
Bill 38

**An Act respecting the governance of
public infrastructures, establishing the
Société québécoise des infrastructures
and amending various legislative
provisions**

Section 4

AMENDMENT:

Replace “or a class of public bodies referred to” by “referred to”.

*Adopté
S.B.*

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Section 2

AMENDMENT:

- (1) Insert “quality and” before “longevity of public infrastructures” in paragraph 3.
- (2) Replace “to ensure optimal management of rental spaces and the” in paragraph 5 by “ensure optimal management, by the Société québécoise des infrastructures, of rental spaces and”.

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Section 9

AMENDMENT:

- (1) Replace “its” in subparagraph 2 of the first paragraph by “their”.
- (2) Replace “it carries out or to which it contributes” in subparagraph 3 of the first paragraph by “they carry out or to which they contribute”.

*Alphonse
9/3*

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Section 15

AMENDMENT:

Replace “registered” in the first paragraph by “included”.

*Adèle
GR*

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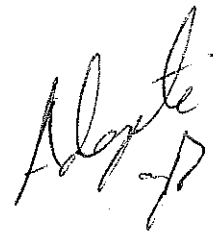
**An Act respecting the governance of
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Section 15

AMENDMENT:

Add the following paragraph at the end:

Decisions made by the Conseil du trésor under the second paragraph are published in the *Gazette officielle du Québec*.

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Subdivision 2 of Division III of Chapter II

AMENDMENT:

Replace subdivision 2 of Division III of Chapter II, comprising sections 18 to 20, by the following subdivision:

§2. — *Audits*

18. The Chair of the Conseil du trésor may, if the Chair considers it advisable, conduct an audit to determine if a public body's public infrastructure investment planning and public infrastructure management are consistent with the rules prescribed under this Act. The audit may verify, among other things, whether the public body's actions comply with this Act and with the directives issued under it to which the body is subject.

The Chair of the Conseil du trésor may designate a person in writing to conduct the audit.

19. At the request of the Chair of the Conseil du trésor or the person designated to conduct the audit, a public body being audited under this subdivision must send or otherwise make available to the Chair or, as applicable, the designated person all documents and information the Chair or the designated person considers necessary to conduct the audit.

20. The Chair of the Conseil du trésor makes any recommendations the Chair considers appropriate to the Conseil du trésor. The latter may then require the public body to take corrective and appropriate follow-up measures and to comply with any other measure determined by the Conseil du trésor, including oversight or monitoring measures.

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Section 21

AMENDMENT:

In the first paragraph, replace “1 July 2013” by “*(insert the date of coming into force of section 21)*”.

*Adopté
7/5*

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Section 25

AMENDMENT:

- (1) In paragraph 1, replace “project management expertise services” by “expert project management services”.
- (2) In paragraph 5, replace “closing” by “close-out phase”.

*Allyce
GB*

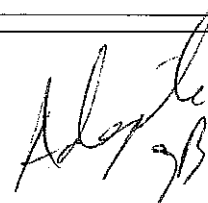
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Section 33

AMENDMENT:

Replace “to that effect with the Société” by “in that regard with the Société or a decision of the Conseil du trésor that expressly entrusts such responsibility and control to the Société.”

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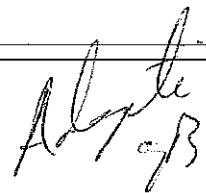
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Section 35

AMENDMENT:

In the third line of the first paragraph, replace “and the Conseil” by “or the Conseil”.

A handwritten signature in dark ink, appearing to be 'A. G. B.' or similar, located in the bottom right corner of the page.

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Section 39

AMENDMENT:

Replace the last paragraph by:

No transfer duties provided for in the Act respecting duties on transfers of immovables (chapter D-15.1) are payable in the case of a transfer or resumption of ownership of property under this section.

*Adopté
7/3*

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Section 42

AMENDMENT:

Replace the last paragraph by:

No transfer duties provided for in the Act respecting duties on transfers of immovables are payable in the case of a transfer or resumption of ownership of property under this section.

Adopté
7/12

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Section 43

AMENDMENT:

Strike out “, when warranted by the circumstances,” in the first paragraph.

Allyle
CP

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Section 44

AMENDMENT:

Strike out “, when warranted by the circumstances,” in the first paragraph.

Allyti
7/13

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Section 51

AMENDMENT:

Replace the third paragraph by:

No transfer duties provided for in the Act respecting duties on transfers of immovables are payable for a transfer of property under this section.

*Adopté
CBB*

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Section 54

AMENDMENT:

Replace by:

54. The Société may file with the registrar a statement including the description, in accordance with Chapter I of Title Four of Book Nine of the Civil Code, of any immovable of which the Société has become the owner under section 51.

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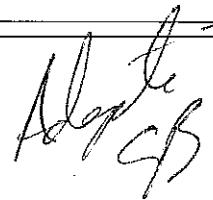
Section 60

AMENDMENT:

Insert the following paragraph after the first paragraph:

Those profiles must ensure that the board members collectively have suitable expertise and experience in the following fields:

- (1) governance of projects and project portfolios;
- (2) project management;
- (3) property management;
- (4) financial management;
- (5) human resources management, labour relations and organizational development; and
- (6) ethics and governance.

A handwritten signature in black ink, appearing to be 'Adèle' or similar, with a large flourish at the end.

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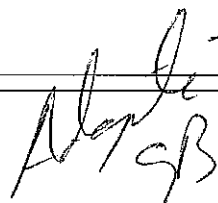
Section 59

AMENDMENT:

Replace by:

59. The following persons cannot be appointed to the board of directors of the Société:

- (1) persons not domiciled in Québec;
- (2) persons who have been found guilty of an offence listed in Schedule I to the Act respecting contracting by public bodies (chapter C-65.1) in the 10 years before their appointment; and
- (3) persons against whom criminal proceedings are brought for an offence under that Schedule.

A handwritten signature, possibly 'Alain', with the initials 'AGB' written below it.

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Section 76.1

AMENDMENT:

Insert after section 76:

76.1. If a member of the Société's personnel is sued by a third person for an act or omission in the exercise of his or her functions, the Société will take up the personnel member's defence unless he or she has committed a gross fault.

Alain G. B.

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Section 77

AMENDMENT:

Replace by:

77. In no case may a member of the Société's personnel, on pain of forfeiture of office, have a direct or indirect interest in any undertaking that causes his or her personal interest to conflict with their duties of office.

Where such an interest devolves to a personnel member by succession or gift, it must be renounced or disposed of with all possible dispatch.

A handwritten signature in black ink, appearing to be 'Alain G. B.', is located in the lower right quadrant of the page.

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Section 83

AMENDMENT:

- (1) Strike out subparagraph 3 of the first paragraph.
- (2) Strike out the third paragraph.

*Alain Li-
GB*

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Section 42.1

AMENDMENT:

Insert after section 42:

42.1. On the recommendation of the Chair of the Conseil du trésor and the Minister of Health and Social Services, the Government may, subject to the terms and conditions it determines, transfer to a health and social service provider an immovable, including any liabilities affecting it, that has become the property of the Société under sections 21 and 122 and that was transferred to the Société immobilière du Québec under Chapter XVII of 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). Such a transfer has effect from the date the order is published in the *Gazette officielle du Québec*.

Sections 260 and 264 of the Act respecting health services and social services do not apply to transfers under this section.

No transfer duties provided for in the Act respecting duties on transfers of immovables (chapter D-15.1) are payable by a provider or a transfer of property under this section.

Within 90 days after an order of transfer is published, the health and social services provider concerned must file with the registrar a statement that announces the transfer, refers to this section and the order, and includes the description of the immovable and the date of publication of the order in the *Gazette officielle du Québec*.

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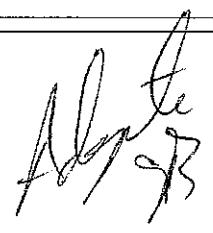
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Section 41

AMENDMENT:

Replace “in the assets referred to in subparagraph 3 of section 83” in the first paragraph by “in the immovables referred to in section 42.1”.

A handwritten signature in black ink, appearing to be 'Alain', with the number '93' written below it.

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Section 90

AMENDMENT:

Strike out.

*Adopté
9/93*

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Section 89

AMENDMENT:

Replace the first paragraph by:

89. The books and accounts of the Société are audited each year by the Auditor General and whenever ordered by the Government.

Adopté
73

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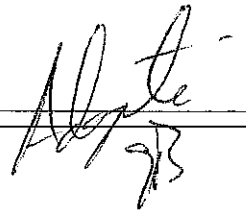
**An Act respecting the governance of
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Section 106

AMENDMENT:

Replace the paragraph proposed by paragraph 3 by:

“In the case of an immovable whose owner is the Société québécoise des infrastructures and of which ownership was transferred to the Société, by a person mentioned in section 204, under section 42 of the Act respecting the governance of public infrastructures, establishing the Société québécoise des infrastructures and amending various legislative provisions (*insert the year and chapter number of this Act*) to make possible the carrying out of a project referred to in that section, the amount payable under the first paragraph of section 254 for the immovable, including any building built on the immovable during the project, is, while the project is being carried out, equal to the amount that would have been determined if that person were still the owner. In such a case, the paragraph of this section that mentions that person continues to apply to the immovable.”

Handwritten signature and initials, possibly "Alte" and "7/3", in the bottom right corner of the page.

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Section 120

AMENDMENT:

Strike out the section and the regulation title preceding it.

Alte
9/13

Bill 38

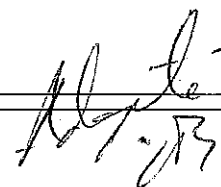
**An Act respecting the governance of
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Section 126

AMENDMENT:

Replace by:

126. Sections 46 to 51 of the Act respecting the Société immobilière du Québec (chapter S-17.1) and section 63 of the Act respecting Infrastructure Québec (chapter I-8.2), as they read on (*insert the date preceding the date of coming into force of section 21 of the bill*), and section 209 of 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) continue to apply until (*insert the date that is two years after the date preceding the date of coming into force of section 21 of the bill*) to employees transferred to the Société as a result of the amalgamation under section 21 who, on (*insert the date preceding the date of coming into force of section 21 of the bill*), could avail themselves of the rights under those sections.

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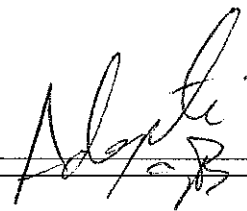
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Section 127

AMENDMENT:

Replace “30 June 2013” by “*(insert the date preceding the date of coming into force of section 21)*”.

A handwritten signature in black ink, appearing to be 'Adapti' with a stylized flourish below it.

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Section 128

AMENDMENT:

Replace “30 June 2013” in the first paragraph by “*(insert the date preceding the date of coming into force of section 21)*”.

Alain Lévesque
JB

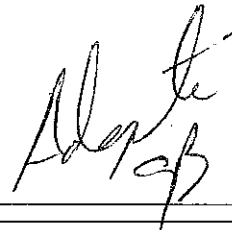
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Section 129

AMENDMENT:

Replace “30 June 2013” in the first paragraph by “*(insert the date preceding the date of coming into force of section 21)*”.

A handwritten signature in black ink, appearing to be 'Alain G. Gauthier', is located in the lower right quadrant of the page. The signature is written in a cursive, stylized font.

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Section 130

AMENDMENT:

Add the following paragraph at the end:

However, when appointing those members, the Government must make sure that, collectively, they meet the expertise and experience requirements set out in the second paragraph of that section.

*Adopté
SR*

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Section 132

AMENDMENT:

Strike out.

*Adopté
15/3*

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Section 135

AMENDMENT:

Replace “such provisions” in the seventh line by “such terms”.

A handwritten signature in black ink, appearing to be 'D. Laporte' with a stylized flourish below it.

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Section 144

AMENDMENT:

Strike out.

Adopté
GB

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Section 145

AMENDMENT:

- (1) Replace “1 July 2014” in the first paragraph by “*(insert the date that is one year after the date of coming into force of this section)*”.
- (2) Replace “apply from any date not prior to 1 July 2013” in the second paragraph by “have effect from any date not prior to *(insert the date of coming into force of this section)*”.

Handwritten signature and initials, possibly "A. G. B." or similar, in dark ink.

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Section 149

AMENDMENT:

Replace by:

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

Alain G. B.

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Section 30

AMENDMENT:

Replace by:

30. The Société manages and exercises control over any public infrastructure project considered major under section 15 of a public body other than a health and social services provider. In that capacity, it may carry out any call for tenders or enter into any contract arising from such a project.

However, the first paragraph does not apply in the case of a road infrastructure project or when the Conseil du trésor authorizes a public body to retain responsibility for or control over a project. In such cases, the public body is required to work with the Société to comply with Divisions II and III of Chapter II and the resulting measures. It may also work with the Société to monitor and manage contracts arising from the public infrastructure project and for any other operation related to the project that they agree on.

For the purposes of this section, "road infrastructure project" means a project whose purpose is to maintain, improve, replace, add or demolish any civil engineering structure or any immovable related to highway transportation, including roads, bridges, lookouts, rest areas, service areas or inspection stations, or parking areas in the right of way of a road.



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Section 17

AMENDMENT:

Add “, or allow the Société québécoise des infrastructures to determine the content of those documents” at the end of subparagraph 3 of the second paragraph.

Adopté
CR

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Section 12

AMENDMENT:

Add “and posts them on the website of the Secrétariat du Conseil du trésor” at the end.

Allyti
FR

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Section 45

AMENDMENT:

Replace by:

45. The Société advises the Chair of the Conseil du trésor on any question the Chair submits to it.

Alte
7/9/13

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Sections 107.1 to 107.9

AMENDMENT:

Insert after section 107:

ANTI-CORRUPTION ACT

107.1. Section 8 of the Anti-Corruption Act (chapter L-6.1) is replaced by the following section:

“8. The Government also appoints Associate Commissioners for Audits. The Associate Commissioners exercise the functions conferred on them under this Act, with the independence provided for in this Act.

Sections 5 and 6 apply, with the necessary modifications, to the Associate Commissioners.

The Associate Commissioners, who may not be peace officers, must take the oath set out in Schedule II before a judge of the Court of Québec.”

107.2. Section 10 of the Act is amended by replacing the introductory clause by “To the extent authorized by the Commissioner, the Associate Commissioners exercise the following functions:”.

107.3. Sections 11 and 11.1 of the Act are amended by replacing “the Associate Commissioner” wherever it appears by “an Associate Commissioner”, and section 16.1 of the Act is amended by replacing “Associate Commissioner” by “an Associate Commissioner”.

107.4. Section 13 of the Act is amended by replacing “Associate Commissioner’s duties and responsibilities” by “duties and responsibilities entrusted to the Associate Commissioners”.

107.5. Section 13.1 of the Act is amended by replacing both occurrences of “the Associate Commissioner” in the introductory clause of the first paragraph by “an Associate Commissioner”.

107.6. Section 15 of the Act is amended

(1) by replacing “on the Associate Commissioner’s request” in paragraph 1 by “at the request of an Associate Commissioner”;

(2) by replacing “the Associate Commissioner” in paragraph 3 by “an Associate Commissioner”.

107.7. Sections 17, 20, 21, 30 and 31 of the Act are amended by replacing “the Associate Commissioner” by “the Associate Commissioners”.

107.8. Section 19 of the Act is amended by replacing “the Associate Commissioner” by “an Associate Commissioner”.

107.9. Section 29 of the Act is amended by replacing “the Associate Commissioner” in the second paragraph by “an Associate Commissioner”.

A handwritten signature in black ink, appearing to read "Adapted" with a stylized flourish below it.

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Sections 93.1 and 93.2

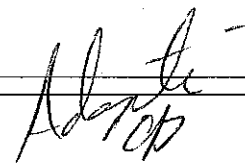
AMENDMENT:

Insert after section 93:

TAX ADMINISTRATION ACT

93.1. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by replacing “the Associate Commissioner” in subparagraph *y* of the second paragraph by “the Associate Commissioners”.

93.2. Section 69.4.1 of the Act is amended by replacing “The Associate Commissioner for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1)” by “An Associate Commissioner for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1), who exercises the function provided for in paragraph 1.1 of section 10 of that Act,”.

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Sections 101.1 to 101.6

AMENDMENT:

Insert after section 101:

101.1. Section 21.30 of the Act is amended by replacing “the Associate Commissioner for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1) the information obtained so that the audit the Associate Commissioner considers necessary may be conducted” by “the Associate Commissioners for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1), who exercise the function provided for in paragraph 1.1 of section 10 of that Act, the information obtained so that one of them may conduct the audit he or she considers necessary”.

101.2. Section 21.31 of the Act is amended by replacing “the Associate Commissioner for Audits” in the first paragraph by “an Associate Commissioner referred to in section 21.30”.

101.3. Section 21.32 of the Act is amended

(1) by replacing “the Associate Commissioner” in the first sentence by “an Associate Commissioner referred to in section 21.30”;

(2) by replacing “Si le commissaire associé” in the second sentence in the French text by “S’il”.

101.4. Section 21.33 of the Act is amended by replacing “the Associate Commissioner” by “an Associate Commissioner referred to in section 21.30”.

101.5. Section 21.34 of the Act is amended by replacing “the Associate Commissioner” by “the Associate Commissioners referred to in section 21.30”.

101.6. Section 21.39 of the Act is amended by replacing “the Associate Commissioner” in the first paragraph by “the Associate Commissioners referred to in section 21.30”.

Adopted

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Sections 117.1 to 117.3

AMENDMENT:

Insert after section 117:

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

117.1. Section 15.2 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing “the Associate Commissioner for Audits appointed” by “the Associate Commissioners for Audits appointed”.

117.2. Section 15.7 of the Act is amended by replacing “the Associate Commissioner” by “an Associate Commissioner”.

117.3. Section 123.4.4 of the Act is amended by replacing “the Associate Commissioner for Audits appointed under the Anti-Corruption Act (chapter L-6.1)” by “the Associate Commissioners for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1), who exercise the function provided for in paragraph 1.1 of section 10 of that Act,”.

Bill 38

**An Act respecting the governance of
public infrastructures, establishing the
Société québécoise des infrastructures
and amending various legislative
provisions**

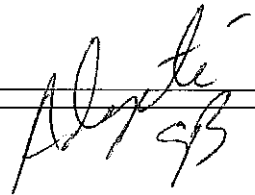
Section 118.1

AMENDMENT:

Insert after section 118:

INTEGRITY IN PUBLIC CONTRACTS ACT

118.1. Section 74 of the Integrity in Public Contracts Act (2012, chapter 25) is amended by replacing “to the Associate Commissioner for Audits appointed under the Anti-Corruption Act (chapter L-6.1)” in paragraph 1 by “to the Associate Commissioners for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1), who exercise the function provided for in paragraph 1.1 of section 10 of that Act,”.

A handwritten signature in black ink, appearing to be 'Ante' with a large 'B' or 'B' below it, is written over a horizontal line.

Bill 38

**An Act respecting the governance of
public infrastructures, establishing the
Société québécoise des infrastructures
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provisions**

Section 8

AMENDMENT:

Insert after the first paragraph:

Attached to the plan is a detailed list of the public infrastructure projects contemplated in subparagraphs 1 to 3 of the first paragraph of section 6 whose individual cost included in the Québec infrastructure plan is equal to or exceeds the amount determined by the Conseil du trésor.

A handwritten signature in dark ink, appearing to be 'Alain G.', is located on the right side of the page.