



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 20

**An Act to establish the Blue Fund
and to amend other provisions**

Introduction

**Introduced by
Mr. Benoit Charette
Minister of the Environment, the Fight Against Climate
Change, Wildlife and Parks**

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EXPLANATORY NOTES

This bill establishes the Blue Fund, which is dedicated, in particular, to the financing of any measure the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks may carry out in relation to the protection, restoration, development and management of water.

The bill provides for new regulatory powers allowing the Government to prohibit or limit certain uses of the water coming from a waterworks system or to determine conditions or prohibitions that apply where products are offered for sale, sold, distributed or otherwise made available in containers or packaging it determines, including single-use containers.

The bill provides for the periodic revision of the regulatory provisions made under the Environment Quality Act that concern the charges payable for the use of water.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Environment Quality Act (chapter Q-2).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1).

Bill 20

AN ACT TO ESTABLISH THE BLUE FUND AND TO AMEND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

1. Section 15.4.38 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended, in the second paragraph,

(1) by inserting “and for which no other fund under the Minister’s responsibility provides financing or has funds available” after “functions” in the introductory clause;

(2) by striking out subparagraph 8.

2. Section 15.4.40 of the Act is amended by inserting “or into the Blue Fund” at the end of subparagraph 10 of the first paragraph.

3. Section 15.4.41 of the Act is repealed.

4. The Act is amended by inserting the following division after section 15.4.43:

“DIVISION II.4

“BLUE FUND

“**15.4.44.** The Blue Fund is established.

The Fund is dedicated to the financing of any measure the Minister may carry out in relation to the protection, restoration, development and management of water, in particular as regards

(1) the sustainable, equitable and efficient use of water resources;

(2) flood prevention and control;

(3) the conservation of aquatic ecosystems; and

(4) water governance that complies with the governance scheme established by the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).

The Fund is to be used, in particular, to finance activities, projects and programs aimed at stimulating technological and social innovation, research and development, knowledge acquisition, performance improvement and public mobilization, awareness and education with regard to any matter mentioned in the second paragraph.

The Fund is intended, in particular, to provide financial support to municipalities and to non-profit bodies working for the protection, restoration, development and management of water.

“15.4.45. The Minister is responsible for the management of the Fund, which he ensures with a view to sustainable development, efficiency and transparency.

To that end, the Minister gives priority to management centred on achieving the best results to ensure compliance with government principles, policy directions and objectives related to the matters referred to in the second paragraph of section 15.4.44.

“15.4.46. The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(2) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(3) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(4) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation for any of the matters covered by the Fund, in accordance with section 21 of the Act respecting the Société du Plan Nord (chapter S-16.011);

(5) the sums transferred to the Fund by the Government out of those credited to the general fund on a proposal of the Minister of Finance, including all or part of the revenue from taxes or other economic instruments related to the protection, restoration, development and management of water, identified by the Government;

(6) the sums with regard to fees, duties or charges related to the use or management of water, in particular the sums derived from the charges prescribed by the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1);

(7) any other sum provided for by law or a regulation of the Government or a regulation of the Minister;

(8) the revenue generated by the sums credited to the Fund;

(9) the interest charged on amounts owing under an Act or regulation under the Minister's administration and referred to in this section; and

(10) the financial contributions paid by the federal government for any of the matters covered by the Fund.

“15.4.47. The Fund's financial data and a list of the measures financed by it must appear under a separate heading in the department's annual management report.

The financial data under the heading must include

(1) the expenditures and investments debited from the Fund by class of measures to which the Fund is dedicated; and

(2) the nature and evolution of revenues.

“15.4.48. The Fund's financial statements are audited each year by the Auditor General.”

ENVIRONMENT QUALITY ACT

5. The preliminary provision of the Environment Quality Act (chapter Q-2) is amended by inserting the following paragraph after the first paragraph:

“The purpose of this Act is also to regulate the use of water resources in such a manner as to ensure the sustainable, equitable and efficient management of those resources, with a view to transparency and to preservation of this common good, in particular by promoting better access to information concerning water withdrawals.”

6. Section 46 of the Act is amended by inserting the following paragraph after paragraph 8:

“(8.1) prohibit or limit certain uses of the water coming from a waterworks system, in all or part of the territory of Québec;”.

7. Section 53.28 of the Act is amended by adding the following paragraph at the end:

“The Government may also, by regulation, determine the conditions or prohibitions that apply where products are offered for sale, sold, distributed or otherwise made available in containers or packaging it determines, including single-use containers.”

8. Section 53.29 of the Act is amended by inserting “the first paragraph of” after “under” in paragraph 1.

9. Section 95.1 of the Act is amended by adding the following paragraph at the end:

“Any regulatory provisions made under subparagraphs 11 and 12 of the first paragraph that concern charges payable for the use of water must be evaluated every five years to ensure the sustainable use of water resources.”

REGULATION RESPECTING THE CHARGES PAYABLE FOR THE USE OF WATER

10. Section 11 of the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is amended by replacing “Fund for the Protection of the Environment and the Waters in the Domain of the State for the purpose of ensuring water governance” by “Blue Fund”.

FINAL PROVISIONS

11. The assets and liabilities of the Fund for the Protection of the Environment and the Waters in the Domain of the State on (*insert the date of assent to this Act*) with regard to fees, duties or charges related to the use or management of water and compensation obtained as a result of an action instituted under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) are transferred to the Blue Fund. [[If the assets and liabilities transferred to the Blue Fund are insufficient to start up the Fund, sums from the Consolidated Revenue Fund may be transferred to the Blue Fund during the 2023–2024 fiscal year.]]

12. This Act comes into force on (*insert the date of the first day of the month following the date of assent to this Act*).

