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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 25

**An Act respecting mainly the  
implementation of certain provisions of  
the Budget Speech of 20 November 2012**

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**Introduction**

**Introduced by  
Mr. Nicolas Marceau  
Minister of Finance and the Economy**

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## EXPLANATORY NOTES

*This bill amends various legislative provisions to implement certain provisions of the Budget Speech of 20 November 2012.*

*First, in the area of natural resources and energy,*

*(1) it amends the Act respecting the Régie de l'énergie to provide for the establishment by the Régie of a performance-based regulation to ensure efficiency gains by Hydro-Québec, to provide that certain of Hydro-Québec's operating costs be set until the Régie's first performance-based regulation applies, and to provide that Hydro-Québec retain any excess amount arising from the difference between the set amount of the operating costs and the cost actually incurred;*

*(2) it amends that same Act to replace the provisions regarding the increase of the average cost of heritage pool electricity by provisions providing for the indexation of that cost;*

*(3) it amends the Balanced Budget Act so that, for the fiscal year 2012–2013, the budget balance is determined without taking into account the result arising from the decision to close the Gentilly-2 nuclear generating station;*

*(4) it amends the Mining Act to allow, among other things, the granting of licences to explore for petroleum, natural gas and underground reservoirs and, in certain circumstances, the awarding of leases to produce petroleum and natural gas;*

*(5) it amends the Regulation respecting petroleum, natural gas and underground reservoirs to provide for changes in certain fees; and*

*(6) it amends the Act respecting the Ministère des Ressources naturelles et de la Faune to authorize the financing of more of that department's activities out of the Territorial Information Fund and to add two components, reserved for hydrocarbon management and mining activity management respectively, to the Natural Resources Fund.*

*Second, in the area of control measures applicable to government departments, bodies and special funds,*

*(1) it authorizes the Chair of the Conseil du trésor to determine the extent to which the expenditures of certain bodies and special funds that are not budget-funded bodies are reduced;*

*(2) it amends the Highway Safety Code and the Act respecting the Société de l'assurance automobile du Québec to allow the Société to set, without government approval, certain fees relating to access to the road network;*

*(3) it amends the Auditor General Act to eliminate the distinction between government agencies and government enterprises and, as a result, to subject all such enterprises, except the Caisse de dépôt et placement du Québec, to value-for-money audits at the discretion of the Auditor General; and*

*(4) it amends the Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013–2014 in order to prolong for another year the freeze on the additional remuneration, based on performance, of the senior executives and management personnel of government departments, minister's offices and certain bodies.*

*Third, concerning certain special funds, it amends*

*(1) the Act to reduce the debt and establish the Generations Fund and the Act to establish the Sports and Physical Activity Development Fund in order to increase the sums credited to those funds; it also amends the Act respecting the Ministère de la Culture et des Communications and the Act respecting the Ministère du Conseil exécutif in order to increase the amounts credited to the Québec Cultural Heritage Fund and the Assistance Fund for Independent Community Action;*

*(2) the Act respecting the Ministère de la Santé et des Services sociaux in order to allocate the sums in the Fund to Finance Health and Social Services Institutions to a wider variety of purposes; and*

*(3) the Act to establish the Northern Plan Fund in order to change that Fund's name to "Northern Development Fund", to replace the expression "area covered by the Northern Plan" by "the area open to northern development" and to include certain coordination activities in the activities financed by the Fund.*

*Fourth, in the fight against undeclared work, it amends the Act respecting labour relations, vocational training and workforce*

*management in the construction industry to specify the areas of expertise of independent contractors and introduces provisions making it easier to bring remedies against persons who refuse to provide information required for an inquiry, other provisions making it easier to prove the relationship between employees and their employers, and certain rules concerning document retention.*

*Fifth, concerning the climate change action plan, it amends, among others,*

*(1) the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs and the Act respecting the Ministère des Transports so as to authorize the reservation of certain of the sums collected from the sale of greenhouse gas emission allowances for the financing of passenger transportation measures aimed at reducing, limiting or avoiding greenhouse gas emissions; and*

*(2) the Act respecting the Régie de l'énergie in order to provide that the method of calculation of the annual duty payable into the Green Fund must not take into account greenhouse gas emissions generated by the combustion of natural gas and fuel, other than gasoline and diesel, sold to a purchaser that is required to cover its CO<sub>2</sub> emissions with greenhouse gas emission allowances.*

*Sixth, certain other legislative provisions are amended, in particular,*

*(1) to eliminate certain equalization grants to school boards;*

*(2) to clarify certain rules for parliamentary authorization relating to multi-year transfers;*

*(3) to authorize the Minister of Immigration and Cultural Communities to make a decision relating to the receipt and processing of applications for selection certificates;*

*(4) to provide that the Government may delegate certain of its powers under the Act respecting Investissement Québec to the Minister of Finance and the Economy;*

*(5) to clarify the liability of partnerships;*

*(6) to regulate the possession, use and transportation in Québec of alcoholic beverages acquired elsewhere in Canada; and*

*(7) to allow a public transit authority to borrow from a lender designated by the Minister of Finance and the Economy.*

*Lastly, consequential amendments are made to several Acts, and transitional provisions are included.*

**LEGISLATION AMENDED BY THIS BILL:**

- Financial Administration Act (chapter A-6.001);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Act respecting the National Assembly (chapter A-23.1);
- Act respecting registry offices (chapter B-9);
- Act respecting the Caisse de dépôt et placement du Québec (chapter C-2);
- Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1);
- Highway Safety Code (chapter C-24.2);
- Act respecting the national capital commission (chapter C-33.1);
- Sustainable Development Act (chapter D-8.1.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections (chapter E-2.3);
- Election Act (chapter E-3.3);
- Balanced Budget Act (chapter E-12.00001);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- Act to establish a Caregiver Support Fund (chapter F-3.2.1.1);

- Act to establish the Northern Plan Fund (chapter F-3.2.1.1.1);
- Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021);
- Act to establish an Early Childhood Development Fund (chapter F-4.0022);
- Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Hydro-Québec Act (chapter H-5);
- Act respecting immigration to Québec (chapter I-0.2);
- Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- Act respecting Infrastructure Québec (chapter I-8.2);
- Act respecting the Institut national d'excellence en santé et en services sociaux (chapter I-13.03);
- Education Act (chapter I-13.3);
- Act respecting Investissement Québec (chapter I-16.0.1);
- Anti-Corruption Act (chapter L-6.1);
- Mining Act (chapter M-13.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère des Transports (chapter M-28);

- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Act respecting the Ministère du Tourisme (chapter M-31.2);
- Act to ensure the occupancy and vitality of territories (chapter O-1.3);
- Environment Quality Act (chapter Q-2);
- Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);
- Act to promote the reform of the cadastre in Québec (chapter R-3.1);
- Act respecting the Régie de l'énergie (chapter R-6.01);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting Services Québec (chapter S-6.3);
- Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011);
- Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Société des loteries du Québec (chapter S-13.1);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting subsidies for the payment in capital and interest of loans of public or municipal bodies (chapter S-37.01);
- Lobbying Transparency and Ethics Act (chapter T-11.011);
- Auditor General Act (chapter V-5.01);
- Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013–2014 (2010, chapter 20);

- Act to abolish the Ministère des Services gouvernementaux and to implement the Government’s 2010–2014 action plan to reduce and control expenditures by abolishing or restructuring certain bodies and certain funds (2011, chapter 16).

**REGULATIONS AMENDED BY THIS BILL:**

- Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);
- Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1).



## **Bill 25**

### **AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 20 NOVEMBER 2012**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

#### **MEASURES CONCERNING NATURAL RESOURCES AND ENERGY**

#### **DIVISION I**

#### **ELECTRIC POWER TRANSMISSION AND DISTRIBUTION RATES AND COST OF HERITAGE POOL ELECTRICITY**

#### **ACT RESPECTING THE RÉGIE DE L'ÉNERGIE**

**1.** Section 25 of the Act respecting the Régie de l'énergie (chapter R-6.01) is amended by adding the following paragraph at the end of the first paragraph:

“(4) when establishing the performance-based regulation provided for in section 48.1.”

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

“**48.1.** The Régie shall establish a performance-based regulation to ensure efficiency gains by the electric power distributor and the electric power carrier.

The regulation must pursue the following objectives:

- (1) ongoing improvement in performance and service quality;
- (2) cost reduction that is beneficial to both consumers and the carrier or distributor;
- (3) streamlining of the process by which the Régie fixes or modifies the rates for the transmission of electric power and the rates the electric power distributor charges consumers; and
- (4) any other objective determined by the Government.”

**3.** Section 52.2 of the Act, amended by section 64 of chapter 20 of the statutes of 2010, is again amended by replacing subparagraphs 1 to 3 of the third paragraph by the following subparagraphs:

“(1) for each year from the year 2014, the average cost of heritage pool electricity must be the average cost determined for the previous year, adjusted on 1 January of each year by a rate corresponding to the annual change in the overall average Québec consumer price index for the 12-month period that ended on 31 March of the year preceding that for which a request had been made under section 52.1. The indexation rate may not be lower than zero;

“(2) the cost determined for Rate L and special contracts is not affected by the indexation provided for in subparagraph 1.”

**4.** Section 52.2.2 of the Act, enacted by section 65 of chapter 20 of the statutes of 2010, is repealed.

#### SPECIAL TRANSITIONAL PROVISIONS

**5.** Subject to section 6, the Government may, until a first performance-based regulation applies, determine the amount of Hydro-Québec’s operating costs as an electric power carrier or electric power distributor included in the overall amounts of expenditure necessary for the provision of the service that the Régie must determine under subparagraph 2 of the first paragraph of section 49 and section 52.3 of the Act respecting the Régie de l’énergie (chapter R-6.01).

As an electric power carrier and electric power distributor, Hydro-Québec retains any excess amount arising from the difference between the amount of the operating costs set out in section 6 or determined by the Government and the cost actually incurred.

**6.** The amount of the operating costs referred to in section 5 is,

(1) for the electric power carrier, \$679,800,000 for the rate year beginning on 1 January 2013; and

(2) for the electric power distributor, \$1,469,500,000 for the rate year beginning on 1 April 2013.

**7.** Without holding public hearings, the Régie de l’énergie must ensure that the rates listed below take into account the amounts set out in section 6:

(1) the electric power transmission rate for the rate year beginning on 1 January 2013; and

(2) a rate applicable by the electric power distributor for the rate year beginning on 1 April 2013.

## **DIVISION II**

### **CLOSURE OF GENTILLY-2 NUCLEAR GENERATING STATION**

#### **BALANCED BUDGET ACT**

**8.** The Balanced Budget Act (chapter E-12.00001) is amended by inserting the following section after section 2.1:

**“2.2.** For the fiscal year 2012–2013, the budget balance is determined by excluding the result, shown in Hydro-Québec’s annual consolidated financial statements, from activities abandoned following the decision to close the Gentilly-2 nuclear generating station.”

## **DIVISION III**

### **LEASES AND LICENCES**

#### **MINING ACT**

**9.** Section 164 of the Mining Act (chapter M-13.1) is amended by inserting the following paragraph after paragraph 1:

“(1.1) he pays the fee prescribed by regulation;”.

**10.** Section 165 of the Act is amended by replacing “issued by the Minister” by “. The conditions to which the licence is subject and the fee payable are prescribed by regulation”.

**11.** Section 166 of the Act is replaced by the following section:

**“166.** The Minister shall award a licence in respect of the territory at the time and under the conditions determined by the Minister.

No licence may be awarded in respect of a territory that is subject to a lease to produce petroleum and natural gas or a lease to operate an underground reservoir.

No licence may be awarded to a person who held a right relating to petroleum, natural gas or an underground reservoir that was subject to a revocation during the two years prior to the beginning of the awarding process.”

**12.** Section 166.1 of the Act is repealed.

**13.** Section 171 of the Act is repealed.

**14.** Section 194 of the Act is replaced by the following sections:

**“194.** The Minister shall grant a lease to any person who holds a licence to explore for petroleum, natural gas and underground reservoirs and who establishes the presence of an economically workable deposit or an economically operable underground reservoir, as the case may be, meets the requirements and pays the fee prescribed by regulation.

However, only one lease may be granted in respect of a given parcel of land.

**“194.0.1.** The Minister may award a lease in respect of a territory that is not subject to an exploration licence, if the Minister considers that the territory presents an economically workable deposit or an economically operable underground reservoir, as the case may be.

The lease may not be awarded to a person who held a right relating to petroleum, natural gas or an underground reservoir that was subject to a revocation during the two years prior to the beginning of the awarding process.

The lessee must meet the conditions and pay the fee prescribed by regulation.”

**15.** Section 201 of the Act is repealed.

**16.** Section 207 of the Act is amended by striking out the fifth paragraph.

**17.** Section 289 of the Act is repealed.

**18.** Section 304 of the Act is amended by replacing “sections 166.1 and” in subparagraph 1.2 of the first paragraph by “section”.

**19.** Section 306 of the Act is amended by inserting “fee payable and the” after “prescribing the” in paragraph 16.

**20.** The Act is amended by replacing the number before “hectares” and “hectares” wherever they appear in sections 168, 195, 196 and 206 by the quotient of that number divided by 100 and “square kilometres”, respectively.

#### REGULATION RESPECTING PETROLEUM, NATURAL GAS AND UNDERGROUND RESERVOIRS

**21.** Section 2 of the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1) is amended by replacing “\$50” in subparagraph 4 of the second paragraph by “\$1,000”.

**22.** Section 15 of the Regulation is amended by replacing “\$100” in subparagraph 6 of the second paragraph by “\$4,300”.

**23.** Section 49 of the Regulation is amended by replacing “\$50” in subparagraph 4 of the second paragraph by “\$2,500”.

**24.** Section 56 of the Regulation is amended by replacing “in the form in Schedule IV” by “using the form in Schedule IV, and must be accompanied by the payment of \$2,000 in costs”.

**25.** Section 59 of the Regulation is amended by adding the following paragraph at the end:

“The application must be accompanied by the payment of \$2,000 in costs for a temporary closure, or \$2,600 for a permanent closure.”

**26.** Section 62 of the Regulation is repealed.

**27.** Section 63 of the Regulation is amended

(1) by replacing the introductory clause by the following:

“**63.** The lessee must provide the Minister with the following information and documents:”;

(2) by striking out paragraph 1;

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

“(5) payment of \$3,000 in costs.”

**28.** Section 64 of the Regulation is amended by replacing “\$0.10 per hectare” by “\$50 per square kilometre”.

**29.** Section 65 of the Regulation is amended by replacing “\$0.05 per hectare” and “100,000 ha offshore” by “\$5 per square kilometre” and “1,000 square kilometres in a marine environment”, respectively.

**30.** Section 67 of the Regulation is amended, in the second paragraph, by replacing

(1) “\$0.50 per hectare” in subparagraph 1 by “\$50 per square kilometre”;

(2) “\$1 per hectare” in subparagraph 2 by “\$100 per square kilometre”;

(3) “\$1.50 per hectare” in subparagraph 3 by “\$150 per square kilometre”;

(4) “\$2 per hectare” in subparagraph 4 by “\$200 per square kilometre”;

(5) “\$2.50 per hectare” in subparagraphs 5 and 6 by “\$250 per square kilometre”.

**31.** Section 70 of the Regulation is amended by replacing “\$0.50 per hectare” by “\$150 per square kilometre”.

**32.** Section 70.1 of the Regulation is amended by replacing “\$0.25 per hectare” and “100,000 ha offshore” by “\$25 per square kilometre” and “1,000 square kilometres in a marine environment”, respectively.

**33.** Section 82 of the Regulation is amended by adding the following paragraph at the end:

“(5) payment of \$5,000 in costs.”

**34.** Section 87 of the Regulation is amended by replacing “\$2.50 per hectare” by “\$350 per square kilometre”.

**35.** Section 119 of the Regulation is amended by replacing “\$500” by “\$725”.

**36.** Section 120 of the Regulation is amended by replacing “\$25” by “\$150”.

**37.** Section 121 of the Regulation is amended by replacing “\$25” by “\$26”.

#### SPECIAL TRANSITIONAL PROVISIONS

**38.** Section 64 of the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1), amended by section 28 of this Act, must read, until 13 June 2014 or until any earlier date set under the first paragraph of section 3 of chapter 13 of the statutes of 2011, as if “\$50” was replaced by “\$10”.

**39.** Section 70 of the Regulation, amended by section 31 of this Act, must read, until 13 June 2014 or until any earlier date set under the first paragraph of section 3 of chapter 13 of the statutes of 2011, as if “\$150” was replaced by “\$50”.

#### DIVISION IV

##### TERRITORIAL INFORMATION FUND

##### ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

**40.** Section 17.3 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by striking out the second paragraph.

**41.** Section 17.4 of the Act is amended

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

**“17.4.** The Fund shall be used to finance the costs of the activities, goods and services carried out, supplied or provided under paragraphs 8, 8.1, 8.2, 10, 17.3, 17.4, 17.6 and 17.7 of section 12 and section 12.2 and to finance the costs related to preparing programs for the development of lands in the domain of the State and to planning and drawing up land-use guidelines.”;

(2) by striking out the fourth paragraph.

#### ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

**42.** Section 87.2 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended

(1) by striking out the first occurrence of “land component of the”;

(2) by replacing the second occurrence of “land component of the Territorial Information Fund” by “Territorial Information Fund”.

#### ACT RESPECTING REGISTRY OFFICES

**43.** Section 1 of Schedule I to the Act respecting registry offices (chapter B-9) is amended by replacing “\$61” by “\$74”.

**44.** Section 2 of the Schedule is amended by replacing “\$60” by “\$74”.

**45.** Section 3 of the Schedule is amended by replacing “\$74” by “\$89” and “\$49” by “\$58”.

**46.** Section 4 of the Schedule is amended by replacing “\$61” by “\$74” and “\$51” by “\$64”.

**47.** Section 5 of the Schedule is amended by replacing “\$37” by “\$44”.

#### ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

**48.** Section 8.1 of the Act to promote the reform of the cadastre in Québec (chapter R-3.1) is amended by striking out “the land component of” in the fourth paragraph.

#### SPECIAL TRANSITIONAL PROVISIONS

**49.** The Government determines which assets and liabilities may be transferred to the Territorial Information Fund.

## **DIVISION V**

### **NATURAL RESOURCES FUND**

#### **ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE**

**50.** Section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following subparagraphs after subparagraph 4 of the first paragraph:

“(5) a hydrocarbon management component, whose purpose is to finance activities necessary for the purposes of Divisions IX to XIII of Chapter III of the Mining Act (chapter M-13.1), of the other provisions of that Act accessory to those divisions, and of the regulations made under them, as well as geoscience knowledge acquisition and dissemination, and research and development in petroleum, natural gas, underground reservoirs and brine; and

“(6) a mining activity management component, whose purpose is to finance activities relating to the application of the Mining Act, except the activities under subparagraph 5, the Mining Tax Act (chapter I-0.4) and the regulations.”

**51.** Section 17.12.13 of the Act is amended, in the second paragraph,

(1) by replacing “17.12.12 and” by “17.12.12,”;

(2) by inserting “17.12.19 and 17.12.20,” after “sections 17.12.14 to 17.12.17,”.

**52.** The Act is amended by inserting the following sections before Division II.2:

**“17.12.19.** The following sums are credited to the hydrocarbon management component of the Fund:

(1) the sums collected under Divisions IX to XIII of Chapter III of the Mining Act (chapter M-13.1) and the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1), except sums paid for a licence to explore for petroleum, natural gas and underground reservoirs, or a lease to produce petroleum and natural gas, and the royalties paid for petroleum, natural gas and brine production;

(2) the fines paid by offenders against the Mining Act or the regulations with respect to natural gas, petroleum, underground reservoirs and brine;

(3) the sums collected in respect of the sale of property or services by the component; and

(4) the income from the investment of the sums making up the hydrocarbon management component.



The surpluses accumulated in the hydrocarbon management component are transferred to the general fund on the dates and to the extent determined by the Government.

**“17.12.20.** The following sums are credited to the mining activity management component of the Fund:

(1) the sums collected under section 61 of the Mining Act (chapter M-13.1) for the renewal of a claim, up to \$2,500,000 per fiscal year;

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

(3) the income from the investment of the sums making up the mining activity management component.

The surpluses accumulated in the mining activity management component are transferred to the general fund on the dates and to the extent determined by the Government.”

## **SPECIAL TRANSITIONAL PROVISIONS**

**53.** The expenditure and investment estimates for the Natural Resources Fund provided in Schedule I are added to the expenditure and investment estimates for the Fund appearing in the Special Funds Budget for the 2013–2014 fiscal year.

The additional expenditure and investment estimates are approved for that fiscal year.

**54.** The Government determines which assets and liabilities may be transferred to the Natural Resources Fund and credited respectively to the hydrocarbon management component and the mining activity management component of that Fund.

## **CHAPTER II**

### **CONTROL OF EXPENDITURES**

#### **DIVISION I**

##### **EXPENDITURES OF CERTAIN BODIES AND SPECIAL FUNDS**

##### **BALANCED BUDGET ACT**

**55.** The Balanced Budget Act (chapter E-12.00001) is amended by inserting the following section after section 15:

**“15.1.** The Minister, together with the Chair of the Conseil du trésor, shall develop and propose to the Conseil du trésor a method by which the expenditures of legal persons, other bodies, special funds within the meaning of section 5.1 of the Financial Administration Act (chapter A-6.001) and any other organization whose results are included in the budget balance are reduced.

On being approved by the Conseil du trésor, the method is binding on a legal person, body, minister or body responsible for a special fund, or other organization concerned.

The first paragraph does not apply to the National Assembly, a person appointed or designated by the National Assembly to an office under its jurisdiction or the personnel directed by that person, the Commission de la représentation, the government enterprises listed in Schedule 3 to the Financial Administration Act, the Caisse de dépôt et placement du Québec or the institutions in the health and social services network and the education network. However, it does apply to the compensation and operating expenditures incurred by legal persons established in the public interest conducting trust transactions.”

## SPECIAL TRANSITIONAL PROVISIONS

**56.** The reductions determined under section 15.1 of the Balanced Budget Act (chapter E-12.00001), enacted by section 55 of this Act, begin to apply in the fiscal years beginning during the 2013–2014 fiscal year.

## DIVISION II

### SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

#### HIGHWAY SAFETY CODE

**57.** Section 625 of the Highway Safety Code (chapter C-24.2) is replaced by the following section:

**“625.** The regulations made under subparagraphs 9 to 10.2, 12, 13 and 16 to 16.2 of the first paragraph of section 624, and the regulations made under subparagraph 11 of the first paragraph of that section where they concern cases of exemption from or reduction of fees determined under those subparagraphs, are subject to government approval.”

### ACT RESPECTING THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

**58.** Section 17.6 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011) is amended,

(1) in the first paragraph,

(a) by inserting “or a regulation on fees made under section 624 of the Highway Safety Code (chapter C-24.2) that is not subject to government approval under section 625 of that Code” after “insurance contributions”;

(b) by replacing the second sentence by the following sentence: “The panel consists of three members, appointed by the Government, who are representative of the actuarial, financial and insurance sectors.”;

(2) by inserting “or fees” after “insurance contributions” in the second paragraph;

(3) by inserting “or fees” after “insurance contributions” in subparagraph 1 of the third paragraph.

**59.** Section 17.7 of the Act is amended

(1) by inserting “, as regards a regulation on insurance contributions,” after “must” in the introductory clause;

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

“The panel of experts must, as regards a regulation on fees,

(1) ensure that the fees payable for a service are fair and reasonable;

(2) consider the quality of the services provided to the public;

(3) consider the financing policy of the Société, which must, among other things,

(a) ensure that the total of the fees is sufficient to cover the costs borne by the Société and make up any deficit within a reasonable time; and

(b) seek a relative stabilization of fees; and

(4) consider the economic and social concerns indicated by the Société and the public.”

### **DIVISION III**

#### **VALUE-FOR-MONEY AUDIT OF GOVERNMENT ENTERPRISES**

##### **AUDITOR GENERAL ACT**

**60.** Section 2 of the Auditor General Act (chapter V-5.01) is amended by replacing “, government agencies and government enterprises” by “and government agencies”.

**61.** Section 4 of the Act is amended, in the first paragraph,

(1) by striking out “, and at least half of its operating expenses are borne directly or indirectly by the Consolidated Revenue Fund or by other funds administered by a public body, or by both at the same time” in subparagraph 3;

(2) by inserting the following subparagraph after subparagraph 3:

“(4) more than 50% of the voting shares of its capital stock are part of the domain of the State or are owned by another public body or by a government agency.”

**62.** Section 5 of the Act is repealed.

**63.** Section 6 of the Act is amended

(1) by replacing “Notwithstanding sections 4 and 5” by “Despite section 4”;

(2) by replacing “agencies or government enterprises for” by “agencies for the”.

**64.** Section 23 of the Act is amended

(1) by striking out subparagraph 4 of the first paragraph;

(2) by striking out “or government enterprise,” and “or enterprise” in the second paragraph;

(3) by replacing “An enterprise, agency” in the third paragraph by “An agency”.

**65.** Section 24 of the Act is amended

(1) by striking out “or a government enterprise” and “or the enterprise” in the first paragraph;

(2) by replacing “to 27” in the second paragraph by “and 26”.

**66.** Sections 27 and 28 of the Act are repealed.

**67.** Section 29 of the Act is amended by replacing “, government agencies and government enterprises” by “and government agencies”.

**68.** Section 31 of the Act is amended by striking out “, government enterprise”.

**69.** Section 32 of the Act is amended by striking out

(1) “government enterprise,” in the introductory clause;

(2) “government enterprise,” in paragraph 1 and “, de l’entreprise” in paragraph 3 in the French text.

**70.** Section 34 of the Act is amended by striking out

- (1) “government enterprise,” in the first paragraph;
- (2) “government enterprise,” in the second paragraph.

**71.** Section 40 of the Act is amended, in the first paragraph,

- (1) by striking out “or of a government enterprise”;
- (2) by replacing “they administer” by “it administers”.

**72.** Section 42 of the Act is amended by striking out subparagraph 4 of the first paragraph.

**73.** Section 43 of the Act is amended by striking out “and government enterprises” in paragraph 1.

**74.** Section 47 of the Act is amended by striking out “ government enterprises,” in the first paragraph.

**75.** Section 48 of the Act is amended by striking out “enterprises,” in the first paragraph.

**76.** Section 54 of the Act is amended by striking out “government enterprises,”.

**77.** Section 70 of the Act is amended by replacing “, a government agency or a government enterprise” in the second paragraph by “or a government agency”.

## FINANCIAL ADMINISTRATION ACT

**78.** Section 77 of the Financial Administration Act (chapter A-6.001) is amended by replacing subparagraph *b* of paragraph 2 by the following subparagraph:

“(b) a government agency referred to in any of paragraphs 1 to 3 of section 4 of the Auditor General Act (chapter V-5.01);”.

**79.** Section 89 of the Act is amended by replacing “or a government enterprise referred to in any of sections 3 to 5” in the second paragraph by “referred to in section 3 or 4”.

## ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

**80.** Section 13 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended by replacing “or enterprise within the meaning of sections 4 and 5” in subparagraph 2 of the third paragraph by “within the meaning of section 4”.

**81.** Section 14 of the Act is amended, in the second paragraph,

(1) by replacing “either of a government department, agency or enterprise, within the meaning of sections 4 and 5” by “of a government department or agency within the meaning of section 4”;

(2) by replacing “, agency or enterprise” by “or agency”.

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

(1) by replacing “accompagner les” in the second paragraph in the French text by “être joint aux”;

(2) by striking out the third paragraph.

## ACT RESPECTING THE NATIONAL ASSEMBLY

**83.** Section 132 of the Act respecting the National Assembly (chapter A-23.1) is amended by replacing “, government agencies and government enterprises” by “and the government agencies”.

## ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

**84.** Section 5.5 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) is amended by replacing “or enterprise within the meaning of sections 4 and 5” in subparagraph 2 of the second paragraph by “within the meaning of section 4”.

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

**“48.1.** The Auditor General may not conduct a value-for-money audit under section 25 of the Auditor General Act (chapter V-5.01) without the prior concurrence of the board of directors, except in the case of a request from the Government or the Conseil du trésor under section 36 of that Act.”

## CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE NATIONAL ASSEMBLY

**86.** Section 5 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1) is amended by striking out “or a government enterprise” in subparagraph *a* of paragraph 1.

**87.** Section 56 of the Code is amended

(1) by striking out “, enterprises” in the introductory clause;

(2) by replacing “, government agency or government enterprise” in paragraph 1 by “or government agency”.

## ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

**88.** Section 15 of the Act respecting the national capital commission (chapter C-33.1) is amended by replacing the third paragraph by the following paragraph:

“For the purposes of this Act, a government body means a body referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Auditor General Act (chapter V-5.01) or, where at least half of its operating expenses are borne directly or indirectly by the Consolidated Revenue Fund or by other funds administered by a public body, or by both at the same time, in subparagraph 3 of the first paragraph of that section 4.”

## SUSTAINABLE DEVELOPMENT ACT

**89.** Section 3 of the Sustainable Development Act (chapter D-8.1.1) is amended by striking out “and government enterprises” in the first paragraph.

## ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**90.** Section 641.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by replacing “, government agency or government enterprise” in subparagraph 1 of the fifth paragraph by “or government agency”.

## ACT RESPECTING SCHOOL ELECTIONS

**91.** Section 221.1.2 of the Act respecting school elections (chapter E-2.3) is amended by replacing “, government agency or government enterprise” in subparagraph 1 of the fifth paragraph by “or government agency”.

## ELECTION ACT

**92.** Section 564.3 of the Election Act (chapter E-3.3) is amended by replacing “, government agency or government enterprise” in subparagraph 1 of the fifth paragraph by “or government agency”.

## ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION

**93.** Section 1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is amended by striking out “or enterprise” in paragraph *e.1*.

## ACT TO ESTABLISH A CAREGIVER SUPPORT FUND

**94.** Section 11 of the Act to establish a Caregiver Support Fund (chapter F-3.2.1.1) is amended by striking out “or enterprise” in the first paragraph.

## ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

**95.** Section 8.1 of the Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021) is amended by striking out “or enterprise” in the first paragraph.

**96.** Section 12.1 of the Act is amended by striking out “or enterprise” in the first paragraph.

## ACT TO ESTABLISH AN EARLY CHILDHOOD DEVELOPMENT FUND

**97.** Section 11 of the Act to establish an Early Childhood Development Fund (chapter F-4.0022) is amended by striking out “or enterprise” in the first paragraph.

## ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

**98.** Section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by replacing “or enterprise within the meaning of sections 4 and 5” in subparagraph 2 of the third paragraph by “within the meaning of section 4”.



## HYDRO-QUÉBEC ACT

**99.** Section 4.0.6 of the Hydro-Québec Act (chapter H-5) is amended by replacing “or enterprise within the meaning of sections 4 and 5” in subparagraph 2 of the third paragraph by “within the meaning of section 4”.

## ACT RESPECTING INFRASTRUCTURE QUÉBEC

**100.** Section 42 of the Act respecting Infrastructure Québec (chapter I-8.2) is amended

(1) by replacing “accompagner le” in the second paragraph in the French text by “être joint au”;

(2) by striking out the third paragraph.

## ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN SANTÉ ET EN SERVICES SOCIAUX

**101.** Section 16 of the Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03) is amended by replacing “or enterprise within the meaning of sections 4 and 5” in subparagraph 2 of the third paragraph by “within the meaning of section 4”.

## ACT RESPECTING INVESTISSEMENT QUÉBEC

**102.** Section 78 of the Act respecting Investissement Québec (chapter I-16.0.1) is repealed.

## ANTI-CORRUPTION ACT

**103.** Section 3 of the Anti-Corruption Act (chapter L-6.1) is amended by replacing “, government agency or government enterprise” in paragraph 1 by “or government agency”.

## ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L’OCCUPATION DU TERRITOIRE

**104.** Section 21.4.2 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1) is amended by striking out “or enterprise” in the second paragraph.

**105.** Section 21.4.4 of the Act is amended by striking out “or enterprise” in the second paragraph.

**106.** Section 21.4.5 of the Act is amended by striking out “or enterprises”.

**107.** Section 21.4.6 of the Act is amended by striking out “or enterprise” in subparagraph 3 of the first paragraph.

**108.** Section 21.4.8 of the Act is amended by striking out “or enterprises”.

**109.** Section 21.4.10 of the Act is amended by striking out “or enterprise” in the first paragraph.

#### ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**110.** Section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by striking out “or government corporation” and “or corporation” wherever they appear in subparagraph 1 of the second paragraph.

**111.** Section 3.0.2 of the Act is amended

(1) by striking out “or a government corporation” in subparagraph 4 of the first paragraph;

(2) by striking out “or government corporation” in the third paragraph.

**112.** The heading of subdivision 2 of Division I.1 of the Act is amended by striking out “and government corporations”.

**113.** Section 3.0.3 of the Act is amended

(1) by striking out “or government corporation” in the first paragraph;

(2) by striking out “or government corporation”, “or a government corporation” and the first occurrence of “or corporation” in the second paragraph;

(3) by striking out “or government corporation” in the fourth paragraph.

#### ACT TO ENSURE THE OCCUPANCY AND VITALITY OF TERRITORIES

**114.** Section 4 of the Act to ensure the occupancy and vitality of territories (chapter O-1.3) is amended by striking out “or enterprise” in paragraph 3.

#### ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

**115.** Section 3.2 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing “or enterprise within the meaning of sections 4 and 5” in subparagraph 2 of the fourth paragraph by “within the meaning of section 4”.

## ACT RESPECTING SERVICES QUÉBEC

**116.** Section 48 of the Act respecting Services Québec (chapter S-6.3) is amended

(1) by replacing “accompagner les” in the second paragraph in the French text by “être joint aux”;

(2) by striking out the third paragraph.

## ACT RESPECTING THE SOCIÉTÉ DE FINANCEMENT DES INFRASTRUCTURES LOCALES DU QUÉBEC

**117.** Section 37 of the Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102) is amended

(1) by striking out the third paragraph;

(2) by replacing “accompagner les états financiers et le” in the fourth paragraph in the French text by “être joint aux états financiers et au”.

## LOBBYING TRANSPARENCY AND ETHICS ACT

**118.** Section 4 of the Lobbying Transparency and Ethics Act (chapter T-11.011) is amended by striking out “or enterprise” wherever it appears in paragraph 3.

## ACT TO ABOLISH THE MINISTÈRE DES SERVICES GOUVERNEMENTAUX AND TO IMPLEMENT THE GOVERNMENT’S 2010–2014 ACTION PLAN TO REDUCE AND CONTROL EXPENDITURES BY ABOLISHING OR RESTRUCTURING CERTAIN BODIES AND CERTAIN FUNDS

**119.** Section 1 of Schedule I to the Act to abolish the Ministère des Services gouvernementaux and to implement the Government’s 2010–2014 action plan to reduce and control expenditures by abolishing or restructuring certain bodies and certain funds (2011, chapter 16) is amended by striking out “or government enterprise” and “of sections 4 and 5” in the third paragraph.

## DIVISION IV

### CONTROL OF REMUNERATION

## ACT TO IMPLEMENT CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 30 MARCH 2010, REDUCE THE DEBT AND RETURN TO A BALANCED BUDGET IN 2013–2014

**120.** Section 8 of the Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in

2013–2014 (2010, chapter 20) is amended by replacing “either of the fiscal years beginning in 2010 and 2011” in the introductory clause of the first paragraph by “the fiscal years beginning in 2010, 2011 and 2012”.

### **CHAPTER III**

#### **MEASURES CONCERNING CERTAIN SPECIAL FUNDS**

### **DIVISION I**

#### **GENERATIONS FUND**

#### **ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND**

**121.** Section 4.2 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1) is replaced by the following section:

**“4.2.** Each fiscal year, the Minister shall transfer the following sums to the Fund, out of the sums credited to the general fund:

(1) \$100,000,000, out of the specific tax on alcoholic beverages payable under Chapter II of Title II of the Act respecting the Québec sales tax (chapter T-0.1); and

(2) the total of the costs, fees, duties, rentals, and mining royalties prescribed or provided for by the Mining Tax Act (chapter I-0.4) or the Mining Act (chapter M-13.1), after deducting the amount of the duties credited to the mining heritage and mining activity management components of the Natural Resources Fund under sections 17.12.17 and 17.12.20, respectively, of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).”

#### **HYDRO-QUÉBEC ACT**

**122.** Section 15.1.1 of the Hydro-Québec Act (chapter H-5), enacted by section 57 of chapter 20 of the statutes of 2010, is amended

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

**“15.1.1.** The Minister of Finance must pay into the Generations Fund the amount determined under or set out in each of the following subparagraphs, out of the dividends paid by the Company for each of its financial periods referred to in those subparagraphs:

(1) an amount corresponding to the revenues of the Company that the Government attributes to the indexation of the average cost of heritage pool electricity as of the year 2014, for each financial period ending in or after that year; and

(2) an amount of \$215,000,000 for each financial period ending in or after the year 2017 until that ending in 2043.”;

(2) by replacing both occurrences of “that amount” in the second paragraph by “those amounts”;

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

“The information necessary to determine the Company’s revenues attributable to the indexation of the average cost of heritage pool electricity must be submitted with the financial data referred to in section 15.1.”

## SPECIAL TRANSITIONAL PROVISIONS

**123.** The Minister of Finance and the Economy transfers a sum of \$300,000,000 to the Generations Fund out of the surpluses accumulated in the Territorial Information Fund established under section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

The sum is credited to the Generations Fund as if it were referred to in section 4 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1).

**124.** Section 4.2 of the Act to reduce the debt and establish the Generations Fund, as replaced by section 121 of this Act, is to be read, from 1 April 2014 to 31 March 2015, as if paragraph 2 was replaced by the following paragraph:

“(2) one quarter of the amount by which the total of the costs, fees, duties, rentals, and mining royalties prescribed or provided for by the Mining Tax Act (chapter I-0.4) or the Mining Act (chapter M-13.1), after deducting the amount of the duties credited to the mining heritage and mining activity management components of the Natural Resources Fund under sections 17.12.17 and 17.12.20, respectively, of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), exceeds \$200,000,000.”

## DIVISION II

### NORTHERN DEVELOPMENT FUND

#### ACT TO ESTABLISH THE NORTHERN PLAN FUND

**125.** The title of the Act to establish the Northern Plan Fund (chapter F-3.2.1.1.1) is replaced by the following title:

“Act to establish the Northern Development Fund”.

**126.** Section 8 of the Act is amended by replacing “activities of a government department permit the provision of financial assistance for measures and strategic infrastructure or the delivery of services in the area covered by the Northern Plan” in the first paragraph by “purpose of a government department’s activities is to coordinate the interventions of the Government, its bodies or its enterprises with regard to the area open to northern development or when those activities permit the provision of financial assistance for measures and strategic infrastructure or the delivery of services in that area”.

**127.** The Act is amended by replacing “Northern Plan Fund” and “area covered by the Northern Plan Fund” wherever they appear in the heading of Chapter I and in sections 1, 2, 4, 6 and 8 by “Northern Development Fund” and “area open to northern development”, respectively.

#### ACT RESPECTING INVESTISSEMENT QUÉBEC

**128.** Section 26 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended by replacing “Northern Plan Fund” in paragraph 3.1 by “Northern Development Fund”.

#### ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

**129.** Section 17.12.17 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by replacing “Northern Plan Fund” in subparagraph 1.1 of the first paragraph by “Northern Development Fund”.

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**130.** Section 12.32 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing “Northern Plan Fund” in paragraph 2.10 by “Northern Development Fund”.

#### ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L’ENVIRONNEMENT ET DES PARCS

**131.** Section 15.4 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001) is amended by replacing “Northern Plan Fund” in paragraph 3.2 by “Northern Development Fund”.

#### ACT RESPECTING THE MINISTÈRE DU TOURISME

**132.** Section 21 of the Act respecting the Ministère du Tourisme (chapter M-31.2) is amended by replacing “Northern Plan Fund” in paragraph 2.1 by “Northern Development Fund”.

## SPECIAL TRANSITIONAL PROVISIONS

**133.** An order made, before 31 March 2014, under section 8 of the Act to establish the Northern Development Fund (chapter F-3.2.1.1.1) as amended by this Act, in order to designate a Minister to coordinate the interventions of the Government, its bodies or its enterprises with regard to the area open to northern development, may authorize that Minister to debit from the Fund the expenditures and investments the Minister made, between 1 April 2012 and the date of the order, out of the appropriations allocated for that purpose by Parliament and that correspond to sums that may be debited from the Fund under the order.

**134.** Unless the context indicates otherwise, a reference in any document to the Northern Plan Fund is a reference to the Northern Development Fund.

Similarly, a reference in any document to the area covered by the Northern Plan is a reference to the area open to northern development.

## DIVISION III

### SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND AND QUÉBEC CULTURAL HERITAGE FUND

#### ACT TO ESTABLISH THE SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND

**135.** Section 5 of the Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003) is amended by replacing “\$52,000,000” by “\$55,000,000”.

**136.** Section 13 of the Act is repealed.

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

**137.** Section 22.5 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by replacing “\$10,000,000” by “\$15,500,000”.

## **DIVISION IV**

### **FUND TO FINANCE HEALTH AND SOCIAL SERVICES INSTITUTIONS**

#### **ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX**

**138.** Section 11.2 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) is amended by replacing the second and third paragraphs by the following paragraphs:

“The Fund is dedicated to financing the following health and social service providers:

(1) the public institutions and private institutions under agreement to which the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) applies, on the basis of the volume of services provided and subject to the achievement of performance objectives set by the Minister;

(2) family medicine groups; and

(3) any other health and social service provider designated by the Minister, after consulting with the Minister of Finance and approved by the Conseil du trésor.

The Fund is also dedicated to

(1) the improvement of home care support services, to training and development for specialized nurse practitioners and to other measures to reinforce primary care services; and

(2) initiatives to improve the performance of the health and social services system.”

**139.** Section 11.5 of the Act is amended by striking out “to the institutions” and by inserting “or with a standard approved by the Government or the Conseil du trésor” after “Cree Native persons (chapter S-5)”.

### **SPECIAL TRANSITIONAL PROVISIONS**

**140.** The Minister of Finance and the Economy transfers a sum of \$430,000,000 to the Fund to Finance Health and Social Services Institutions out of the sums credited to the general fund and corresponding to the compensation paid by the Government of Canada for the harmonization of the Québec sales tax with the goods and services tax.

**141.** The Minister of Finance and the Economy transfers a sum of \$74,000,000 to the Fund to Finance Health and Social Services Institutions for



the 2012–2013 fiscal year out of the sums credited to the general fund and corresponding to the income tax payable by individuals under Title I of Book V of Part I of the Taxation Act (chapter I-3).

## **DIVISION V**

### **LAND TRANSPORTATION NETWORK FUND**

#### **HIGHWAY SAFETY CODE**

**142.** Section 648.4 of the Highway Safety Code (chapter C-24.2) is amended by replacing “subparagraph 3” in subparagraph 1 of the first paragraph by “subparagraphs 3 and 5”.

## **DIVISION VI**

### **ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION**

#### **ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC**

**143.** Section 22.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1) is replaced by the following section:

**“22.1.** The company shall pay into the Consolidated Revenue Fund, for each of the fiscal years determined by the Government, the amounts determined by the Government.

The Government shall set the date of the payments. The amounts so paid are credited to the Assistance Fund for Independent Community Action established under section 3.30 of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”

#### **ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF**

**144.** Section 3.30 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by adding “and, subsidiarily, international humanitarian assistance” at the end.

**145.** Section 3.33 of the Act is amended by adding the following paragraph at the end:

“The sums paid by the Société des loteries du Québec for a fiscal year are exclusively allocated to assistance for independent community action, unless, out of those sums, lesser sums exclusively allocated to that assistance are determined by the Government.”

**146.** Section 3.36 of the Act is amended

(1) by replacing “manager of” in the first paragraph by “person responsible for”;

(2) by replacing “to the extent determined by the Government, out of the sums referred to in paragraphs 2, 3 and 4 of section 3.33 and in the second paragraph of section 22.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1)” in the second paragraph by “out of the sums not exclusively allocated to assistance for independent community action”.

## SPECIAL TRANSITIONAL PROVISIONS

**147.** Section 22.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1), enacted by section 143 of this Act, is to be read, from (*insert the date of assent to this Act*) to 31 March 2015, as if the first paragraph were replaced by the following paragraph:

“**22.1.** The company shall pay into the Consolidated Revenue Fund,

(1) for the fiscal year 2013–2014, \$19,000,000; and

(2) for the fiscal year 2014–2015, \$19,400,000.”

**148.** Section 3.33 of the Act respecting the Ministère du Conseil exécutif (chapter M-30), as amended by section 145 of this Act, is to be read, from (*insert the date of assent to this Act*) to 31 March 2015, as if the second paragraph were replaced by the following paragraph:

“Out of the sums paid by the Société des loteries du Québec for each of the fiscal years mentioned in the following paragraphs, the following sums are exclusively allocated to assistance for independent community action:

(1) for the fiscal year 2013–2014, \$16,000,000; and

(2) for the fiscal year 2014–2015, \$16,300,000.”

## CHAPTER IV

### FIGHT AGAINST UNDECLARED WORK IN THE CONSTRUCTION INDUSTRY

#### ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

**149.** Section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing subparagraph *k.1* of the first paragraph by the following subparagraph:

“(k.1) “independent contractor”: a person or a partnership holding, where required, a specialized contractor’s licence issued under the Building Act (chapter B-1.1) who, for others and without the assistance of an employee, carries out construction work or, as the case may be, of which only one director, only one shareholder holding at least one voting share or only one partner personally carries out construction work for the benefit of the person or partnership;”.

**150.** Section 19 of the Act is amended by striking out everything following subparagraph 14 of the first paragraph.

**151.** The Act is amended by inserting the following sections after section 19:

**“19.0.1.** The following restrictions apply to construction work carried out by an independent contractor except in the case of excavation work or earthwork carried out by an independent contractor using heavy machinery or heavy equipment owned or leased by the independent contractor:

(1) an independent contractor may not carry out construction work other than maintenance, repair or minor renovation work;

(2) a professional employer may not directly or through an intermediary retain the services of an independent contractor to carry out construction work;

(3) a person other than a professional employer may not directly or through an intermediary retain the services of an independent contractor except to carry out maintenance, repair or minor renovation work;

(4) a person other than a professional employer may not directly or through an intermediary cause maintenance, repair and minor renovation work to be carried out simultaneously on the same job site by more than one independent contractor;

(5) an independent contractor must require remuneration at least equal, on an hourly basis, to the remuneration in currency and the compensation or benefits having pecuniary value determined by a collective agreement for an employee doing similar work, except benefits relating to a complementary social benefits plan; and

(6) a person who carries out construction work as an independent contractor must have in his possession a document attesting to his membership in the employers’ association.

**“19.0.2.** The restrictions listed in paragraphs 1 to 5 of section 19.0.1 do not apply to construction work on a job site if the independent contractor meets all the following conditions for that job site:

(1) the independent contractor is a legal person or a partnership;

(2) the independent contractor requires as labour costs for the director, shareholder or partner, as the case may be, who carries out the work remuneration at least equal, on an hourly basis, to the remuneration in currency, the assessments, the contributions, the levy and the compensation or benefits having pecuniary value determined by this Act and the regulations or a collective agreement made under this Act for an employee doing similar work;

(3) the independent contractor enters in its books of account and its registers the same information and makes the same withholdings or deductions at source for the work of that director, shareholder or partner, as those provided for by this Act and the regulations or a collective agreement made under this Act that must be entered or made by an employer for an employee doing similar work, except the union assessment;

(4) the independent contractor transmits to the Commission the monthly report referred to in subparagraph *b* of the first paragraph of section 82 for all the hours spent on the work carried out by that director, shareholder or partner, and includes the amounts corresponding to those payable by an employer for an employee doing similar work, except the union assessment; and

(5) with respect to the work carried out by that director, shareholder or partner, the independent contractor meets the other requirements of this Act and the regulations or of a collective agreement made under this Act that must be met by an employer in respect of an employee doing similar work, unless the context indicates otherwise.

**“19.0.3.** Under this Act and the regulations, an independent contractor is deemed to be an employer, subject to the second paragraph. In addition, where the independent contractor is a legal person or a partnership, the director, shareholder or partner who personally carries out construction work for the benefit of the legal person or partnership is only subject, for the purposes of that work, to the requirements, conditions and restrictions applicable to the independent contractor.

For the purposes of the civil remedies brought under this Act, an independent contractor who carries out construction work on a job site in contravention of the restriction provided in paragraph 1 of section 19.0.1 is deemed to be, for that job site, the employee of the person who retained the services of the independent contractor to carry out that work.

The presumption in the second paragraph does not preclude the institution of penal proceedings against an independent contractor who carries out construction work in contravention of the restriction provided in paragraph 1 of section 19.0.1 or against the person who retained the services of the independent contractor to carry out that work.”

**152.** Section 19.1 of the Act is amended

(1) by inserting “holding, where required, a licence issued under the Building Act (chapter B-1.1)” after “each legal person or partnership” in the first paragraph;

(2) by adding “; however, the presumption does not apply to a director, shareholder or partner who is an independent contractor” at the end of the third paragraph;

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

“The designated representative of an independent contractor is subject to the requirements, conditions and restrictions listed in sections 19.0.1 to 19.0.3 that apply to the independent contractor.”

**153.** Section 19.2 of the Act is amended by adding the following paragraphs at the end:

“For the purposes of the civil remedies provided for in this Act, any individual who carries out construction work on a job site on behalf of another person without being an employer, employee, independent contractor or designated representative is deemed to be in the employ of the person responsible for all the work on the job site, unless that person establishes that the responsibility for the work done by that individual was entrusted, by contract, to a contractor holding the licence required under the Building Act (chapter B-1.1) or to an employer registered with the Commission; in such a case, the contractor or employer is deemed to be the individual’s employer with respect to the work carried out by the individual, unless the contractor or employer establishes that such responsibility was entrusted by contract to another contractor or employer.

For the purposes of the second paragraph, the owner of the immovable on which the work of the individual referred to in the second paragraph is carried out is deemed to be responsible for all the work on that job site, unless the owner establishes that such responsibility was entrusted by contract to another person.

The presumptions in the second and third paragraphs do not preclude the institution of penal proceedings against an individual who carries out construction work in contravention of the first paragraph or against the person who retained the individual’s services.”

**154.** Section 81 of the Act is amended, in the first paragraph,

(1) by replacing “recover from the employer who fails to transmit to it the monthly report prescribed by subparagraph *b* of the first paragraph of section 82, the amounts corresponding to the indemnities, contributions, assessments and levies which should have been transmitted with the report, and an additional amount equal to 20% in the case of a first failure, and to 40% of such amounts in other cases of such amounts” in subparagraph *c.2* by “in the case of an employer who fails to transmit to it the monthly report prescribed by

subparagraph *b* of the first paragraph of section 82 or transmits to it a monthly report that is inaccurate, false or incomplete, omitting, in particular, to report all the hours worked by the employees, recover from that employer the amounts corresponding to the indemnities, contributions, assessments and levies that should have been transmitted with an accurate, truthful and complete report, and an additional amount equal to 20% of those amounts, in the case of a first failure or false statement, and to 40% of those amounts in other cases”;

(2) by inserting the following subparagraph after subparagraph *c.2*:

“(c.3) where it ascertains that construction work was carried out on an immovable the owner of which refuses or neglects, in contravention of section 81.0.1, to communicate to it the identity of the person responsible for all the construction work, the identity of the employers who carry out the work or cause it to be carried out or the identity of the employees who carry out the work, recover from the owner the amounts corresponding to the indemnities, contributions, assessments and levies otherwise payable by an employer under subparagraph *c.2* and an additional amount equal to 20% of those amounts; the total amount claimed may be determined by an expert evaluation on the basis of the scope of the work carried out on the owner’s immovable or by any other means of proof establishing the number of hours required to carry out the work;”;

(3) by replacing “*c.2*” in subparagraph *d* by “*c.3*”.

**155.** Section 81.2 of the Act is amended

(1) by replacing “and *c.2*” in the introductory clause by “to *c.3*”;

(2) by adding “or to the sector-based employers’ association, as the case may be” at the end of paragraph 2;

(3) by inserting “or *c.3*” after “*c.2*” in paragraph 3.

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

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

“(a.1) impose a retention period on any employer or independent contractor for any document considered useful for the application of this Act and the regulations or a collective agreement;”;

(2) by inserting “, *a.1*” after “Subparagraphs *a*” in the last paragraph.

**157.** Section 119.1 of the Act is amended by replacing “to section” in subparagraph 11 of the first paragraph by “to the first paragraph of section”.

## CHAPTER V

### CLIMATE CHANGE ACTION PLAN MEASURES

#### ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**158.** Section 15.4 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by striking out paragraph 3.1.

**159.** The Act is amended by inserting the following sections after section 15.4:

**“15.4.1.** Two-thirds of the sums credited to the Fund under paragraph 5 of section 15.4 that correspond to the proceeds of the sale by the Minister of emission allowances within the meaning of the second paragraph of section 46.6 of the Environment Quality Act (chapter Q-2) are reserved for the measures applicable to transportation.

The Government, on the recommendation of the Minister of Finance, determines which of the sums thus reserved are allocated to public transit measures and to financial assistance programs that promote the development and use of public transit or the development and use of modes of passenger transport other than passenger vehicles occupied by the driver only.

The sums thus allocated are transferred by the Minister to the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

The sums referred to in this section must be used solely for the purposes set out in section 46.16 of the Environment Quality Act.

**“15.4.2.** A minister who is party to an agreement with the Minister of Sustainable Development, Environment and Parks under section 15.4.3 may debit the sums provided for in the agreement from the Fund.

The expenditure and investment estimates on the basis of which each minister may debit sums from the Fund must be clearly specified in the Fund estimates appearing in the special fund budget provided for in section 47 of the Financial Administration Act (chapter A-6.001).

Those estimates must also appear in the estimates of each minister other than the Minister of Sustainable Development, Environment and Parks.

**“15.4.3.** When a department's activities include the implementation of measures targeted by the multi-year climate change action plan, the Minister of Sustainable Development, Environment and Parks may conclude an agreement with the minister responsible for the department concerned allowing the latter to debit the sums required for those activities from the Fund.

The agreement must specify how the sums will be used and the amount that may be debited from the Fund for the fiscal years covered by the agreement.

The minister concerned continues to be responsible for the activities for which sums are debited from the Fund.”

## ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**160.** Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by inserting the following subparagraph after subparagraph *f* of paragraph 1:

“(g) financial assistance programs designed for the purposes set out in section 46.16 of the Environment Quality Act (chapter Q-2) and that promote the development and use of public transit or the development and use of modes of passenger transport other than passenger vehicles occupied by the driver only;”.

**161.** Section 12.32 of the Act is amended by inserting the following paragraph after paragraph 2.10:

“(2.11) the sums transferred to the Fund by the Minister of Sustainable Development, Environment and Parks under section 15.4.1 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001);”.

**162.** Section 12.32.1 of the Act is amended by replacing the last paragraph by the following paragraphs:

“The sums referred to in paragraph 2.11 of section 12.32 are allocated to financing the public transit services referred to in subparagraph iii of subparagraph *c* and subparagraph *e* of paragraph 1 of section 12.30 and the financial assistance programs referred to in subparagraph *g* of that paragraph.

Except for the sums referred to in the third and fourth paragraphs, the sums referred to in paragraphs 1 to 3 of section 12.32 are allocated to financing the activities referred to in subparagraphs *b*, *c*, *d* and *e* of paragraph 1 of section 12.30.”

## ENVIRONMENT QUALITY ACT

**163.** Section 46.8 of the Environment Quality Act (chapter Q-2) is amended by replacing “required to cover their greenhouse gas emissions and the number of emission units allocated to each of them” in the second paragraph by “that have received an allocation and the total number of emission units allocated without charge to all emitters”.

**164.** Section 46.11 of the Act is replaced by the following section:



**“46.11.** In accordance with the conditions prescribed by regulation of the Government, the Minister may periodically publish summaries of emission allowance transactions or sales by auction or agreement and provide any other information respecting the cap-and-trade system, including a list of the emitters and other persons or municipalities registered in the system.”

**165.** Section 46.12 of the Act is amended by striking out “granted by the Minister” in the introductory clause of the first paragraph.

**166.** Section 46.13 of the Act is amended

(1) by replacing “by regulation” in the first and second paragraphs by “by agreement”;

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

“For any delegation made under this section, a notice stating, among other things, the name of the delegatee and the functions assigned to the delegatee must be published in the *Gazette officielle du Québec* and, if appropriate, in any other newspaper or publication.”

**167.** Section 46.15 of the Act is amended

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

“(1) determine the information or documents a person or municipality who files an application for registration in the cap-and-trade system, acquires an emission allowance or carries out any other transaction or operation in the system must provide to the Minister;”;

(2) by replacing “register of emission allowances” in paragraph 3 by “cap-and-trade system”.

## ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

**168.** Chapter VI.3 of the Act respecting the Régie de l'énergie (chapter R-6.01), comprising sections 85.33 to 85.39, is repealed.

**169.** Section 102 of the Act is amended

(1) by replacing “, a person referred to in section 85.33 and an” in the first paragraph by “and every”;

(2) by replacing “Section 85.38 and this section apply” in the third paragraph by “This section applies”.

**170.** Section 112 of the Act is amended by striking out “, by a person referred to in section 85.33” in subparagraph 1 of the first paragraph.

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

- (1) by striking out subparagraph 9 of the first paragraph;
- (2) by striking out the third and fourth paragraphs.

**172.** Section 117 of the Act is amended by replacing “under section 85.1 or 85.37” in the third paragraph by “under section 85.1”.

#### SPECIAL TRANSITIONAL PROVISIONS

**173.** The Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001) is to be read, from (*insert the date of coming into force of this Act*) to 31 December 2014, as if the first paragraph of section 15.4.1, enacted by section 159 of this Act, was replaced by the following paragraph:

“**15.4.1.** Two-thirds of the following sums are reserved for the measures applicable to transportation:

- (1) out of the sums credited to the Fund under paragraph 5 of section 15.4, those corresponding to the proceeds of the sale by the Minister of emission allowances within the meaning of the second paragraph of section 46.6 of the Environment Quality Act (chapter Q-2); and
- (2) the sums referred to in paragraph 3.1 of section 15.4.”

**174.** The Act respecting the Régie de l’énergie (chapter R-6.01) is to be read, from (*insert the date of coming into force of this Act*) to 31 December 2014,

- (1) as if section 85.35 was struck out; and
- (2) as if section 85.36 was amended
  - (a) by striking out “Taking into account the greenhouse gas reduction targets set under section 46.4 of the Environment Quality Act (chapter Q-2) and the overall financial investment,” in the introductory clause;
  - (b) in paragraph 1,
    - i. by striking out “rate and”;
    - ii. by inserting “brought into, distributed or sold for consumption in Québec” after “fuel”;
  - (c) by adding the following paragraphs at the end:

“The method of calculation of the annual duty payable into the Green Fund must allow greenhouse gas emissions generated by the combustion of natural

gas and fuel, other than gasoline and diesel, sold after 1 January 2012 to a purchaser that is required to cover its carbon dioxide emissions with emission allowances within the meaning of the second paragraph of section 46.6 of the Environment Quality Act (chapter Q-2), to be excluded.

To benefit from the exclusion of greenhouse gas emissions provided for in the second paragraph, every distributor must send a statement to the Régie before 1 September 2013 and, after that, the statement required under section 85.37, specifying the volume of natural gas and fuel, other than gasoline and diesel, sold in Québec to an emitter that is required to cover its greenhouse gas emissions with emission allowances within the meaning of the second paragraph of section 46.6 of the Environment Quality Act.”;

(3) as if the following section was inserted after section 85.36:

**“85.36.1.** The Régie shall publish in the *Gazette officielle du Québec* a notice of the rate used to calculate the duty to be paid into the Green Fund for the period from 1 October 2012 to 30 September 2013, determined in dollars per ton of carbon dioxide (CO<sub>2</sub>) generated by the combustion of the volumes of natural gas and fuel that are brought into, distributed or sold in Québec.

The rate is used to calculate the annual duty payable into the Green Fund until 31 December 2014.”;

(4) as if section 114 was amended

(a) by striking out “rates,” in subparagraph 9 of the first paragraph;

(b) by striking out “rate,” in the third paragraph;

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

“The method of calculation referred to in subparagraph 9 of the first paragraph may provide for the repayment of any overpayments made by a distributor.

[[The sums to be repaid to a distributor are paid by the Minister of Sustainable Development, Environment and Parks. The surplus so paid may be taken out of the Consolidated Revenue Fund and debited from the Green Fund.]]

It is incumbent upon the Régie de l’énergie to determine the sums to be repaid to a distributor.

The sums to be repaid bear interest at the rate set under the second paragraph of section 28 of the Tax Administration Act (chapter A-6.002) as long as they stand to the credit of the Green Fund. Interest is capitalized monthly.”

**175.** The provisions of Chapter VI.3 of the Act respecting the Régie de l’énergie, as they read on 31 December 2014, and paragraph 3.1 of section 15.4

of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs continue to have effect to the extent required to establish a duty payable for a year preceding the year 2015.

**176.** The Regulation respecting the delegation of management of certain parts of a cap-and-trade system for greenhouse gas emission allowances (2012, G.O. 2, 3613) is deemed to be the notice required under the third paragraph of section 46.13 of the Environment Quality Act (chapter Q-2), as amended by section 166 of this Act, with regard to the first agreement entered into under that section.

## **CHAPTER VI**

### **OTHER MEASURES**

#### **DIVISION I**

##### **SCHOOL BOARD FINANCING**

###### **EDUCATION ACT**

**177.** Section 475.2 of the Education Act (chapter I-13.3) is repealed.

**178.** The Act is amended by inserting the following sections after section 723.1:

**“723.2.** For the 2013–2014 and 2014–2015 fiscal years, a school board that has sufficient fiscal resources as determined under section 475 or 475.1, that benefited from an amount applied to the reduction of the school tax for the 2012–2013 fiscal year under the second paragraph of section 475.2, and whose taxation rate for that fiscal year was less than the maximum rate set in section 308 receives a subsidy corresponding to one half of the amount applied to the reduction of the school tax in the preceding fiscal year.

**“723.3.** For the 2013–2014 fiscal year, a school board that has insufficient fiscal resources as determined under section 475 or 475.1 and that benefited, for the 2012–2013 fiscal year, from an amount applied to the reduction of the school tax under the second paragraph of section 475.2 receives, in addition to the equalization grant determined under section 475 or 475.1, a subsidy corresponding to one half of the amount applied to the reduction of the school tax for the 2012–2013 fiscal year.

From the 2014–2015 fiscal year, a school board whose fiscal resources remain insufficient receives, in addition to the equalization grant determined under section 475 or 475.1, a subsidy corresponding to the amount paid under this section for the preceding fiscal year.

**“723.4.** For the fiscal year during which the fiscal resources of a school board referred to in section 723.3 cease to be insufficient, the school board

receives a subsidy equal to that paid to it for the preceding fiscal year under section 723.3.

For the following fiscal year, the school board receives a subsidy equal to one half of the amount paid under the first paragraph.

**“723.5.** A school board referred to in sections 723.2 to 723.4 must, in accordance with the terms and procedures set out in the budgetary rules, adjust its tax rate so that its revenues from the school tax added to the equalization grant and the subsidy paid under those sections are not higher than the maximum yield of the school tax or, as the case may be, the yield of the school tax approved by referendum in accordance with sections 345 to 353.

The school board may determine different tax rates for the municipalities in its territory for the fiscal years during which the school board receives a subsidy under sections 723.2 to 723.4. The distribution must be fair and meet the conditions set out in the budgetary rules.”

## **DIVISION II**

### **MULTI-YEAR TRANSFERS**

#### **FINANCIAL ADMINISTRATION ACT**

**179.** The Financial Administration Act (chapter A-6.001) is amended by inserting the following section after section 24:

**“24.1.** The only part of a multi-year transfer that may be recorded in the accounts for a given fiscal year is the part that is both payable and authorized by Parliament for that year.

For the purposes of the first paragraph,

(1) a multi-year transfer means an undertaking under which the Government, a minister or a budget-funded body confers an economic benefit on a beneficiary over more than one fiscal year, for no consideration in goods or services; and

(2) for each fiscal year in which part of the transfer must be made, that part of the transfer is authorized by Parliament where, for that year, appropriations cover the financial commitments necessary to confer the economic benefit; moreover, if the sums necessary to discharge the financial commitments are debited from a special fund, the transfer is authorized once the expenditure and investment estimates for the fund for the year have been approved by Parliament.”

## ACT RESPECTING SUBSIDIES FOR THE PAYMENT IN CAPITAL AND INTEREST OF LOANS OF PUBLIC OR MUNICIPAL BODIES

**180.** The title of the Act respecting subsidies for the payment in capital and interest of loans of public or municipal bodies (chapter S-37.01) is amended by adding “and certain other transfers” at the end.

**181.** Section 1 of the Act is amended by adding the following paragraph at the end:

“This section does not operate to exempt a subsidy referred to in the first paragraph from a vote, by Parliament, authorizing the appropriations covering it. This paragraph is declaratory.”

**182.** The Act is amended by inserting the following section after section 1:

**“1.1.** The only part of a subsidy referred to in section 1 or of another multi-year transfer that may be recorded in the accounts for a given fiscal year of a public body or municipal body receiving the subsidy is the part that is both payable during the given fiscal year and authorized by Parliament for the Government’s fiscal year.

The expressions “multi-year transfer” and “authorized by Parliament” have the meaning assigned to them by section 24.1 of the Financial Administration Act (chapter A-6.001).”

## DIVISION III

### SELECTION OF FOREIGN NATIONALS

## ACT RESPECTING IMMIGRATION TO QUÉBEC

**183.** Section 3.1 of the Act respecting immigration to Québec (chapter I-0.2) is amended

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

(2) by replacing “Notwithstanding the third or fourth” in the fifth paragraph by “Despite the second”.

**184.** Section 3.3 of the Act is amended, in the first paragraph,

(1) by replacing “fifth” in subparagraph *d* by “third”;

(2) by striking out subparagraph *g*.

**185.** Section 3.5 of the Act is replaced by the following section:

**“3.5.** Despite any other provision of this Act, the Minister may, particularly in view of the guidelines and objectives set out in the annual immigration plan and of Québec’s needs and its capacity to welcome and integrate immigrants, make a decision in relation to the receipt and processing of applications for selection certificates for a specified period.

The decision may apply to all countries or a source area and to a class of foreign nationals or part of a class of foreign nationals. It may, in particular, pertain to the maximum number of applications the Minister intends to accept, the suspension of the receipt of applications, the order of priority for the processing of applications and the disposal of applications the Minister has yet to examine.

The decision stands for a maximum period of 14 months and may be modified or renewed.

The Minister shall publish the decision in the *Gazette officielle du Québec* and in any medium considered appropriate.

Decisions take effect on the date of their publication or on any later date specified. The reason for a decision must be included in the decision.

A decision may, if it so specifies, apply to applications for a selection certificate received within three months before its effective date that have yet to be examined by the Minister. In such cases, the Minister shall notify the applicant and, if applicable, return the sums received as fees.

The Regulations Act (chapter R-18.1) does not apply to a decision made under this section.”

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

#### **“DIVISION IV.1**

##### **“FEES PAYABLE**

**“6.1.** The fees payable for the processing of an application for a selection certificate filed by a foreign national belonging to the economic class as an investor are \$10,000.

The fees must be paid when the application for a selection certificate is filed.

The fees are adjusted and rounded off in accordance with section 83.3 of the Financial Administration Act (chapter A-6.001) and the regulation made under that Act.

The Minister publishes the results of the adjustment in the *Gazette officielle du Québec* and informs the public of the results by any means considered appropriate.”

## REGULATION RESPECTING THE SELECTION OF FOREIGN NATIONALS

**187.** The Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4) is amended by replacing section 56 by the following sections:

**“56.** The fees to be paid for the processing of an application for a selection certificate filed by a foreign national belonging to the economic class are:

- (1) \$1,013 for an entrepreneur or a self-employed person;
- (2) \$750 for a skilled worker.

The fees must be paid when the application for a selection certificate is filed.

**“56.1.** The fees to be paid for each family member accompanying a foreign national referred to in section 56 are \$160.

The fees must be paid when the application for a selection certificate is filed.

**“56.2.** Where the purpose of an application for a selection certificate, in relation to the preceding application, is to add a family member of the foreign national referred to in section 56, the foreign national and his family members are exempt from the payment of the required fees if they already hold a valid selection certificate.”

## SPECIAL TRANSITIONAL PROVISIONS

**188.** The fees payable for the processing of an application for a selection certificate filed by a foreign national belonging to the economic class as an investor, prescribed by subparagraph *a* of the first paragraph of section 56 of the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4), as it read before (*insert the date of assent to this Act*), are deemed to have been set by section 6.1 of the Act respecting immigration to Québec (chapter I-0.2), enacted by section 186 of this Act, as of 3 April 2003.

Sums paid as fees under the regulation are deemed to be fees validly collected under the first paragraph. All such sums belong to the Government.

**189.** Section 6.1 of the Act respecting immigration to Québec, enacted by section 186, must read, for the period from (*insert the date of assent to this Act*) to 31 March 2013, as if “\$10,000” in the first paragraph was replaced by “\$4,102”.



## **DIVISION IV**

### **INVESTISSEMENT QUÉBEC**

#### **ACT RESPECTING INVESTISSEMENT QUÉBEC**

**190.** The Act respecting Investissement Québec (chapter I-16.0.1) is amended by inserting the following section after section 24:

“**24.1.** The Government may delegate to the Minister, to the extent determined by the Government, some or all of the powers conferred upon it by this subdivision.”

## **DIVISION V**

### **LIABILITY OF CORPORATIONS**

#### **ENVIRONMENT QUALITY ACT**

**191.** The Environment Quality Act (chapter Q-2) is amended

(1) by replacing “in the case of a legal person” in the introductory clause of the first paragraph of each of sections 115.23, 115.24 and 115.26, and in the introductory clause of section 115.25 by “in any other case”, and by replacing “pour une personne physique” in those same clauses in the French text by “dans le cas d’une personne physique”;

(2) by replacing “the case of a legal person” in the portion at the end of each of sections 115.29, 115.30, 115.31 and 115.32 by “any other case”.

**192.** Section 115.37 of the Act is amended by adding “and is liable to the penalties provided for in section 115.31” at the end of the second paragraph.

**193.** Section 118.5.1 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the second paragraph:

“(4.1) if the penalty was imposed on a partnership or association without legal personality, the name and address of the partnership or association;”.

**194.** Section 118.5.2 of the Act is amended by inserting the following paragraph after paragraph 4:

“(4.1) if the offender is a partnership or association without legal personality, the name and address of the partnership or association;”.

## **DIVISION VI**

### **POSSESSION AND TRANSPORTATION OF ALCOHOLIC BEVERAGES ACQUIRED IN ANOTHER PROVINCE OR A TERRITORY OF CANADA**

#### **ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC**

**195.** Section 37 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended by inserting the following subparagraph after subparagraph 9.1 of the first paragraph:

“(9.2) determining the conditions on which a person may bring alcoholic beverages acquired in another province or a territory of Canada into Québec for personal consumption, and prescribing the quantity;”.

#### **ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES**

**196.** The Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by inserting the following after section 95:

### **“DIVISION X.1**

#### **“POSSESSION AND TRANSPORTATION OF ALCOHOLIC BEVERAGES ACQUIRED IN ANOTHER PROVINCE OR A TERRITORY OF CANADA**

**“95.1.** The possession and transportation of alcoholic beverages acquired in another province or a territory of Canada are authorized in the quantities and under the terms set by the regulation made under subparagraph 9.2 of the first paragraph of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13).”

**197.** Section 111 of the Act is amended

- (1) by inserting “or section 95.1” after “of section 91” in paragraph *a*;
- (2) by replacing “95” in paragraph *b* by “95.1”.

## **DIVISION VII**

### **LOANS OF PUBLIC TRANSIT AUTHORITIES**

#### **ACT RESPECTING PUBLIC TRANSIT AUTHORITIES**

**198.** Section 123 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing the second paragraph by the following paragraph:

“The rate of interest and other conditions of the loans must be authorized by the Minister of Finance.”

**199.** Section 158.2 of the Act is amended by replacing the third paragraph by the following paragraph:

“However, the first paragraph does not apply in respect of any part of a loan ordered for the purposes of an investment, where the transit authority provides for the repayment of that part of the loan out of its revenues derived directly from legal persons, other bodies, special funds within the meaning of section 5.1 of the Financial Administration Act (chapter A-6.001) or any other organization whose results are included in the budget balance defined in section 2 of the Balanced Budget Act (chapter E-12.00001).”

## **CHAPTER VII**

### **FINAL PROVISIONS**

**200.** Section 142 has effect from 1 April 2010; section 187, to the extent that it enacts subparagraph 2 of the first paragraph of section 56 of the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4), has effect from 1 April 2012, and section 120 has effect from 1 January 2013.

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

(1) sections 141 and 183 to 185, which come into force on 1 March 2013;

(2) sections 40 to 49, section 50, to the extent that it enacts subparagraph 5 of the first paragraph of section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), section 52, to the extent that it enacts section 17.12.19 of that Act, section 54, to the extent that it applies to the hydrocarbon management component of the Natural Resources Fund, and section 140, which come into force on 1 April 2013;

(3) sections 177 and 178, which come into force on 1 July 2013;

(4) section 3, which comes into force on 1 January 2014;

(5) sections 121 and 124, which come into force on 1 April 2014;

(6) sections 158, 168 to 172 and 175, which come into force on 1 January 2015;

(7) sections 196 and 197, which come into force on the date of coming into force of the first regulation made under subparagraph 9.2 of the first paragraph of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 195 of this Act; and

(8) section 50, to the extent that it enacts subparagraph 6 of the first paragraph of section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune, section 52, to the extent that it enacts section 17.12.20 of that Act, section 54, to the extent that it applies to the mining activity management component of the Natural Resources Fund, and sections 149 to 157, which come into force on the date or dates to be set by the Government.

SCHEDULE I  
(section 53)

**NATURAL RESOURCES FUND**

**ADDITIONAL EXPENDITURE AND INVESTMENT ESTIMATES**

	<b>2013–2014</b>
<b>Revenues</b>	\$12,321,600
<b>Expenditures</b>	<u><b>\$12,321,600</b></u>
Surplus (Deficit) of the Fiscal Year	<b>0</b>
Ending Cumulative Surplus (Deficit)	<b>0</b>
<b>Investments</b>	<b>\$3,390,000</b>
Total loans or advances <sup>1</sup>	<u><b>\$3,390,000</b></u>

<sup>1</sup> To (from) the Financing Fund and the general fund.

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