



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 116

**An Act respecting the Ministère
des Finances, de l'Économie
et de la Recherche**

Introduction

**Introduced by
Madam Pauline Marois
Minister of Finance, the Economy and Research**

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EXPLANATORY NOTES

The object of this bill is to create the Ministère des Finances, de l'Économie et de la Recherche.

The bill defines the mission of the new Ministère des Finances, de l'Économie et de la Recherche as consisting of the functions exercised by the Minister of Finance, the Minister of Industry and Trade and the Minister of Research, Science and Technology. The bill maintains the provisions respecting the different special funds established under the Act respecting the Ministère des Finances and the Act respecting the Ministère de l'Industrie et du Commerce, which are incorporated into the Act respecting the Ministère des Finances, de l'Économie et de la Recherche.

In addition, the bill amends the Act respecting the Ministère de la Recherche, de la Science et de la Technologie so that it becomes the Act respecting the development of research, science and technology and entrusts its administration to the Minister of Finance, the Economy and Research.

Lastly, the bill contains transitional and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04);
- Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1);
- Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2);

- Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4);
- Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5).

LEGISLATION REPLACED BY THIS BILL :

- Act respecting the Ministère de l’Industrie et du Commerce (R.S.Q., chapter M-17);
- Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).

Bill 116

AN ACT RESPECTING THE MINISTÈRE DES FINANCES, DE L'ÉCONOMIE ET DE LA RECHERCHE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

RESPONSIBILITIES OF THE MINISTER

1. The Ministère des Finances, de l'Économie et de la Recherche shall be under the direction of the Minister of Finance, the Economy and Research appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The mission of the Minister is to direct the financial activities of the Government, to determine fiscal and budgetary orientations and to enhance economic development in Québec. The Minister shall propose to the Government the policies to achieve those purposes.

In order to promote and support economic growth, the growth of investment and the creation of employment opportunities, the Minister shall propose to the Government financial assistance measures and fiscal measures.

The Minister shall also propose to the Government policies to promote the development of industry and trade, including the tourist industry, see to the implementation of such policies and supervise and coordinate their carrying out.

The mission of the Minister also includes promoting research, science, technology and innovation through the development and implementation of the appropriate policies and ensuring the coherence of government action and the presence of Québec in those fields both within Canada and abroad.

3. In the exercise of the Minister's responsibilities as regards directing the financial activities of the Government, promoting economic development, supporting economic growth, the growth of investment and the creation of employment opportunities, the functions of the Minister are, in particular,

(1) to prepare the Budget Speech setting out the economic, fiscal, budgetary and financial policies of the Government and deliver it in the National Assembly;

(2) to establish and propose to the Government the overall level of expenditure;

(3) to make policy proposals to the Government on revenue matters, and advise the Government on its investments;

(4) in cooperation with the chair of the Conseil du trésor, to develop policies and guidelines applicable to capital expenditures and establish the level of financial commitments involved in the renewal of collective agreements;

(5) to supervise, control and manage all matters related to State finances not assigned to another authority;

(6) to develop and propose to the Conseil du trésor the accounting policies to be followed by government departments and bodies, the rules applicable to payments made out of the consolidated revenue fund and the rules governing the collection and management of State revenue;

(7) to manage the consolidated revenue fund and the public debt;

(8) to see to the preparation of the public accounts and other financial reports of the Government.

4. In the exercise of the Minister's responsibilities as regards industry and trade, including the tourist industry, the functions of the Minister are, in particular,

(1) to devise and implement assistance programs to contribute to the development of industry and trade and promote the export of Québec products and services;

(2) to determine objectives in cooperation with the government departments and bodies concerned and submit them to the Government and establish priorities and strategies for industrial and commercial development;

(3) to provide enterprises and investors with such services as the Minister may consider necessary for the development of industry and trade;

(4) to promote the development of cooperatives;

(5) to promote concerted action among economic players;

(6) to make recommendations to the Government on the policies and activities of the Government and public bodies whenever they may have an impact on industry and trade;

(7) to participate in the development and promotion of industry and trade, particularly by seeking new investments, expanding existing markets and

ensuring the realization of the resulting activities in keeping with the policy on Canadian intergovernmental affairs and the policy on international affairs ;

(8) for the purposes of the exercise of the Minister's powers and functions, to grant financial assistance to any person or body, with the authorization of the Government ;

(9) for the purposes of the exercise of the Minister's powers and functions, to conduct or commission research, surveys and analyses ; and

(10) to collect, compile, analyse and publish information respecting industry and trade.

5. In the exercise of the Minister's responsibilities as regards the coherence, dissemination and promotion of research, science, technology and innovation, the Minister shall exercise the powers and functions conferred on the Minister by the Act respecting the development of research, science and technology (*insert here the chapter number of that Act*).

6. The Minister shall also exercise any other function assigned by the Government.

7. The Minister may, by a regulation approved by the Government, determine, for the purposes of the refundable tax credit for design, the annual fees payable for the registration or renewal of a validation certificate.

CHAPTER II

DEPARTMENTAL ORGANIZATION

8. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of the Ministère des Finances, de l'Économie et de la Recherche.

9. Under the direction of the Minister, the Deputy Minister shall administer the department. The Deputy Minister shall, in the same manner, exercise any other function coming under the responsibility of the Minister or assigned to him or her by the Government.

10. In the exercise of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

11. The Deputy Minister may, in writing and to the extent indicated, delegate the exercise of deputy-ministerial functions to a public servant or the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions indicated, and in that case shall specify the public servant or holder of a position to whom the functions may be subdelegated.

12. The personnel of the department shall consist of the public servants required for the exercise of the functions of the Minister; they shall be appointed in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants to the extent that they are not determined by law or by the Government.

13. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

Subject to the provisions of this Act or any other Act, a deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only to the extent determined by the Government.

14. The Government may, on the conditions it determines, allow a signature to be affixed by an automatic device or by electronic means.

The Government may also allow, on the conditions it determines, a facsimile of such a signature to be engraved, lithographed or printed. Except in the cases determined by the Government, the facsimile signature must be authenticated by the countersignature of a person authorized by the Minister.

15. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in section 13 or any other person authorized by the Minister, is authentic.

16. An intelligible transcription of a decision or other data stored by the department in a computer or by any other means is a document of the department and is proof of its contents where certified true by a person authorized by the Minister.

17. The Minister may enter into agreements, in accordance with applicable legislative provisions, with a government other than the Government of Québec, with a department or body of such a government, or with an international organization or an agency of such an organization.

The Minister may also enter into agreements with a government department or body or with any person in a field under the Minister's jurisdiction.

18. The Minister shall table a report in the National Assembly on the activities of the department within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

COMPTROLLER OF FINANCE

(Insert here sections 19 to 25 of this Act, consisting, as provided in section 49, of sections 17 to 23 of the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).)

CHAPTER IV

FINANCING FUND

(Insert here sections 26 to 40 of this Act, consisting, as provided in section 50, of sections 24 to 38 of the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).)

CHAPTER V

TOURISM PARTNERSHIP FUND

(Insert here sections 41 to 47 of this Act, consisting, as provided in section 51, of sections 17.1 to 17.7 of the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17).)

48. Paragraph 2 of section 36 and sections 37 to 40 apply to that fund, with the necessary modifications.

CHAPTER VI

INCORPORATION INTO THIS ACT OF CERTAIN PROVISIONS FROM OTHER ACTS

49. Chapter III of the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01), comprising sections 17 to 23, becomes, under the same heading, Chapter III of this Act, comprising sections 19 to 25, subject to “Ministère des Finances” in section 17 being replaced by “Ministère des Finances, de l'Économie et de la Recherche”.

50. Chapter IV of the said Act, comprising sections 24 to 38, becomes, under the same heading, Chapter IV of this Act, comprising sections 26 to 40, subject to the following amendments :

(1) “Ministère des Finances” in the introductory sentence of the first paragraph of section 24 is replaced by “Ministère des Finances, de l'Économie et de la Recherche” ;

(2) the reference to section 24 in the first paragraph of section 25 becomes a reference to section 26 ;

(3) in section 27,

(a) the reference to section 30 in paragraph 3 becomes a reference to section 32;

(b) the reference to section 31 or 32 in paragraph 4 becomes a reference to section 33 or 34;

(4) the reference to section 24 in section 29 becomes a reference to section 26;

(5) in section 30,

(a) the reference to section 25 in the first paragraph becomes a reference to section 27;

(b) the reference to section 29 in the second paragraph becomes a reference to section 31;

(6) the reference to section 29 in section 31 becomes a reference to section 31;

(7) in section 34,

(a) the reference to section 29 in paragraph 1 becomes a reference to section 31;

(b) the reference to section 29, 31 or 32 in paragraph 3 becomes a reference to section 31, 33 or 34.

51. Division II.2 of the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17), comprising sections 17.1 to 17.7, becomes, under the same heading, Chapter V of this Act, comprising sections 41 to 47, subject to the following amendments:

(1) “at the Ministère des Finances, de l'Économie et de la Recherche” is inserted after “established” in section 17.1;

(2) the reference to section 17.5 and to the first paragraph of section 17.6 in paragraph 4 of section 17.3 becomes a reference to section 45 and to the first paragraph of section 46;

(3) “of Finance” is struck out wherever it appears in the first paragraph of section 17.4;

(4) “from the Minister of Finance” in section 17.5 is struck out and “established under the Act respecting the Ministère des Finances (chapter M-24.01)” in that section is replaced by “established under section 26 of this Act”;

(5) the reference to paragraph 5 of section 17.3 in the first paragraph of section 17.7 becomes a reference to paragraph 5 of section 43.

CHAPTER VII

AMENDING PROVISIONS

EXECUTIVE POWER ACT

52. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 26 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing subparagraph 6 of the first paragraph by the following subparagraph :

“(6) A Minister of Finance, the Economy and Research;”;

(2) by striking out subparagraphs 16 and 35 of the first paragraph.

ACT RESPECTING THE MINISTÈRE DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

53. The Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2), amended by chapter 28 of the statutes of 2001, is again amended by replacing the title by the following title :

“ACT RESPECTING THE DEVELOPMENT OF RESEARCH,
SCIENCE AND TECHNOLOGY”.

54. The heading of Chapter I of the said Act is replaced by the following heading :

“OBJECT”.

55. Section 1 of the said Act is replaced by the following section :

“**1.** The object of this Act is to promote and develop research, science, technology and innovation in Québec.

The Act also aims to promote synergy between the various players in the fields concerned through the establishment of mechanisms to facilitate concerted and integrated action.”

56. Section 2 of the said Act is amended

(1) by striking out the first paragraph ;

(2) by replacing “The mission includes preparing and implementing a policy” in the first line of the second paragraph by “The Minister of Finance, the Economy and Research is responsible for preparing and implementing a policy”.

57. Section 6 of the said Act is amended by replacing “of the department” in the second line of the first paragraph by “carried out under this Act”.

58. Chapter II of the said Act, comprising sections 7 to 15, is repealed.

59. Section 15.47 of the said Act is repealed.

60. The heading of Chapter IV of the said Act is amended by striking out “TRANSITIONAL AND”.

61. Sections 42 to 44 and 52 of the said Act are repealed.

62. The said Act is amended by inserting the following section after section 52:

“**52.1.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

GOVERNMENT DEPARTMENTS ACT

63. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 29 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing paragraph 5 by the following paragraph:

“(5) The Ministère des Finances, de l’Économie et de la Recherche presided over by the Minister of Finance, the Economy and Research;”;

(2) by striking out paragraphs 15 and 35.

ACT RESPECTING THE SOCIÉTÉ DE PROMOTION ÉCONOMIQUE DU QUÉBEC MÉTROPOLITAIN

64. Section 4 of the Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04), amended by section 180 of chapter 25 of the statutes of 2001, is again amended by replacing “seven” in the first line of subparagraph 2 of the first paragraph by “six” and by replacing “six” in the second line of that subparagraph by “five” and by replacing “, the Minister of Industry and Trade and the Minister of Research, Science and Technology” at the end of subparagraph 2 of that paragraph by “and the Minister of Finance, the Economy and Research”.

ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

65. Section 5 of the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1) is replaced by the following section:

“**5.** Two persons shall be delegated to the board of directors, one by the Minister of Finance, the Economy and Research and one by the Minister of

Municipal Affairs and Greater Montréal from among the personnel members of their respective departments.”

66. Section 33 of the said Act is amended by replacing “, the Minister of Research, Science and Technology and the Minister of Finance” by “and the Minister of Finance, the Economy and Research”.

67. Sections 26 to 28, 31 and 42 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

68. Section 5 of the Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2) is replaced by the following section :

“**5.** A person shall be delegated to the board of directors by the Minister of Finance, the Economy and Research from among the personnel members of the Ministère des Finances, de l’Économie et de la Recherche.”

69. Sections 26 to 28 and 31 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

70. Section 33 of the said Act is amended by replacing “Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Finance” by “Minister of Finance, the Economy and Research”.

71. Section 45 of the said Act is replaced by the following section :

“**45.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

72. Section 5 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4) is replaced by the following section :

“**5.** A person shall be delegated to the board of directors by the Minister of Finance, the Economy and Research from among the personnel members of the Ministère des Finances, de l’Économie et de la Recherche.”

73. Sections 26 to 28 and 31 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

74. Section 33 of the said Act is amended by replacing “Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Finance” by “Minister of Finance, the Economy and Research”.

75. Section 45 of the said Act is replaced by the following section :

“**45.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

76. Section 5 of the Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5) is replaced by the following section :

“**5.** A person shall be delegated to the board of directors by the Minister of Finance, the Economy and Research from among the personnel members of the Ministère des Finances, de l’Économie et de la Recherche.”

77. Sections 26 to 28 and 31 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

78. Section 33 of the said Act is amended by replacing “Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Finance” by “Minister of Finance, the Economy and Research”.

79. Section 42 of the said Act is replaced by the following section :

“**42.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

80. This Act replaces the Act respecting the Ministère de l’Industrie et du Commerce (R.S.Q., chapter M-17) and the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01) except for section 55, which continues to have effect until the regulation referred to in that section is replaced or repealed by a regulation made under this Act.

81. In any other Act and in any regulation, order in council, ministerial order, agreement, contract or other document, whatever its nature or storage medium, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Minister or Deputy Minister of Finance or to the Ministère des Finances is a reference to the Minister or Deputy Minister of

Finance, the Economy and Research or to the Ministère des Finances, de l'Économie et de la Recherche ;

(2) a reference to the Minister or Deputy Minister of Industry and Trade or to the Ministère de l'Industrie et du Commerce is a reference to the Minister or Deputy Minister of Finance, the Economy and Research or to the Ministère des Finances, de l'Économie et de la Recherche ;

(3) a reference to the Minister or Deputy Minister of Research, Science and Technology or to the Ministère de la Recherche, de la Science et de la Technologie is a reference to the Minister or Deputy Minister of Finance, the Economy and Research or to the Ministère des Finances, de l'Économie et de la Recherche ;

(4) a reference to the Act respecting the Ministère des Finances or to any of its provisions is a reference to the Act respecting the Ministère des Finances, de l'Économie et de la Recherche or to the corresponding provision of that Act ;

(5) a reference to the Act respecting the Ministère de l'Industrie et du Commerce or to any of its provisions is a reference to the Act respecting the Ministère des Finances, de l'Économie et de la Recherche or to the corresponding provision of that Act ;

(6) a reference to the Act respecting the Ministère de la Recherche, de la Science et de la Technologie or to any of its provisions is a reference to the Act respecting the Ministère des Finances, de l'Économie et de la Recherche or the Act respecting the development of research, science and technology or to the corresponding provision of either of those Acts.

82. The members of the personnel of the Ministère des Finances, the Ministère de l'Industrie et du Commerce and the Ministère de la Recherche, de la Science et de la Technologie become, without further formality, members of the personnel of the Ministère des Finances, de l'Économie et de la Recherche.

The records and other documents of those departments are transferred to the Ministère des Finances, de l'Économie et de la Recherche.

83. The appropriations granted to a government department for the fiscal year 2002-2003 by this Act and relating to a responsibility assigned to the Minister of Finance, the Economy and Research are transferred to the Ministère des Finances, de l'Économie et de la Recherche.

84. The financial information of the Ministère des Finances, the Ministère de l'Industrie et du Commerce and the Ministère de la Recherche, de la Science et de la Technologie shall be entered separately in the government accounting system until 31 March 2003. It shall also be presented separately in the public accounts for the financial year ending on that date.

Furthermore, the Minister shall table, in the National Assembly, a separate annual management report for each of those departments for the financial year ending on that date.

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