Q., chapter T-0.1, r. 2);
- Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758);
- Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, approved by Order in Council 566-98 (1998, G.O. 2, 1752);
- Règlement sur la régie interne de la Société du parc industriel et portuaire de Bécancour (1999, G.O. 2, 283, French only);

Bill 130

AN ACT TO ABOLISH THE MINISTÈRE DES SERVICES GOUVERNEMENTAUX AND THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE AND TO IMPLEMENT THE GOVERNMENT'S 2010-2014 ACTION PLAN TO REDUCE AND CONTROL EXPENDITURES BY ABOLISHING OR RESTRUCTURING CERTAIN BODIES AND CERTAIN FUNDS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MINISTÈRE DES SERVICES GOUVERNEMENTAUX

DIVISION I

ABOLITION OF MINISTÈRE DES SERVICES GOUVERNEMENTAUX AND TRANSFER OF ITS ACTIVITIES TO CONSEIL DU TRÉSOR

1. The Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) is repealed.

2. The Public Administration Act (R.S.Q., chapter A-6.01) is amended by inserting the following sections after section 77:

“77.1. The Chair of the Conseil du trésor shall also

(1) develop a variety of means to give individuals and enterprises, as well as departments and bodies of the Administration, simplified access to quality services throughout Québec;

(2) encourage optimal use of information and communications technologies in the delivery of public services while taking into consideration the choice of individuals regarding the mode of service delivery, and support methods that foster an efficient and economical delivery of services;

(3) encourage in particular the development of leading-edge expertise giving departments and bodies of the Administration access to shared services that they would not reasonably be able to develop on their own;

(4) prepare and propose to the Government policies and guidelines designed, on the one hand, to improve service delivery so that individuals and enterprises

can access services more easily, and, on the other, to make shared services available to the departments and bodies of the Administration, thus contributing to service improvement;

(5) coordinate the implementation of government policies and guidelines that concern information resources, and ensure follow-up;

(6) ensure the development, implementation and deployment of the e-government initiative and the promotion and implementation of any measure furthering the adaptation of public services to e-government;

(7) coordinate the efforts of departments and bodies of the Administration to achieve an integrated approach to the delivery of services to individuals and enterprises and a shared understanding of service quality standards;

(8) facilitate the implementation of shared services for departments and bodies of the Administration where such an initiative answers a need for efficiency and profitability in the management of their human, financial, physical and information resources;

(9) propose standards to the Government for the Government's signature and visual identification to be complied with by the departments and bodies designated by the Government; and

(10) ensure that the immovables and other property the departments and bodies of the Administration require to deliver their services are made available to them.

“77.2. The Chair of the Conseil du trésor is also responsible for the register of civil status and appoints the registrar of civil status. The registrar of civil status works within Services Québec.”

3. The personnel members of the Ministère des Services gouvernementaux become, without further formality, employees of the Secrétariat du Conseil du trésor.

DIVISION II

AMENDING PROVISIONS

4. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by striking out subparagraph 36 of the first paragraph.

5. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by striking out paragraph 36.

6. The words “Minister of Government Services” wherever they appear in the following provisions are replaced by “Chair of the Conseil du trésor”:

(1) sections 5 and 109 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);

(2) section 60 of the Act respecting Services Québec (R.S.Q., chapter S-6.3).

7. The words “Deputy Minister of Government Services” wherever they appear in the following provisions are replaced by “secretary of the Conseil du trésor”:

(1) sections 18 and 21 of the Act respecting the Centre de services partagés du Québec;

(2) section 6.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1).

CHAPTER II

FONDS D’ASSURANCE-PRÊTS AGRICOLES ET FORESTIERS

DIVISION I

ABOLITION OF FUND AND TRANSFER OF ITS ACTIVITIES

8. The Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is repealed.

9. Section 19 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) is amended

(1) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) guarantee to a lender the repayment of a financial commitment granted under a program it administers;”;

(2) by replacing “the insurance provided for in section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in subparagraph 6 of the first paragraph by “the repayment guarantee”.

10. Section 20 of the Act is amended

(1) by striking out “the Fonds d’assurance-prêts agricoles et forestiers or by” in subparagraph 4 of the first paragraph;

(2) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) rules concerning financial commitment repayment guarantees.”

11. Section 22 of the Act is amended

(1) by adding the following subparagraph after subparagraph 11 of the first paragraph:

“(12) decide whether a claim presented by a lender who benefits from the financial commitment repayment guarantee is admissible and in good order, and decide on the amount of the repayment to be made under the rules of a program.”;

(2) by inserting “or 12” after “subparagraph 10” in the second paragraph;

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

“A person who is subrogated in the rights of a lender is entitled to a financial commitment repayment guarantee if the person is a designated lender designated under subparagraph 5 of the first paragraph of section 19 or a person authorized to act as a lender under subparagraph 3 of the first paragraph of section 22.”

12. Section 24 of the Act is amended by adding the following paragraph at the end:

“In addition, at least once every five years, the agency shall conduct an actuarial analysis of the financial commitment repayment guarantee, to evaluate the risk of sustaining losses from financial commitments covered by the repayment guarantee.”

13. Section 30 of the Act is amended

(1) by inserting “or a lender” after “enterprise” in the first paragraph;

(2) by inserting “or the lender” after “enterprise” in the second paragraph.

14. Section 31 of the Act is amended by adding the following paragraph at the end:

“The agency may also refuse or cancel the financial commitment repayment guarantee of a lender who no longer meets the conditions under which it was granted or who fails to comply with a request made by the agency under section 30 or under the program governing the guarantee.”

15. The Act is amended by inserting the following section after section 34:

“34.1. With the sums at its disposal, the agency maintains an account exclusively dedicated to the coverage of potential losses resulting from financial commitments covered by the repayment guarantee.

The sums in this account which the agency does not expect to need in the short term to cover losses are deposited with the Caisse de dépôt et placement du Québec.”

DIVISION II

AMENDING PROVISIONS

16. Section 169 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is amended by replacing “that may be insured under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 4 by “that may be covered by the financial commitment repayment guarantee provided for by subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1)”.

17. Section 170 of the Act is amended by replacing “the Fonds d’assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 2 by “La Financière agricole du Québec”.

18. Section 29 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“La Financière agricole du Québec guarantees to the lender, in accordance with the Act respecting La Financière agricole du Québec (chapter L-0.1), the repayment of losses in principal and interest resulting from loans contracted on or after 1 August 1978, and of the expenses allowable under a program established under that Act that are incurred to claim or obtain payment.

A lender may benefit from the guarantee referred to in the first or third paragraph for two or more loans contracted under this subdivision by the same borrower, provided that the outstanding principal on such loans at no time exceeds the amounts indicated in section 13, subject to the right of the lender to the same guarantee for any additional amount representing the balance of a loan of which payment is assumed by the borrower as heir or legatee by particular title.”

19. Section 40 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing “the loan insurance contemplated in section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” by “a financial commitment repayment guarantee provided for by subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1).”

20. Section 124.38 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “the Fonds d’assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 2 by “La Financière agricole du Québec”.

DIVISION III

TRANSITIONAL PROVISIONS

21. La Financière agricole du Québec replaces the Fonds d'assurance-prêts agricoles et forestiers, acquires its rights and assumes its obligations.

22. The records and other documents of the Fonds d'assurance-prêts agricoles et forestiers become records and documents of La Financière agricole du Québec.

23. The sums in the Fonds d'assurance-prêts agricoles et forestiers are transferred to the dedicated account provided for in section 34.1 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) and are used not only to pay losses resulting from financial commitments covered by the repayment guarantee of La Financière agricole du Québec, but also to pay losses resulting from financial commitments covered by loan insurance under the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1), repealed by section 8.

24. The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., chapter A-29.1, r. 1) continues to apply until it is replaced by a program established by La Financière agricole du Québec under subparagraph 6 of the first paragraph of section 20 of the Act respecting La Financière agricole du Québec.

CHAPTER III

GOVERNMENT AIR SERVICE FUND

25. The Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is repealed.

26. Section 4 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended by adding the following paragraph at the end:

“In addition, a further mission of the Centre is to provide, in support of the mission of the Government, aircraft charter services and air transportation services for such uses as air ambulance transportation, forest fire fighting, territorial surveillance and passenger transportation. The Centre may enter into an agreement with the Société de protection des forêts contre le feu for the purpose of providing air services to fight forest fires.”

27. The activities, rights and obligations of the government air service fund are transferred to the Centre de services partagés du Québec, according to the terms and conditions determined by the Government.

28. The Centre de services partagés du Québec becomes a party, without continuance of suit, to all proceedings to which the Attorney General of Québec was a party that relate to government air service fund activities.

29. The personnel members of the government department under the responsibility of the Minister responsible for the administration of the Act respecting the government air service fund who are assigned to government air service fund activities become, without further formality, employees of the Centre de services partagés du Québec.

CHAPTER IV

FONDS DE L'INDUSTRIE DES COURSES DE CHEVAUX

30. Division IV.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), comprising sections 21.1 to 21.12, is repealed.

31. Section 540.1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is repealed.

CHAPTER V

GEOGRAPHIC INFORMATION FUND AND LAND INFORMATION FUND

DIVISION I

INTEGRATION OF FUNDS TO FORM TERRITORIAL INFORMATION FUND

32. The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by replacing the heading of subdivision 1 of Division II.1 and section 17.2 by the following:

“§1. — *Territorial Information Fund*

“**17.2.** The Territorial Information Fund is established.”

33. Section 17.3 of the Act is amended

(1) by striking out “except interest” in the part before paragraph 1;

(2) by adding the following at the end:

“(4) the sums referred to in section 17.12.0.1;

(5) the fees collected under section 8.1 of the Act to promote the reform of the cadastre in Québec (chapter R-3.1);

(6) the sums specified in an order made under the second paragraph of section 17.4.

These sums are credited to the Fund component, provided for in section 17.4, that corresponds to the purposes for which they are paid.”

34. Sections 17.4 to 17.7 of the Act are replaced by the following sections:

“17.4. The Fund shall be used to finance the costs of certain goods and services supplied by the Minister and shall comprise two components:

(1) the geographic component, dedicated to financing the costs of goods and services supplied under paragraphs 8.1 and 8.2 of section 12;

(2) the land component, dedicated to financing the costs of goods and services supplied under paragraphs 17.3, 17.4, 17.6 and 17.7 of section 12 and paragraph 3 of section 12.2.

The Government may, on the Minister’s recommendation, determine other activities that may be financed by the Fund, decide which component those activities fall under, create new components as needed and specify any new sums to be included in the Fund.

An order under the second paragraph may take effect as of the start date of the fiscal year in which it is made.

“17.5. The management of the sums making up the Fund shall be entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Minister keeps the books of account of the Fund and records the financial commitments chargeable to it. The Minister also ensures that the commitments and the payments arising from them do not exceed the available balances and are consistent with them.

The Minister may advance sums credited to one component to another.

The particulars of the management of the Fund are determined by the Conseil du trésor.”

35. Section 17.10.1 of the Act is amended by adding the following paragraph at the end:

“Any sum advanced to a fund is repayable out of that fund.”

36. The Act is amended by inserting the following section after section 17.12:

“17.12.0.1. The Minister may, subject to the applicable legislative provisions and with the authorization of the Government, make agreements with any government, body or person to facilitate the production of the goods and services financed by the Fund. Any sums payable pursuant to such an agreement shall be paid into the Fund.”

37. The Act is amended by striking out subdivision 2 of Division II.1, comprising sections 17.12.1 to 17.12.11.

DIVISION II

AMENDING PROVISIONS

38. Section 87.2 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing “land information fund” by “land component of the Territorial Information Fund”.

39. Section 8.1 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by replacing “land information fund” in the fourth paragraph by “land component of the Territorial Information Fund”.

DIVISION III

TRANSITIONAL PROVISIONS

40. The assets and liabilities of the geographic information fund are transferred to the Territorial Information Fund established by section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) and credited to the geographic component.

41. The assets and liabilities of the land information fund are transferred to the Territorial Information Fund established by section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune and credited to the land component.

CHAPTER VI

SUSTAINABLE FOREST DEVELOPMENT FUND, FORESTRY FUND AND MINING HERITAGE FUND

42. Section 313 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is repealed.

43. Section 359 of the Act is repealed.

44. The Act is amended by replacing “forestry fund” wherever it appears in sections 336, 347, 349 and 362 by “forestry component of the Natural Resources Fund”.

45. Section 37 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “forestry fund” by “forestry component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)”.

46. The heading of subdivision iv of subdivision 4 of Division I of Chapter III of Title I of the Act is replaced by the following heading:

“IV. CONTRIBUTIONS TO FORESTRY COMPONENT OF NATURAL RESOURCES FUND”.

47. The Act is amended

(1) by replacing “forestry fund” wherever it appears in sections 73.1, 73.2, 79.2, 82, 92.0.2, 92.0.11 and 104.5 by “forestry component of the Natural Resources Fund”;

(2) by replacing “forestry fund established under section 170.2” in section 73.5 by “forestry component of the Natural Resources Fund”.

48. Title IV.1 of the Act, comprising sections 170.2 to 170.11, is repealed.

49. Division III of Chapter X of the Mining Act (R.S.Q., chapter M-13.1), comprising sections 305.6 to 305.16, is repealed.

50. The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by inserting the following subdivision after section 17.12.11:

“§3.—*Natural Resources Fund*

“17.12.12. A Natural Resources Fund is established to finance certain activities of the department. The Fund consists of the following components:

(1) a forestry component, whose purpose is to finance activities relating to seedling production, forestry inventory data and forestry research and other activities aimed at maintaining or improving the protection, development or processing of forest resources;

(2) a sustainable forest development component, whose purpose is to finance activities relating to sustainable forest development and forest management, increasing timber production, forestry research and other activities relating to forest education and awareness and to the protection, development or processing of forest resources;

(3) an energy efficiency and innovation component, whose purpose is to finance programs and measures relating to energy efficiency and innovation, and activities relating to the Minister's responsibilities with regard to such programs and measures;

(4) a mining heritage component, whose purpose is to finance activities that foster the development of mineral potential, including such activities as geoscience knowledge acquisition, research and development in mining exploration and development and mining site rehabilitation and restoration techniques, and support for the development of Québec entrepreneurship.

The Government may, on the Minister's recommendation, determine other activities that may be financed by the Fund, decide which component those activities fall under, create new components as needed and specify any new sums to be included in the Fund.

An order under the second paragraph may take effect as of the start date of the fiscal year in which it is made.

“17.12.13. The Fund is made up of the sums specified in an order made under the second paragraph of section 17.12.12, the sums specified in sections 17.12.14 to 17.12.17 and the following sums credited to the appropriate component according to the purpose for which they are paid:

(1) the sums paid into the Fund by the Minister out of the appropriations granted by Parliament for the purpose referred to in section 17.12.12;

(2) the sums paid into the Fund by the Minister of Finance under the first paragraph of section 17.10 and section 17.10.1;

(3) the gifts, legacies and other contributions paid into the Fund to further its objects.

“17.12.14. The following sums are credited to the forestry component of the Fund:

(1) the sums paid by the Minister under section 73.5 and the fourth paragraph of sections 92.0.2 and 92.0.11 of the Forest Act (chapter F-4.1) which, in addition to any related surplus, are allocated exclusively to the financing of activities connected with forest management and development;

(2) the sums collected in respect of the sale of property or services financed by the Fund;

(3) the part that exceeds \$500,000 of the fines paid by offenders during a fiscal year of the Fund for an offence under the Forest Act or the regulations;

(4) the sums collected after 31 March 2003 in respect of the sale of timber confiscated by the Minister under section 203 of the Forest Act and the proceeds

of the sale of the timber deposited after that date with the Ministère des Finances under section 192 of that Act following the guilty plea or conviction of an offender;

(5) the damages, including any punitive damages awarded by the court under section 172.3 of the Forest Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

(6) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 59.2 of the Forest Act to establish a general forest management plan;

(7) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 61 of the Forest Act to establish a corrective plan and the sums paid to reimburse the costs incurred by the Minister under section 61.1 of that Act to perform any contractual obligation referred to in section 60 of that Act which an agreement holder failed to perform;

(8) the sums paid into the Fund pursuant to section 170.5.1 of the Forest Act;

(9) the sums paid into the Fund by the Minister of Finance under section 170.5.2 and the first paragraph of section 170.6 of the Forest Act;

(10) the interest on bank balances in proportion to the sums referred to in paragraph 1 of this section and paragraph 3 of section 17.12.13.

“17.12.15. The following sums are credited to the sustainable forest development component of the Fund:

(1) the sums paid into the Fund under the second paragraph;

(2) the income generated by administrative fees paid for the examination of applications for forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act (chapter A-18.1), or for the examination of applications for a forest producer’s certificate issued under that Act, including the fees paid for copies of those certificates;

(3) the sums collected in respect of the sale of property or services financed by the Fund;

(4) the fines paid by offenders against the Sustainable Forest Development Act or the regulations;

(5) the sums paid as a reimbursement of the costs incurred by the Minister under the second paragraph of section 65 of the Sustainable Forest Development Act to take the corrective measures required of those who carry out forest development activities;

(6) the sums collected from the sale of timber confiscated by the Minister under section 223 of the Sustainable Forest Development Act and the proceeds of the sale of timber deposited with the Ministère des Finances under section 215 of that Act following the guilty plea or conviction of an offender;

(7) the damages, including any punitive damages awarded by the court under section 226 of the Sustainable Forest Development Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

(8) the income from investments of the sums making up the sustainable forest development component.

The Government may authorize the following sums, required for the financing of activities referred to in Chapter VI of Title II of the Sustainable Forest Development Act and of activities related to increasing timber production or establishing a reserve, to be paid into the sustainable forest development component of the Fund:

(1) the proceeds from the sale of timber and other forest products in the domain of the State;

(2) the fees paid by holders of forestry permits or a wood processing plant operating permits issued under the Sustainable Forest Development Act.

“17.12.16. The following sums are credited to the energy efficiency and innovation component of the Fund:

(1) the sums collected from energy distributors under section 17 of the Act respecting energy efficiency and innovation (*insert the year and chapter number of that Act*);

(2) the fees or other sums collected for services provided by the Minister under an energy efficiency, energy innovation or greenhouse gas reduction program or measure;

(3) the sums paid as a reimbursement of the costs incurred by the Minister under section 9 or the second paragraph of section 13 of the Act respecting energy efficiency and innovation;

(4) the fines paid by offenders against the Act respecting energy efficiency and innovation;

(5) the income from investments of the sums making up the energy efficiency and innovation component.

“17.12.17. The following sums are credited to the mining heritage component of the Fund:

(1) the sums collected as mining duties under the Mining Duties Act (chapter D-15) and paid into the Fund on the dates and to the extent determined by the Government;

(2) the income from investments of the sums making up the mining heritage component.

“17.12.18. Sections 17.5 and 17.8 to 17.12 apply to the Natural Resources Fund, with the necessary modifications.”

[[**51.** The Minister of Finance advances the required start-up sums to the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). The Government determines the sums advanced and the date on which they must be paid into the Fund. The sums are taken out of the Consolidated Revenue Fund.]]

52. The assets and liabilities of the forestry fund established under section 170.2 of the Forest Act (R.S.Q., chapter F-4.1) are transferred to the Natural Resources Fund and credited to its forestry component.

53. The forestry component of the Natural Resources Fund terminates on 31 March 2013.

The assets and liabilities of that component are transferred on 1 April 2013 to the sustainable forest development component of the same Fund.

[[If the assets and liabilities transferred to the sustainable forest development component are insufficient for the start-up of that component, sums from the Consolidated Revenue Fund may be paid into the Natural Resources Fund and credited to the sustainable forest development component, to the extent determined by the Government.]]

54. The assets and liabilities of the mining heritage fund, established under section 305.6 of the Mining Act (R.S.Q., chapter M-13.1), are transferred to the Natural Resources Fund and credited to its mining heritage component.

CHAPTER VII

FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA NATURE ET LES TECHNOLOGIES, FONDS DE LA RECHERCHE EN SANTÉ DU QUÉBEC AND FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA SOCIÉTÉ ET LA CULTURE

DIVISION I

QUÉBEC RESEARCH FUND

55. The heading of Chapter V of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is replaced by the following heading:

“QUÉBEC RESEARCH FUND”.

56. Section 46 of the Act is replaced by the following section:

“**46.** The Québec Research Fund is established.”

57. Sections 47 and 48 of the Act are amended by replacing “Each Fonds” wherever it appears by “The Fund”.

58. Section 49 of the Act is amended by replacing “Each Fonds” by “The Fund”.

59. Section 50 of the Act is replaced by the following section:

“**50.** The Fund is administered by a board of directors composed of 15 members appointed by the Government, including the chief scientist and the chair of the board.

At least nine members other than the chief scientist are chosen from among the sectoral research councils established under section 70.2.”

60. The Act is amended by inserting the following section after section 50:

“**50.1.** The Government appoints the chief scientist from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of three members appointed by the Government.

The selection process does not apply to a chief scientist whose term is renewed.”

61. Section 51 of the Act is replaced by the following section:

“51. The chair of the board of directors calls and presides at meetings and ensures that they are properly conducted. The chair also exercises any other functions assigned by the board.

A vice-chair, chosen by the board members from among their number, acts as chair if the latter is absent or unable to act.”

62. Sections 52 and 53 of the Act are amended by replacing “chairman and managing director” wherever it appears by “chief scientist”.

63. Section 54 of the Act is amended

- (1) by inserting “or 50.1” after “section 50” in the first paragraph;
- (2) by replacing “internal by-laws of each Fonds” in the second paragraph by “by-laws of the Fund”.

64. Section 55 of the Act is amended

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

“55. The chief scientist exercises the functions of a president and chief executive officer of a body.”;
- (2) by replacing “chairman and managing director” wherever it appears in the second, third and fourth paragraphs by “chief scientist”;
- (3) by adding the following sentence at the end of the second paragraph: “He shall also exercise the other functions assigned to the chief scientist in the by-laws of the Fund.”

65. Section 56 of the Act is replaced by the following section:

“56. The members of the board other than the chief scientist are not remunerated except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

66. Section 58 of the Act is amended

- (1) by replacing “Each Fonds” in the first paragraph by “The Fund”;
- (2) by replacing the second and third paragraphs by the following paragraphs:

“The quorum at meetings of the board of directors is the majority of the members, including the chief scientist and the chair.

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

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

“58.1. The members of the board may waive notice of a meeting. Attendance at a meeting constitutes a waiver of notice, unless they are present for the sole purpose of contesting the legality of the meeting.

The members of the board may, if all are in agreement, take part in a meeting of the board from separate locations by means of equipment allowing all of them to communicate directly with one another.”

68. Section 59 of the Act is amended by replacing “d’un Fonds” in the French text by “du Fonds.”

69. Section 60 of the Act is amended by replacing “a Fonds” and “the Fonds” wherever they appear by “the Fund”.

70. The Act is amended by inserting the following section after section 60:

“60.1. The Minister may issue directives concerning the policies and general objectives to be pursued by the Fund, in particular with regard to the relative size of the resource envelopes to be allocated to each of the sectors identified in section 61.”

71. Sections 61 to 63 of the Act are replaced by the following sections:

“61. The Fund’s mission is to promote, support and finance researcher training and research activities in the following sectors:

(1) health, including basic research, clinical research, epidemiological research, public health research and health services research;

(2) natural sciences, mathematical sciences and engineering;

(3) social and human sciences, education, management, arts and letters.

“61.1. In carrying out its mission, the Fund may, among other things,

(1) provide financial support for research projects, the dissemination of knowledge and, through achievement scholarships awarded to graduate and postgraduate students and to persons engaging in postdoctoral research, for the training of researchers;

(2) award professional development scholarships to persons wishing to enter or re-enter the research community, and provide grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(3) create any necessary partnerships, in particular with universities, colleges and industry, and with the government departments and public and private bodies concerned;

(4) provide financial support to research teams, groups and centres.

The Fund must also promote and finance interdisciplinary research.”

72. Section 64 of the Act is amended

(1) by replacing “each Fonds” and “the Fonds” wherever they appear by “the Fund”, with the necessary modifications;

(2) by inserting “, for each sector,” after “describing” in the first paragraph;

(3) by adding, at the end of the second paragraph, “and shall contain a description of the programs. The plan shall also set out the interdisciplinary research activities promoted and financed by the Fund.”

73. Sections 65 and 66 of the Act are amended by replacing “a Fonds” and “every Fonds” wherever they appear by “the Fund”, with the necessary modifications.

74. Section 67 of the Act is amended

(1) by replacing “d’un Fonds” in the French text by “du Fonds”;

(2) by striking out the second paragraph.

75. Sections 68 and 69 of the Act are amended by replacing “Every Fonds” by “The Fund”.

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

“70. The Fund may adopt by-laws.

It must adopt a procedure for examining and dealing with complaints about operations connected with its activities.”

77. The Act is amended by inserting the following sections after section 70:

“70.1. The Fund may, in its by-laws, determine the mode of operation of the board of directors. It may form other committees as needed, determine their mode of operation and delegate powers of the board to them.

“70.2. The Fund shall create three research councils corresponding to the three research sectors identified in section 61. Each council develops programs for its sector, carries out strategic planning and implements programs, in particular with regard to assessing applications.

The councils are chaired by the chief scientist.

“70.3. The Fund shall appoint ten or more members to each research council for a three-year term, which may be renewed twice. The members of each council are chosen on the basis of their research experience and their representativeness of the research sector.

When appointing research council members, the Fund takes into account the recommendations of the research community, that is universities, public and private research centres and bodies representing public and industrial research.

“70.4. The Fund must establish an audit committee under the authority of the board of directors.

The committee determines whether Fund resources are managed in accordance with the applicable rules and are used efficiently; the committee reports its findings and conclusions, along with any recommendations it may have, to the board of directors.”

78. The Act is amended by replacing “every Fonds” and “the Fonds” in section 71 by “the Fund” and by replacing “a Fonds” and “No Fonds may” in section 72 by “the Fund” and “Nor may the Fund”, respectively.

79. Section 73 of the Act is replaced by the following section:

“73. In the pursuit of its objectives, the Fund may receive gifts, legacies, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of its mission.”

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

“73.1. The Fund advises the Minister on any matter under its area of competence that is submitted to it by the Minister, and makes any recommendations it considers appropriate.”

81. Section 74 of the Act is amended by replacing “a Fonds” wherever it appears by “the Fund”.

82. Section 75 of the Act is amended

(1) by replacing “a Fonds” and “the Fonds” wherever they appear by “the Fund”, with the necessary modifications;

(2) by replacing “chair and managing director” in the first paragraph by “chair, vice-chair or chief scientist”;

(3) by replacing “chair and managing director” in the second paragraph by “chief scientist”.

83. Section 76 of the Act is replaced by the following sections:

“76. The minutes of the meetings of the board of directors, approved by the board and certified by the chief scientist, the chair, the vice-chair, the secretary or any other person authorized by the Fund, are authentic. The same applies to documents and copies of documents emanating from the Fund or forming part of its records, if they are so certified.

“76.1. An intelligible transcription of a decision or other data stored in a computer or in a computer-readable medium is a document of the Fund and constitutes proof of its contents if it is certified by a person referred to in section 75.”

84. Section 77 of the Act is amended by replacing “each Fonds” by “the Fund”.

85. Section 78 of the Act is amended by replacing “each Fonds” by “the Fund”.

86. Section 79 of the Act is amended by replacing “a Fonds” by “the Fund”.

87. Section 80 of the Act is amended by replacing “the Fonds” and “every Fonds” by “the Fund”.

88. Schedule III to the Regulation respecting the Québec sales tax (R.R.Q., chapter T-0.1, r. 2) is amended by inserting “Québec Research Fund” in alphabetical order.

DIVISION II

TRANSITIONAL PROVISIONS

89. The Québec Research Fund replaces the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture; it also acquires the rights and assumes the obligations of those funds.

90. The records and other documents of the former funds become records and documents of the Québec Research Fund.

91. The Québec Research Fund becomes a party, without continuance of suit, to all proceedings to which the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture was a party.

92. Matters pending before the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture are continued by the Québec Research Fund.

93. The personnel members of the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture in office on *(insert the date of introduction of this bill)* become, without further formality, employees of the Québec Research Fund.

The same applies to personnel members of the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture who were appointed after that date, provided the appointment was authorized by the secretary of the Conseil du trésor.

94. The term of members of the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture ends on *(insert the date of coming into force of this section)*.

The chairman and managing director of the Fonds québécois de la recherche sur la société et la culture is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his deed of appointment.

The term of the chairman and managing director of the Fonds québécois de la recherche sur la nature et les technologies ends without compensation other than the transition allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

The term of the chairman and managing director of the Fonds de la recherche en santé du Québec ends without compensation in accordance with his deed of appointment.

CHAPTER VIII

NATURAL DISASTER ASSISTANCE FUND

95. The Act to establish the Natural Disaster Assistance Fund, the text of which appears in Schedule I, is enacted.

CHAPTER IX

CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'ŒUVRE

DIVISION I

ABOLITION OF COUNCIL AND TRANSFER OF ITS ACTIVITIES TO MINISTÈRE DU TRAVAIL

96. The Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55) is repealed.

97. Section 11 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by inserting the following paragraph after the first paragraph:

“The Minister shall establish and make public a policy with regard to the list of arbitrators drawn up by the Minister under section 77 of the Labour Code (chapter C-27). This policy shall include criteria with which to assess arbitrators’ qualifications and conduct.”

98. The Act is amended by inserting the following sections after section 12:

“12.1. The Minister shall establish a committee to advise the Minister on any question that the Minister submits to it respecting matters within the Minister’s competence. It shall also advise any other minister on any question related to labour or workforce that the Minister submits to it, at the request of the other minister, respecting matters within the competence of that other minister.

The committee may also study any matter relating to labour or the workforce and, with the Minister’s approval, commission studies and research it judges conducive to or necessary for the achievement of its objects.

“12.2. The committee established under section 12.1 shall release the general policy that guides the committee in advising the Minister in respect of the list of arbitrators referred to in section 77 of the Labour Code (chapter C-27) and advising the Minister under this section. The policy may include criteria for the appraisal of the arbitrators’ qualifications and conduct.

The Minister shall examine complaints about the remuneration and expenses claimed by arbitrators on the list, and about the conduct and qualifications of those arbitrators.

The Minister shall endeavour to resolve complaints to the satisfaction of the complainant and the arbitrator. If a complaint cannot be so resolved, the Minister may ask the committee established under section 12.1 for its opinion before making a decision on the complaint.

“12.3. The committee established under section 12.1 may solicit opinions and suggestions from the public on any matter it is studying or about to study, and may submit recommendations on the matter to the ministers referred to in section 12.1.

“12.4. The committee established under section 12.1 may form special committees to study specific questions, gather pertinent information and report to the committee on their findings and recommendations.

A special committee is composed of an equal number of committee members appointed under each of subparagraphs 2 and 3 of the first paragraph of section 12.6.

At the request of the committee established under section 12.1, the Minister may appoint persons who are not members of the committee as temporary members of a special committee. These persons are not remunerated; however, they may be compensated for the costs they incur to attend meetings and may receive an attendance allowance and the fees set by the Government.

“12.5. The members of the committee established under section 12.1 may not be prosecuted by reason of an act performed in good faith in the exercise of their functions under section 12.2, section 77 of the Labour Code (chapter C-27) or section 216 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

“12.6. The committee established under section 12.1 is composed of the following members, appointed by the Minister:

- (1) a committee chair;
- (2) six persons chosen from among those recommended by the most representative employee associations;
- (3) six persons chosen from among those recommended by the most representative employer associations.

The Deputy Minister of Labour or the Deputy Minister’s delegate is a member of the committee by virtue of office but is not entitled to vote.

“12.7. The members of the committee established under section 12.1, other than the chair and the Deputy Minister of Labour or the Deputy Minister's delegate, are appointed for three years; the chair is appointed for five years.

“12.8. The members of the committee established under section 12.1 remain in office, despite the expiry of their term, until they are replaced or reappointed.

“12.9. A vacant position on the committee established under section 12.1, except that of the Deputy Minister of Labour or the Deputy Minister's delegate, is filled in the manner prescribed for the appointment of the member to be replaced.

“12.10. The chair of the committee established under section 12.1 directs the committee's activities, prepares meeting agendas, calls and presides at meetings, coordinates and ensures the continuity of the committee's work, sees to the preparation of files, provides members with information on the matters to be studied and serves as liaison between the committee and the Minister of Labour or any other minister referred to in section 12.1.

“12.11. The chair of the committee established under section 12.1, if absent from a meeting, is replaced on an alternating basis by one of the members appointed under subparagraphs 2 and 3 of the first paragraph of section 12.6, after being designated for this purpose by the other members present.”

99. Section 216 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“Each year, after consultation with the professional orders concerned and the committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the Minister draws up a list of health professionals who agree to act as members of the Bureau.”

100. Sections 228, 385 and 407 of the Act are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

101. Section 591 of the Act is repealed.

DIVISION II

AMENDING PROVISIONS

102. Sections 77 and 103 of the Labour Code (R.S.Q., chapter C-27) are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

103. Sections 20 and 21 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

104. Section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” in subparagraph 8.5 of the first paragraph by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

105. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 3.

106. Section 24 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, approved by Order in Council 566-98 (1998, G.O. 2, 1752), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “committee established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

107. Section 18 of the Regulation respecting the remuneration of arbitrators, approved by Order in Council 851-2002 (2002, G.O. 2, 3809), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” by “committee established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

DIVISION III

TRANSITIONAL PROVISIONS

108. The Minister of Labour replaces the Conseil consultatif du travail et de la main-d’œuvre, acquires its rights and assumes its obligations.

109. The assets of the Conseil consultatif du travail et de la main-d’œuvre are transferred to the Minister of Labour.

The records and other documents of that council become records and documents of that Minister.

110. The examination of any complaint of which the Conseil consultatif du travail et de la main-d’œuvre was seized on or before (*insert the date of coming into force of this section*) under the second paragraph of section 2.1 of

the Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55) is continued by the Minister of Labour under section 12.2 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2).

111. The personnel members of the Conseil consultatif du travail et de la main-d'œuvre become, without further formality, employees of the Ministère du Travail.

112. The term of the members of the Conseil consultatif du travail et de la main-d'œuvre ends on (*insert the date of coming into force of this section*).

The president is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his deed of appointment.

CHAPTER X

CONSEIL DE LA FAMILLE ET DE L'ENFANCE

113. The Act respecting the Conseil de la famille et de l'enfance (R.S.Q., chapter C-56.2) is repealed.

114. The Minister of Families replaces the Conseil de la famille et de l'enfance, acquires its rights and assumes its obligations.

115. The assets of the Conseil de la famille et de l'enfance are transferred to the Minister of Families.

The records and other documents of that council become records and documents of that Minister.

116. The personnel members of the Conseil de la famille et de l'enfance become, without further formality, employees of the Ministère de la Famille et des Aînés.

117. The term of the members of the Conseil de la famille et de l'enfance ends on (*insert the date of coming into force of this section*).

The term of the president ends without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

CHAPTER XI

CONSEIL DES ÂÎNÉS

118. The Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is repealed.

119. Section 19 of the Act respecting Services Québec (R.S.Q., chapter S-6.3) is amended by striking out “and a representative of the Conseil des aînés” in the second paragraph.

120. The Minister responsible for Seniors replaces the Conseil des aînés, acquires its rights and assumes its obligations.

121. The assets of the Conseil des aînés are transferred to the Minister responsible for Seniors.

The records and other documents of that council become records and documents of that Minister.

122. The personnel members of the Conseil des aînés become, without further formality, employees of the Ministère de la Famille et des Aînés.

123. The term of the members of the Conseil des aînés ends on (*insert the date of coming into force of this section*).

CHAPTER XII

CONSEIL DES RELATIONS INTERCULTURELLES

124. The Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) is repealed.

125. Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a person designated by the Minister of Immigration and Cultural Communities;”.

126. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 5.

127. The Minister of Immigration and Cultural Communities replaces the Conseil des relations interculturelles, acquires its rights and assumes its obligations.

128. The assets of the Conseil des relations interculturelles are transferred to the Minister of Immigration and Cultural Communities.

The records and other documents of that council become records and documents of that Minister.

129. The personnel members of the Conseil des relations interculturelles become, without further formality, employees of the Ministère de l'Immigration et des Communautés culturelles.

130. The term of the members of the Conseil des relations interculturelles ends on *(insert the date of coming into force of this section)*.

The term of the president ends without compensation other than the allowance provided for in section 21 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

CHAPTER XIII

CONSEIL PERMANENT DE LA JEUNESSE

131. The Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is repealed.

132. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 7.

133. The Minister responsible for the Secrétariat à la jeunesse replaces the Conseil permanent de la jeunesse, acquires its rights and assumes its obligations.

134. The assets of the Conseil permanent de la jeunesse are transferred to the Minister responsible for the Secrétariat à la jeunesse.

The records and other documents of that council become records and documents of that Minister.

135. The personnel members of the Conseil permanent de la jeunesse become, without further formality, employees of the Ministère du Conseil exécutif.

136. The term of the members of the Conseil permanent de la jeunesse ends on *(insert the date of coming into force of this section)*.

The term of the president and vice-president ends without compensation other than the allowance provided for in sections 21 and 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723), that is, a transition allowance if their term has expired or a separation allowance if it has not.

CHAPTER XIV

CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE

137. Chapter IV of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01), comprising sections 31 to 45, is repealed.

138. Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) a person designated by the Minister of Economic Development, Innovation and Export Trade;”.

139. The Minister of Economic Development, Innovation and Export Trade replaces the Conseil de la science et de la technologie, acquires its rights and assumes its obligations.

140. The assets of the Conseil de la science et de la technologie are transferred to the Minister of Economic Development, Innovation and Export Trade.

The records and other documents of that council become records and documents of that Minister.

141. The personnel members of the Conseil de la science et de la technologie become, without further formality, employees of the Ministère du Développement économique, de l'Innovation et de l'Exportation.

142. The term of the members of the Conseil de la science et de la technologie ends on (*insert the date of coming into force of this section*).

The president is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his deed of appointment.

CHAPTER XV

ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION

143. The Act respecting energy efficiency and innovation, the text of which appears in Schedule II, is enacted.

CHAPTER XVI

CONSEIL DES SERVICES ESSENTIELS

DIVISION I

ABOLITION OF COUNCIL AND TRANSFER OF ITS ACTIVITIES TO COMMISSION DES RELATIONS DU TRAVAIL

144. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out “a mediator of the Conseil des services essentiels,” in subparagraph 3 of paragraph *l*;

(2) by replacing subparagraph 7 of paragraph *l* by the following subparagraph:

“(7) a public servant of the Commission assigned to functions referred to in section 137.48 or 137.48.1;”.

145. Section 109.1 of the Code is amended by replacing “the Conseil des services essentiels” in subparagraph *i* of paragraph *c* by “the Commission”.

146. Division I of Chapter V.1 of the Code, comprising sections 111.0.1 to 111.0.14, is repealed.

147. The Code is amended by replacing “Conseil des services essentiels” and “council” where it refers to the Conseil des services essentiels by “Commission”.

148. Section 111.20 of the Code is amended

(1) by replacing “may file a” in the first paragraph by “may file or, at the request of an interested party, authorize the filing of”;

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

“Any person who transgresses or refuses to comply with an order or undertaking in which the person is named or designated, or who knowingly contravenes an order or undertaking in which the person is not designated, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 53 to 54 of the Code of Civil Procedure (chapter C-25), to a fine not exceeding \$50,000

with or without a term of imprisonment not exceeding one year. These penalties may be re-imposed until the offender complies with the order or undertaking.”

149. The Code is amended by inserting the following division after section 111.20:

“DIVISION V

“MISCELLANEOUS PROVISIONS

“111.21. The Commission must brief the parties about the essential services to be maintained during a strike.

The Commission may also provide information to the public about any matter involving the maintenance of essential services.

“111.22. When the Commission acts under a provision of this chapter, sections 117, 121 to 123, 125, 129 and 133 do not apply.”

150. Section 114 of the Code is amended by striking out “sections 111.0.1 to 111.2, sections 111.10 to 111.20 and” in the second paragraph.

151. Section 124 of the Code is amended by replacing “A complaint, a proceeding or an application shall be heard and decided” in the first paragraph by “Every matter shall be heard and decided”.

152. Section 128 of the Code is amended by adding “or, if the decision was rendered under Chapter V.1, within the time determined by the president” at the end of the second paragraph.

153. The Code is amended by inserting the following section after section 137.48:

“137.48.1. For the purposes of Chapter V.1, the Commission may engage persons to conduct an investigation or help the parties come to an agreement.”

154. Section 138 of the Code is amended

(1) by inserting the following paragraph after the second paragraph:

“The Commission may also establish rules to be observed by the parties in reaching an agreement or drawing up a list pursuant to Chapter V.1.”;

(2) by inserting “or third” after “second” in the third paragraph.

155. Section 139 of the Code is amended by striking out “the Conseil des services essentiels,”.

156. Section 140.1 of the Code is amended

- (1) by replacing “council” wherever it appears by “Commission”;
- (2) by replacing “sections 111.0.10 or 111.0.13” by “section 137.48”.

157. Section 143.1 of the Code is amended by replacing “of the council established by section 111.0.1 or by persons appointed by it” by “of the Commission or of a person appointed by it pursuant to Chapter V.1”.

DIVISION II

AMENDING PROVISIONS

158. Section 69 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

- (1) by replacing “of the Conseil des services essentiels established by the Labour Code (chapter C-27)” in the second paragraph by “of the Commission des relations du travail”;
- (2) by replacing “to the Conseil des services essentiels” in the third paragraph by “to the Commission des relations du travail”.

159. Section 12.5 of the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., chapter R-8.1.2) is amended by replacing “the Conseil des services essentiels established by the Labour Code (chapter C-27)” in the first paragraph by “the Commission des relations du travail”.

160. The Act is amended by replacing “Conseil des services essentiels” and “council” where it refers to the Conseil des services essentiels by “Commission des relations du travail” and “Commission”, respectively.

161. Section 53 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2) is amended

- (1) by replacing “the Conseil des services essentiels established by section 111.0.1 of the Labour Code” in subparagraph 3 of the second paragraph by “the Commission des relations du travail”;
- (2) by replacing “The Conseil des services essentiels” in the second paragraph by “The Commission des relations du travail”.

DIVISION III

TRANSITIONAL PROVISIONS

162. The Commission des relations du travail replaces the Conseil des services essentiels, acquires its rights and assumes its obligations.

163. The assets, records and other documents of the Conseil des services essentiels become assets, records and documents of the Commission des relations du travail.

164. The term of the members of the Conseil des services essentiels ends on *(insert the date of coming into force of this section)*.

With the authorization of the president of the Commission des relations du travail and for the period the president determines, members of the Commission may nonetheless continue to exercise their functions, for the same salary, in order to conclude cases they have begun but have yet to determine.

165. The full-time members of the Conseil des services essentiels are declared qualified to be appointed as commissioners of the Commission des relations du travail assigned to the labour relations division if they satisfy the requirements set out in section 137.12 of the Labour Code (R.S.Q., chapter C-27).

To determine whether those members satisfy the requirements referred to in the first paragraph, a selection committee is formed that acts in accordance with sections 5 to 14, 16 and 19 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, enacted by Order in Council 500-2002 (2002, G.O. 2, 2319), except with regard to the prior notice of recruitment and the holding of an interview, with the necessary modifications.

A report containing the names of members who satisfy the requirements referred to in the first paragraph is submitted by the committee to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

The Minister of Labour recommends to the Government the appointment of the persons declared qualified to be appointed as commissioners to the Commission des relations du travail.

166. The full-time members of the Conseil des services essentiels who are not appointed as commissioners of the Commission des relations du travail and have job security in the public service are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their deeds of appointment. The term of the other members ends without compensation other than that provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un

emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

167. The personnel members of the Conseil des services essentiels in office on *(insert the date of introduction of this bill)* become, without further formality, employees of the Commission des relations du travail. These employees are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). For casual employees of the council, this applies only for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration, classification and any other applicable conditions of employment.

The same applies to personnel members of the Conseil des services essentiels appointed after that date, provided the appointment was authorized by the secretary of the Conseil du trésor.

168. Matters pending before the Conseil des services essentiels are continued before the Commission des relations du travail by one of the members who has heard the parties.

169. The Commission des relations du travail becomes a party, without continuance of suit, to any proceedings to which the Conseil des services essentiels was a party.

CHAPTER XVII

CORPORATION D'HÉBERGEMENT DU QUÉBEC

DIVISION I

ABOLITION OF CORPORATION AND TRANSFER OF ITS ACTIVITIES TO SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

170. The Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) is repealed.

171. Section 4 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) is amended

(1) by replacing “nine” in the first paragraph by “11”;

(2) by inserting “, two of whom must have an appropriate profile for the health and social services sector,” after “members” in the second sentence of the second paragraph.

172. Section 5 of the Act is amended by replacing “six” by “eight”.

173. The Act is amended by inserting the following sections after section 20:

“20.1. The Société’s objects in respect of health and social service providers, and for a consideration, are

(1) to offer those providers and to the Minister of Health and Social Services technical, contractual and financial expertise relating to the management, construction, maintenance and acquisition of health and social sector installations, facilities and infrastructures;

(2) to own movable and immovable property used or to be used by health and social service providers;

(3) to provide financial support to health and social service providers for the carrying out of projects, activities or particular operations falling within the scope of their mission;

(4) to develop property management expertise in the health and social sector in partnership with the private sector;

(5) at the request of the Minister of Health and Social Services, to transfer the ownership of any vacant immovable or other unused asset owned by the Société under subparagraph 2, subject to the conditions agreed between that Minister and the Société; and

(6) to carry out any other mandate the Minister of Health and Social Services entrusts to it.

For those purposes, it may, among other things, exercise its powers under paragraphs 1 to 3 of section 18, except the power to maintain an immovable maintained by a public or private institution under agreement.

Section 260, paragraph 3 of section 263 and sections 263.1 and 264 of the Act respecting health services and social services (chapter S-4.2) apply, with the necessary modifications, to the property management operations the Société carries out under this section.

For the purposes of this Act, health and social services institutions, agencies and regional councils governed by the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and any other person, partnership or association designated for that purpose by the Minister of Health and Social Services or the Government are health and social service providers.

“20.2. The Société shall act as the manager of any project requiring authorization from the Minister of Health and Social Services and the Conseil du trésor and described in subparagraph 2 of the first paragraph of section 260 of the Act respecting health services and social services (chapter S-4.2) or

subparagraph 1 of the first paragraph of section 72 of the Act respecting health services and social services for Cree Native persons (chapter S-5), whether the project concerns a public institution or a private institution under agreement, as well as any project of a health and social services agency requiring approval from that Minister.

The Minister of Health and Social Services may, however, if circumstances warrant it, authorize another manager for such a project.

If the Société acts, under this section, as manager of a project concerning a public institution or a health and social services agency and the project is a public infrastructure project within the meaning of the Act respecting Infrastructure Québec (chapter I-8.2), the first four paragraphs of section 9 of that Act apply to the Société, which remains responsible for the project and retains control over it.

“20.3. A health and social service provider may entrust asset maintenance work to the Société on entering into an agreement to that effect with the Société. However, an agreement for the performance of all or the major part of asset maintenance work on an installation maintained by a provider must first be authorized by the Minister of Health and Social Services. “Asset maintenance” has the meaning assigned to it by the second paragraph of section 263.1 of the Act respecting health services and social services (chapter S-4.2).

This section does not apply to private institutions not under agreement.

“20.4. The Société and the Minister of Health and Social Services shall enter into a management agreement applicable to the property management operations the Société carries out under sections 20.1 and 20.2.

“20.5. The rent of an immovable belonging to the Société the lessee of which is a health and social service provider is based on the actual costs the Société assumes for the immovable. As of the total repayment of the debt service, the rent of an immovable corresponds to the amount required to repay the actual costs assumed from then on by the Société in respect of the immovable.

The composition of the actual costs referred to in the first paragraph is determined in the management agreement entered into under section 20.4.

“20.6. In carrying out the objects described in sections 20.1 and 20.2, the Société shall act in accordance with the orientations determined by the Minister of Health and Social Services under section 431 of the Act respecting health services and social services (chapter S-4.2) and the management agreement required under section 20.4.”

174. The Act is amended by inserting the following section after section 22:

“22.1. The Société may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

The Société may, in the same manner, enter into an agreement and take part in joint projects with a Québec government department or body or with any person or body.”

175. Section 24 of the Act is amended

(1) by replacing “100 000 000” in the first paragraph by “300 000 000”;

(2) by replacing “100 000” in the second paragraph by “300 000”.

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

“32.1. For the achievement of the objects described in section 20.1, the Société may deposit with the Minister of Finance, to be managed by that Minister, sums intended for the payment of the principal of any loan, in order to constitute a sinking fund for the purpose of repaying the principal at the maturity dates of the loan.

The second paragraph of section 469 of the Act respecting health services and social services (chapter S-4.2) applies in respect of the use of the revenue of the sinking fund.”

177. Section 33 of the Act is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) accept a gift or legacy to which a charge or condition is attached.”

178. Section 36 of the Act is amended by adding “, unless the immovable is used or intended to be used by a person mentioned in subparagraph *a* of paragraph 14 of section 204 of the Act respecting municipal taxation (chapter F-2.1)” at the end of the first sentence.

DIVISION II

AMENDING PROVISIONS

179. Section 2 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01) is amended by replacing “, agencies referred to in that Act, except institutions and the agency referred to in Part IV.1 of that Act, and the Corporation d’hébergement du Québec” in subparagraph 4 of the first paragraph by “and agencies referred to in that Act, except institutions and the agency referred to in Part IV.1 of that Act”.

180. Section 7 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out “, the Corporation d’hébergement du Québec” in the first paragraph.

181. The schedule to the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing “, the agencies referred to in the said Act and the Corporation d’hébergement du Québec” in paragraph 6.1 by “and the agencies referred to in that Act”.

182. Section 65.4 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “, a health communication centre referred to in the Act respecting pre-hospital emergency services (chapter S-6.2) or the Corporation d’hébergement du Québec” in subparagraph 5 of the first paragraph by “or a health communication centre referred to in the Act respecting pre-hospital emergency services (chapter S-6.2)”.

183. Section 20.5 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by striking out “and the Corporation d’hébergement du Québec”.

184. Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out subparagraph 2 of the first paragraph.

185. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out subparagraph 2 of the first paragraph.

186. Section 25 of the Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1) is amended by striking out “, the Corporation d’hébergement du Québec” in paragraph 1.

187. Section 4 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) is amended by replacing “, health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) and the Corporation d’hébergement du Québec” in subparagraph 6 of the first paragraph by “and health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2)”.

188. Section 54 of the Act is amended by striking out subparagraph 5 of the first paragraph.

189. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out “, 1.2” in the third paragraph.

190. Section 204 of the Act is amended by striking out paragraph 1.2.

191. Section 208 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “That rule also applies in the case of an immovable referred to in paragraph 1 of that section whose owner is the Société immobilière du Québec and that is used or intended to be used by a person referred to in subparagraph *a* of paragraph 14 of that section.”;

(2) by striking out “1.2 and” in the fourth paragraph;

(3) by adding the following sentence at the end of the fourth paragraph: “That rule also applies in the case of an immovable referred to in the second sentence of the second paragraph.”

192. Section 255 of the Act is amended

(1) by inserting “Subject to subparagraph 1 of the second paragraph,” at the beginning of the first paragraph;

(2) by replacing “a person mentioned in paragraph 1.2 of section 204” in subparagraph 1 of the second paragraph by “the Société immobilière du Québec and that is used or intended to be used by a person mentioned in subparagraph *a* of paragraph 14 of section 204”.

193. The Act is amended by inserting the following section after section 255.2:

“255.3. When an immovable referred to in subparagraph 1 of the second paragraph of section 255 is used for the purposes of that subparagraph but the use relates to only part of the immovable, the roll must, in accordance with section 61, contain the information required to compute the amount payable under the first paragraph of section 254 on the basis of the parts of the value of the immovable, whether the rule for computing the part is set out in the first or the second paragraph of section 255.”

194. Section 350 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “Corporation d’hébergement du Québec” in the fourth paragraph by “Société immobilière du Québec”.

195. Section 468 of the Act is amended by replacing “, the public institution or the Corporation d’hébergement du Québec” in the third paragraph by “or the public institution” and by replacing “or public institution or of the Corporation” in that paragraph by “or public institution”.

196. Section 469 of the Act is amended by striking out “or the loans of the Corporation d’hébergement du Québec” in the second paragraph.

197. Section 471 of the Act is repealed.

198. Section 472.1 of the Act is replaced by the following section:

“472.1. The Minister may, on the conditions determined by the Government, guarantee the performance of any obligation which an association recognized by the Minister under section 267 is required to discharge in connection with the management of a deductible on an insurance contract negotiated and concluded by the association in favour of its members. The Minister may also, on the conditions determined by the Government, advance to the association any sum it considers necessary in connection with such management.

[[The sums necessary for such purpose are taken out of the Consolidated Revenue Fund.”]]

199. Section 27 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2) is replaced by the following section:

“27. In exercising its functions, a health communication centre may not use property infrastructures, whether as owner or lessee, without first obtaining the authorization of the Minister, which may be subject to conditions.”

200. Section 41 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing “, a” in subparagraph *c* of paragraph 2 by “or a” and by striking out “, or the Corporation d’hébergement du Québec” in that subparagraph.

DIVISION III

TRANSITIONAL PROVISIONS

201. The Corporation d’hébergement du Québec and the Société immobilière du Québec are amalgamated effective (*insert the date of coming into force of this section*).

From that date, those legal persons are continued under the name of Société immobilière du Québec, and their patrimonies are joined together to form the patrimony of the Société.

202. The immovables and other assets that belong to the Corporation d’hébergement du Québec become immovables and other assets of the Société immobilière du Québec. The value of the assets so transferred is that appearing in the financial statements audited by the Auditor General of Québec for the fiscal year ending on 31 March 2011.

The transfer provided for in this section has effect despite the non-fulfilment, at the time of the transfer, of an obligation or a condition provided in an Act or contract. No proceedings may be brought against the Government, the Société or any of their members, employees or officers solely by reason of the transfer or the non-fulfilment of such an obligation or condition.

203. The rights and obligations of the Corporation d'hébergement du Québec become rights and obligations of the Société immobilière du Québec.

204. The bonds issued by the Corporation d'hébergement du Québec become bonds of the Société immobilière du Québec.

205. The amalgamation entails the conversion by operation of law of the shares issued by the Corporation d'hébergement du Québec into shares of the Société immobilière du Québec.

Certificates for the converted shares are issued to the Minister of Finance.

206. The Minister of Health and Social Services may deposit with the Minister of Finance, to be managed by that Minister, all amounts intended for the payment of the principal on bonds issued by the Corporation d'hébergement du Québec, in order to constitute a sinking fund for the purpose of repaying the principal on the bonds out of those amounts and at the maturity dates of the loan, and repaying the Corporation's loans out of the proceeds or income of the fund.

The first paragraph applies only to loans contracted by the Corporation d'hébergement du Québec before 1 April 1991.

207. The Minister of Health and Social Services may deposit with the Minister of Finance, to be managed by that Minister, the sums intended for the payment of the principal of the loan contracted by the Corporation d'hébergement du Québec in respect of which a subsidy has been granted under section 206 or 208, in order to constitute a sinking fund for the purpose of repaying, out of those sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund is to be used for the repayment of any duly authorized loan contracted by the Corporation d'hébergement du Québec, or allocated for the repayment of any loan of the Corporation for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted by the Corporation d'hébergement du Québec on or after 1 April 1991.

208. The Minister of Health and Social Services may also, subject to the conditions the Minister determines, perform any obligation of the Corporation d'hébergement du Québec or grant, in the name of the Government, a subsidy of the same nature as that granted under section 218.1 to provide for the payment of any loan of that legal person, if the loan or obligation is contracted directly or indirectly

(1) to acquire, build or transform an immovable used or to be used by an institution, agency or any other person, association or legal person specially designated by the Minister;

(2) to administer and manage such an immovable, and acquire or obtain, by a supply contract, the equipment and furniture necessary in such an immovable and all the other services that may be required;

(3) to finance those activities; or

(4) to carry on the activities described in subparagraphs 1, 2 and 3 in respect of an institution governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) or a regional council established under that Act.

This section applies only to obligations and loans contracted by the Corporation d'hébergement du Québec before 1 April 2000.

209. A transfer of immovables or rights and obligations under section 202 or 203 need not be registered in the land register.

The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to such a transfer.

210. The records, documents and archives of the Corporation d'hébergement du Québec become records, documents and archives of the Société immobilière du Québec, unless the Government decides otherwise.

211. The Société immobilière du Québec becomes a party, without continuance of suit, to any proceedings to which the Corporation d'hébergement du Québec was a party.

212. The term of office of the members of the board of directors of the Corporation d'hébergement du Québec ends on (*insert the date of coming into force of this section*).

The chief executive officer is reinstated in the public service subject to the conditions set out in his or her deed of appointment in the case of a return to the public service.

213. The personnel members of the Corporation d'hébergement du Québec in office on (*insert the date of introduction of this bill*) become, without further formality, employees of the Société immobilière du Québec, except those identified by a decision of the Conseil du trésor.

The personnel members of the Corporation identified by the Conseil du trésor pursuant to the first paragraph become employees of the Ministère de la Santé et des Services sociaux or of any other department the Conseil du trésor determines. Those employees are deemed to have been appointed in accordance

with the Public Service Act (R.S.Q., chapter F-3.1.1). For casual employees of the Corporation, that presumption is valid only for the unexpired portion of their contract. The Conseil du trésor determines their remuneration and their classification and any other condition of employment applicable to them.

214. Section 213 applies to the members of the personnel of the Corporation d’hébergement du Québec appointed after (*insert the date of introduction of this bill*) if the appointment was authorized by the secretary of the Conseil du trésor.

215. Sections 64 to 69 of the Act respecting the Corporation d’hébergement du Québec (R.S.Q., chapter C-68.1) as they read on (*insert the date preceding the date of coming into force of section 170*) continue to apply to employees transferred to the Société immobilière du Québec who, on that date, could avail themselves of the rights under section 64 of that Act.

216. The regulations, by-laws and policies adopted by the Corporation d’hébergement du Québec respecting the fields and activities transferred to the Société immobilière du Québec remain applicable to the extent that they are consistent with this Act and until they are repealed, replaced or amended by regulations made under the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1).

CHAPTER XVIII

COMMISSION DE L’ÉQUITÉ SALARIALE

DIVISION I

ABOLITION OF COMMISSION AND TRANSFER OF ITS ACTIVITIES TO COMMISSION DES NORMES DU TRAVAIL

217. Section 4 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by adding the following paragraph at the end:

“In this Act, unless the context indicates otherwise, “Commission” means the Commission des normes du travail et de l’équité salariale.”

218. Section 5 of the Act is amended by striking out “de l’équité salariale”.

219. The heading of Chapter V of the Act is replaced by the following heading:

“FUNCTIONS AND POWERS OF THE COMMISSION”.

220. Division I of Chapter V of the Act, comprising sections 77 to 92, is repealed.

221. The Act is amended by striking out the following heading before section 93:

“DIVISION II

“DUTIES AND POWERS”.

222. Section 93 of the Act is amended

(1) by replacing subparagraphs 6 and 7 of the first paragraph by the following subparagraphs:

“(6) conducting investigations, either on its own initiative or following a dispute referred to in section 96 or 98 or following a complaint under section 96.1, 97, 99, 100, 101 or 107;

“(7) conducting investigations following a complaint under section 19 of the Charter of human rights and freedoms (chapter C-12) filed by an employee of an enterprise employing fewer than 10 employees, alleging discrimination in compensation between a predominantly female job class and a predominantly male job class;

“(7.1) completing, in a non-adversarial manner, investigations conducted under subparagraph 6 or 7 and, where expedient, determining the measures to be taken to ensure that this Act and section 19 of the Charter of human rights and freedoms are complied with;”;

(2) by replacing subparagraph 10 of the first paragraph by the following subparagraphs:

“(10) fostering the creation of sector-based pay equity committees and pay equity audit committees, and assisting them in their work;

“(10.1) approving the pay equity plan or pay equity audit elements developed by a sector-based pay equity committee or a pay equity audit committee;”.

223. Section 94 of the Act is amended by replacing “its powers and duties” by “its functions and powers under this Act”.

224. Section 95.2 of the Act is amended by replacing “president of the Commission” by “chief commissioner of the pay equity division pursuant to section 10.1 of the Act respecting labour standards (chapter N-1.1)”.

225. Section 95.4 of the Act is amended by adding “under this Act” at the end of subparagraph 1 of the first paragraph.

226. Section 98 of the Act is amended by inserting “or subparagraph 3 of the first paragraph of section 76.2” after “32”.

227. Section 114 of the Act is amended by replacing “of the Commission” in the second paragraph by “made by the Commission under this Act”.

228. Section 132 of the Act is amended by inserting “des normes du travail et” after “Commission”.

229. The Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “Commission des normes du travail” wherever it appears in sections 1, 4, 28.1, 86.1, 123, 123.4, 123.13, 124 to 126.1, 151 and 153 to 156 by “Commission des normes du travail et de l’équité salariale”.

230. Section 10.1 of the Act is amended

(1) by replacing “two” by “three”;

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

“In addition to the functions provided for in the first paragraph, one of the vice-presidents acts as chief commissioner in charge of the matters within the jurisdiction of the pay equity division established by section 39.0.0.4, and presides at sittings of that division.”

231. Section 10.2 of the Act is amended

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

“The vice-president acting as chief commissioner is appointed after consultation with bodies representative of employers, employees and women.”;

(2) by inserting “other than the vice-president acting as chief commissioner” before “to replace” in the second paragraph.

232. Section 21 of the Act is amended

(1) by inserting “incurred for the purposes of this Act” after “expenses of the Commission”;

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

“The expenses of the Commission incurred for the purposes of the Pay Equity Act (chapter E-12.001), including the salaries, allowances, indemnities and employee benefits of the commissioners of the pay equity division and of the secretary and the personnel of the Commission, are paid out of the appropriations granted to the Ministère du Travail for the responsibilities devolving upon the Commission with respect to pay equity. These appropriations are transferred to the Commission according to the terms and conditions determined by the Government.”

233. Section 24 of the Act is amended by replacing “and the vice-chairmen” in the first paragraph by “, the vice-presidents and the commissioners of the pay equity division”.

234. The Act is amended by inserting the following after section 39.0.0.3:

“CHAPTER III.0.1

“PAY EQUITY DIVISION

“39.0.0.4. A pay equity division is established within the Commission.

“39.0.0.5. With regard to the oversight duties provided for in subparagraph 1 of the first paragraph of section 93 of the Pay Equity Act (chapter E-12.001), the pay equity division is alone responsible for exercising the powers provided for in sections 10, 12.1, 13, 21, 22, 23, 30.1, 31, 44, 46.1, 61 and 72, subparagraphs 3 to 5.2, 7.1 and 10.1 of the first paragraph of section 93, the first paragraph of section 95, sections 96 to 101.1 and the second paragraph of section 103 of that Act.

The pay equity division may also order the posting or distribution of an information document under the first paragraph of section 14 of the Pay Equity Act and exercise any power delegated to it by the Commission for the carrying out of that Act.

“39.0.0.6. The pay equity division is composed of a chief commissioner and two commissioners. The commissioners are appointed by the Government after consultation with bodies representative of employers, employees and women, and exercise their functions on a full-time basis.

“39.0.0.7. The commissioners are appointed for a term of not more than five years.

On expiry of their term, the commissioners remain in office until they are replaced or reappointed.

“39.0.0.8. The Government determines the commissioners’ remuneration, employee benefits and other conditions of employment.

“39.0.0.9. The commissioners, the personnel of the Commission acting under a provision of the Pay Equity Act and any persons exercising a power delegated for the purposes of that Act may not be prosecuted by reason of an omission made or an act performed in good faith in the exercise of their functions.

The commissioners are, for the purposes of an investigation, 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.

“39.0.0.10. The quorum at meetings of the pay equity division, which may be held anywhere in Québec, is two commissioners. In the event of a tie vote, the chief commissioner has the casting vote. A commissioner designated by the chief commissioner may act alone to exercise the powers granted to the Commission under sections 96 to 101.1 and the second paragraph of section 103 of the Pay Equity Act.

Documents emanating from the pay equity division are authentic if they are signed or, in the case of copies, if they are certified by a commissioner or by a person designated to exercise that function by the chief commissioner.

“39.0.0.11. If a commissioner is absent or unable to act, the Minister may appoint an interim replacement on the conditions the Minister determines. In the case of the chief commissioner, the person appointed as an interim replacement only exercises the chief commissioner’s functions in that capacity.

The Government may, after consultation with the president of the Commission and the chief commissioner, and where it considers it necessary for the proper dispatch of the business of the pay equity division, appoint any additional commissioner for the period of time it determines; the Government sets, as applicable, the salary, employer benefits additional salary, fees or allowances of any such additional member.”

235. Section 169 of the Act is amended by replacing “and personnel” by “, its personnel and the commissioners of the pay equity division”.

DIVISION II

AMENDING PROVISIONS

236. The words “Commission des normes du travail”, wherever they appear in the following sections, are replaced by “Commission des normes du travail et de l’équité salariale”:

- (1) section 65 of the Health Insurance Act (R.S.Q., chapter A-29);
- (2) section 137.62 of the Labour Code (R.S.Q., chapter C-27);
- (3) section 16 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- (4) section 43 of the Act respecting workforce vocational training and qualification (R.S.Q., chapter F-5);

(5) section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31); and

(6) section 176.20.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9).

237. Section 49.1 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by replacing “Commission de l’équité salariale” in the second paragraph by “Commission des normes du travail et de l’équité salariale”.

238. Section 176.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by replacing “Commission de l’équité salariale” in the second paragraph by “Commission des normes du travail et de l’équité salariale”.

239. Section 176.28 of the Act is amended by replacing “Commission de l’équité salariale” in the second paragraph by “Commission des normes du travail et de l’équité salariale”.

240. Section 109 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.1) is replaced by the following section:

“**109.** The Commission des normes du travail et de l’équité salariale may not receive a complaint made under the Pay Equity Act (chapter E-12.001) by a home childcare provider to whom this Act applies.”

241. Section 132 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2) is replaced by the following section:

“**132.** The Commission des normes du travail et de l’équité salariale may not receive a complaint made under the Pay Equity Act (chapter E-12.001) by a resource to whom this Act applies.”

DIVISION III

TRANSITIONAL PROVISIONS

242. The Commission des normes du travail et de l’équité salariale replaces the Commission de l’équité salariale, acquires its rights and assumes its obligations.

243. The assets of the Commission de l’équité salariale are transferred to the Commission des normes du travail et de l’équité salariale.

The records and other documents of the Commission de l'équité salariale become records and documents of the Commission des normes du travail et de l'équité salariale.

244. Matters pending before the Commission de l'équité salariale are continued before the Commission des normes du travail et de l'équité salariale.

245. The Commission des normes du travail et de l'équité salariale becomes a party, without continuance of suit, to any proceedings to which the Commission de l'équité salariale was a party.

246. A regulation made under the Pay Equity Act by the Commission de l'équité salariale is deemed to have been made by the Commission des normes du travail et de l'équité salariale.

247. The members of the Commission de l'équité salariale become commissioners of the pay equity division of the Commission des normes du travail et de l'équité salariale, under the same conditions, for the unexpired portion of their term. When their term expires, they remain in office until they are replaced or reappointed.

The president of the Commission de l'équité salariale becomes vice-president and chief commissioner of the Commission des normes du travail et de l'équité salariale.

248. The personnel members of the Commission de l'équité salariale become, without further formality, employees of the Commission des normes du travail et de l'équité salariale.

CHAPTER XIX

IMMOBILIÈRE SHQ

DIVISION I

ABOLITION OF IMMOBILIÈRE SHQ AND TRANSFER OF ITS ACTIVITIES

249. The Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3) is repealed.

250. The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting the following sections before section 3.5:

“3.4.1. The Société may, in the pursuit of its objects, make loans.

“3.4.2. Aside from the powers it possesses for the pursuit of its objects, the Société may, occasionally and for purposes other than those provided for in section 3, transfer or lease its immovables, or constitute any real right in an immovable it owns.”

251. Section 3.5 of the Act is amended by inserting “or the Government” after “Conseil du trésor”.

252. The Act is amended by inserting the following sections after section 3.5:

“3.6. The Société determines by by-law the consideration to be paid by housing bureaus and other non-profit organizations for the use of its immovables.

“3.7. The Société is subrogated by operation of law in the rights of a housing agency within the meaning of section 85.1 as soon as proceedings are instituted before the competent court regarding a prejudice caused to the housing agency, up to the amount that the Société has paid or may pay to the housing agency because of the prejudice.”

253. Section 57 of the Act is amended

(1) by replacing “Société Immobilière SHQ” by “Société” and “that housing authority or organization” by “the Société or the organization” in subparagraph *d* of paragraph 3.1;

(2) by adding the following subparagraph after subparagraph *e* of paragraph 3.1:

“(f) with the authorization of the Société, enter into an agreement with a housing agency within the meaning of section 85.1 to provide the housing agency with certain services.”

DIVISION II

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

254. Immobilière SHQ is dissolved without other formalities than those provided for in this Act.

255. The term of the members of the board of directors of Immobilière SHQ ends on (*insert the date of coming into force of this section*).

256. The Société d’habitation du Québec reimburses an amount of \$13,530,000 to the Minister of Finance, under terms agreed between them, to redeem the 135,300 shares held by the Minister in Immobilière SHQ.

257. The Government is authorized to take \$255,405,103 out of the Consolidated Revenue Fund to provide for payment of the expenditures constituting Immobilière SHQ's accumulated deficit as it stood on 31 December 2010, as well as the amounts required, in the course of subsequent fiscal years, to offset any excess of expenditure over revenue resulting from the transfer provided for in section 259 and assumed by the Société d'habitation du Québec.]]

258. The guarantee of the Government in respect of the repayment of the principal of and the interest on and of the costs and other accessories of any loan contracted by the Société d'habitation du Québec for the financing of the immovables transferred to Immobilière SHQ under the Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3), that are transferred to the Société d'habitation du Québec under this Act or in respect of the granting of loans to housing bureaus or other organizations remains without change or novation in respect of any beneficiary of that guarantee.

259. All property belonging to Immobilière SHQ, including housing immovables and the rights and obligations arising from loans granted by it or by the Société d'habitation du Québec to housing bureaus or other non-profit organizations, is transferred to the Société d'habitation du Québec.

The Société d'habitation du Québec acquires the rights and assumes the obligations of Immobilière SHQ with regard to the property thus transferred, including the rights and obligations arising from the loans contracted by it or by Immobilière SHQ to finance the construction of those immovables or to grant those loans.

260. The Société d'habitation du Québec becomes a party, without continuance of suit, to any proceedings to which Immobilière SHQ was a party.

261. The transfer under section 259 of immovables and of rights and obligations arising from loans need not be published in the land registry.

If it judges it expedient, however, the Société d'habitation du Québec may publish a notice of the transfer of authority meeting the requirements set out in the third paragraph of article 2940 of the Civil Code with respect to any of those properties.

262. Section 261 also applies to property transferred by the Société d'habitation du Québec to Immobilière SHQ under section 33 of the Act respecting Immobilière SHQ for which the declaration provided for in section 36 of that Act has not been published.

263. In an application presented to the registrar by the Société d'habitation du Québec for the cancellation or reduction of the entry made in favour of Immobilière SHQ in the land register, the Société d'habitation du Québec need

only state that it is acting in the rights of Immobilière SHQ and make reference to this Act.

264. The Société d'habitation du Québec must advise the registrar that it is subrogated in the rights of Immobilière SHQ with regard to any address published in favour of the latter. The notice given by the Société, which needs not contain the registration numbers of the addresses that are registered for the benefit of Immobilière SHQ, is equivalent to a notice of change of name submitted under article 3023 of the Civil Code and has all the effects of such a notice for each address.

265. The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to transfers made by Immobilière SHQ to the Société d'habitation du Québec under this Act.

266. Despite sections 28 and 29 of the Act respecting Immobilière SHQ, the fiscal year of Immobilière SHQ that began on 1 January 2010 ends on 31 March 2011 and its financial statements and report of operations for that fiscal year must be filed with the Minister not later than 30 September 2011.

267. The Regulation respecting the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ (R.R.Q., chapter I-0.3, r. 1), made under section 23 of the Act respecting Immobilière SHQ, is deemed to have been made under section 3.6 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

CHAPTER XX

ACT TO ESTABLISH THE PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

268. The Act to establish the Parc industriel et portuaire de Bécancour, the text of which is set out in Schedule III, is enacted.

CHAPTER XXI

SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

DIVISION I

ABOLITION OF SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

269. The Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is repealed.

DIVISION II

AMENDING PROVISIONS

270. Section 489 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out paragraph 3.

271. Article 993 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out paragraph 3.

DIVISION III

TRANSITIONAL PROVISIONS

272. The rights and obligations of the Société québécoise d'assainissement des eaux, except rights and obligations under its bond loans and its loans from the Financing Fund, are transferred to the Minister of Municipal Affairs, Regions and Land Occupancy.

273. The Minister of Municipal Affairs, Regions and Land Occupancy, or the person designated by the Minister, is responsible, among other things, for the management of the sinking-fund set up for and on behalf of municipalities, and for the collection of the sums receivable by the Société under a convention or an agreement made under the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1), which must be paid into the Consolidated Revenue Fund.

274. The records and other documents of the Société québécoise d'assainissement des eaux become records and documents of the Minister of Municipal Affairs, Regions and Land Occupancy.

[[**275.** The Minister of Municipal Affairs, Regions and Land Occupancy, or the person designated by the Minister, acts as liquidator of the Société québécoise d'assainissement des eaux. If necessary, the sums required for the liquidation, such as for repayment of the debt owed to the Financing Fund, are taken out of the Consolidated Revenue Fund.]]

[[**276.** Despite section 275, the bond loans of the Société québécoise d'assainissement des eaux are fully administered by the Minister of Finance. The sums required for the purposes of those loans are taken out of the Consolidated Revenue Fund.]]

277. The Minister of Municipal Affairs, Regions and Land Occupancy pays any proceeds from the liquidation of the Société québécoise d'assainissement des eaux into the Consolidated Revenue Fund.

278. A notice of closure under article 364 of the Civil Code cannot be filed with respect to the liquidation so long as bond loans are outstanding.

279. The personnel members of the Société québécoise d’assainissement des eaux in office on (*insert the date of introduction of this bill*) become, without further formality, employees of the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire. They are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). That presumption with respect to the casual and contractual employees of the Société is only valid for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and classification and any other condition of employment applicable to them.

The same applies to the personnel members of the Société appointed after that date, if their appointment was authorized by the secretary of the Conseil du trésor.

280. The Minister of Municipal Affairs, Regions and Land Occupancy becomes, without continuance of suit, a party to any proceedings to which the Société québécoise d’assainissement des eaux was a party.

281. A municipality may, in accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or, as applicable, with article 979 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), impose a special tax for the purpose of paying the sums it is required, under section 272, to pay to the Minister of Municipal Affairs, Regions and Land Occupancy under a convention or an agreement entered into in accordance with the Act respecting the Société québécoise d’assainissement des eaux, as it read on 31 March 2011.

CHAPTER XXII

SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

DIVISION I

ABOLITION OF SOCIÉTÉ AND TRANSFER OF ITS ACTIVITIES TO MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT AND PARKS

282. The Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01) is repealed.

283. The Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (R.S.Q., chapter M-30.001) is amended by inserting the following section after section 11:

“11.0.1. With respect to residual materials management, the Minister may, in particular,

(1) develop and implement measures or programs to prevent or reduce the production of residual materials, promote the recovery and reclamation of those

materials and encourage the development of technologies and enterprises in those sectors of activity; and

- (2) administer a consignment system.

In its various activities in the area of residual materials management, the Ministère du Développement durable, de l'Environnement et des Parcs may operate under the name "RECYC-QUÉBEC".

284. Section 15.4 of the Act is amended

- (1) by inserting the following paragraphs after paragraph 3.1:

"(3.2) the sums paid under section 541.66 of the Act respecting the Québec sales tax (chapter T-0.1);

"(3.3) the sums paid to the Minister under any agreement entered into under the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001);";

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

"The sums paid into the Fund under subparagraphs 3.2 and 3.3 of the first paragraph must be used to finance measures or programs in the area of residual materials management."

DIVISION II

AMENDING PROVISIONS

285. Schedule I to the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by striking out "Société québécoise de récupération et de recyclage".

286. Section 541.66 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended

(1) by replacing "to the Société québécoise de récupération et de recyclage, instituted by the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01)," in the first paragraph by "to the Green Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)";

(2) by adding "with the Minister of Sustainable Development, Environment and Parks" at the end of the second paragraph.

287. Section 3 of the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001) is amended

by striking out “and the Société québécoise de récupération et de recyclage incorporated under the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01)”.

DIVISION III

TRANSITIONAL PROVISIONS

288. The Minister of Sustainable Development, Environment and Parks replaces the Société québécoise de récupération et de recyclage, acquires its rights and assumes its obligations.

In particular, the Minister assumes the rights and obligations of the Société arising from agreements with respect to the consignment, recovery and recycling of non-returnable beer and soft drink containers, entered into under the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001).

289. The assets and liabilities of the Société québécoise de récupération et de recyclage are transferred to the Minister of Sustainable Development, Environment and Parks and, subject to the conditions determined by the Government, are recorded in the books of account of the Green Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (R.S.Q., chapter M-30.001).

290. The measures and programs administered by the Société québécoise de récupération et de recyclage continue to apply until they are replaced, modified or abolished.

291. The financial assistance and subsidies granted by the Société québécoise de récupération et de recyclage are deemed to have been granted by the Minister of Sustainable Development, Environment and Parks.

292. The term of the members of the board of directors of the Société québécoise de récupération et de recyclage ends on (*insert the date of coming into force of this section*).

The term of the president and chief executive officer of the Société ends on that date without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d’un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

293. The personnel members of the Société québécoise de récupération et de recyclage in office on (*insert the date of introduction of this bill*) become, without further formality, employees of the Ministère du Développement durable, de l’Environnement et des Parcs, except those who exercise the functions and powers of legal manager or jurist, who become employees of the Ministère de la Justice. They are deemed to have been appointed in accordance

with the Public Service Act (R.S.Q., chapter F-3.1.1). That presumption with respect to the casual employees of the Société is only valid for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and classification and any other condition of employment applicable to them.

The same applies to personnel members of the Société appointed after that date, if their appointment was authorized by the secretary of the Conseil du trésor.

294. The records and other documents of the Société québécoise de récupération et de recyclage become records and documents of the Minister of Sustainable Development, Environment and Parks.

295. Civil proceedings to which the Société québécoise de récupération et de recyclage is a party are continued by an attorney acting for and on behalf of the Attorney General of Québec, on an appearance on behalf of the Attorney General of Québec and without continuance of suit.

CHAPTER XXIII

COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

DIVISION I

ESTABLISHMENT OF COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

296. The Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is amended by inserting the following after section 45:

“CHAPTER IV.1

“COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

“DIVISION I

“ESTABLISHMENT AND ORGANIZATION

“45.1. The Commission de l'éthique en science et en technologie is established.

“45.2. The secretariat of the Commission is located at the place determined by the Government. Notice of the location or any change of location of the secretariat is published in the *Gazette officielle du Québec*.

“45.3. The Commission is composed of 13 members, including a president, appointed by the Government. The members must possess expertise in ethics and be from the university and industrial research communities in the fields of social and human sciences, natural sciences, engineering and biomedical sciences and from the ethics community, the practice communities and civil society.

The Government may appoint an observer at the Commission; the observer participates in meetings of the Commission but is not entitled to vote.

“45.4. The members of the Commission, including the president, are appointed for not more than three years.

The term of office of the members may be renewed consecutively only once. At the expiry of their terms of office, the members remain in office until they are replaced or reappointed.

“45.5. Any vacancy occurring during the term of office of the members of the Commission is filled in accordance with the mode of appointment prescribed in section 45.3.

Absence from a number of meetings determined by the by-laws of the Commission constitutes a vacancy in the cases and circumstances specified in the by-laws.

“45.6. The president manages the Commission and supervises its personnel.

The Government determines the remuneration, employee benefits and other conditions of employment of the president.

“45.7. Members of the Commission other than the president are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“45.8. The meetings of the Commission and any committee of the Commission are held in camera. The Commission may invite other persons to take part in one of its meetings, or a meeting of any of its committees.

The Commission may hold its meetings anywhere in Québec.

Six members are a quorum at meetings of the Commission.

In the case of a tie vote, the president has a casting vote.

“45.9. The personnel members of the Commission are appointed in accordance with the Public Service Act (chapter F-3.1.1).

“DIVISION II

“FUNCTIONS AND POWERS

“45.10. The function of the Commission is to advise the Minister on any matter relating to ethical issues in the areas of science and technology. A further function of the Commission is to promote reflection on those issues.

“45.11. In performing its function, the Commission shall give the Minister its opinion on any matter the Minister submits to it relating to ethical issues in the areas of science and technology. The Commission may also take the initiative of submitting advisory opinions to the Minister or making recommendations on any matter within its purview.

Moreover, it must communicate its findings and conclusions to the Minister.

The Minister may make public the advisory opinions, recommendations, findings and conclusions submitted by the Commission.

“45.12. The Commission may establish committees for the proper conduct of its work. At the request of the Minister, it must form working groups to examine particular matters.

The members of committees and working groups are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“45.13. The Commission may adopt by-laws.

“45.14. Not later than 31 July each year, the Commission submits to the Minister an activity report for the preceding fiscal year.

The Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.”

297. Schedule III to the Regulation respecting the Québec sales tax (R.R.Q., chapter T-0.1, r. 2) is amended by inserting “Commission de l’éthique en science et en technologie” in alphabetical order.

CHAPTER XXIV

COMMON AMENDING, TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

AMENDING PROVISIONS

298. In any other Act, regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Minister of Government Services, the Deputy Minister of Government Services or the Ministère des Services gouvernementaux is a reference to the Chair of the Conseil du trésor, the secretary of the Conseil du trésor or the Secrétariat du Conseil du trésor;

(2) a reference to the Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) or any of its provisions is a reference to the Public Administration Act (R.S.Q., chapter A-6.01);

(3) a reference to the Fonds d'assurance-prêts agricoles et forestiers is a reference to La Financière agricole du Québec, and "right to the insurance" (or any similar formulation) is replaced by "right to the repayment guarantee";

(4) a reference to the Minister responsible for the administration of the Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is, with regard to Government Air Service Fund activities, a reference to the Centre de services partagés du Québec;

(5) a reference to the geographic information fund or the land information fund is a reference to the Territorial Information Fund;

(6) a reference to the sustainable forest development fund, the forest fund or the mining heritage fund is a reference to the appropriate component of the Natural Resources Fund;

(7) a reference to the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture is a reference to the Québec Research Fund;

(8) a reference to the Conseil consultatif du travail et de la main-d'œuvre is a reference to the committee established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);

(9) a reference to the Conseil de la famille et de l'enfance is a reference to the Minister of Families;

(10) a reference to the Conseil des aînés is a reference to the Minister responsible for Seniors;

(11) a reference to the Conseil des relations interculturelles is a reference to the Minister of Immigration and Cultural Communities;

(12) a reference to the Conseil permanent de la jeunesse is a reference to the Minister responsible for the Secrétariat à la jeunesse;

(13) a reference to the Conseil de la science et de la technologie is a reference to the Minister of Economic Development, Innovation and Export Trade;

(14) a reference to the Conseil des services essentiels is a reference to the Commission des relations du travail;

(15) a reference to the Corporation d'hébergement du Québec is a reference to the Société immobilière du Québec or, if the Government so decides, to any other person designated by the Government;

(16) a reference to the Commission de l'équité salariale or the Commission des normes du travail is a reference to the Commission des normes du travail et de l'équité salariale;

(17) a reference to Immobilière SHQ is a reference to the Société d'habitation du Québec;

(18) a reference to the minister designated by the Government as the Minister responsible for the administration of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01) is a reference to the Minister of Sustainable Development, Environment and Parks;

(19) a reference to the Société québécoise de récupération et de recyclage is a reference to the Minister of Sustainable Development, Environment and Parks; and

(20) a reference to the Act respecting the Société québécoise de récupération et de recyclage is a reference to the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-30.001).

299. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended

(1) by striking out “Commission de l'équité salariale”, “Conseil consultatif du travail et de la main d'œuvre”, “Conseil de la famille et de l'enfance”, “Conseil de la science et de la technologie”, “Conseil des aînés”, “Conseil des relations interculturelles”, “Conseil des services essentiels” and “Conseil permanent de la jeunesse”;

(2) by inserting “Commission de l’éthique en science et en technologie” in alphabetical order.

300. Schedule 2 to the Act is amended

(1) by striking out “Corporation d’hébergement du Québec”, “Fonds d’assurance-prêts agricoles et forestiers”, “Fonds de la recherche en santé du Québec”, “Fonds québécois de la recherche sur la nature et les technologies”, “Fonds québécois de la recherche sur la société et la culture”, “Immobilière SHQ”, “Société québécoise d’assainissement des eaux” and “Société québécoise de récupération et de recyclage”;

(2) by replacing “Commission des normes du travail” by “Commission des normes du travail et de l’équité salariale”;

(3) by inserting “Québec Research Fund” in alphabetical order.

301. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by striking out “The Corporation d’hébergement du Québec”, “The Société québécoise de récupération et de recyclage”, “The Conseil des services essentiels”, “The Fonds de la recherche en santé du Québec”, “The Fonds québécois de la recherche sur la nature et les technologies” and “The Fonds québécois de la recherche sur la société et la culture”;

(2) by inserting “Québec Research Fund” in alphabetical order.

302. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by striking out “the Corporation d’hébergement du Québec”, “the Conseil des services essentiels”, “the Fonds de la recherche en santé du Québec”, “the Fonds québécois de la recherche sur la société et la culture in respect of employees assigned to the Fonds by the Ministère de la Recherche, de la Science et de la Technologie on 13 June 2002” and “the Société québécoise de récupération et de recyclage”;

(2) by inserting “the Québec Research Fund in respect of employees transferred to that Fund from the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture who are members of this plan on 31 March 2011” in alphabetical order.

303. Schedule III to the Act is amended by striking out “the Fonds de la recherche en santé du Québec” and “the Société québécoise de récupération et de recyclage”.

304. Schedules I and III to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) are amended by replacing “Commission des normes du travail” by “Commission des normes du travail et de l’équité salariale”.

305. Schedule II to the Act is amended

(1) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 1 by “the Québec Research Fund in respect of employees transferred to that Fund from the Fonds de la recherche en santé du Québec who are members of this plan on 31 March 2011”;

(2) by striking out “the Conseil de la science et de la technologie” and “the Fonds de la recherche en santé du Québec” in paragraph 3;

(3) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 4 by “the Québec Research Fund in respect of employees transferred to that Fund from the Fonds de la recherche en santé du Québec who are members of this plan on 31 March 2011”.

306. Schedule IV to the Act is amended

(1) by replacing “the Commission des normes du travail” by “the Commission des normes du travail et de l’équité salariale”;

(2) by striking out “the Fonds de la recherche en santé du Québec”.

307. Schedule I to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by striking out subparagraph 2 of paragraph 3 of Division I.

308. Schedule II to the Act is amended

(1) by striking out “the Conseil des services essentiels”, “the Corporation d’hébergement du Québec” and “the Société québécoise de récupération et de recyclage” in paragraph 1;

(2) by replacing “the Fonds de la recherche en santé du Québec” and “the Fonds québécois de la recherche sur la société et la culture in respect of employees assigned to the Fonds by the Ministère de la Recherche, de la Science et de la Technologie on 13 June 2002” in paragraph 1 by “the Québec Research Fund in respect of employees transferred to that Fund from the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture who are members of this plan on 31 March 2011”;

(3) by striking out “the Fonds québécois de la recherche sur la société et la culture in office on 1 April 2002” in paragraph 6.

309. Schedule V to the Act is amended

(1) by replacing “Commission des normes du travail” by “Commission des normes du travail et de l’équité salariale”;

(2) by striking out “the Société québécoise de récupération et de recyclage” and “the Fonds de la recherche en santé du Québec”.

DIVISION II

TRANSITIONAL AND FINAL PROVISIONS

310. The Government may, by regulation, make any other transitional provision or measure for the carrying out of this Act.

A regulation under this section is not subject to the publication requirement of section 8 of the Regulations Act (R.S.Q., chapter R-18.1). If it so provides, a regulation under this section may apply from a date not prior to the date of coming into force of this section.

311. This Act comes into force on 1 April 2011 or on an earlier date set by order of the Government, except

(1) subparagraph 2 of the first paragraph of section 17.12.12 and section 17.12.15 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2), enacted by section 50, which come into force on 1 April 2013;

(2) section 165, which comes into force on (*insert the date of assent to this Act*);

(3) sections 93, 167, 214, 279 and 293, insofar as they apply to the power of the secretary of the Conseil du trésor to authorize the appointment of personnel within certain bodies, which have effect from (*insert the date of introduction of this bill*);

(4) Chapter XVIII and sections 298 to 300, 304, 306 and 309, insofar as they apply to the abolition of the Commission de l’équité salariale, which come into force on the date or dates to be set by the Government;

(5) sections 95, 143, 266 and 268, which come into force on (*insert the date of assent to this Act*); and

(6) Chapter XXII and sections 298, 300 to 303, 308 and 309, insofar as they apply to the abolition of the Société québécoise de récupération et de recyclage, which come into force on the date or dates to be set by the Government, but not prior to the date of coming into force of the amendments to the Environment Quality Act (R.S.Q., chapter Q-2) required because of the repeal of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01).

SCHEDULE I
(Section 95)

**AN ACT TO ESTABLISH THE NATURAL DISASTER ASSISTANCE
FUND**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A Natural Disaster Assistance Fund is established at the Secrétariat du Conseil du trésor.

The Fund is dedicated to the management and financing of the exceptional expenditures borne by government departments and bodies and the expenditures pertaining to the various financial assistance programs established to provide compensation for damage caused by the following natural disasters:

- (1) the torrential rains of 19 and 20 July 1996 that affected the regions designated by the Government;
- (2) the ice storm of 5 to 9 January 1998.

For the purposes of this Act, a government body is any government agency or government enterprise within the meaning of sections 4 and 5 of the Auditor General Act (R.S.Q., chapter V-5.01).

2. The Fund is made up of

- (1) the sums deposited in the Disaster Assistance Account created under section 3;
- (2) the sums paid by the Minister of Finance under the first paragraph of section 7 or under section 8;
- (3) appropriations committed in the course of the 1996-1997 fiscal year and following fiscal years to pay expenditures incurred by a government department or body in relation to a natural disaster referred to in section 1;
- (4) the sums paid into the Fund by the Chair of the Conseil du trésor out of the appropriations granted for that purpose by Parliament;
- (5) the gifts, legacies and other contributions paid into the Fund to further its objects; and
- (6) the revenues allocated to that purpose by the Government, and any contribution determined by the Government on a proposal of the Minister of Finance.

3. A specific purpose account named “Disaster Assistance Account” is created at the Secrétariat du Conseil du trésor for the deposit of sums received

or to be received from the Government of Canada in relation to the natural disaster referred to in subparagraph 2 of the second paragraph of section 1, as financial assistance allocated in the event of a disaster or under any program or any intergovernmental agreement entered into for that purpose.

The costs chargeable to the account are the expenditures eligible for federal assistance in the event of a disaster, for such programs or for such agreements.

Disbursements from the account are limited to the amounts received or to be received from the Government of Canada.

4. The sums required for the following purposes are taken out of the Fund:

(1) the payment of the financial assistance granted by a government department or body under the financial assistance programs established, authorized or approved by the Government in relation to a natural disaster referred to in section 1;

(2) the payment of exceptional expenditures borne by a government department or body for emergency measures taken during or after a natural disaster referred to in section 1 and for the implementation of the programs referred to in paragraph 1;

(3) the implementation of a reconstruction and economic recovery program for recognized disaster-affected regions adopted by the Government following the natural disaster referred to in subparagraph 1 of the second paragraph of section 1;

(4) the payment of the remuneration and expenditures pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the activities of the Fund;

(5) the payment of any other expenditure related to the natural disaster referred to in subparagraph 2 of the second paragraph of section 1 and determined by the Government.

5. The Government determines the nature of the costs chargeable to the Fund.

6. The management of the sums making up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Chair of the Conseil du trésor keeps the books of account of the Fund and records the financial commitments chargeable to it, despite section 24 of

the Financial Administration Act (R.S.Q., chapter A-6.001). The Chair also certifies that commitments and the payments arising from them do not exceed the available balances and are consistent with them.

[[7. The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the Fund sums taken out of the Consolidated Revenue Fund. However, in the case of damage caused by torrential rains, a recommendation of the ministerial committee is required to obtain this authorization.]]

The Minister may, conversely, make advances to the Consolidated Revenue Fund, on a short-term basis and on the conditions the Minister determines, out of sums paid into the Natural Disaster Assistance Fund that are not required for its operation.

Any advance paid into a fund is repayable out of that fund.

8. The Chair of the Conseil du trésor may, as the manager of the Fund, borrow from the Ministère des Finances sums taken out of the Financing Fund of the Ministère des Finances.

9. Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act apply to the Fund, with the necessary modifications.

10. The fiscal year of the Fund ends on 31 March.

11. Despite any provision to the contrary, the Minister of Finance must, 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 State that has become *res judicata*.

12. The Chair of the Conseil du trésor is responsible for the administration of this Act.

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

13. The Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45) is repealed.

14. The Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9) is repealed.

15. The sums accumulated in the fund established by the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 and in the fund established by the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 are transferred to the Natural Disaster Assistance Fund established under this Act.

16. Management of the sums referred to in section 15 continues in the same manner until new management procedures are approved by the Conseil du trésor.

17. The specific purpose account created under section 3 replaces the specific purpose account created under section 3 of the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998; the sums accumulated in the latter account are transferred to the former account.

18. In any regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 or to the fund in respect of the ice storm of 5 to 9 January 1998 is a reference to the Natural Disaster Assistance Fund.

19. The provisions of this Act come into force on the date or dates to be set by the Government.

This Act ceases to have effect on the date to be set by the Government, at which time any surplus of the Fund will be paid into the Consolidated Revenue Fund.

SCHEDULE II
(Section 143)

AN ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION

CHAPTER I

ACTIONS TO FOSTER ENERGY EFFICIENCY AND INNOVATION

DIVISION I

FUNCTIONS AND POWERS OF THE MINISTER

1. The Minister of Natural Resources and Wildlife is responsible for fostering and promoting energy efficiency and innovation.

The Minister is to draw up a comprehensive energy and innovation plan and ensure that it is implemented and followed up.

The Minister defines the content of fuel efficiency programs and measures, multi-energy-source programs and measures and energy innovation programs and measures.

2. The Minister may

(1) develop and implement energy efficiency and innovation programs and measures;

(2) provide technical support for research and development in the field of energy efficiency and innovation;

(3) implement energy efficiency and innovation measures to reduce greenhouse gases;

(4) delegate to another party the implementation of energy efficiency and innovation programs and measures, including measures to reduce greenhouse gas emissions;

(5) for the purposes of the comprehensive energy efficiency and innovation plan, follow up and assess the work done in the context of energy efficiency and innovation programs and measures, including measures to reduce greenhouse gases.

For the purposes of this section, the Minister may join forces with a partner active in the field of energy efficiency or energy innovation.

3. The Minister may require any person who is subject to this Act to provide, within the time specified, any information or document the Minister needs for the exercise of functions under this Act.

DIVISION II

COMPREHENSIVE ENERGY EFFICIENCY AND INNOVATION PLAN

4. For the purposes of this Act,

“diesel fuel” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and intended to supply diesel engines;

“electric power distributor” means Hydro-Québec when carrying on electric power distribution activities;

“energy distributor” means a distributor of electric power, natural gas or fuel, a municipal electric power system governed by the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) or the Coopérative régionale d’électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d’électricité de Saint-Jean-Baptiste de Rouville (1986, chapter 21);

“fuel” means gasoline, diesel fuel, heating oil or propane, but not aviation fuel, marine bunker fuel, hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes or renewable fuel content;

“fuel distributor” means

(1) a person who refines, manufactures, mixes, prepares or distils fuel in Québec;

(2) a person who brings or causes to be brought into Québec fuel contained in one or more receptacles with a total capacity of over 200 litres, except fuel contained in a fuel tank installed as standard equipment to supply the engine of a vehicle;

(3) a person who, in Québec, exchanges fuel with a person described in paragraph 1; or

(4) a legal person or partnership that brings fuel into Québec for a purpose other than resale;

“gasoline” means a liquid mixture of hydrocarbons obtained from the refining of petroleum mainly for use as spark ignition engine fuel;

“heating oil” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and used for domestic, commercial, institutional or industrial heating;

“natural gas distributor” means a natural gas distributor as defined in section 2 of the Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);

“propane” means a liquid mixture of hydrocarbons obtained from the refining of petroleum or the processing of natural gas and used either as spark ignition engine fuel or for such purposes as cooking and domestic, commercial, institutional and industrial heating.

5. Based on the Government’s energy strategies and policies, the Minister draws up, at least once every five years, a comprehensive plan outlining the measures proposed to promote more efficient energy use and innovation in the energy sector.

The plan must address all energy uses and cover all forms of energy over a five-year period.

6. The comprehensive plan must include

(1) a status report with regard to energy efficiency and innovation in Québec;

(2) policy directions, priorities and targets with regard to energy efficiency and innovation;

(3) a summary of energy efficiency and energy innovation programs;

(4) the list of energy efficiency projects submitted by the electric power distributor under the fourth paragraph of section 8; and

(5) a summary of measures conducive to energy efficiency or innovation.

7. For the purpose of drawing up the comprehensive plan, the Minister

(1) prepares, based on the information and comments provided by energy distributors and government departments and based on the Minister’s own observations and assessments, a status report which allows energy efficiency and innovation needs and potential to be determined;

(2) prepares a consultation document, which includes the status report as well as the policy directions and priorities the Minister intends to pursue with regard to energy efficiency and innovation;

(3) consults the persons and bodies to whom those policy directions and priorities are to be applicable;

(4) establishes policy directions and priorities with regard to energy efficiency and innovation and communicates them to energy distributors and government departments so that they may follow them in preparing any programs or measures under the comprehensive plan; and

(5) develops fuel efficiency programs and measures, multi-source-energy programs and measures, and energy innovation programs and measures.

8. For the purposes of the comprehensive plan, the electric power distributor and natural gas distributors must establish energy efficiency programs or any other measures to promote more efficient energy use and innovation in the energy sector, in accordance with the policy directions and priorities established by the Minister.

A program or measure must include a description of the actions to be carried out, the cost of those actions and a time frame for their achievement.

By the date set by the Minister, each distributor must send to the Minister a description of its programs and measures for each form of energy and sector of activity.

The electric power distributor must also send to the Minister a list of the energy efficiency projects it has chosen in the course of the year by means of the tender solicitation procedure established under section 74.1 of the Act respecting the Régie de l'énergie.

9. On failure of the electric power distributor or a natural gas distributor to comply with section 8, the Minister defines the content of the distributor's programs and measures at the distributor's expense, after giving 30 days' written notice to that effect.

10. The Minister examines the programs and measures of the electric power distributor and natural gas distributors. The Minister also examines the programs and measures proposed by other energy distributors or by government departments, with a view to integrating them into the comprehensive plan.

All energy efficiency and innovation programs and measures financed by the annual contributions paid under section 17 are part of the comprehensive plan, as are the programs and measures chosen by the Minister from among those proposed.

The Minister sets energy efficiency and innovation targets, based on the information provided by energy distributors and government departments and on the programs and measures that are part of the comprehensive plan.

11. The comprehensive plan is submitted to the Government for approval; once approved, it is made available to the public.

12. With the Government's approval, the Minister may revise the comprehensive plan to reflect changes in the energy situation or in the programs and measures contained in the plan.

13. An energy distributor must carry out the programs and measures for which it is responsible under the comprehensive plan.

If an energy distributor is unable to carry out a program or measure within the time and in the manner specified in the comprehensive plan, it must notify

the Minister. The Minister may, at the distributor's expense, implement the programs and measures the distributor has failed to carry out, after giving 10 days' written notice to that effect.

14. In order to follow up the programs and measures that must be carried out by an energy distributor, the Minister may require that the distributor submit a status report on the actions undertaken under the comprehensive plan and on the results obtained.

15. The Minister may charge fees for services the Minister provides with regard to energy efficiency, greenhouse gas reduction or energy innovation programs or measures.

16. For the period and subject to the conditions it determines, the Government sets the overall financial investment for actions designed to foster energy efficiency and innovation. The Government allocates this investment among the different forms of energy in order to determine the contribution payable by energy distributors under section 17.

17. Energy distributors must pay their annual contribution to the Minister in accordance with the due dates, rate and calculation method determined in a government regulation. The regulation may set the interest rate on amounts due and the penalties for non-payment.

The rate, calculation method and other terms referred to in the first paragraph may vary from one distributor or category of distributors to another. The regulation may also exempt a distributor or category of distributors.

A penalty set by the Government under the first paragraph may not exceed 15% of the amount that should have been paid.

The first paragraph applies to Hydro-Québec despite section 16 of the Hydro-Québec Act (R.S.Q., chapter H-5).

18. Every distributor must file a statement with the Minister on the date set and in the form prescribed by the Minister, specifying, for the period covered by its preceding fiscal year,

- (1) the volume of natural gas or electric power it distributed;
- (2) the volume of fuel it brought into Québec for a purpose other than resale;
- (3) the volume of fuel intended for consumption in Québec it sold and refined in Québec or brought into Québec and, where applicable, the volume it exchanged with a person described in paragraph 1 of the definition of "fuel distributor" in section 4; and

(4) any other information the Minister deems necessary for the purposes of this chapter, in the form prescribed by the Minister.

For the purposes of subparagraph 3 of the first paragraph, fuel sold in Québec is deemed to be intended for consumption in Québec.

19. The Minister determines the amount that each energy distributor must pay under the regulation referred to in section 17 and notifies the distributor of it.

The Minister may make an agreement with the Régie de l'énergie to entrust that body with such tasks as

(1) the examination of the annual volume statements filed by energy distributors; and

(2) the calculation of the annual contribution payable by each energy distributor.

The Minister collects the annual contribution and pays them, along with any interest and penalties, into the Natural Resources Fund established under section 17.12.24 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). These sums are used for the purposes referred to in subparagraph 3 of the first paragraph of that section.

DIVISION III

ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN APPLIANCES

20. In this Act, the term “appliance” means any new household, commercial, industrial or institutional electrical or hydrocarbon-fuelled appliance.

21. The Government may, by regulation, set energy efficiency and energy conservation standards for the appliances or categories of appliances it determines.

These standards may include manufacturing and assembly standards.

22. The Government may regulate the labelling of appliances, particularly as to the form, content, size, colour, manner of affixing and position of the labels and special stamps appliances must bear, and the materials of which such labels and stamps must be made.

It may also determine the information that must appear on appliance packaging.

23. A regulation may make mandatory the energy efficiency, energy conservation or labelling standards set by a certifying or standards body. It may also prescribe energy efficiency testing procedures for appliances and require that appliances be approved or certified by such a body.

The regulation may provide that references to other texts include any subsequent amendments to those texts.

24. The Minister may, by way of exception, permit a manufacturer to apply energy efficiency or energy conservation standards different from those set by regulation, for a period of not more than five years and on the conditions determined by the Minister, to appliances or categories of appliances incorporating innovative technology, if it is demonstrated that the resulting energy consumption is equal to or lower than that permitted by regulation.

25. No person may manufacture, offer, sell or lease an appliance or otherwise dispose of it by gratuitous or onerous title by way of a commercial transaction if the appliance does not conform to the applicable energy efficiency and energy conservation standards.

This section does not apply to appliances marketed exclusively for use outside Québec.

26. The Government may, by regulation, require a manufacturer, vendor, renter or lessor of appliances to keep a register in prescribed form containing information pertaining to the carrying out of this Act.

CHAPTER II

INSPECTION

27. The Minister may, in writing, designate personnel members of the department to act as inspectors.

28. An inspector may, for the purposes of this Act,

(1) enter at any reasonable hour the establishment or the property of an energy distributor or any place where an appliance is manufactured, warehoused or offered for sale or lease;

(2) examine any appliance, subject it to testing to see if it complies to this Act, take it to another place, if necessary, and return it as soon as possible once testing has been completed;

(3) examine and make copies of books, records, accounts, files and other documents;

- (4) require that information be given and documents be produced; and
- (5) require to be accompanied by the person or persons of the inspector's choice.

Any person who has the care, possession or control of books, registers, accounts, records or other documents must make them available to the inspector on request and facilitate their examination. The owner or person in charge of the premises referred to in subparagraph 1 of the first paragraph, or any person present on the premises, is required to assist the inspector in carrying out the inspection.

The inspector and any person accompanying the inspector must, if so requested, produce identification and proof of appointment.

29. Neither an inspector nor a person accompanying an inspector may be prosecuted by reason of an official act performed in good faith in the exercise of their functions.

30. No person may hinder the work of an inspector or a person accompanying an inspector in the exercise of their functions.

31. No person may refuse to provide information or documents required under this Act, or make, concur in or authorize a false or misleading statement in the course of an inspection.

32. If an inspector notes the absence of a prescribed label or the non-conformity of an appliance with energy efficiency or energy conservation standards, the inspector may affix a special stamp prescribed by regulation to the appliance, indicating that it cannot be marketed. The appliance cannot be marketed until the inspector acknowledges that it conforms to the prescribed standards and removes the stamp.

CHAPTER III

PENAL PROVISIONS

33. A person who contravenes section 3, 30 or 31 is guilty of an offence and liable to a fine of \$1,000 to \$2,000.

34. An energy distributor who contravenes section 8, 13, 14 or 17 is guilty of an offence and liable to a fine of \$2,500 to \$25,000.

35. An energy distributor who fails to file the statement referred to in section 18, or files a statement containing false information, is liable to a fine of \$1,000 to \$2,000.

36. A manufacturer who contravenes a standard authorized by the Minister under section 24 is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in the case of a legal person.

A person who contravenes section 25 is liable to the same penalty.

37. A manufacturer, vendor, renter or lessor who fails to keep a register as prescribed by a regulation made under section 26 is liable to the fine set out in section 36.

38. A person who offers, sells or leases an appliance or otherwise disposes of an appliance by gratuitous or onerous title by way of a commercial transaction without the prescribed label or with a label which does not conform to applicable labelling standards is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in the case of a legal person.

39. A person who removes or alters a label affixed to an appliance pursuant to this Act or removes a special stamp affixed to an appliance by an inspector is liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$1,500 to \$10,000 in the case of a legal person.

40. For a second or subsequent offence, the fines provided for in sections 33 to 39 are doubled.

CHAPTER IV

AMENDING AND TRANSITIONAL PROVISIONS

41. The Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001) is repealed.

42. The Agence de l'efficacité énergétique is dissolved without any other formality than those provided for in this Act.

43. The Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2) is repealed.

44. Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by replacing paragraph 14 by the following paragraphs:

“(14) developing and implementing energy efficiency and innovation programs and measures;”

“(14.1) implementing energy efficiency and innovation measures to reduce greenhouse gas emissions;”.

45. Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by striking out paragraph 6.

46. Section 25 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended by striking out subparagraph 2.1 of the first paragraph.

47. Section 31 of the Act is amended by striking out subparagraph 4.2 of the first paragraph.

48. Section 32.1 of the Act is amended by adding the following paragraph at the end:

“For the purposes of Division II of Chapter I of the Act respecting energy efficiency and innovation (*insert the year and chapter number of this Act*), the Régie may enter into agreements with the Minister of Natural Resources and Wildlife.”

49. Section 36 of the Act is amended by striking out “or, when holding hearings under Chapter VI.2, any energy distributor” in the second paragraph.

50. Section 49 of the Act is amended by replacing “must allocate to energy efficiency and new energy technologies” in the second paragraph by “allocates to energy efficiency and innovation”.

51. The Act is amended by striking out Chapter VI.2, comprising its heading and sections 85.24 to 85.32.

52. Section 102 of the Act is amended by striking out “, including an energy distributor to which Chapter VI.2 applies” in the first paragraph.

53. Section 112 of the Act is amended by striking out “, including an energy distributor to which Chapter VI.2 applies,” in subparagraph 1 of the first paragraph.

54. Section 114 of the Act is amended

(1) by striking out subparagraph 10 of the first paragraph;

(2) by replacing “subparagraphs 9 and 10” in the third paragraph by “subparagraph 9”;

(3) by striking out “or 10” in the fourth paragraph.

55. Section 116 of the Act is amended by striking out subparagraph 7 of the second paragraph.

56. Section 117 of the Act is amended by striking out “, 85.31” in the third paragraph.

57. The assets and liabilities of the Agence de l’efficacité énergétique are transferred to the Minister of Natural Resources and Wildlife and are allocated to the energy efficiency and innovation component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

58. The financial assistance programs of the Agence de l’efficacité énergétique in force on (*insert the date of coming into force of this section*) continue to apply until they are replaced or abolished by the Minister of Natural Resources and Wildlife, with the approval of the Conseil du trésor.

59. The Regulation respecting the annual share payable to the Agence de l’efficacité énergétique (R.R.Q., chapter R-6.01, r. 5) continues to apply, except sections 3, 8 and 9, until it is replaced by a regulation made under this Act.

Until that regulation is replaced, it continues to apply with the following modifications:

(1) a reference to the annual contribution payable to the Agence de l’efficacité énergétique is a reference to the annual share payable to the Minister of Natural Resources and Wildlife under section 17;

(2) a reference to the revenues required by the Agence for a form of energy or group of fuels is a reference to the overall financial investment allocated to each form of energy determined by the Government under section 16;

(3) a reference to the Régie de l’énergie is a reference to the Minister of Natural Resources and Wildlife;

(4) a reference to the fiscal year of the Agence is a reference to the fiscal year of the Natural Resources Fund of the Ministère des Ressources naturelles et de la Faune established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

60. The annual contribution payable by an energy distributor to the Minister of Natural Resources and Wildlife under section 17 is determined, for the 2011-2012 fiscal year, on the basis of the statements filed with the Régie de l’énergie in accordance with section 85.31 of the Act respecting the Régie de l’énergie.

For subsequent fiscal years, the contribution is determined on the basis of the statements filed with the Minister of Natural Resources and Wildlife in accordance with section 18.

61. The amount of the last quarterly payment payable by an energy distributor under section 24.2 of the Act respecting the Agence de l'efficacité énergétique for the 2010-2011 fiscal year continues to apply in the 2011-2012 fiscal year until the quarter in which the notice of payment of the contribution is sent to the distributor for that fiscal year. The contribution is payable in four quarterly payments of which the first is due on 30 June 2011. Any overpayment or underpayment of the contribution payable to the Minister of Natural Resources and Wildlife under section 17 is for that fiscal year distributed evenly over the remaining quarterly payments.

62. The Régie de l'énergie sends to the Ministère des Ressources naturelles et de la Faune a copy of the annual statements of volumes filed by energy distributors under section 85.31 of the Act respecting the Régie de l'énergie, for the 2010-2011 fiscal year.

63. The comprehensive energy efficiency and new technologies plan 2007-2010, developed by the Agence de l'efficacité énergétique, is maintained until its replacement by the comprehensive energy efficiency and innovation plan provided for in this Act.

64. The Minister of Natural Resources and Wildlife replaces the Agence de l'efficacité énergétique, acquires its rights and assumes its obligations.

65. The term of the board members of the Agence de l'efficacité énergétique ends on (*insert the date of coming into force of this section*).

The term of the president and chief executive officer ends without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

66. The personnel members of the Agence de l'efficacité énergétique in office on (*insert the date of introduction of this bill*) become, without further formality, employees of the Ministère des Ressources naturelles et de la Faune except those exercising the powers and duties of jurists or legal managers, who become employees of the Ministère de la Justice. They are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). For casual employees of the Agence, this applies only to the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and their classification and any other condition of employment applicable to them.

The same applies to personnel members of the Agence de l'efficacité énergétique who were appointed after that date, provided the appointment was authorized by the secretary of the Conseil du trésor.

67. The records and other documents of the Agence de l'efficacité énergétique become records and documents of the Minister of Natural Resources and Wildlife.

68. Civil proceedings to which the Agence de l'efficacité énergétique is a party are continued by the attorney acting for or on behalf of the Attorney General of Québec, on an appearance on behalf of the Attorney General of Québec and without continuance of suit.

69. In any regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the minister designated by the Government as the Minister responsible for the administration of the Act respecting the Agence de l'efficacité énergétique is replaced by a reference to the Minister of Natural Resources and Wildlife.

In addition, any reference to the Agence de l'efficacité énergétique is struck out in

(1) Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001);

(2) Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

(3) Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(4) Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

CHAPTER V

FINAL PROVISIONS

70. This Act is binding on the Government and its departments and bodies.

71. The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

72. The provisions of this Act come into force on the date or dates to be set by the Government, except section 66 insofar as it concerns the power of the secretary of the Conseil du trésor to authorize the appointment of personnel within the Agence de l'efficacité énergétique, which have effect from (*insert the date of introduction of this bill*).

SCHEDULE III

(Section 265)

AN ACT TO ESTABLISH THE PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

- 1.** The “Parc industriel et portuaire de Bécancour”, hereinafter called “the Park”, is established.
- 2.** The Park is a non-profit legal person.
- 3.** The Park is governed by Part III of the Companies Act (R.S.Q., chapter C-38), subject to any contrary provisions in this Act.
- 4.** The head office of the Park is located in the territory of Ville de Bécancour.

The Park may hold its meetings anywhere in Québec.

- 5.** The Park is administered by a board of directors of seven members composed as follows:

(1) two persons designated by Ville de Bécancour;

(2) one person designated by the Conférence régionale des élus du Centre du Québec established under section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (R.S.Q., chapter M-22.1);

(3) three persons designated by the Comité des entreprises et organismes du Parc industriel et portuaire de Bécancour; and

(4) one person designated by the Minister of Economic Development, Innovation and Export Trade.

- 6.** The board members elect from among their number a chair, and a vice-chair to act as chair when the chair is absent.

The chair presides at meetings of the board, sees to its operation and assumes all other functions assigned by the by-laws of the Park.

- 7.** The board members, including the chair, are appointed for a term of three years.

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

8. Any vacancy occurring among the board members during their term of office is filled in the manner and for the time set out in sections 5 and 7.

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

A majority of the board members in office constitutes a quorum at board meetings.

In the case of a tie vote, the chair has a casting vote.

9. The Park appoints a president and chief executive officer, who is responsible for the administration and management of the Park within the scope of its by-laws. The office of president and chief executive officer is a full-time position.

The president and chief executive officer and the other personnel members of the Park are appointed and remunerated according to the standards, scales and staffing plan established by by-law of the Park.

10. The board members receive no remuneration except in the cases, on the conditions and to the extent determined by the Park. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Park.

11. The Park may adopt any by-law concerning the pursuit of its mission, the exercise of its functions and powers, and its internal management.

12. The minutes of board meetings, approved by the board and certified by the chair or any other person authorized to do so by by-law of the Park, are authentic. The same applies to documents or copies emanating from the Park or forming part of its records if they are certified by one of those persons.

13. No document is binding on the Park unless it is signed by the chair of the board or by the president and chief executive officer or, in the cases determined by by-law of the Park, by one of its employees.

14. A decision of the board of directors signed by all its members has the same force as if it had been made at a regular board meeting.

CHAPTER II

MISSION AND GENERAL POWERS

15. The mission of the Park is to manage the industrial park with harbour installations situated in the part of the territory of Ville de Bécancour described in Schedule I, with a view to fostering economic development and ensuring that the industrial park is self-financing.

The property managed by the Park, most of which is in the domain of the State, and the income it derives from that property must be used for the development and operation of the industrial park. To that end, the Park may

- (1) build and manage any immovable or infrastructure, provide any service and administer the land required to ensure the development and integrity of the industrial park;
- (2) carry on harbour activities mainly serving the enterprises established in the territory of activity of the Park;
- (3) acquire any movable property;
- (4) lease any property;
- (5) transfer its property or give it as security;
- (6) set fees for the use of its property and services; and
- (7) enter into a partnership or a contract with any person or partnership.

16. The Park may, by agreement, acquire

- (1) any immovable or real right, within its territory of activity, that it considers necessary for the development and operation of that territory;
- (2) any immovable or real right, outside its territory of activity but within the territory of Ville de Bécancour, that it considers necessary for the installation of utilities serving its territory of activity.

CHAPTER III

ADMINISTRATIVE AND FINANCIAL PROVISIONS

17. The Park establishes a financial policy to govern the management of its assets, including investments and disbursements.

18. The books and accounts of the Park are audited every year by an auditor designated by the Park.

19. The Minister may ask the Park for any administrative or financial information.

CHAPTER IV

SPECIAL POWERS

20. Any by-law of Ville de Bécancour that orders the imposition of a property tax on immovables in the territory of activity of the Park, except a tax imposed on all the taxable immovables in the territory of the town, must be approved by the Minister.

21. The Park may enter into an agreement with Ville de Bécancour concerning the application of municipal by-laws and the exercise of the powers of the town in the parts of the Park's territory of activity that are owned by the town.

Such an agreement must also cover any land subsequently alienated or acquired by the Park.

Ville de Bécancour may also enter into an agreement to delegate powers to the Park in respect of the territory covered by the agreement.

22. The Park may enter into an agreement with Ville de Bécancour and any school board in whose territory the immovables of the Park are situated to determine the amount of taxes payable by the Park.

The amount of taxes must take into account the value and use of the immovables of the Park and the tax rate in effect in the territory of the town; it may not be less than the amount that would be payable if the immovables of the Park were all lands under cultivation.

Ville de Bécancour and a school board referred to in the first paragraph may enter into an agreement to determine the amount of taxes payable by the Park.

23. The Park may enter into an agreement with Ville de Bécancour concerning the reimbursement by the town of the costs of the municipal services provided by the Park to enterprises situated in its territory of activity.

Ville de Bécancour may also enter into such an agreement.

24. An agreement between the Park and Ville de Bécancour must first be authorized by the Minister of Municipal Affairs, Regions and Land Occupancy, and a copy of the agreement must be sent to the Minister.

25. If the Park and Ville de Bécancour cannot reach an agreement under section 22, 23 or 24, the Commission municipale du Québec may, on an

application by the Park and after having allowed the town or school board to make representations,

(1) in the case of an agreement under section 22, suspend the application of any municipal by-law or the exercise of any power of the town in the territory of activity of the Park, for the period determined by the Commission;

(2) in the case of an agreement under section 23 or 24, decide any matter which might have been covered by such an agreement.

CHAPTER V

AMENDING PROVISIONS

26. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Société du parc industriel et portuaire de Bécancour”.

27. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by striking out “The Société du parc industriel et portuaire de Bécancour”.

28. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by inserting “the Parc industriel et portuaire de Bécancour, in respect of former employees of the Société du parc industriel et portuaire de Bécancour who were members of this plan on (*insert the date of coming into force of section 33*)” in alphabetical order in paragraph 1;

(2) by striking out paragraph 10.

29. Schedule III to the Act is amended by striking out “the Société du parc industriel et portuaire de Bécancour”.

30. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by striking out “the Société du parc industriel et portuaire de Bécancour” in paragraph 1.

31. Schedule IV to the Act is amended by striking out “the Société du parc industriel et portuaire de Bécancour”.

32. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended

(1) by inserting “the Parc industriel et portuaire de Bécancour, in respect of former employees of the Société du parc industriel et portuaire de Bécancour

who were members of this plan on (*insert the date of coming into force of section 33*)” in alphabetical order in paragraph 1;

(2) by striking out paragraph 11.

33. Schedule V to the Act is amended by striking out “the Société du parc industriel et portuaire de Bécancour”.

CHAPTER VI

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

34. The Park acquires the rights and assumes the obligations of the Société du parc industriel et portuaire de Bécancour according to the terms and on the date determined by the Government. As of that date, the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001) is repealed.

35. The Park may maintain the loans obtained by the Société du parc industriel et portuaire de Bécancour on or before (*insert the date of coming into force of this section*) from the Financing Fund of the Ministère des Finances until their due date.

36. The president and general manager of the Société du parc industriel et portuaire de Bécancour becomes the president and chief executive officer of the Park, on the same terms, until the expiry of his term or until he is replaced or appointed by the Park, with the proviso that the severance allowance, if his term has not expired, or the transition allowance, if his term has expired, may be paid to him only if he is replaced by the Park.

37. The records and other documents of the Société du parc industriel et portuaire de Bécancour become records and documents of the Park.

38. The personnel members of the Société du parc industriel et portuaire de Bécancour in office on the date set under section 34 become, without further formality, employees of the Park.

Sections 49 to 54 of the Act respecting the Société du parc industriel et portuaire de Bécancour, as they read on (*insert the date preceding the date set under section 34*), continue to apply to any employee transferred to the Park who, on that date, could avail himself or herself of the rights granted under section 49 of that Act.

39. The proceedings to which the Société du parc industriel et portuaire de Bécancour is a party are, without continuance of suit, continued by the Park.

40. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to transfers of immovables that are specified at the time the terms determined under section 34 are implemented, or to the

transactions made by the Park when it alienates immovables for industrial or harbour purposes in the part of the territory of Ville de Bécancour described in Schedule I.

41. Orders in Council 2695-83 dated 21 December 1983 (French only), 364-88 dated 16 March 1988 (1988, G.O. 2, 1936, French only) and 1659-90 dated 28 November 1990 (1990, G.O. 2, 4574, French only) and the entry of a reserve in the name of the Société du parc industriel et portuaire de Bécancour in the register of the Ministère des Richesses naturelles on 1 June 1976 apply to the Park.

42. The Règlement sur la régie interne de la Société du parc industriel et portuaire de Bécancour (1999, G.O. 2, 283, French only) continues to apply to the Park until the Park adopts by-laws. However, section 11 of that regulation is amended by adding the following at the end: “Une décision du conseil qui concerne une modification de la tarification fixée pour l’utilisation des biens et des services qu’elle fournit requiert le vote des deux tiers de tous les membres du conseil.”

The by-laws adopted under section 12 must reinstate this requirement.

43. The replacement of an agreement entered into under section 29, 30 or 31 of the Act respecting the Société du parc industriel et portuaire de Bécancour or any amendment to an agreement under this Act requires the approval of two thirds of all board members.

44. For the purposes of this Act, the Minister may acquire by expropriation, on behalf of the Park, any property the Park cannot otherwise acquire.

When acting on behalf of the Park, the Minister needs not make a transfer to the Park; a deed of acquisition with the entry “on behalf of the Park” is equivalent to a title for the Park.

45. In the event of the dissolution of the Park, the Minister assumes, as of the dissolution, the rights and obligations of the Park.

However, the Minister may authorize a public body or a legal person to pursue the mission entrusted to the Park under this Act, in which case, the body or legal person assumes the rights and obligations of the Park.

46. The Minister of Economic Development, Innovation and Export Trade is responsible for the administration of this Act.

47. The provisions of this Act come into force on the date or dates to be set by the Government.

SCHEDULE I
(Sections 16 and 39)

TERRITORY OF ACTIVITY OF THE PARK

A territory situated within the territory of Ville de Bécancour, comprising, with reference to the official cadastres for the parishes of Sainte-Angèle-de-Laval, Notre-Dame-de-la-Nativité-de-Bécancour, Saint-Édouard-de-Gentilly and Sainte-Gertrude, the blocks, lots or parts of lots and their present and future subdivisions, and the roads, highways, islands, watercourses or parts thereof, the whole comprised within the following limits, namely:

Starting from the northern corner of lot 879-6 of the cadastre for the parish of Saint-Édouard-de-Gentilly; thence, successively, the following lines and demarcations: the northeastern limit of lots 879-6, 879-2, 879-3, 879-4, 879-5 and 224 of the cadastre for the parish of Saint-Édouard-de-Gentilly to the northwestern line of the right of way of Autoroute 30; the northwestern line of the right of way of Autoroute 30 easterly to the centre of the Gentilly River; the centre of the Gentilly River to the centre of the southwestern branch of the Gentilly River; the centre of the southwestern branch of the Gentilly River to the southeastern limit of lot 98 of the cadastre for the parish of Sainte-Gertrude; thence, southwesterly along the centre of a stream to the southwestern limit of lot 365 of the cadastre for the parish of Notre-Dame-de-la-Nativité-de-Bécancour; with reference to the latter cadastre, the southwestern limit of lots 365 and 353 and its extension across Louis Riel road to the northwestern line of the right of way of the said road; the northwestern line of the right of way of the said road to the southwestern limit of lot 200; the southwestern limit of lot 200 and its extension across de l'Église road to the northwestern line of the right of way of the said road; the northwestern line of the right of way of the said road to the extension of the southwestern limit of lot 145; the southwestern limit of lot 145 and its extension to the intersection of the extension of the northwestern limit of lot 531; the said extension and northwestern limit of lot 531 to the southwestern limit of lot 529; the southwestern limit of lot 529 of the said cadastre and the southwestern limit of lot 9 of the cadastre for the parish of Sainte-Angèle-de-Laval and its extension northwesterly to the centre of the St. Lawrence River; the centre of the St. Lawrence River northeasterly, passing north of block 2 of the cadastre for the parish of Saint-Édouard-de-Gentilly and continuing until the intersection of northwesterly extension of the southwestern limit of lot 280 of the latter cadastre; the extension of the southwestern limit of lot 280 to the intersection of the shore of the St. Lawrence River; finally, the shore of the St. Lawrence River southwesterly to the starting point.

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