



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 41

**An Act to enact the Act respecting
the environmental performance of
buildings and to amend various
provisions regarding energy
transition**

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 enacts the Act respecting the environmental performance of buildings. The Act gives the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks certain powers, including the power to determine the information concerning the environmental performance of buildings that must be declared to the Minister and the power to determine which energy distributors must develop and administer a digital platform that allows them to transfer information about a building's energy consumption to its owner.

In addition, the enacted Act gives the Government the power to determine, by regulation, which buildings must be assigned an environmental performance rating, as well as the calculation methods applicable to the assignment of such a rating. The Government is also given the power to establish standards regarding the environmental performance of buildings, such as standards to be complied with during construction, renovation or demolition work on a building or environmental performance ratings to be achieved by buildings.

The enacted Act also provides that the Minister is to keep a public register of the environmental performance of buildings and sets out an obligation to post and to disclose the rating obtained by a building in certain circumstances. Monetary administrative penalties and penal sanctions are provided for in cases of failure to comply with the various obligations.

The bill also amends various Acts, in particular to merge the Energy Transition, Innovation and Efficiency Fund with the Electrification and Climate Change Fund and to take up, in the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, legislative provisions relating to energy distributors which are presently in the Act respecting the Ministère des Ressources naturelles et de la Faune.

Lastly, the bill makes consequential amendments and contains transitional provisions and a final provision.

LEGISLATION ENACTED BY THIS BILL:

- Act respecting the environmental performance of buildings (*insert the year and chapter number of this Act and the number of the section that enacts the Act respecting the environmental performance of buildings*).

LEGISLATION AMENDED BY THIS BILL:

- Building Act (chapter B-1.1);
- Hydro-Québec Act (chapter H-5);
- Act respecting administrative justice (chapter J-3);
- Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Act respecting energy efficiency and energy conservation standards for certain products (chapter N-1.01);
- Act respecting the Régie de l'énergie (chapter R-6.01).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter R-6.01, r. 5.1).

Bill 41

AN ACT TO ENACT THE ACT RESPECTING THE ENVIRONMENTAL PERFORMANCE OF BUILDINGS AND TO AMEND VARIOUS PROVISIONS REGARDING ENERGY TRANSITION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ACT ENACTED

1. The Act respecting the environmental performance of buildings, the text of which appears in this Chapter, is enacted.

“ACT RESPECTING THE ENVIRONMENTAL PERFORMANCE OF BUILDINGS

“CHAPTER I

“GENERAL PROVISIONS

“1. The purpose of this Act is to provide a framework for the environmental performance of buildings.

For the purposes of this Act, “environmental performance” means characteristics of a building that have an impact on the environment, such as its carbon footprint, the energy the building uses and when it uses it, the energy produced by the building as well as the equipment that promotes the sustainable mobility of its occupants or users.

“2. In this Act,

“building” means a structure used or intended to be used to shelter or receive persons, animals or goods and whose equipment and components consume energy or a part of such a structure;

“energy distributor” means an “electric power distributor”, a “natural gas distributor” or a “steam distributor” within the meaning of the Act respecting the Régie de l’énergie (chapter R-6.01), and any other person distributing energy that can be consumed by a building;

“public body” means a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

For the purposes of this Act, the owners of a building that constitutes an immovable held in divided co-ownership are the syndicate of co-owners and any co-owner of the building.

For the purposes of this Act, foundation, erection, renovation, repair, maintenance, alteration or demolition work on a building is considered to be construction work, as is the installation or the replacement of all or a part of the building’s equipment.

“3. This Act is binding on the State.

“CHAPTER II

“ENVIRONMENTAL PERFORMANCE OF BUILDINGS

“DIVISION I

“MANDATORY REPORTING

“4. Every owner of a building, public body and energy distributor determined by a regulation of the Minister must, according to the terms and conditions prescribed by the regulation,

(1) declare to the Minister

(a) the energy consumption of a building, its location, its area, how it is used, the type of energy it consumes and when that energy is consumed;

(b) the materials used during the construction work and the equipment and components of a building or the equipment of the site on which a building is situated;

(c) the name and contact information of the owner of a building; and

(d) any other information necessary for the purposes set out in this Act and in the regulations made under this Act;

(2) obtain from a person or a body recognized under the regulation a verification report on any information declared or provided to the Minister;

(3) provide to the Minister the report referred to in subparagraph 2; and

(4) in the case of an energy distributor, develop and administer a digital platform allowing the distributor to transfer information about the energy consumption of a building to its owner.

The Minister may also, by regulation, prescribe the cases in which and the conditions on which an owner or an energy distributor must keep any information or document declared or provided under the first paragraph.

“DIVISION II

“ENVIRONMENTAL PERFORMANCE RATING OF BUILDINGS

“5. An environmental performance rating is assigned to every building determined by government regulation.

“6. The owner of a building must send to the Minister the environmental performance rating assigned to the building in accordance with the method and the terms provided for by government regulation. The regulation may, in particular, provide

(1) the calculation methods applicable to the assignment of an environmental performance rating to a building, which may vary depending on, among other things,

(a) the type of building and its characteristics;

(b) the construction work carried out;

(c) the location of the building; and

(d) the amount and type of energy consumed or produced and when that energy is consumed or produced;

(2) the persons who may assign an environmental performance rating to a building;

(3) the cases in which and conditions on which an environmental performance rating may be determined for a group of buildings; and

(4) the cases in which and conditions on which the following are to be taken into account:

(a) the equipment of the site on which the building is situated; and

(b) the apportionment of the equipment among buildings.

The Government may also, by regulation, determine the cases, conditions and manner in or on which the Minister is to assign an environmental performance rating to a building.

“7. When an environmental performance rating is assigned under the second paragraph of section 6, that decision is notified to the owner of the building and may, within 60 days after its notification and according to the terms determined by government regulation, be the subject of an application for review.

“8. The application for review must be dealt with promptly.

After giving the applicant an opportunity to submit observations and, if applicable, produce documents to complete the applicant’s record, the person responsible for the review renders a decision on the basis of the record, unless that person considers it necessary to proceed in some other manner. The person responsible for the review may confirm, quash or amend the decision under review.

The decision must be in writing, include reasons and be notified promptly to the applicant. It must make a mention of the applicant’s right to contest the decision before the Administrative Tribunal of Québec.

“9. A proceeding before the Administrative Tribunal of Québec must be brought within 30 days after notification of the contested decision.

The Tribunal may confirm, quash or amend the contested decision.

“DIVISION III

“ENVIRONMENTAL PERFORMANCE STANDARDS

“10. The Government may, by regulation, establish standards regarding the environmental performance of buildings, which may take the form of standards regarding construction work or of an environmental performance rating.

The standards may vary, in particular, according to the parameters referred to in the regulation made under subparagraphs *a* to *d* of subparagraph 1 and subparagraph *a* of subparagraph 4 of the first paragraph of section 6.

The regulation must prescribe special standards for the following buildings:

(1) an immovable classified or recognized under the Cultural Heritage Act (chapter P-9.002);

(2) a heritage immovable, within the meaning of that Act, situated on a site classified or recognized as or declared a heritage site under that Act;

(3) an immovable registered in an inventory referred to in the first paragraph of section 120 of that Act; and

(4) an immovable situated on the national heritage site declared by that Act.

“11. The Government may, by regulation, determine the cases in which and conditions on which the owner of a building covered by an environmental performance standard must obtain, at the owner’s expense, a report on the environmental performance of the building made by a body or person recognized under the regulation. It may also determine, in the regulation, the cases in which and conditions on which the owner must provide the report to the Minister.

“12. The Government may, by regulation, determine the cases in which and the conditions on which a person must comply with a standard established with regard to construction work.

“13. The Government may, by regulation, determine the cases in which and the conditions on which the owner of a building covered by an environmental performance rating established under section 10 must take measures necessary to ensure that the rating is complied with.

The regulation may also prescribe the cases in which and conditions on which the Minister may exempt an owner from the obligation provided for in the first paragraph for a reason in the public interest or in exceptional circumstances, in particular to prevent serious or irreparable damage or prejudice to a building, its owner or its occupant.

“14. Where the owner of a building demonstrates to the Minister that, due to exceptional circumstances, their building will not be able to achieve the applicable environmental performance rating, the owner may submit to the Minister, according to the terms and conditions prescribed by government regulation, a corrective program by which the owner undertakes to take measures so that the environmental performance rating is achieved within a reasonable time.

The Minister may approve the corrective program, with or without amendment, prescribe any condition, restriction or prohibition to the corrective program or refuse to approve it.

During the period of the corrective program, the owner is not required to comply with the standard targeted by the program.

“15. The Minister may terminate the corrective program in the case of significant or repeated non-compliance on the part of the owner.

“16. Sections 7 to 9 apply to a decision made under the second paragraph of section 14 or section 15, with the necessary modifications.

“CHAPTER III

“REGISTER, POSTING AND MEASURING TOOL

“17. The Minister keeps a register of the environmental performance of buildings containing the information prescribed by government regulation.

The information contained in the register is public.

Despite the second paragraph of this section and section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person has a right of access to the address of the establishment or premises of a person who offers accommodation or assistance services to persons who are victims of violence or of a person composed of persons or groups of persons offering such services.

“18. The owner of a building must, in the cases and on the conditions determined by government regulation, post the environmental performance rating of the building assigned in accordance with Division II of Chapter II. The regulation may also prescribe the cases in which and conditions on which the owner must disclose the rating to a third person.

“19. The Government may, by regulation, determine the cases in which the owner of a building must install a tool for measuring the energy consumption of the building.

“CHAPTER IV

“INSPECTIONS AND INVESTIGATIONS

“20. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) apply to the inspections and investigations that are conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

“CHAPTER V

“MONETARY ADMINISTRATIVE PENALTIES

“21. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.

“22. A monetary administrative penalty of \$250 in the case of a natural person and of \$1,000 in any other case may be imposed on anyone who fails to

(1) comply with an obligation provided for in section 4;

(2) send to the Minister the environmental performance rating assigned to their building under the first paragraph of section 6; or

(3) post or disclose the environmental performance rating of their building in accordance with section 18.

“23. If a provision of a regulation made by the Government under this Act is enforceable by a municipality and failure to comply with the provision may give rise to a monetary administrative penalty, the penalty may also be imposed by any municipality designated for that purpose by the Government for a failure that occurred in its territory. However, such a penalty may not be imposed concurrently with a penalty that a person designated by the Minister may also impose on the same person based on the same facts that occurred on the same day.

The provisions of this Act concerning monetary administrative penalties apply to the municipality that imposes such a penalty, with the necessary modifications and according to the terms and conditions determined by the Government, such as those relating to the possibility of contesting the decision before the competent municipal court and to the procedures for recovering the amounts owed.

A municipality that imposes a monetary administrative penalty may charge fees for the recovery of the amount.

The amounts collected by a municipality under this section belong to it and, with the exception of recovery fees, must be used to finance measures and programs for the energy transition of buildings.

“CHAPTER VI

“PENAL SANCTIONS

“24. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to this chapter and to the penal provisions provided for by regulation.

“25. Anyone who contravenes section 4, 6 or 18 is liable to a fine

(1) of \$1,000 to \$100,000 in the case of a natural person; and

(2) of \$3,000 to \$600,000 in any other case.

“26. Penal proceedings for an offence against a provision of a regulation made under this Act and under the administration of a municipality may be instituted by that municipality if the offence was committed in its territory. In such a case, the proceedings may be instituted before the competent municipal court.

The fines collected as a result of such proceedings belong to the municipality.

The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

A municipality may draw to the attention of the Minister, for appropriate action, any offence against a provision of a regulation under the administration of the municipality.

“CHAPTER VII

“CLAIMS AND RECOVERY

“27. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.

“CHAPTER VIII

“MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

“28. The Government may, by regulation, authorize the Minister to delegate, generally or specifically and according to the terms and conditions determined by that regulation, to any person or body the application of a provision of that regulation.

A delegation made pursuant to a regulation made under the first paragraph comes into force on the date of the publication in the *Gazette officielle du Québec* of an order made by the Minister to that effect or on any later date specified in the order.

“29. A municipal by-law relating to the same object as a regulation made under Division II or III of Chapter II is inoperative, unless the by-law has been approved by the Minister, in which case it prevails to the extent determined by the Minister.

The first paragraph applies only if the municipal by-law relates to a building to which a regulation made under this Act applies.

The Minister may amend or revoke an approval granted under the first paragraph where the Government adopts a new regulation relating to a matter covered by a previously approved municipal by-law.

Notice of the approval referred to in the first paragraph is to be published without delay in the *Gazette officielle du Québec*.

The first paragraph applies despite section 3 of the Municipal Powers Act (chapter C-47.1).

“30. Despite section 29, a municipal by-law that was in force on *(insert the date of introduction of this Bill)* and that was submitted to the Minister for approval within 90 days after the date of the coming into force of a regulation made under Division II or III of Chapter II relating to the same object as that municipal by-law, is not inoperative, and remains so until the Minister approves or refuses to approve that by-law.

“31. The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.”

CHAPTER II

AMENDING PROVISIONS

BUILDING ACT

2. Section 173 of the Building Act (chapter B-1.1) is amended by striking out subparagraph 6 of the third paragraph and the last paragraph.

3. Section 174 of the Act is repealed.

4. Section 185 of the Act is amended by striking out paragraph 0.4.

5. Section 196.2 of the Act is amended by striking out “guilty of an offence and”.

6. Sections 197.1, 197.2 and 199.1 of the Act are amended by striking out “is guilty of an offence and”.

HYDRO-QUÉBEC ACT

7. Section 16 of the Hydro-Québec Act (chapter H-5) is amended by replacing “section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the first paragraph by “section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

8. Section 22.1 of the Act is amended by replacing “energy transition, innovation and efficiency master plan prepared under the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the second paragraph by “climate change framework policy provided for by the Environment Quality Act (chapter Q-2)”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

9. Schedule III to the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 4:

“(5) proceedings under sections 8, 14 and 15 of the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*);”.

ACT RESPECTING CERTAIN MEASURES ENABLING THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION

10. Section 1 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) is amended by adding the following subparagraph at the end of the first paragraph:

“(7) the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*).”

11. Section 5 of the Act is amended by adding the following paragraph at the end:

“Despite the first paragraph, only the powers set out in subparagraphs 1, 2, 4 to 7, 9 and 11 may be exercised to see to the enforcement of the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*). Any person who accompanies an inspector under subparagraph 11 may exercise only the powers set out in subparagraphs 1, 2, 4 to 7 and 9.”

12. Section 6 of the Act is amended by inserting “and the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*)” at the end of the third paragraph.

13. Section 17 of the Act is amended by inserting “and the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*)” at the end of the fifth paragraph.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

14. Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by striking out subparagraphs 14.2 to 14.5 of the first paragraph.

15. The heading of Division II.0.1 of the Act is replaced by the following heading:

“POLICY DIRECTIONS, GENERAL OBJECTIVES AND TARGETS REGARDING ENERGY TRANSITION, INNOVATION AND EFFICIENCY”.

16. Sections 17.1.1 and 17.1.3 to 17.1.12 of the Act are repealed.

17. Section 17.12.19 of the Act is amended by striking out “, except for the portion, determined by the Minister, of the annual fees for gas storage and of the duties on the gas withdrawn” in subparagraph 1 of the first paragraph.

18. Subdivision 4 of Division II.1 of the Act, comprising sections 17.12.21 and 17.12.22, is repealed.

19. Section 17.22 of the Act is amended by striking out “, 14.3” in the second paragraph.

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

20. Section 10.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by replacing “and to promote adaptation to the impacts of global warming and climate change” in the second paragraph by “, to support the energy transition and to promote adaptation to the impacts of climate change and global warming”.

21. The Act is amended by inserting the following sections after section 10.1:

“**10.2.** Identified energy distributors must submit to the Minister, for the Minister’s approval and within the time specified by the Minister, the programs and measures they propose to make available to their clients for a five-year period to make it possible to achieve the targets referred to in section 17.1.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

The programs and measures submitted must contain a description of the actions to be carried out, and the budgetary estimates, method of financing and time frame for carrying them out.

The Minister may, before approving a program or a measure and in order to ensure consistency among the programs and measures or if he considers that they will not make it possible to meet the policy directions, general objectives and targets referred to in section 17.1.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune, request that an identified energy distributor make the necessary changes to the programs or measures for which it is responsible.

For the purposes of this section, “identified energy distributor” means

- (1) Hydro-Québec when carrying on electric power distribution activities; or
- (2) a natural gas distributor as defined in section 2 of the Act respecting the Régie de l’énergie (chapter R-6.01).

“10.3. Identified energy distributors must carry out the programs and measures for which they are responsible under section 10.2.

If an identified energy distributor is unable to carry out such a program or measure within the time and in the manner approved by the Minister, it must notify the Minister as soon as possible. The Minister may, at the distributor’s expense, implement the program or measure the distributor has failed to carry out after giving the distributor 30 days’ written notice to that effect.

“10.4. Identified energy distributors must, every six months, send to the Minister a status report on the actions undertaken within the framework of the programs and measures the Minister has approved, as well as on the results obtained, including those based on the performance indicators determined by the Minister.

“10.5 Within the climate change framework policy referred to in section 46.3 of the Environment Quality Act (chapter Q-2), the Minister determines, for a five-year period, the amount of the energy distributors’ financial investment, by form of energy, to help support the energy transition measures arising from the implementation of the climate change framework policy referred to in section 46.3 of the Environment Quality Act.

Every energy distributor must pay to the Minister its annual contribution determined by the Régie de l’énergie in accordance with the due dates, the rate and the calculation method prescribed by government regulation. The regulation may also prescribe the terms of payment, the rate of interest on sums due and the penalties payable for failure to pay.

The rate, calculation method and terms of payment referred to in the second paragraph may, among other things, vary from one distributor or class of distributors to another. The regulation may also exempt a distributor or class of distributors.

The amount of the penalty that may be determined by the Government under the second paragraph may not exceed 15% of the sums due.

For the purposes of this section, “energy distributor” means

- (1) an identified energy distributor as defined in section 10.2;
- (2) a fuel distributor; or

(3) a municipal electric power system governed by the Act respecting municipal and private electric power systems (chapter S-41) or the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21).

For the purposes of the definition of “fuel distributor” in the fifth paragraph, “fuel” means gasoline, diesel fuel, heating oil or propane, but not aviation fuel, marine bunker fuel, hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes, or renewable fuel content.

For the purposes of the sixth paragraph,

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

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

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

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

“10.6. For the purposes of sections 10.2 to 10.5, the Minister may request that an energy distributor provide to the Minister, within the time the Minister specifies, any information or document the Minister considers necessary.”

22. Section 15.4 of the Act is amended

(1) by inserting “the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*),” after “under” in paragraph 5.0.1;

(2) by inserting “the Act respecting energy efficiency and energy conservation standards for certain products (chapter N-1.01), the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*),” after “against” in paragraph 5.0.2;

(3) by inserting the following paragraphs after paragraph 5.0.2:

“(6) the annual contribution collected from energy distributors under section 10.5;

“(7) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;”.

ACT RESPECTING ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN PRODUCTS

23. Section 33 of the Act respecting energy efficiency and energy conservation standards for certain products (chapter N-1.01) is amended by striking out “guilty of an offence and”.

24. Section 72 of the Act is amended by replacing “Minister of Natural Resources and Wildlife” by “Minister of Sustainable Development, Environment and Parks”.

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

25. Section 49 of the Act respecting the Régie de l'énergie (chapter R-6.01) is amended by replacing “under the energy transition, innovation and efficiency master plan” in the second paragraph by “under section 10.2 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”.

26. The heading of Chapter VI.4 of the Act is amended by replacing “ENERGY TRANSITION, INNOVATION AND EFFICIENCY MASTER PLAN” by “PROGRAMS AND MEASURES OF ENERGY DISTRIBUTORS”.

27. Section 85.40 of the Act is amended by replacing “section 17.1.1 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” by “section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”.

28. Section 85.41 of the Act is amended:

(1) by replacing “of the identified energy distributors contained in the energy transition, innovation and efficiency master plan provided for in section 17.1.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the first paragraph by “for which the identified energy distributors are responsible under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”;

(2) by replacing “made under the first paragraph of section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune” in the sixth paragraph by “made under section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs”.

29. Section 85.44 of the Act is amended by replacing “described in paragraph 1 of the definition of “fuel distributor” in the first paragraph of section 17.1.1 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in paragraph 3 by “included in the definition of “fuel distributor” in section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

REGULATION RESPECTING THE ANNUAL CONTRIBUTION
PAYABLE TO THE MINISTER OF ENERGY AND NATURAL
RESOURCES UNDER SECTION 17.1.11 OF THE ACT RESPECTING
THE MINISTÈRE DES RESSOURCES NATURELLES ET DE
LA FAUNE

30. The title of the Regulation respecting the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter R-6.01, r. 5.1) is replaced by the following title:

“Regulation respecting the annual contribution payable to the Minister of Energy and Natural Resources under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs”.

31. Section 1 of the Regulation is amended by replacing “Subject to the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune” in the first paragraph by “The annual contribution payable to the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

32. Section 2 of the Regulation is amended

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

“The energy distributors’ financial investment toward preparing, carrying out, coordinating and monitoring the programs and measures to support the energy transition arising from the implementation of the climate change framework policy referred to in section 46.3 of the Environment Quality Act (chapter Q-2) forms the basis for the calculation of the annual contribution payable by energy distributors to the Minister of Sustainable Development, Environment and Parks.”;

(2) by replacing “master plan pursuant to the Act respecting the Ministère des Ressources naturelles et de la Faune” in the second paragraph by “climate change framework policy”;

(3) in the third paragraph,

(a) by replacing “master plan” by “climate change framework policy”;

(b) by replacing “in the last master plan” by “in the last climate change framework policy”.

33. Section 3 of the Regulation is amended by replacing “under the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” by “by the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

34. Section 4 of the Regulation is amended by replacing “of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the second paragraph by “of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

35. Section 5 of the Regulation is amended

(1) by replacing “the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), for each fiscal year of the Energy Transition, Innovation and Efficiency Fund” in the first paragraph by “the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001), for each fiscal year of the Electrification and Climate Change Fund”;

(2) by replacing “Energy Transition Québec” in the second paragraph by “the Minister of Sustainable Development, Environment and Parks”.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

36. In any document other than an Act or a regulation, a reference to the energy transition, innovation and efficiency master plan is a reference to the climate change framework policy referred to in section 46.3 of the Environment Quality Act (chapter Q-2).

37. In any document other than an Act or a regulation, a reference to the Energy Transition, Innovation and Efficiency Fund is a reference to the Electrification and Climate Change Fund referred to in section 15.1 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001).

38. The assets and liabilities of the Energy Transition, Innovation and Efficiency Fund are transferred to the Electrification and Climate Change Fund.

39. Until 1 April 2026, for the purposes of section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, the amount of the energy distributors' financial investment provided for by the master plan prepared under section 17.1.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) in force on (*insert the date that precedes the date of assent to this Act*) is deemed to be the amount determined by the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs.

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

(1) the provisions of sections 2 to 4, which come into force on the date or dates to be set by the Government; and

(2) the provisions of sections 22, 37 and 38, which come into force on the first day of the month that follows (*insert the date of assent to this Act*).

