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Laws and Regulations

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PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 28 NOVEMBER 2007

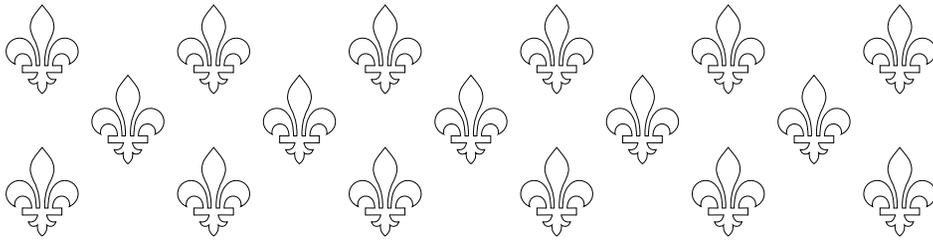
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 28 November 2007

This day, at four minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

29 An Act to amend the Act respecting the Société d'habitation du Québec

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 29
(2007, chapter 24)

An Act to amend the Act respecting the Société d'habitation du Québec

Introduced 17 October 2007
Passed in principle 30 October 2007
Passed 27 November 2007
Assented to 28 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

The purpose of this bill is to make the Société d'habitation du Québec subject to the Act respecting the governance of state-owned enterprises and to include new, specially adapted governance rules in the Société's constituting Act.

These new rules affect such aspects as the composition of the board of directors, at least two thirds of whose members, including the chair, must qualify as independent directors.

New rules are also to apply to the functioning of the board of directors, the establishment of committees under the board, and the disclosure and publication of information.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

Bill 29

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

1. Section 3.4 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is repealed.

2. Section 6 of the Act is replaced by the following section:

“6. The Société is administered by a board of directors consisting of nine members, including the chair and the president and chief executive officer.

The Government shall appoint the members of the board of directors, other than the chair and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board. Board members are appointed for a term of up to four years.”

3. The Act is amended by inserting the following section after section 6:

“6.0.1. The board of directors must strike a governance, ethics and human resources committee and an audit committee. The provisions of the Act respecting the governance of state-owned enterprises (chapter G-1.02) that concern the governance and ethics committee and the human resources committee apply to the governance, ethics and human resources committee.”

4. Section 6.2 of the Act is replaced by the following section:

“6.2. The Government shall appoint the chair of the board of directors for a term of up to five years.”

5. Section 8 of the Act is repealed.

6. Section 9 of the Act is replaced by the following sections:

“9. The quorum at meetings of the board of directors is the majority of its members.

“9.1. The Société may establish rules for its internal management.”

7. Section 10 of the Act is repealed.

8. Section 12 of the Act is amended

(1) by replacing “for the unexpired portion of the term of the member to be replaced” in the second and third lines by “in accordance with the rules of appointment to the board”;

(2) by adding the following paragraph at the end:

“Non-attendance at a number of board meetings determined by the Société’s rules of internal management constitutes a vacancy in the cases and circumstances specified in the rules.”

9. Section 13 of the Act is replaced by the following sections:

“13. On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer, taking into consideration the expertise and experience profile approved by the board.

The president and chief executive officer is appointed for a term of up to five years. The office of president and chief executive officer is a full-time position.

The Government shall determine the remuneration and other conditions of employment of the president and chief executive officer.

“13.0.1. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 13 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

“13.0.2. If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Société’s personnel to exercise the functions of that position.”

10. Section 13.1 of the Act is amended by striking out the last sentence.

11. Section 13.2 of the Act is amended by striking out “of the president and chief executive officer and”.

12. Section 15 of the Act is amended by replacing “chairman of the board of directors” wherever it appears by “chair”.

13. Section 15.1 of the Act is amended

(1) by inserting “by the chair of the board of directors,” after “signed” in the second line of the first paragraph;

(2) by inserting “The chair of the board of directors,” at the beginning of the second paragraph.

14. Section 23 of the Act is amended by replacing “December” by “March”.

15. Section 24 of the Act is amended by replacing “June” in the first paragraph by “September”.

16. Section 86 of the Act is amended by striking out “adopt by-laws for its internal management and the conduct of its affairs and, if necessary,” in subparagraph *l* of the first paragraph.

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

17. Schedule I to the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by inserting “Société d’habitation du Québec” in alphabetical order.

TRANSITIONAL PROVISIONS

18. The requirements relating to the number of independent directors on the board of directors of the Société d’habitation du Québec and to the independence of the chair and the requirement provided in the second paragraph of section 19 of the Act respecting the governance of state-owned enterprises apply as of the date set by the Government. That date must be set as soon as possible and the provisions referred to in this section are to apply not later than 14 December 2011.

19. The Government may, in accordance with the Act respecting the governance of state-owned enterprises, determine that a member of the board of directors of the Société d’habitation du Québec in office on 27 November 2007 has the status of independent director.

20. A member of the board of directors of the Société d’habitation du Québec in office on 27 November 2007 who has not obtained the status of independent director under section 19 of this Act may, despite section 19 of the Act respecting the governance of state-owned enterprises, be a member of a committee referred to in section 19 of the Act respecting the governance of state-owned enterprises until the number of independent directors on the board of the Société corresponds to two thirds of the board members.

21. The members of the board of directors of the Société d’habitation du Québec in office on 27 November 2007 continue in office on the same terms, for the unexpired portion of their term, until they are replaced or reappointed.

The chair of the board of directors and the president and chief executive officer of the Société continue in office on the same terms, for the unexpired portion of their term, until they are replaced or reappointed.

22. Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Société d'habitation du Québec from the fiscal year beginning on 1 April 2008.

23. Section 14 of this Act applies to the fiscal year of the Société d'habitation du Québec that began on 1 January 2007.

24. This Act comes into force on 28 November 2007.

Regulations and other acts

M.O., 2007

Order of the Minister of Municipal Affairs and Regions dated 3 December 2007

An Act respecting the Ministère des Affaires municipales et des Régions
(R.S.Q., c. M-22.1)

Regarding management indicators that relate to the administration of certain municipal bodies

WHEREAS, under section 17.6.1 of the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1), the Minister of Municipal Affairs and Regions may, after consultation with the bodies representing municipalities including the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), establish management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies;

WHEREAS, under that section, the Minister may also

— classify municipal bodies into categories and establish management indicators or conditions and procedures of implementation that may vary according to the categories of municipal bodies;

— prescribe the manner in which municipal bodies are to provide citizens with the information determined by the Minister regarding the results measured using the management indicators;

— exempt any municipal body from the application of management indicators for any period the Minister determines;

WHEREAS an order was made by the Minister of Municipal Affairs, Sports and Recreation for that purpose and was published in the *Gazette officielle du Québec* on 2 June 2004;

WHEREAS the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM) and various other bodies representing municipalities have been consulted in connection with work on the evaluation of the management indicators established in the order;

WHEREAS it is expedient, following the consultation, to revise the indicators and make them applicable to a greater number of municipal bodies;

WHEREAS section 12 of the Regulations Act (R.S.Q., c. R-18.1) provides that a proposed regulation may be made without having been published in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS section 18 of the Regulations Act provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the decision of the Minister of Municipal Affairs and Regions to modify the management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the use of the indicators in municipal bodies must be applied as soon as possible since the next fiscal year agreed on for their application is the fiscal year 2007;

WHEREAS the procedure and the normal time periods provided for in sections 11 and 17 of the Regulations Act with regard to the publication of a draft regulation and the date of coming into force set at 15 days following its publication in the *Gazette officielle du Québec* could, if they are respected, cause the process of applying the new management indicators to be initiated too late;

WHEREAS the Minister is of the opinion that the circumstances constitute an urgency that warrants the making of this Order without the Order having been published as a draft regulation, and warrants the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec*;

THEREFORE, the Minister orders that:

1. The management indicators that appear in the Schedule to this Order are hereby established.

2. The categories of municipal bodies to which this Order applies are the following:

— municipalities except northern villages, Municipalité de Baie-James and Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent; and

— intermunicipal boards.

3. Every municipal body to which this Order applies must, in respect of each fiscal year, measure the performance of each activity of its administration as determined in the Schedule by calculating, using the formula prescribed therein, the value of each indicator relating to the activity.

The first fiscal year in respect of which the indicators in this Order are applied is the fiscal year 2007 for a local municipality and the fiscal year 2008 for a regional county municipality and an intermunicipal board.

4. Every municipal body to which this Order applies must, before 30 September of the fiscal year following the fiscal year in respect of which the management indicators established in the Schedule are applied, send to the Minister of Municipal Affairs and Regions a document including at least the results measured at the end of the fiscal year concerned.

5. The document referred to in section 4 must be tabled, at the latest on 30 December of the fiscal year following the fiscal year in respect of which the management indicators are applied, at a regular sitting of the council, or in the case of an intermunicipal board, at a meeting of the board of directors.

In respect of a local municipality, the first fiscal year in which the document referred to in the first paragraph must be tabled is the fiscal year 2008, and the document must include the results measured for the fiscal year 2007. For a regional county municipality and an intermunicipal board, the fiscal years concerned for that purpose are respectively those of 2009 and 2008.

6. This Order replaces the Order of the Minister of Municipal Affairs, Sports and Recreation regarding the establishment of management indicators that relate to the administration of certain municipal bodies made on 21 May 2004 and which came into force on 2 June 2004.

7. This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 3 December 2007

NATHALIE NORMANDEAU,
*Minister of Municipal Affairs
and Regions*

SCHEDULE
MANAGEMENT INDICATORS

Functional Area and Municipal Service	Indicator	Definition	Formula
Road transportation Municipal roads	Cost per kilometre of road right-of-way	Cost of municipal roadwork per kilometre of road right-of-way.	$\frac{\text{Cost of municipal roadwork}}{\text{Number of kilometres of road right-of-way}}$ (a) operating costs – services provided; (b) operating costs + amortization – services provided
Road transportation Snow removal	Cost per kilometre of road right-of-way	Cost of snow removal per kilometre of road right-of-way owned by the municipality.	$\frac{\text{Cost of snow removal}}{\text{Number of kilometres of road right-of-way cleared}}$ (a) operating costs – services provided; (b) operating costs + amortization – services provided
Environmental health Water supply, treatment and distribution system	Percentage of breaks per 100 kilometres of pipe	Percentage of breaks in the waterworks per kilometre of water main, excluding breaks on service lines.	$\frac{\text{Number of breaks}}{\text{Number of kilometres of water main}} \times 100$
	Cost of water distribution per kilometre of pipe	Cost of drinking water distribution in relation to the number of kilometres of water pipes owned by the municipality.	$\frac{\text{Cost of drinking water distribution}}{\text{Number of kilometres of water main}}$ (a) operating costs – services provided; (b) operating costs + amortization – services provided
	Cost of supply and treatment per cubic metre of water	Cost assumed by the municipal body for treating one cubic metre of water and for water supply.	$\frac{\text{Cost of drinking water supply and treatment}}{\text{Total number of cubic metres of treated water}}$ (a) operating costs; (b) operating costs + amortization
	Cost of distribution per cubic metre of water	Cost assumed by the municipal body for the distribution of one cubic metre of drinking water.	$\frac{\text{Cost of drinking water distribution}}{\text{Number of cubic metres of water flowing through the system}}$ (a) operating costs – services provided; (b) operating costs + amortization – services provided

Functional Area and Municipal Service	Indicator	Definition	Formula
Environmental health Wastewater treatment and sewer systems	Cost of treatment per cubic metre of wastewater	Cost price for treating one cubic metre of wastewater.	$\frac{\text{Cost of wastewater treatment}}{\text{Number of cubic metres of wastewater treated by the water purification station}}$ (a) operating costs; (b) operating costs + amortization
	Cost of the system per kilometre of pipe	Cost for the sewer system per kilometre of sewer main, excluding service lines.	$\frac{\text{Cost for sewer systems}}{\text{Number of kilometres of sewer mains}}$ (a) operating costs – services provided; (b) operating costs + amortization – services provided
Overall financial health	Percentage of debt service	Percentage of financing costs and long-term debt repayment in relation to operating costs and the amount of long-term debt repayment.	$\frac{\text{Financing costs} + \text{long-term debt Repayment}}{\text{Operating costs} + \text{long-term debt repayment}} \times 100$
	Percentage of indebtedness	Percentage of total net long-term indebtedness in relation to the value of fixed assets and of properties to be resold.	$\frac{\text{Total net long-term indebtedness}}{\text{Net value of fixed assets} + \text{value of properties to be resold}} \times 100$
Human resources	Training effort per employee	Number of training hours paid in relation to persons/year.	$\frac{\text{Number of training hours}}{\text{Persons/year}}$
	Percentage of training cost in relation to total remuneration	Percentage of training cost in relation to total remuneration.	$\frac{\text{Training cost}}{\text{Total remuneration}} \times 100$
	Average duration of employment injuries	Average duration of absence from work of employees for employment injuries.	$\frac{\text{Number of hours of absence from work for employment injuries}}{\text{Number of employment injuries}}$
	Potential retirement rate	Percentage of potential retirements within five years after 31 December of the fiscal year concerned in relation to the total number of regular employees.	$\frac{\text{Number of potential retirements within the next five years}}{\text{Number of regular employees}} \times 100$

Draft Regulations

Draft Regulation

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

Procedure to be observed for building construction projects of the James Bay Cree health and social services council

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure to be observed for building construction projects of the James Bay Cree health and social services council, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation establishes the procedure to be observed by the James Bay Cree health and social services council to carry out its building construction projects and determines the cases in which the Minister's approval is required.

The draft Regulation will have no impact on the public or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mario Fortin, Direction des investissements, Ministère de la Santé et des Services sociaux, 1005, chemin Sainte-Foy, 1^{er} étage, Québec (Québec) G1S 4N4; telephone: 418 266-5847; fax: 418 266-5834; e-mail: mario.fortin@msss.gouv.qc.ca

Any interested person wishing to comment on the draft Regulation may do so in writing to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, within the 45-day period.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting the procedure to be observed for building construction projects of the James Bay Cree health and social services council

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5, ss. 173.1 and 173.2; 2006, c. 29, s. 46)

1. This Regulation applies to building construction projects of the James Bay Cree health and social services council to which the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) applies, whether the Council is involved either as the owner of the building responsible for awarding the work and entering into contracts for that purpose, or as the future lessee or occupant of the building responsible for all or part of the cost of such work carried out by the owner.

2. In this Regulation, "construction" means the erection, building, adaptation, reconstruction, repair or demolition of a structure, or any work involving the furnishing and installation of fixtures and requiring a specialized construction trade workforce.

3. The James Bay Cree health and social services council must submit to the Minister every construction project requiring authorization under section 72 of the Act.

Every construction project to be carried out by a third party owner must be submitted to the Minister for approval if the James Bay Cree health and social services council, as the future lessee or occupant of the building, is responsible for all or part of the cost of the work through rent or otherwise.

4. The Council must obtain the written approval of the Minister before undertaking to finance or incur any expenditure for services related to a construction project or for professional services related to the concept and the preliminary plans and specifications of a construction project.

The Council must also obtain the written approval of the Minister before the drawing up of the final plans and specifications.

In addition, before the issue of a call for tenders to award a contract for the carrying out of construction work, the Council must obtain written confirmation from the Minister that the carrying out of the project has been authorized or approved under section 3.

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

8454

Draft Regulation

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Procedure to be observed for immovable construction projects of health and social services agencies and public and private institutions under agreement

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure to be observed for immovable construction projects of health and social services agencies and public and private institutions under agreement, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation establishes the procedure to be observed by health and social services agencies and public and private institutions under agreement to carry out their immovable construction projects and determines the cases in which the Minister's approval is required.

The draft Regulation will have no impact on the public or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mario Fortin, Direction des investissements, Ministère de la Santé et des Services sociaux, 1005, chemin Sainte-Foy, 1^{er} étage, Québec (Québec) G1S 4N4; telephone: 418 266-5847; fax: 418 266-5834; e-mail: mario.fortin@msss.gouv.qc.ca

Any interested person wishing to comment on the draft Regulation may do so in writing to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, within the 45-day period.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting the procedure to be observed for immovable construction projects of health and social services agencies and public and private institutions under agreement

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 485 and 486; 2006, c. 29, s. 44)

1. This Regulation applies to immovable construction projects of health and social services agencies and public and private institutions under agreement to which the Act respecting health services and social services (R.S.Q., c. S-4.2) applies, whether the agency or institution is involved either as the owner of the immovable responsible for awarding the work and entering into contracts for that purpose, or as the future lessee or occupant of the immovable responsible for all or part of the cost of such work carried out by the owner.

It does not apply to the carrying out of asset maintenance work as defined in section 263.1 of the Act.

2. In this Regulation, “construction” means the erection, building, adaptation, reconstruction, repair or demolition of a structure, or any work involving the furnishing and installation of fixtures and requiring a specialized construction trade workforce.

3. After consultation with the agency concerned, an institution must submit to the Minister every construction project requiring authorization under section 260 of the Act.

A construction project referred to in paragraph 3 of section 263 of the Act must be submitted to the agency concerned for authorization in accordance with that section.

Every construction project that an agency intends to carry out must be submitted to the Minister for approval.

The foregoing also applies to a construction project to be carried out by a third party owner if the agency or institution, as the future lessee or occupant of the immovable, is responsible for all or part of the cost of the work through rent or otherwise.

4. An agency or institution must obtain the written approval of the Minister before undertaking to finance or incur any expenditure for services related to a construction project or for professional services related to the concept and the preliminary plans and specifications of a construction project.

The agency or institution must also obtain the written approval of the Minister before the drawing up of the final plans and specifications.

In addition, before the issue of a call for tenders to award a contract for the carrying out of construction work, the agency or institution must obtain written confirmation from the Minister that the carrying out of the project has been authorized or approved under section 3.

5. The provisions of section 4 apply, with the necessary modifications, to the procedure to be observed for immovable construction projects referred to in the second paragraph of section 3. For that purpose, every reference to the Minister in section 4 is a reference to the agency concerned.

Despite the foregoing, an institution intending to enter into a mixed contract for construction work and professional services or a public-private partnership contract to carry out such a construction project must obtain the written approval of the Minister.

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

8453

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Protection of waters — Pleasure craft discharges

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting the protection of waters from pleasure craft discharges, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to prohibit discharges of organic and inorganic pleasure craft wastes into certain lakes and watercourses. Pleasure craft owners will be required to have non-portable or portable toilets fitted with watertight holding tanks. Emptying of the holding tanks will be allowed only at the appropriate pump-out stations.

Enforcement of the Regulation will fall to the municipalities listed in the Regulation. As required by the circumstances, amendments may be made to the Regulation to add other lakes, watercourses or municipalities to the Regulation.

The economic impacts will be borne by the municipalities as regards the enforcement of this type of Regulation and by owners who will need to upgrade their pleasure craft. The cost is expected to be minimal.

For information on the draft Regulation respecting the protection of waters from pleasure craft discharges, please contact Yvon Maranda, telephone 418 521-3885, extension 4117; fax: 418 644-2003; e-mail: yvon.maranda@mddep.gouv.qc.ca. Mr. Maranda may also be contacted by mail at: Ministère du Développement durable, de l'Environnement et des Parcs, Direction des politiques de l'eau, édifice Marie-Guyart, 8^e étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

Any person wishing to comment on the draft Regulation is requested to submit comments in writing to Mr. Maranda at the above address, within the 60-day period.

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

Regulation respecting the protection of waters from pleasure craft discharges

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. c and e, s. 46, par. j, ss. 86 and 109.1)

1. This Regulation applies to the owners and occupants of pleasure craft used free of charge or for a fee on the lakes and watercourses described in each of the schedules.

It also applies to craft used for living purposes and that are not connected to a shore-based sewer system.

2. No owner or occupant of a pleasure craft may discharge into the waters of a lake or watercourse any organic or inorganic waste, whether liquid or solid, such as lubricants, oil, paper, cardboard, plastic, glass, metal, fecal matter, containers, cans or bottles.

Kitchen wastes, laundry water and discharges from the pleasure craft's propulsion system, cooling system or bilge water removal system are excluded.

3. The owner of a pleasure craft fitted with a non-portable or portable toilet must ensure that the craft is fitted with a watertight holding tank designed to receive and hold fecal matter and water from the toilet.

4. The owner of a pleasure craft must

(1) connect the toilet to the holding tank in such manner that the holding tank receives the waste and the water from the toilet;

(2) seal the holding tank; and

(3) equip the pleasure craft with connecting piping having watertight couplings permitting the holding tank to be emptied only at a pump-out station.

For the purposes of this Regulation, a pump-out station is a system or equipment used to empty the contents of pleasure craft holding tanks into a suitable shore-based tank, and includes waste water treatment systems or municipal sewer systems connected to a waste water treatment system.

5. No person may empty a holding tank or have a holding tank emptied elsewhere than at a pump-out station.

6. Every offence against a provision of this Regulation renders the offender liable to a fine of \$300 to \$5,000.

The fine is doubled for a second or subsequent offence.

7. The municipalities listed in each of the schedules to this Regulation are responsible for its enforcement on the lakes and watercourses described in the schedule.

8. The Regulation respecting the protection of the waters of lac Mégantic from discharge from pleasure boats, made by Order in Council 203-95 dated 15 February 1995, and the Regulation respecting the protection of the waters of lac Memphrémagog from discharge from pleasure boats, made by Order in Council 896-92 dated 17 June 1992, are revoked.

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

SCHEDULE I

(ss. 1 and 7)

WATERS OF LAC MÉGANTIC

DESIGNATED WATERS

1. The waters of Lac Mégantic;

2. The waters of the bays of Lac Mégantic, which comprise Baie des Sables, Baie Victoria, Baie Bella, Baie Dollard and Baie de Piopolis;

3. The waters of the tributaries of Lac Mégantic, which comprise Ruisseau Gunn, Rivière Victoria and its river swamp, Rivière Bergeron, the part of Rivière Arnold situated in the municipalities of Frontenac and Piopolis, the part of Rivière Clinton situated in Municipalité de Piopolis, the outlet of Lac des Joncs, commonly known as Rivière du Lac des Joncs, Lac des Joncs and its lake swamp situated at the head of Lac Mégantic, the outlet of Lac aux Araignées, Lac aux Araignées and the part of Rivière aux Araignées situated in the municipalities of Frontenac and Piopolis;

4. The part of the waters of Rivière Chaudière situated in the municipalities of Lac-Mégantic and Frontenac.

The waters are shown on the 1:20 000 scale maps at the Ministère des Ressources naturelles et de la Faune bearing numbers 21E 10-200-0101 (Mégantic) and 21E 07-200-0201 (Woburn).

MUNICIPALITIES RESPONSIBLE FOR THE ENFORCEMENT OF THE REGULATION

1. Ville de Lac-Mégantic;

2. Municipalité de Frontenac;

3. Canton de Marston;

4. Municipalité de Piopolis.

SCHEDULE II

(ss. 1 and 7)

WATERS OF LAC MEMPHRÉMAGOG**DESIGNATED WATERS**

1. The waters of Lac Memphrémagog;
2. The waters of the bays of Lac Memphrémagog, which comprise Baie de Magog, Baie de l'Ermitage, Baie Channel, Baie Price, Baie Lefebvre, Baie l'Abbaye, Baie Sargent, Baie Austin, Baie MacPherson, Baie Quinn, Baie Mountain House, Baie Fitch including the part adjacent to the lake and the part that extends beyond the point referred to as "The Narrows", Baie de Lime Kiln, Baie Harvey and Baie Reid;
3. The waters of the tributaries of Lac Memphrémagog, which comprise Rivière aux Cerises, Ruisseau Castle, Ruisseau Benoît, Ruisseau du Château, Ruisseau de Vale Perkins, Ruisseau Powell, Ruisseau de l'Ouest, Ruisseau Glenn, Ruisseau Kertland, Ruisseau d'Amy Corners, Ruisseau Bunker and Ruisseau Fitch;
4. The part of the waters of Rivière Magog situated in the municipality of Ville de Magog.

The waters are shown on the 1:20 000 scale maps at the Ministère des Ressources naturelles et de la Faune bearing numbers 31H 08-200-0102 (Magog), 31H 01-200-0202 (Ayer's Cliff), 31H 01-200-0102 (Stanstead Plain), 31H 01-200-0101 (Lac Memphrémagog), 31H 01-200-0201 (Bolton-Ouest).

MUNICIPALITIES RESPONSIBLE FOR THE ENFORCEMENT OF THE REGULATION

1. Municipalité de la ville de Magog;
2. Municipalité d'Austin;
3. Municipalité de Saint-Benoît-du-Lac;
4. Municipality of the township of Potton;
5. Municipality of the township of Stanstead;
6. Municipality of Ogden.

Treasury Board

Gouvernement du Québec

T.B. 205756, 4 December 2007

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

Regulation

— Amendment

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 89 and subparagraph 11.3.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 164 of the Act, establish, for the purpose of section 89, the rules and procedures that apply to the increase of pension credits for the categories of pension credits and persons it determines, which rules and procedures may vary with the categories of pension credits and persons;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988 and the Regulation has been amended;

WHEREAS it is expedient to further amend the Regulation to determine the rules and procedures that apply to the increase of pension credits for the categories of pension credits and persons;

WHEREAS, under section 64 of the Act to amend various legislative provisions concerning retirement (2006, c. 55), the first regulation made, after 14 December 2006, under section 89 of the Act respecting the Government and Public Employees Retirement Plan may, if it so provides, have effect from any date not prior to 1 January 2006;

WHEREAS the pension committee concerned has been consulted;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the consultation has taken place;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan *

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 11.3.1)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following Division after section 29.6:

“DIVISION IX.2.1
ADJUSTMENT TO CERTAIN PENSION CREDITS
(s. 134, par. 11.3.1)

29.6.1. The pension credit related to service redeemed before 1 January 2004 under Division I of Chapter VI of Title I of the Act is increased by 5.2% on 1 January 2006, except if it was redeemed by

* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the regulation made by Order in Council 1035-2007 dated 28 November 2007 (2007, *G.O.* 2, No. 50). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

(1) a person eligible for the additional benefits referred to in Division IV.1 of Chapter IV of that Title before 1 January 2004;

(2) a person who would have been eligible for those benefits if the person had ceased to be a member of the plan before that date; or

(3) a person eligible for the additional benefits referred to in Division III of Chapter V.2 of that Title.”.

2. This Regulation comes into force on the date it is made but has effect from 1 January 2006.

8455

Gouvernement du Québec

T.B. 205757, 4 December 2007

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

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 174 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and subparagraph 18 of the first paragraph of section 196 of the Act, the Government may, by regulation, revise the rate of contribution to the Pension Plan of Management Personnel; the rate shall be based on the result of the actuarial valuation of the plan and shall be adjusted as of 1 January following receipt by the Minister of the report of the independent actuary;

WHEREAS the Minister received the report of the independent actuary on 15 November 2007;

WHEREAS, pursuant to the report, the rate of contribution should be increased;

WHEREAS, under the first paragraph of section 196 of the Act, the regulation is made by the Government after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 196.2 of the Act;

WHEREAS the pension committee has been consulted;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Management Personnel by Conseil du trésor Decision 202420 dated 24 May 2005;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpar. 18
and s. 174)

1. Section 11 of the Regulation under the Act respecting the Pension Plan of Management Personnel is amended

(1) by replacing “1 January 2005” by “1 January 2008”;

(2) by replacing “7.78%” by “10.54%”.

2. This Regulation comes into force on the day it is made.

8456

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Conseil du trésor Decision 202420 dated 24 May 2005 (2005, *G.O.* 2, 1733) was last amended by the regulation made by Conseil du trésor Decision 204929 dated 8 May 2007 (2007, *G.O.* 2, 1438). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

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

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