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Laws and Regulations

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Summary

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Legal deposit – 1st Quarter 1968
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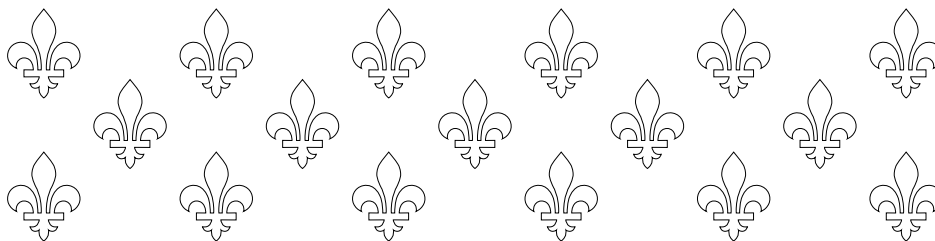
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 15
(2007, chapter 8)

Appropriation Act No. 2, 2007-2008

Introduced 21 June 2007
Passed in principle 21 June 2007
Passed 21 June 2007
Assented to 21 June 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

The object of this bill is to authorize the Government to pay out of the consolidated revenue fund the sum of \$111,000,000.00 being the appropriations to be voted for each of the programs of the portfolios listed in the Schedule and representing the 2007-2008 Supplementary Estimates No. 1.

Moreover, the bill establishes to what extent the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Bill 15

APPROPRIATION ACT NO. 2, 2007-2008

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The Government may draw out of the consolidated revenue fund a sum not exceeding \$111,000,000.00 to defray a part of the Expenditure Budget of Québec proposed in the Supplementary Estimates for the fiscal year 2007-2008 as laid before the National Assembly, not otherwise provided for, being the amount of each of the estimates to be voted for various programs set forth in the Schedule to this Act.
- 2.** In the case of programs in which a provision has been made to this effect, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs or portfolios, for the reasons and, if need be, under the conditions described in the Expenditure Budget.
- 3.** Except for the programs covered by section 2, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs in a given portfolio, provided that such a transfer does not increase or reduce by more than 10% the amount of the appropriation authorized by statute.
- 4.** This Act comes into force on 21 June 2007.

SCHEDULE

AFFAIRES MUNICIPALES ET RÉGIONS

PROGRAM 5

Regional Development and Rurality	21,000,000.00
	<hr/>
	21,000,000.00

ÉDUCATION, LOISIR ET SPORT

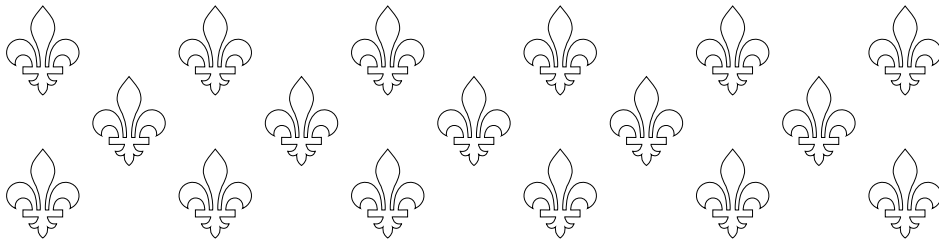
PROGRAM 4

Pre-school, Primary and Secondary Education	<u>30,000,000.00</u>
	30,000,000.00

SANTÉ ET SERVICES SOCIAUX

PROGRAM 2

Regional Operations	<u>60,000,000.00</u>	
	60,000,000.00	
		<u>111,000,000.00</u>



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 21
(2007, chapter 9)

**An Act to amend the Act to ensure
the enlargement of Parc national du
Mont-Orford, the preservation of the
biodiversity of adjacent lands and the
maintenance of recreational tourism
activities**

Introduced 20 June 2007
Passed in principle 20 June 2007
Passed 21 June 2007
Assented to 21 June 2007

EXPLANATORY NOTES

The purpose of this bill is to prevent the sale of the lands excluded from the boundaries of Parc national du Mont-Orford. To that end, the bill amends the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities to repeal the provisions pertaining to the sale of those lands.

The bill also precludes the application of any general or special Act empowering the Government or one of its ministers to sell those lands.

Lastly, the bill makes consequential amendments to the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs to strike out the provisions concerning the appropriation of the monies that would have been derived from the sale of those lands.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1);
- Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14).

Bill 21

AN ACT TO AMEND THE ACT TO ENSURE THE ENLARGEMENT OF PARC NATIONAL DU MONT-ORFORD, THE PRESERVATION OF THE BIODIVERSITY OF ADJACENT LANDS AND THE MAINTENANCE OF RECREATIONAL TOURISM ACTIVITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14) is amended by striking out subparagraph 3 of the second paragraph.

2. Section 3 of the Act is amended

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

“The Minister exercises in respect of those lands the rights and powers inherent in the right of ownership, except the right to sell them, despite the restrictions set out in section 13.1 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (R.S.Q., chapter M-15.2.1).”;

(2) by striking out the third paragraph.

3. Chapter III of the Act, comprising sections 10 to 15, is repealed.

4. Section 19 of the Act is amended

(1) by replacing “after the date of the sale by the Minister of the lands described in Schedule A” in the first and second lines of the first paragraph of paragraph 3 by “after 21 June 2007”;

(2) by striking out the third paragraph of paragraph 3.

5. Section 20 of the Act is amended

(1) by replacing “after the date of the sale by the Minister of the lands described in Schedule A” in the first and second lines of the first paragraph of paragraph 3 by “after 21 June 2007”;

- (2) by striking out the third paragraph of paragraph 3.
- 6.** Sections 31 to 33 of the Act are repealed.
- 7.** Section 15.2.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1), enacted by section 28 of chapter 14 of the statutes of 2006, is repealed.
- 8.** Section 15.4 of the Act, enacted by section 26 of chapter 3 of the statutes of 2006 and amended by section 29 of chapter 14 of the statutes of 2006 and by section 26 of chapter 46 of the statutes of 2006, is again amended by replacing paragraph 8.1 by the following paragraph:
- “(8.1) any other sum provided for by law;”.
- 9.** Despite any contrary provision of a general or special Act, the lands excluded from the boundaries of the Parc national du Mont-Orford by section 2 of chapter 14 of the statutes of 2006 may not be sold by the Government or any of its ministers.
- 10.** This Act comes into force on 21 June 2007.

Regulations and other acts

Gouvernement du Québec

O.C. 586-2007, 1 August 2007

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Titles similar to the title of financial planner — Amendment

Regulation to amend the Regulation respecting titles similar to the title of financial planner

WHEREAS section 215 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) provides that the Authority may, by regulation, determine the titles similar to the title of financial planner or claims adjuster, and the abbreviations, that may not be used;

WHEREAS the first paragraph of section 217 of the Act provides that a regulation made pursuant to the Act shall be submitted to the Government for approval with or without amendment;

WHEREAS the Regulation respecting titles similar to the title of financial planner was approved by Order in Council 835-99 dated 7 July 1999;

WHEREAS, on 19 May 2006, the Autorité des marchés financiers made the Regulation to amend the Regulation respecting titles similar to the title of financial planner by Decision 2006-PDG-0112;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting titles similar to the title of financial planner was published in the *Gazette officielle du Québec* of 14 February 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting titles similar to the title of financial planner, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting titles similar to the title of financial planner*

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 215)

1. Section 1 of the Regulation respecting titles similar to the title of financial planner is amended by inserting the following after paragraph 9:

“(9.1) private wealth advisor (PWA);”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 587-2007, 1 August 2007

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Information to be provided to consumers — Amendments

Regulation to amend the Regulation respecting Information to be Provided to Consumers

WHEREAS section 207 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) provides that the Autorité des marchés financiers may, by regulation, determine what constitutes a

* The Regulation respecting titles similar to the title of financial planner, approved by Order in Council 835-99 dated 7 July 1999 (1999, *G.O.* 2, 2101), has not been amended since its approval

business relationship and the rules relating to the disclosure of business relationships;

WHEREAS section 208 of the Act provides that the Authority may, by regulation, determine the information that must be disclosed by representatives in insurance of persons, group insurance representatives and damage insurance brokers to the person with whom they are transacting business concerning the insurers whose products they offer, and the manner in which the information must be disclosed;

WHEREAS the first paragraph of section 217 of the Act provides that a regulation made pursuant to the Act shall be submitted to the Government for approval with or without amendment;

WHEREAS the Regulation respecting Information to be Provided to Consumers was adopted on 23 July 1999 and published in the Bulletin of the Bureau des services financiers (BSF) No. 5 dated 11 November 1999;

WHEREAS the Autorité des marchés financiers adopted the Regulation to amend the Regulation to amend the Regulation respecting Information to be Provided to Consumers on 2 October 2006 by Decision 2006-PDG-0169;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting Information to be Provided to Consumers was published in the *Gazette officielle du Québec* of 20 December 2006 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting Information to be Provided to Consumers, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting Information to be Provided to Consumers*

Act respecting the distribution of financial products and services

(R.S.Q., c. D-9.2, s. 26, 2nd par., 31, 207, 208 and 217)

1. The Regulation respecting Information to be Provided to Consumers is amended by replacing Division 3 with the following:

“DIVISION 3

DISCLOSURE OF INFORMATION ON INSURERS WHOSE REPRESENTATIVE IS AUTHORIZED TO OFFER PRODUCTS OR WITH WHOM THE REPRESENTATIVE HAS A BUSINESS RELATIONSHIP”.

2. Section 4.5 of the Regulation is replaced by the following:

“**4.5** The provisions of this Division only apply to damage insurance agents and damage insurance brokers, other than section 4.6, which only applies to representatives in insurance of persons, representatives in group insurance of persons and damage insurance brokers.”.

3. Section 4.7 of the Regulation is repealed.

4. The Regulation is amended by adding the following after section 4.7:

“**4.8** Damage insurance brokers must, before offering an insurance product, verbally disclose to the person with whom they are transacting business the names of the insurers with whom the brokers, the independent partnership or the firm on whose behalf they are acting have a business relationship as defined in the second paragraph of section 26 of the Act and section 4.10, and specify the nature of the relationship, in the manner prescribed in Schedule 4.

4.9 Damage insurance agents, must, before placing a risk with an insurer with whom the agents or the firm on whose behalf they are acting have a business relationship as defined in the second paragraph of section 26 of

* The Regulation respecting Information to be Provided to Consumers, adopted on July 23, 1999 pursuant to resolution No. 99.07.22 and published in the Bulletin of the Bureau des services financiers (BSF), No. 5, dated November 11, 1999, was amended under the Regulation adopted on February 8, 2001 pursuant to resolution No. 2001.02.27 and published in BSF Bulletin No. 12, dated March 5, 2001, and the Regulation adopted on February 13, 2003 pursuant to resolution No. 2003.02.11 and published in BSF Bulletin No. 32, dated March 6, 2003.

the Act and section 4.10, disclose such business relationship verbally to the person with whom they are transacting business, in the manner prescribed in Schedule 4.

4.10 For the purposes of the second paragraph of section 26 of the Act, a business relationship is entered into where an insurer that is a financial institution, other than an insurer engaging exclusively in the business of reinsurance, a financial group or a legal person related to the financial institution or financial group, within the meaning of section 147 of the Act, grants a benefit by lending a sum of money or granting any other form of financing to a firm, an independent partnership or an independent representative or, as the case may be, the executive officers, directors, shareholders or partners thereof, or other legal persons or partnerships for which these executive officers, directors, shareholders or partners are also executive officers, directors, shareholders or partners.

Moreover, such a business relationship is entered into and an interest is granted by an insurer to a firm, an independent partnership or an independent representative where the aggregate of risks placed with the insurer or other insurers that are members of the same financial group represented 60% or more of the total volume of risks placed in personal-lines damage insurance by the firm, the independent partnership or the independent representative, calculated on the value basis of written premiums annualized as at December 31 of each year.

4.11 Damage insurance agents and damage insurance brokers are not required to disclose the business relationship contemplated in the second paragraph of section 4.10 if they are, with respect to the person with whom they are transacting business, acting in the commercial-lines damage insurance sector class; this exemption shall also apply to agents who have made the disclosure prescribed in section 32 of the Act.

4.12 Damage insurance agents and damage insurance brokers are deemed to have disclosed the interest held by the insurer in the ownership of the firm on behalf of which they are acting or, conversely, the interest held by the firm in the ownership of the insurer, or the benefit the insurer has granted to the firm in accordance with the first paragraph of section 4.10, when the use of the firm's name indicates this business relationship.

4.13 At the time of issuance of the insurance policy, damage insurance agents or damage insurance brokers who place a risk with an insurer must confirm in writing the disclosure they have made pursuant to sections 4.8 or 4.9, regarding their business relationship with that insurer, by using the phrases set out in Schedule 4.

At the time of the renewal of the insurance policy, damage insurance agents or damage insurance brokers must disclose, in writing and in the manner provided for in the first paragraph, this business relationship as well as any new relationship established during the year prior to the renewal date. Where these agents or brokers have verbal communication with their client, they must also disclose such business relationships verbally in the manner provided for in Schedule 4.”.

5. The Regulation is amended by adding the following after Schedule 3:

“SCHEDULE 4
(sections 4.8 and 4.9)

**DISCLOSURE OF INFORMATION ON
INSURERS**

The business relationships to be disclosed are as follows:

— the fact that the insurer with which the damage insurance agent or damage insurance broker may place a risk holds a direct or indirect interest in the ownership of the firm on behalf of which this agent or broker is acting;

— the fact that the firm on behalf of which the damage insurance agent or damage insurance broker is acting holds a direct or indirect interest in the ownership of the insurer with which this agent or broker may place a risk;

— the fact that the firm or the independent partnership on behalf of which the damage insurance agent or damage insurance broker is acting or this broker as an independent representative or, as the case may be, the executive officers, directors, shareholders or partners thereof or other legal persons or partnerships on behalf of which these executive officers, directors, shareholders or partners are also executive officers, directors, shareholders or partners, have been granted a loan or any other form of financing by the insurer with which they may place a risk; and

— the fact that the aggregate risks placed with the insurer or other insurers that are members of the same financial group represented 60% or more of the total volume of risks placed in personal-lines damage insurance by the firm or the independent partnership on behalf of which the damage insurance agent or damage insurance broker is acting or by this broker as an independent representative, calculated on the value basis of direct written premiums annualized as at December 31 of each year.

The damage insurance agent or damage insurance broker must make the disclosure prescribed in section 4.8 or 4.9 by using one of the following phrases, and making the necessary changes:

1) for disclosure of ownership interests with an insurer or the granting of a loan or any other form of financing by an insurer:

— “Our firm has a financial relationship with the insurer ABC Inc.”;

— “The insurer ABC Inc. has granted a loan or financing to our firm.”;

— “Our firm is owned in part by the insurer ABC Inc.”;

— “Our firm owns part of the insurer ABC Inc.”.

2) for disclosure of the name of the insurer with which the aggregate risks placed by the firm represent 60% or more of the total volume of risks placed in personal-lines damage insurance:

— “Our firm does business primarily with the insurer ABC Inc.”;

— “ABC Inc. is our firm’s principal insurer.”;

— “I am an agent for the insurer ABC Inc. and I propose only products offered by that insurer.”.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, other than section 4.13, which is introduced by section 4 of this Regulation and will come into force on the date of the first anniversary of the coming into force of this Regulation.

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Gouvernement du Québec

O.C. 595-2007, 1 August 2007

An Act respecting the Ministère des Services gouvernementaux
(R.S.Q., c. M-26.1)

Terms and conditions respecting the signing of certain deeds, documents or writings

Terms and conditions respecting the signing of certain deeds, documents or writings of the Ministère des Services gouvernementaux

WHEREAS the second paragraph of section 15 of the Act respecting the Ministère des Services gouvernementaux (R.S.Q., c. M-26.1) provides that 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 an employee and, in the last two cases, only so far as determined by the Government;

WHEREAS section 17 of the Act provides that 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 the second paragraph of section 15, is authentic;

WHEREAS, under section 11 of the Act respecting the government air service fund (R.S.Q., c. F-3.2.2), the government air service fund is established within the department designated by the Government;

WHEREAS, under Décret 296-2007 dated 19 April 2007, the Minister of Government Services is responsible for the administration of the Act respecting the government air service fund;

WHEREAS it is expedient for the Government to determine the members of the personnel of the Ministère des Services gouvernementaux or the employees with that department who are authorized to sign the deeds, documents or writings that bind the Minister or that may be attributed to the Minister and the extent to which they may do so;

IT IS ORDERED, therefore, on the recommendation of the Minister of Government Services:

THAT the Terms and conditions respecting the signing of certain deeds, documents or writings of the Ministère des Services gouvernementaux, attached to this Order in Council, be made;

THAT the Terms and conditions come into force on the date of their publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Terms and conditions respecting the signing of certain deeds, documents or writings of the Ministère des Services gouvernementaux

An Act respecting the Ministère des Services gouvernementaux
(R.S.Q., c. M-26.1, ss. 15 and 17)

1. A member of the personnel of the Ministère des Services gouvernementaux who, on a permanent or provisional basis, by interim or temporary designation, holds a position mentioned in these Terms and conditions is authorized to sign the deeds, documents or writings listed after the designation.

However, an endorsement for the purpose of adding a supplement to a services contract must be signed by the immediate superior of the delegatee.

The secretary general and a manager of the department, to the extent that the manager of the department may sign a document under these Terms and conditions, are authorized to certify as true any document or copy of document emanating from the department or forming part of its records.

2. The Associate or Assistant Deputy Minister is authorized to sign, for the Associate or Assistant Deputy Minister's sector of activity,

(1) professional or auxiliary services contracts for less than \$300,000, or for less than \$100,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests.

3. The director general of the Centre de portefeuille des Services gouvernementaux is authorized to sign, for all the department's activities,

(1) professional or auxiliary services contracts for less than \$150,000, or for less than \$100,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000;

(3) delivery requests for less than \$500,000;

(4) contracts to dispose of excess movable property, subject to the Règlement sur la disposition des biens meubles excédentaires made by Conseil du trésor Decision 186095 dated 6 September 1994; and

(5) construction contracts for less than \$150,000.

4. The director general of the government air service is authorized to sign, for the director general's sector of activity,

(1) professional or auxiliary services contracts for less than \$150,000, or for less than \$25,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000;

(3) delivery requests for less than \$500,000;

(4) contracts for the leasing of immovable property for less than \$100,000;

(5) contracts for the leasing of services or movable property for less than \$500,000; and

(6) contracts to dispose of excess movable property, subject to the Règlement sur la disposition des biens meubles excédentaires.

5. A director general and the director of policies are authorized to sign, for their sector of activity,

(1) professional or auxiliary services contracts for less than \$150,000, or for less than \$25,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests for less than \$250,000.

6. The secretary general of the department is authorized to sign, for the secretary general's sector of activity,

(1) professional or auxiliary services contracts for less than \$25,000, or for less than \$10,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests for less than \$25,000.

7. A director of the government air service is authorized to sign, for the director's sector of activity,

(1) professional or auxiliary services contracts for less than \$25,000, or for less than \$10,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000;

(3) delivery requests for less than \$250,000; and

(4) contracts for the leasing of services or movable property for less than \$250,000.

8. The director of financial resources and shared services in material resources is authorized to sign, for the director's sector of activity,

(1) professional or auxiliary services contracts for less than \$100,000, or for less than \$25,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000;

(3) delivery requests for less than \$250,000;

(4) deeds or contracts to dispose of excess movable property, subject to the Règlement sur la disposition des biens meubles excédentaires; and

(5) construction contracts for less than \$100,000.

9. The director of human resources is authorized to sign, for all the department's activities,

(1) professional or auxiliary services contracts for less than \$25,000 including those entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests for less than \$25,000.

10. The director for organizational communications and production is authorized to sign, for all the department's activities,

(1) professional or auxiliary services contracts for less than \$25,000, or for less than \$10,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests for less than \$25,000.

11. A director is authorized to sign, for the director's sector of activity,

(1) professional or auxiliary services contracts for less than \$25,000, or for less than \$10,000 in the case of a contract entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests for less than \$25,000.

12. The assistant director for operations in material resources is authorized to sign, for all the department's activities,

(1) professional or auxiliary services contracts for less than \$25,000, except a contract entered into with a natural person;

(2) supply contracts for less than \$25,000;

(3) delivery requests for less than \$75,000; and

(4) deeds or contracts to dispose of excess movable property, subject to the Règlement sur la disposition des biens meubles excédentaires.

13. A service head in the government air service is authorized to sign, for the service head's sector of activity,

(1) professional or auxiliary services contracts for less than \$10,000, except a contract entered into with a natural person;

(2) supply contracts for less than \$10,000;

(3) delivery requests for less than \$50,000; and

(4) contracts for the leasing of services or movable property for less than \$100,000.

14. A service head is authorized to sign, for the service head's sector of activity,

(1) professional or auxiliary services contracts for less than \$10,000, except a contract entered into with a natural person;

(2) supply contracts for less than \$10,000; and

(3) delivery requests for less than \$25,000.

15. A purchaser in the government air service is authorized to sign, in the performance of the purchaser's duties,

(1) professional or auxiliary services contracts for less than \$10,000, except a contract entered into with a natural person;

(2) supply contracts for less than \$25,000; and

(3) delivery requests for less than \$25,000.

16. A purchaser is authorized to sign, in the performance of the purchaser's duties,

- (1) auxiliary services contracts for less than \$1,000;
- (2) supply contracts for less than \$1,000; and
- (3) delivery requests for less than \$1,000.

17. A supply officer in the government air service is authorized to sign, for the purpose of fulfilling the mandate of the administrative unit to which the officer is attached, delivery requests for less than \$1,000.

18. A warehouse manager is authorized to sign, for the purpose of re-supplying a warehouse under the responsibility of the government air service,

- (1) auxiliary services contracts relating to the transportation and handling of goods for less than \$10,000;
- (2) supply contracts for less than \$25,000; and
- (3) delivery requests for less than \$25,000.

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Gouvernement du Québec

O.C. 614-2007, 1 August 2007

An Act respecting transportation services per taxi (R.S.Q., c. S-6.01)

Amendment to Order in Council 736-2002 dated 12 June 2002 fixing the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

WHEREAS, under the first paragraph of section 10 of the Act respecting transportation services per taxi (R.S.Q., c. S-6.01), the Commission des transports du Québec shall issue the taxi owner's permits to be used in a servicing area after sending a notice to the Association professionnelle des chauffeurs de taxi du Québec and after taking into consideration, where applicable, the maximum number of taxi owner's permits it is authorized to issue pursuant to an order made under the third paragraph of that section;

WHEREAS, under the third paragraph of that section, the Government may, by order, for each servicing area it specifies, fix the maximum number of taxi owner's permits that may be issued by the Commission des transports du Québec according to the services specified by the Government and, where applicable, the conditions determined by the Government;

WHEREAS, under the third paragraph of that section, such an order may be made only after consultation, in particular, of the holders of a taxi owner's permit concerned, according to the consultation procedures decided by the Minister of Transport;

WHEREAS, under Order in Council 736-2002 dated 12 June 2002, the Commission des transports du Québec may not issue, for each area established and delimited under subparagraph 4 of the first paragraph of section 79 of the Act respecting transportation services by taxi, more taxi owner's permits than the maximum for each area set out in the Schedule attached to that Order in Council;

WHEREAS the holders of taxi owner's permits in the A.34 Hull servicing area have been consulted as required by the third paragraph of section 10 of the Act;

WHEREAS there is no "de grand luxe" limousine service in the A.34 Hull servicing area;

WHEREAS it is expedient to modify the maximum number of taxi owner's permits set for the A.34 Hull servicing area, bearing administrative number 102034 of the Commission des transports du Québec;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Schedule to Order in Council 736-2002 dated 12 June 2002, amended by Orders in Council 1250-2003 dated 26 November 2003 and 767-2005 dated 17 August 2005, be amended so that the maximum number of taxi owner's permits that may be issued by the Commission des transports du Québec for the A.34 Hull servicing area, bearing administrative number 102034, be increased by seven permits to raise the maximum number of taxi owner's permits for that servicing area to 91;

THAT four of those seven taxi owner's permits be restricted to the provision of limousine services and that the three other permits be restricted to the provision of "de grand luxe" limousine services.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8252

Gouvernement du Québec

O.C. 618-2007, 1 August 2007

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Commission des lésions professionnelles
— **Rules of evidence, procedure and practice**
— **Amendments**

Regulation to amend the Rules of evidence, procedure and practice of the Commission des lésions professionnelles

WHEREAS, under section 429.21 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Commission des lésions professionnelles may, by way of a by-law passed by a majority of the commissioners, make rules of evidence, procedure and practice specifying the manner in which the rules established under Division XV of Chapter XII of the Act are to be applied;

WHEREAS, under that section, the Commission des lésions professionnelles made the Regulation to amend the Rules of evidence, procedure and practice of the Commission des lésions professionnelles;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Rules of evidence, procedure and practice of the Commission des lésions professionnelles was published in Part 2 of the *Gazette officielle du Québec* of 16 August 2006, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Rules of evidence, procedure and practice of the Commission des lésions professionnelles, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Rules of evidence, procedure and practice of the Commission des lésions professionnelles*

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 429.21)

1. The Title of the Rules of evidence, procedure and practice of the Commission des lésions professionnelles is replaced by the following:

“Regulation respecting evidence and procedure of the Commission des lésions professionnelles”.

2. Section 3 of the Rules respecting evidence, procedure and practice of the Commission des lésions professionnelles is amended

(1) by inserting the following after subparagraph 3 of the first paragraph:

“(3.1) if the applicant contests a decision that does not recognize the existence of an occupational disease, the applicant must communicate to the board the names of the employers for whom the work of a nature to induce the disease was carried on;”;

(2) by replacing the second paragraph by the following:

“Unless the application instituting the proceeding is sent to the board using an information technology medium, the applicant must send a copy of the contested decision.”.

3. Section 4 is amended

(1) by replacing “of address, telephone, fax number or electronic mail address” by “in the contact information”;

(2) by replacing “notified” by “communicated”.

4. Section 5 of the English text is replaced by the following:

“**5.** Every application other than an application to institute proceedings must specify the case file number assigned by the board to each case to which the application refers.”.

* The Rules of evidence, procedure and practice of the Commission des lésions professionnelles, approved by Order in Council 217-2000 dated 1 March 2000 (2000, *G.O.* 2, 1298), have not been amended since.

5. Section 6 is replaced by the following:

“6. A party who wishes to discontinue the application must send the board a notice that clearly reflects that choice. The notice must be signed by the party or the party’s representative.

A party may also do so orally at the hearing.”.

6. Section 8 is replaced by the following:

“8. A person who accepts to represent a party after the case is opened shall send the board a notice in which that person declares to be authorized to act for that purpose and identifies each contested case for which that person is authorized to act. The board shall consider that the authorization to act is valid for all the stages of the case.

If the authorization to act is revoked before a case is closed, the party or the party’s representative must send the board a notice to that effect.”.

7. The heading of Division IV is amended by replacing “EXHIBITS” by “EVIDENCE”.

8. Section 9 is replaced by the following:

“9. The board must communicate to the party the proceedings, evidence, notices and other information related to the progress of the case. If a party is represented, the communications must be sent to the representative.

However, even if the party is represented, the party must receive communication of the proceedings that have an impact on the continuation or closure of the record of the contestation or on the hearing, as well as the decision.”.

9. Section 10 is replaced by the following:

“10. A party wishing to file evidence in the record shall send it to the board as soon as possible so that the board may reproduce it and send it to the other parties before the hearing.”.

10. Section 11 is replaced by the following:

“11. If the board encounters technical difficulties reproducing a piece of evidence, the board may require the party who filed the evidence to reproduce it and to send it to the other parties within the time and on the conditions determined by the board.”.

11. The following is inserted after section 11:

“11.1. If evidence filed in the record by a party may not be communicated to the other parties by the board, because of the nature or characteristics of the evidence, the board must inform the parties that the evidence has been filed and that it may be examined at the office of the board where it was filed.

11.2. A writing filed in the record less than 15 days before the date of the hearing must be filed in 5 copies. It must also have been communicated to the other parties.

11.3. A party at the hearing who wishes to submit a document using an information technology medium must ensure that the board has the equipment required to read it.

The party must provide the required equipment if the board does not have it.

The board may require that the party file a copy of the document on another medium in order to facilitate its examination.”.

12. Section 14 is amended by replacing “an exhibit” by “evidence”.

13. The heading of Division V is replaced by the following:

“SUBPOENA”.

14. Section 15 is replaced by the following:

“15. A witness may be required to testify before the board, to file a document with it, or both.”.

15. The following is inserted after section 15:

“15.1. A witness is summoned by means of a subpoena issued by the board.

The subpoena form is signed by a commissioner and completed and notified by the party at the party’s expense, and it is incumbent on the party to prove the date of notification.

It contains information useful to the party who completes it as well as to the witness.

15.2. The subpoena must be notified at least 10 days prior to the date of appearance.

Despite the foregoing, in cases of urgency, a commissioner may, by special order entered on the subpoena, reduce the 10-day notification period; however, the notification must be carried out at least 24 hours before the time set for the appearance.

15.3. A witness who is required to provide documents concerning the state of health of a person must take the necessary measures to protect the confidentiality of the information in the documents, where applicable.

15.4. A party who proposes to have a professional testify on the state of health of a worker or to produce an expert witness must inform the board of his decision to do so as soon as the decision is made.

The party must then indicate the name and profession of the witness to the board.”.

16. Sections 16 and 17 are revoked.

17. Sections 18 and 19 are respectively renumbered as 16 and 17.

18. Section 20 is renumbered as 18 and is replaced by the following:

“**18.** The board may record testimony and arguments on audiotape, by videoconference or by any other appropriate means.

No one else may do so without the board’s authorization.

Only the board is authorized to record images of the hearing.”.

19. Section 21 is renumbered as 19.

20. Section 22 is renumbered as 20 and is amended by replacing “the exhibits” in paragraph 5 by “each piece of evidence”.

21. Sections 23 and 24 are respectively renumbered as 21 and 22.

22. Section 25 is renumbered as 23 and the third paragraph is replaced by the following:

“The witness must then state his name and address.”.

23. Sections 26 and 27 are respectively renumbered as 24 and 25.

24. The following is inserted after section 25:

“**25.1.** The cost of the services of an interpreter is borne by the party who hires the interpreter. However, the board must provide the services of an interpreter to a deaf person.”.

25. Sections 28 to 39 are respectively renumbered as 26 to 37.

26. Section 40 is renumbered as 38 and is replaced by the following:

“**38.** If the board receives a notice of return of a notice of proof and hearing, it may give notice thereof by posting it in one of its offices.”.

27. Section 41 is renumbered as 39 and is amended by replacing “filed with” in the first, second and third paragraphs by “received by”.

28. Section 42 is renumbered as 40 and is amended

(1) by replacing “computing a delay” in the first paragraph by “computing a time period” and “the start of the delay” by “the start of the period”;

(2) by striking out “, except for a delay in clear days,” in that paragraph;

(3) by replacing the second paragraph by the following:

“The following are non-judicial days:

(1) Sundays;

(2) 1 and 2 January;

(3) Good Friday;

(4) Easter Monday;

(5) 24 June;

(6) 1 July or 2 July if 1 July is a Sunday;

(7) the first Monday of September;

(8) the second Monday of October;

(9) 25 and 26 December;

(10) the day fixed by proclamation or order of the Governor General for the celebration of the birthday of the Sovereign;

(11) any other day fixed by proclamation or order of the Government as a public holiday or as a day of thanksgiving.”.

29. Section 43 is renumbered as 41 and is amended in the French text by replacing “accomplir un acte” by “faire une chose” and “cet acte peut être valablement fait” by “cette chose peut être valablement faite”.

30. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

8253

Gouvernement du Québec

O.C. 647-2007, 7 August 2007

An Act respecting the Ministère des Ressources naturelles et de la Faune
(R.S.Q., c. M-25.2)

Amendment to the Program for the awarding of lands in the domain of the State for the installation of wind turbines

WHEREAS the Government approved the Program for the awarding of lands in the domain of the State for the installation of wind turbines by Order in Council 928-2005 dated 12 October 2005;

WHEREAS the program may apply to lands in the domain of the State that have already been the subject of a delegation of management in favour of municipalities or regional county municipalities under sections 17.13 and following of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2);

WHEREAS it is expedient to amend the Program for the awarding of lands in the domain of the State for the installation of wind turbines to allow the municipalities or regional county municipalities to manage the Program on lands in the domain of the State whose management has been delegated to them;

WHEREAS it is expedient to amend the Program to allow the bidder who has entered into a contract with Hydro-Québec for the purchase of wind energy, following a tender solicitation, to obtain a reserved land area for the carrying out of the wind turbine installation project;

WHEREAS it is expedient to amend the Program to fix the rent for lands in the domain of the State on which wind turbines are to be installed and to determine an annual indexing mechanism;

WHEREAS it is expedient to amend the Program for various technical and consequential considerations;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Program for the awarding of lands in the domain of the State for the installation of wind turbines, approved by Order in Council 928-2005 dated 12 October 2005, be amended

(1) by striking out the definitions of “legal person” and “market rent” in section 2;

(2) by replacing section 3 by the following:

“3. TERRITORY OF APPLICATION

The Program applies to lands in the domain of the State under the authority of the Minister, including lands whose management is delegated to a regional county municipality or a municipality under a management delegation program for lands in the domain of the State.

A regional county municipality or a municipality that participates in a management delegation program for lands in the domain of the State or that has signed a territory management agreement or a management delegation agreement with the Minister under such a program may be authorized by the Minister to manage the provisions of the wind program on those lands.

A regional county municipality or a municipality thus authorized must apply the terms and conditions of this Program in compliance with the instructions of the Minister, including the analytical framework for the installation of wind turbines on lands in the domain of the State (Ministère des Ressources naturelles et de la Faune, March 2007), and the orientations stated in the Plan régional de développement du territoire public (PRDTP) – Volet éolien ou à l’analyse territoriale – Volet éolien pour la région concernée.

The terms and conditions in the territory management agreement or the management delegation agreement signed with the Minister that are not inconsistent with those of this Program apply to its management by the regional county municipality or the municipality.”;

(3) by replacing the first paragraph of section 10 by the following:

“The bidder who has signed a contract to purchase wind energy with Hydro-Québec following a tender solicitation must file an application with the Minister to obtain a reserved land area on lands in the domain of the State described in the letter of intent and, where applicable, for other lands in the domain of the State required for the carrying out of the wind turbine installation project.”;

(4) by replacing section 17 by the following:

“17. TERM OF THE LAND RIGHTS AWARDED

The term of the land rights awarded for the installation of wind power facilities may exceed by one year the term of the wind energy purchase contract entered into with Hydro-Québec. The term is calculated as of the first day of the month following the signing.

In the event that the wind energy purchase contract entered into with Hydro-Québec ends before the scheduled term, the land rights awarded will end on the date indicated in a written notice from the Minister.”;

(5) by replacing section 23 by the following:

“23. RENT

The annual rent for the leasing of land in the domain of the State for the installation of a wind turbine is calculated on the basis of the wind energy production capacity based on a rate of \$5,000 per MW.

Despite the first paragraph, the annual rent for the leasing of land in the domain of the State for the installation of a wind turbine subsequent to the first tender solicitation from Hydro-Québec for the purchase of 1,000 MW of wind energy published under the Regulation respecting wind energy and biomass energy made by Order in Council 352-2003 dated 5 March 2003 is \$1,700 for a 1 MW wind turbine, \$2,400 for a 1.5 MW wind turbine, \$2,900 for a 1.8 MW wind turbine, \$3,200 for a 2 MW wind turbine and \$4,000 for a 2.5 MW wind turbine.

The rents and rates are to be adjusted and rounded off to the nearest dollar on 1 April each year based on the percentage change in the Average Consumer Price Index for the preceding year using the index established for the whole of Québec by Statistics Canada.”;

THAT the Program for the awarding of lands in the domain of the State for the installation of wind turbines, approved by Order in Council 928-2005 dated 12 October 2005, be amended accordingly.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8255

Gouvernement du Québec

O.C. 654-2007, 7 August 2007

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1)

**Individual and family assistance
— Amendment**

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, pursuant to the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1), the Government made the Individual and Family Assistance Regulation by Order in Council 1073-2006 dated 22 November 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 June 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation*

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1, s. 132, par. 10)

1. Section 111 of the Individual and Family Assistance Regulation is amended by adding the following paragraph at the end:

“(28) the monetary value of property given or services rendered, including in the form of clothes, furniture, meals, food or rent reductions granted by the owner or lessee, if they are given or made without consideration and otherwise than to satisfy a judgment or an obligation arising out of a juridical act.”.

2. This Regulation comes into force on 1 September 2007.

8256

* The Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006 (2006, *G.O.* 2, 3877), was last amended by the regulation made by Order in Council 210-2007 dated 21 February 2007 (2007, *G.O.* 2, 1138). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

Treasury Board

Gouvernement du Québec

C.T. 205269, 31 July 2007

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendments to Schedules VI and VII

Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Amendments to Schedules VII and VIII

Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 220 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII to the Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 217 of that Act, the rates of interest of Schedule VI to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain categories of amounts referred to in section 127 and designated by that regulation;

WHEREAS Schedule VI to that Act was last amended by Decision of the Conseil du trésor dated 21 November 2006 (T.B. 204485) to provide for the rate of interest based on the rates of return of certain funds payable under that Act as of 1 June 2006;

WHEREAS it is expedient to further amend Schedule VI to that Act to provide for the interest payable under the first paragraph of section 217 of that Act as of 1 June 2007;

WHEREAS, under the second paragraph of section 217 of that Act, the rates of interest of Schedule VII to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and based on an external index designated by that regulation;

WHEREAS Schedule VII to that Act was last amended by Decision of the Conseil du trésor dated 21 November 2006 (T.B. 204485) to provide for the rate of interest based on an external index payable under that Act as of 1 June 2006;

WHEREAS it is expedient to further amend Schedule VII to that Act to provide for the interest payable under the second paragraph of section 217 of that Act as of 1 June 2007;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by order, amend Schedules I and III to VIII to that Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 204 of that Act, the rates of interest of Schedule VII to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and on the basis of the rates of return on certain classes of amounts referred to in section 177 of that Act and designated by that regulation;

WHEREAS Schedule VII to that Act was last amended by Decision of the Conseil du trésor dated 21 November 2006 (T.B. 204485) to provide for the rate of interest based on the rates of return of certain funds payable under that Act as of 1 June 2006;

WHEREAS it is expedient to further amend Schedule VII to that Act to provide for the interest payable under the first paragraph of section 204 of that Act as of 1 June 2007;

WHEREAS, under the second paragraph of section 204 of that Act, the rates of interest of Schedule VIII are determined, for each period indicated, according to the rules and procedures established by regulation and on the basis of an external index designated by that regulation;

WHEREAS Schedule VIII to that Act was last amended by Decision of the Conseil du trésor dated 21 November 2006 (T.B. 204485) to provide for the rate of interest based on an external index payable under that Act as of 1 June 2006;

WHEREAS it is expedient to further amend Schedule VIII to that Act to provide for the interest payable under the second paragraph of section 204 of that Act as of 1 June 2007;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers mentioned in paragraphs 1 to 6 of that section;

WHEREAS the Minister of Finance has been consulted;

THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel, attached hereto, are hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan* and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.)

1. Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended

(1) by replacing “as of 1 June 2006” by “1 June 2006 to 31 May 2007”;

(2) by adding “12.95% as of 1 June 2007” at the end.

2. Schedule VII to that Act is amended

(1) by replacing “as of 1 June 2006” by “1 June 2006 to 31 May 2007”;

(2) by adding “4.10% as of 1 June 2007” at the end.

3. Schedule VII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended

(1) by replacing “as of 1 June 2006” by “1 June 2006 to 31 May 2007”;

(2) by adding “13.20% as of 1 June 2007” at the end.

4. Schedule VIII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended

(1) by replacing “as of 1 June 2006” by “1 June 2006 to 31 May 2007”;

(2) by adding “4.10% as of 1 June 2007” at the end.

5. These Amendments have effect from 1 June 2007.

8254

* Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) have been amended since the last updating of the Revised Statutes of Québec to 1 March 2006 by T.B. 204485 dated 21 November 2006.

** Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) have been amended since the last updating of the Revised Statutes of Québec to 1 March 2006 by T.B. 204485 dated 21 November 2006.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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