

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 16 DECEMBER 1996

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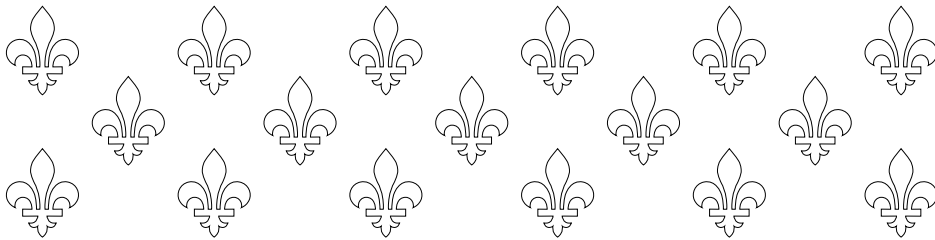
## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 16 December 1996*

This day, at ten minutes past six o'clock in the evening, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- |    |   |     |  |
|----|---|-----|--|
| 45 | An Act respecting university foundations  | 72  | An Act to amend the constituent Acts of the urban communities and other legislative provisions   |
| 46 | An Act respecting certain assessment rolls drawn up under the responsibility of Municipalité régionale de comté de Portneuf   | 73  | An Act respecting the Commission administrative des régimes de retraite et d'assurances and amending various legislative provisions as regards pension plans |
| 52 | An Act to amend the Agricultural Products, Marine Products and Food Act and the Environment Quality Act                       | 130 | An Act respecting administrative justice   |
| 53 | An Act respecting reserved designations and amending the Act respecting the marketing of agricultural, food and fish products |     | To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.   |





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 45  
(1996, chapter 48)

## **An Act respecting university foundations**

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**Introduced 16 October 1996**  
**Passage in principle 5 November 1996**  
**Passage 11 December 1996**  
**Assented to 16 December 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill empowers the Government to establish, by order, a university foundation for a university-level educational institution referred to in section 1 of the Act respecting educational institutions at the university level, whose mission will be to promote and provide financial support for the teaching and research activities of the institution concerned.*

*Each foundation will be a legal person within the meaning of the Civil Code of Québec and a mandatary of the Government.*

*Each foundation will be administered by a board of directors composed of at least three and not more than seven members, including the chairman, appointed by the Government. At least three members will be selected from a list of no fewer than six candidates drawn up by the educational institution.*

*In the pursuit of its mission, a foundation may receive liberalities, in particular in the form of gifts or legacies. It will hold and manage property received in accordance with its by-law approved by the Government, and will remit the property to the educational institution in the manner provided for.*

*Each foundation will be required to forward to the Minister of Education and the educational institution a detailed statement of all property received and of the use made of it, together with an auditor's report on its accounts made by external auditors appointed by the foundation's board of directors.*



## Bill 45

### **An Act respecting university foundations**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### ESTABLISHMENT AND ORGANIZATION

**1.** The Government may, by order, establish a university foundation for a university-level educational institution referred to in section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1), whose mission shall be to promote and provide financial support for the teaching and research activities of the institution concerned.

The order establishing the university foundation shall take effect from the date of its publication in the *Gazette officielle du Québec* or from any later date specified therein.

The university foundation shall be designated by the name “Fondation universitaire de ...” followed by the name of the university-level educational institution concerned.

**2.** The university foundation is a legal person.

**3.** The university foundation is a mandatary of the Government.

Its property forms part of the public domain, but the execution of the obligations of the foundation may be levied against its property.

The foundation binds none but itself when it acts in its own name.

**4.** The head office of the foundation shall be located at the place determined by its board of directors.

Notice of the location and of any change in location of the head office shall be published in the *Gazette officielle du Québec*.

**5.** The foundation shall be administered by a board of directors of at least three and not more than seven members, including the chairman, appointed by the Government.

At least three members must be selected from a list of at least six candidates drawn up by the educational institution.

**6.** The members of the board of directors shall be appointed for a term of office not exceeding five years.

At the expiry of their term, they shall remain in office until reappointed or replaced.

**7.** Any vacancy on the board of directors shall be filled by the Government for the unexpired portion of the original term; the new member must be selected in the manner provided in section 5.

**8.** The members of the board of directors shall receive no remuneration, except in such cases and on such conditions as may be determined by the Government. They are, however, entitled to the reimbursement of the expenses incurred in the performance of their duties, on the conditions determined by the Government.

**9.** The chairman is responsible for the management of the foundation, and shall also perform any duties delegated to him by the board of directors.

Where the chairman is absent or unable to act, his duties shall be performed temporarily by a member of the board of directors designated by the Government.

**10.** The quorum at meetings of the board of directors is a majority of its members.

The decisions of the board shall be made by a majority vote of the members present.

In the case of a tie-vote, the chairman shall have a casting vote.

**11.** The members of the personnel of the foundation shall be appointed and remunerated in accordance with the staffing plan and the standards and scales established by by-law of the foundation.

Such by-law shall also determine the social benefits and other conditions of employment of the personnel.

**12.** No member of the board of directors, no officer and no member of the personnel of the foundation may be prosecuted by reason of anything done in good faith in the performance of their duties.

**13.** Termination of the institution entails termination of the foundation.

**14.** The mode of apportionment of the rights and obligations and of the property, records and documents of the terminated foundation shall be the mode applicable to the institution.

## CHAPTER II

### POWERS

**15.** In the pursuit of its mission, a foundation may receive liberalities, in particular in the form of gifts or legacies, and act as administrator or trustee in respect of property entrusted to it in such form.

**16.** The foundation is bound to invest the monies it receives in accordance with the rules relating to presumed sound investments set out in the Civil Code of Québec.

Any other property received by the foundation must be administered in accordance with the provisions of its by-laws.

**17.** The foundation must, within 60 days of the end of its fiscal year, remit to the educational institution all the property received during the fiscal year or acquired by the foundation to replace such property and that is not needed for the exercise of the foundation's functions, together with all unused fruits and revenues deriving from the property received.

However, the educational institution may waive its right to receive the property and require the foundation to administer the property for such length of time as the institution determines.

**18.** The institution may transfer any of the property it possesses to the foundation, to be administered by the foundation for such length of time as the institution determines.

**19.** The foundation may pass by-laws concerning

- (1) its internal management and operating procedure ;
- (2) the administration of the property it receives.

A by-law passed under this section shall be submitted to the Government for approval.

### CHAPTER III

#### FINANCIAL PROVISIONS

**20.** The fiscal year of the foundation shall end on 31 May.

**21.** The foundation must pay its operating expenses out of the fruits and revenues from the property it receives.

**22.** The accounts of the foundation shall be audited, for every fiscal year, by external auditors appointed by the board of directors of the foundation. The auditors' remuneration shall be charged to the foundation.

In addition, the books and accounts of the foundation may be audited by the Auditor General.

**23.** The foundation shall forward to the Minister and to the educational institution, within four months of the end of its fiscal year, the auditor's report on its accounts, together with a detailed statement of all property received and of the use made of it.

The statement must also contain all the information on the foundation's mission that is required by the Minister.

The Minister shall table the auditor's report and the detailed statement of all property received and of the use made of it before the National Assembly within 30 days of receipt or within 30 days of resumption.

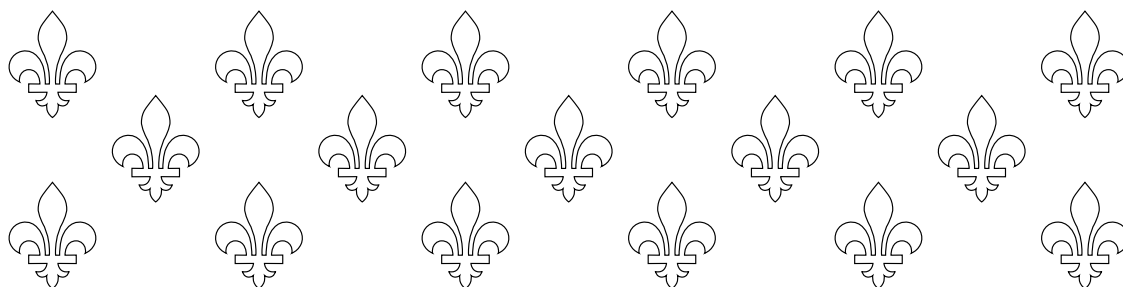
## CHAPTER IV

## FINAL PROVISIONS

**24.** The Minister of Education is responsible for the administration of this Act.

**25.** This Act comes into force on 16 December 1996.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 46

(1996, chapter 49)

**An Act respecting certain assessment rolls  
drawn up under the responsibility of  
Municipalité régionale de comté de Portneuf**

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**Introduced 16 October 1996**

**Passage in principle 17 October 1996**

**Passage 10 December 1996**

**Assented to 16 December 1996**

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**Québec Official Publisher  
1996**

## **EXPLANATORY NOTES**

*This bill amends the length of time for which certain assessment rolls drawn up under the responsibility of Municipalité régionale de comté de Portneuf are to remain in force.*

*Three of the rolls currently in force will remain in force for an additional year, another roll also in force will cease to have effect one year earlier than scheduled and a fifth roll, to come into force on 1 January 1997, will remain in force for two years rather than three.*

*As a consequence, the bill adjusts the three-year cycles for which the rolls subsequent to the rolls whose periods of application are changed by this bill are to be drawn up.*



## **Bill 46**

### **AN ACT RESPECTING CERTAIN ASSESSMENT ROLLS DRAWN UP UNDER THE RESPONSIBILITY OF MUNICIPALITÉ RÉGIONALE DE COMTÉ DE PORTNEUF**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The assessment rolls of Village de Saint-Marc-des-Carières, of Paroisse de Saint-Gilbert and of Municipalité régionale de comté de Portneuf in respect of the unorganized territory included in its territory, in force since 1 January 1995, shall remain in force until the end of 1998.

The assessment roll of Municipalité de Cap-Santé, in force since 1 January 1995, shall remain in force until the end of 1996.

The assessment roll of Paroisse de Saint-Thuribe that will come into force on 1 January 1997 shall remain in force until the end of 1998.

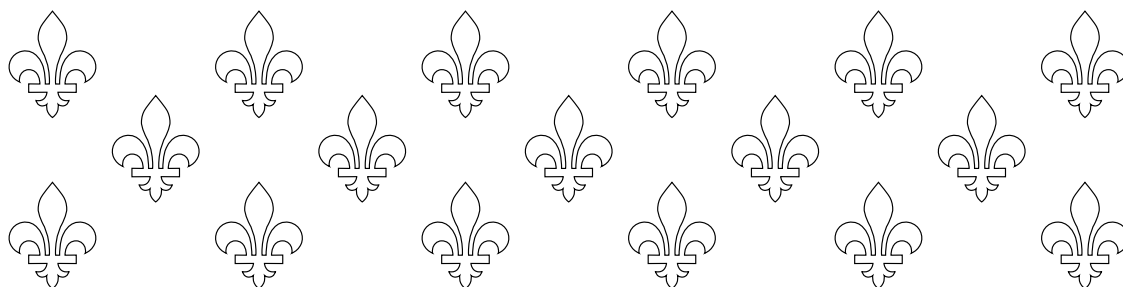
For the purpose of determining for which municipal fiscal years, in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the rolls subsequent to the rolls referred to in the first three paragraphs must be drawn up, the rolls referred to in the first and third paragraphs are deemed to have been drawn up for the 1996, 1997 and 1998 fiscal years, and the roll referred to in the second paragraph is deemed to have been drawn up for the 1994, 1995 and 1996 fiscal years.

**2.** The assessment roll of Municipalité de Cap-Santé, drawn up for the 1997, 1998 and 1999 fiscal years, shall be deposited on or before 15 January 1997.

The roll is deemed to have been deposited in accordance with section 70 of the Act respecting municipal taxation.

**3.** This Act comes into force on 16 December 1996.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 52

(1996, chapter 50)

**An Act to amend the Agricultural Products,  
Marine Products and Food Act and  
the Environment Quality Act**

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**Introduced 22 October 1996**

**Passage in principle 5 November 1996**

**Passage 10 December 1996**

**Assented to 16 December 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The object of this bill amending the Agricultural Products, Marine Products and Food Act is, chiefly, to render water and ice sold on the market, and ice offered free of charge to the public, subject to that Act rather than to the Environment Quality Act. Bottled water from public water dispensers will also be governed by the Agricultural Products, Marine Products and Food Act.*

*The bill provides for a new type of permit relating to water bottling and to ice making and packaging and confers on the Government the regulatory powers necessary to properly regulate water and ice, in particular as regards the standards relating to quality and composition.*

*The bill allows authorized persons to require any information necessary for the carrying out of the Act and amends certain penal provisions of the Act.*

*In addition, the bill amends the Environment Quality Act to remove the provisions concerning water intended for commercial purposes and to impose the obligation to obtain the authorization of the Minister of the Environment and Wildlife, in the cases determined by regulation, for the tapping of underground water.*

*Finally, the bill proposes transitional provisions and the amendments necessary to ensure the harmonization of certain provisions of the Agricultural Products, Marine Products and Food Act with those of the Civil Code of Québec.*

## Bill 52

### AN ACT TO AMEND THE AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT AND THE ENVIRONMENT QUALITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 1 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended

(1) by inserting the words “, intended for human consumption or intended to come into contact with food, with water subject to the Regulation respecting drinking water made under the Environment Quality Act (chapter Q-2) or with any alcoholic beverage within the meaning of the Act respecting the Société des alcools du Québec” after the word “food” at the end of paragraph *b.1* ;

(2) by replacing the words “, a food or ice” after the word “product” in the second line of paragraph *c* by the words “or food” ;

(3) by striking out paragraph *e* ;

(4) by adding, after the first paragraph, the following paragraph :

“For the purposes of this Act, bottled water, water sold by volume, water intended for bottling or sale by volume and water used or intended for use in the preparation or preservation of food, to the extent that such food or such water is intended for human consumption for promotional or commercial purposes, are considered to be food. Ice is also considered to be food.”

**2.** Section 9 of the said Act, amended by section 3 of chapter 53 of the statutes of 1983 and by section 5 of chapter 80 of the statutes of 1990, is again amended

(1) by replacing the words “or *k*” in the third line of subparagraph *l* of the first paragraph by the words “, *k* or *l.01*” ;

(2) by inserting, after subparagraph *l* of the first paragraph, the following subparagraph :

“(*l.01*) operate a water bottling establishment or an ice making or packaging establishment ;” ;

(3) by replacing the words “or *l*” in the third line of subparagraph *l.1* of the first paragraph by the words “, *l* or *l.01*”.

**3.** Section 12 of the said Act is amended by replacing the word “transportés” in the first line of the French text by the word “cédés”.

**4.** Section 17 of the said Act is amended

(1) by replacing the word “resides” in the third line by the words “is domiciled”;

(2) by striking out the word “social” in the third line of the French text.

**5.** Section 18 of the said Act is amended by striking out the word “social” in the third line of the French text.

**6.** Section 27 of the said Act is amended by replacing the word “jurisdiction” in the second line of the French text by the word “compétence”.

**7.** The said Act is amended by inserting, after section 32, the following section :

**“32.1.** Every authorized person may, in exercising his power of inspection, require of any person subject to this Act or the regulations the documents or information necessary to ascertain that a product is in conformity with the provisions of this Act or the regulations.

The person must furnish the documents or information to the authorized person within such reasonable time as is fixed by the authorized person.”

**8.** Section 33 of the said Act is amended

(1) by replacing the words “and in premises” in the sixth line by the words “, where ice or a bottled water dispenser is placed at the public’s disposal or”;

(2) by striking out the words “shipment bill,” in the first line of paragraph 5.

**9.** Section 40 of the said Act is amended

(1) by replacing paragraph *e* by the following paragraphs :

“(e) establish classes, categories, appellations, qualifiers or designations of products and prohibit any unlawful use thereof, require the grading of products and set standards of composition, form, quality and uniformity, and, in the case of spring water and mineral water, render the prescribed standards applicable from the point of collection ;

“(e.01) prescribe rules of hygiene concerning ice and bottled water dispensers placed, free of charge, at the disposal of the public;” ;

(2) by adding, after paragraph *j*, the following paragraph :

“(j.1) prescribe, for any type of water referred to in the second paragraph of section 1, the cases and conditions in or on which a person is required to send to the Minister, before or during the marketing of the water, information, documents, samples, analyses or any other thing necessary to verify the accuracy of the information appearing on the label, container or packaging of the water or on a poster relating thereto;”;

(3) by replacing the words “and “fishery products unfit for human consumption” ” in the fourth line of paragraph *l* by the words “, “fishery products unfit for human consumption”, “water sold by volume”, “spring water”, “mineral water”, “bottled water”, “water bottling establishment”, “ice making or packaging establishment” and “bottled water dispenser” ”.

**10.** Section 44 of the said Act is amended by replacing the letter “*h*” in the third line by the words “*e, h or j.1*”.

**11.** The said Act is amended by inserting, after section 44.1, the following section :

“**44.2.** Every person who contravenes the second paragraph of section 32.1 or furnishes erroneous, falsified or misleading information or documents is liable to a fine of \$250 to \$1,000 and, for any subsequent contravention, to a fine of \$750 to \$3,000.”

**12.** Section 45.1 of the said Act is amended by inserting the letter and figures “, *l.01*” after the letter “*l*” in the fourth line.

**13.** Section 46 of the said Act is amended

(1) by replacing the word “corporation” in the first line by the words “legal person”;

(2) by replacing the words “officer” and “agent of that corporation” in the seventh and eighth lines by the words “senior officer” and “mandatary of that legal person”, respectively, and by replacing the word “employé” in the ninth line of the French text by the word “salarié”;

(3) by replacing the word “corporation” in the eleventh line by the words “legal person”.

**14.** Section 55 of the said Act is amended by striking out the words “or way bill” in the third line.

**15.** Section 56.1 of the said Act is amended

(1) by replacing the words “, constitutes *prima facie* proof of its content” in the second and third lines of paragraph *a* by the words “is proof of its content unless there is evidence to the contrary”;

(2) by replacing the words “, make *prima facie* proof of the observations that are stated in writing therein by such authorized person” in the fourth and fifth lines of paragraph *b* by the words “are proof of their content unless there is evidence to the contrary”;

(3) by replacing the words “without its being necessary to establish the signature of the person by whom the document is presented as having been signed and without its being necessary to establish the official capacity of such person” in the third, fourth and fifth lines of paragraph *c* by the words “and no proof of the signature or of the quality of the person who signed it is required”.

**16.** Section 46 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by striking out subparagraph *h* of the first paragraph;

(2) by replacing subparagraph *s* of the first paragraph by the following subparagraph:

“(s) regulate the tapping of underground water according to its different uses, including the collection of underground water the use or distribution of which is governed by the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29). The regulations may, in particular,

(1) subordinate, in the cases determined therein, the tapping of underground water, including water that is in danger of contamination, to the authorization of the Minister which may be subject to any condition the Minister considers necessary;

(2) prescribe standards respecting the volumes of water collected, water quality and the preservation of water quality;

(3) prescribe standards for water collection facilities;

(4) prescribe the keeping of registers, and the preparation of reports and other documents and the communication thereof to the Minister;”;

(3) by striking out the second paragraph.

**17.** Section 87 of the said Act is amended by striking out paragraph *e*.

**18.** Until the coming into force of a regulation under subparagraph *s* of the first paragraph of section 46 of the Environment Quality Act, enacted by section 16 of this Act, section 32 of the Environment Quality Act continues to



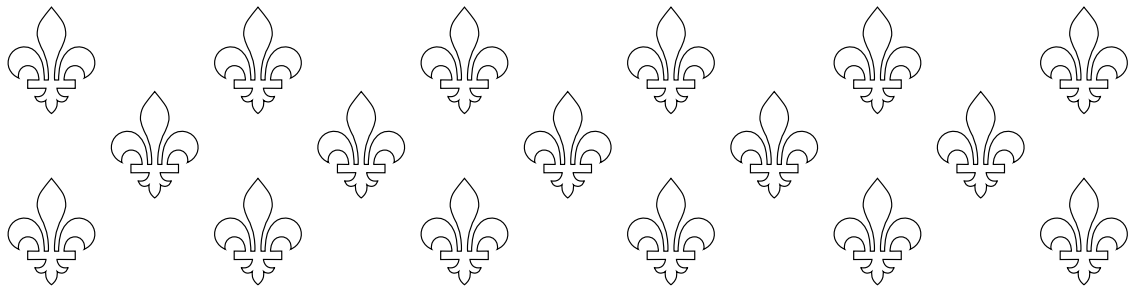
apply in respect of projects for the collection of spring water or mineral water within the meaning of the Regulation respecting bottled water (R.R.Q., 1981, c. Q-2, r.5).

**19.** The Regulation respecting bottled water, and section 19 of the Drinking Water Regulation enacted by Order in Council 1158-84 (1984, G.O. 2, p. 1812), made under the Environment Quality Act, continue to apply until the said regulation or the said section is replaced by a regulation under the Agricultural Products, Marine Products and Food Act. The said regulation and the said section are deemed to have been made under section 40 of the Agricultural Products, Marine Products and Food Act.

**20.** The Government may, by regulation, prescribe any other transitional provision for the purposes of this Act.

**21.** This Act comes into force on 16 December 1996, except section 2 which comes into force on the date to be fixed by the Government.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 53  
(1996, chapter 51)

**An Act respecting reserved designations and  
amending the Act respecting the marketing of  
agricultural, food and fish products**

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**Introduced 23 October 1996  
Passage in principle 5 November 1996  
Passage 10 December 1996  
Assented to 16 December 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The object of this bill is the recognition of designations which are attributed to agricultural and food products as an attestation of their method of production, region of origin or specificity. It consequently confers on the Minister of Agriculture, Fisheries and Food the power to recognize designations if it is demonstrated that the designations meet the criteria and requirements determined by regulation and reserve the use thereof to the members of the accredited certification bodies.*

*A further object of this bill is the accreditation by an accreditation board of certification bodies entrusted with certifying products bearing a reserved designation and the supervision of the use of designations.*

*Lastly, the bill makes consequential amendments to the Act respecting the marketing of agricultural, food and fish products.*

## **Bill 53**

### **AN ACT RESPECTING RESERVED DESIGNATIONS AND AMENDING THE ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

##### **PRELIMINARY PROVISIONS**

**1.** The object of this Act is the recognition of designations which are attributed to agricultural and food products as an attestation of their method of production, region of origin or specificity.

A further object of this Act is the accreditation of certification bodies entrusted with certifying products bearing a reserved designation and the supervision of the use of the designations.

#### **CHAPTER II**

##### **RECOGNITION OF RESERVED DESIGNATIONS**

##### **DIVISION I**

##### **RECOGNITION PROCEDURE**

**2.** The Minister may, in accordance with section 6, recognize a designation proposed by a certification body and reserve its use for the members of the body, if the designation meets the criteria and requirements he has determined by regulation.

The producers, processors, distributors or retailers of any one product may form a certification body for the purposes of this Act.

The Minister may, before reserving a designation, require of the proposers of the designation that they form a legal person to act as an accreditation board whose name contains the words “accreditation board”. The accreditation board must, in accordance with the regulations of the Minister, be representative of the persons concerned by the designation.

## DIVISION II

### ACCREDITATION BOARDS

**3.** The function of an accreditation board is to grant accreditation to certification bodies, make recommendations to the Minister concerning the recognition of designations and supervise the use of the designations.

An accreditation board may be formed for each type of recognized designation.

**4.** To fulfil its function, an accreditation board shall

(1) draw up, in accordance with the regulations of the Minister, a reference manual setting out the conditions for accreditation according to which the accreditation board will assess the applications for accreditation made by certification bodies ;

(2) ensure that certification bodies comply with the requirements for the granting of certification and that they possess the necessary resources to carry out, in the manner set out in the reference manual, adequate supervision of the activities of their members as well as the inspection of the products certified ;

(3) ensure that the members of the accredited certification bodies comply with the rules governing the use of reserved designations.

The accreditation board may institute proceedings against any person using a reserved designation for products that have not been certified by an accredited certification body. It may also impose a contribution to be paid by accredited certification bodies to cover its operating costs.

**5.** The following committees shall be established within each accreditation board :

(1) a standards committee whose function is to prepare a reference manual consistent with the standards and criteria prescribed by regulation of the Minister and to which certification bodies must conform before they are granted accreditation, assess the capacity of certification bodies to administer a certification program and, where appropriate, recommend to the accreditation board the accreditation of certification bodies ;

(2) a certification committee whose function is to assess the specification manuals and inspection plans of the certification bodies and, where appropriate, recommend their accreditation to the accreditation board as well as ensure that they comply with the standards and criteria set out in the reference manual of the accreditation board ;

(3) a supervisory committee whose function is to supervise the use of reserved designations and to recommend to the accreditation board the institution of any appropriate proceedings to prevent the unlawful use of the designations.

**6.** Where an accreditation board is established and one or more certification bodies demonstrate, according to law, to the accreditation board that they meet the criteria and requirements set out in the reference manual of the accreditation board, the Minister, on the recommendation of the accreditation board, shall recognize the designation and reserve its use for the members of the accredited certification bodies.

**7.** Upon recognizing a reserved designation, the Minister shall entrust the supervision of the designation to the accreditation board he has recognized and shall give notice thereof in the *Gazette officielle du Québec*. Recognition of the designation becomes effective on the date of the publication.

### **DIVISION III**

#### **EFFECT OF RECOGNITION**

**8.** The recognition of a reserved designation by the Minister confers on the accreditation board the power to grant accreditation to certification bodies that meet the criteria and requirements set out in its reference manual and authorize their members to use the designation.

### **DIVISION IV**

#### **CANCELLATION OF RECOGNITION**

**9.** The Minister may cancel the recognition of a designation granted under this Act if no certification body meets the criteria and requirements set out in the reference manual of the accreditation board formed for the designation.

### **CHAPTER III**

#### **POWERS OF THE MINISTER**

**10.** The Minister may make regulations

(1) to determine the criteria and requirements for the recognition of designations;

(2) to prescribe the documents and information that must be submitted with an application for the recognition of a designation;

(3) to determine the criteria and requirements pertaining to the formation and the exercise of the functions of an accreditation board;

(4) to determine the criteria and requirements to which the reference manual of an accreditation board must correspond and to which certification bodies seeking accreditation must conform.

## CHAPTER IV

### ACCREDITATION OF CERTIFICATION BODIES

#### DIVISION I

##### ELIGIBILITY FOR ACCREDITATION

**11.** Any applicant certification body incorporated as a legal person which, in the opinion of the accreditation board, meets the criteria and requirements for accreditation determined in accordance with the regulations of the Minister is eligible for accreditation.

#### DIVISION II

##### ACCREDITATION PROCEDURE

**12.** To be granted accreditation, a certification body must apply therefor to the accreditation board and demonstrate that it meets the criteria and requirements established by the accreditation board in accordance with the regulations of the Minister.

**13.** A certification body's application for accreditation must be submitted with all the documents prescribed in the reference manual of the accreditation board together with the certification body's by-laws and a list of its members and of the products covered by the designation.

**14.** The accreditation board may require the applicant certification body to furnish any document or information it considers to be pertinent to the assessment of the application. It may demand to visit, in the manner set out in its reference manual, the applicant's facilities and those of its members.

**15.** On receiving an application, the accreditation board shall satisfy itself that the applicant certification body has the capacity to administer a certification program and that it meets all the criteria and requirements set out in the reference manual concerning the designation for which the certification body is seeking accreditation.

**16.** The accreditation board may grant accreditation if it is of the opinion that the certification body meets the criteria and requirements set out in its reference manual. If this is not the case, the accreditation board shall, after giving the applicant body an opportunity to present its observations, give reasons for its refusal.

**17.** The accreditation board shall give notice of every accreditation it has granted in the *Gazette officielle du Québec* not later than 15 days after the decision is sent to the interested parties. Accreditation becomes effective on the date of the publication.



**DIVISION III****EFFECTS OF ACCREDITATION**

**18.** Accreditation confers on a certification body, for a particular designation, the power or obligation

(1) to administer a certification program that conforms to the reference manual of the accreditation board;

(2) to certify products bearing the designation, in accordance with its specification manual;

(3) to ensure that its members comply with the requirements of the specification manuals;

(4) to see that all interests involved in the certification process continue to be represented without any one interest having predominance;

(5) to provide its members with technical and professional support;

(6) to give access to a list of the product certifications it has granted;

(7) to impose a contribution to be paid by its members to cover its operating costs.

**DIVISION IV****REVOCAION OF ACCREDITATION**

**19.** The accreditation board may, of its own initiative or following a complaint, revoke a certification body's accreditation if more than one year has elapsed since the certification body last granted a certification or if it has ceased to meet the criteria and requirements set out in its reference manual.

In the latter case, the accreditation board shall first inform the certification body of the corrective action to be taken to avoid the revocation. The accreditation board shall also give the certification body an opportunity to present its observations.

**20.** Where the accreditation board revokes the accreditation of a certification body, it shall give notice thereof in the *Gazette officielle du Québec* in the manner provided for decisions granting accreditation. The revocation becomes effective on the date of the publication.

## **DIVISION V**

### **PROHIBITION**

**21.** No person may use a reserved designation in the advertising, labelling or display of any product, or in commercial documents of any nature relating thereto, unless the product has been certified by an accredited certification body.

## **CHAPTER V**

### **PENAL PROVISIONS**

**22.** Every person who contravenes a provision of section 21 is guilty of an offence and is liable to a fine of not less than \$2,000 nor more than \$20,000 and, in the case of a subsequent offence, to a fine of not less than \$4,000 nor more than \$60,000.

In determining the fines, the court shall consider in particular the harm caused by and the benefit derived from the offence.

**23.** Penal proceedings for an offence referred to in section 22 may be instituted, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), by an accreditation board on a resolution of its board of directors.

**24.** The fine imposed in respect of an offence referred to in section 22 belongs to the accreditation board if it instituted the penal proceedings.

## **CHAPTER VI**

### **MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

**25.** Section 136 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing paragraphs 7 and 8 by the following paragraphs :

“(7) establish standards specific to the product concerned and to its display, and engage in the promotion of the product ;

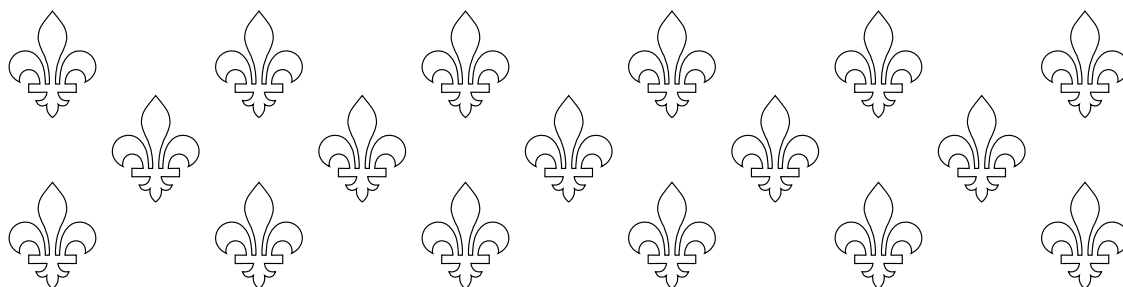
“(8) hold, on the conditions it determines, proprietary rights to a logo or trademark to identify the product whose marketing it coordinates and subject its use to compliance with the standards established under paragraph 7.”

**26.** To enable the persons concerned by a designation to conform to the provisions of this Act, the Minister may delay, for such time as he determines, the effective date of a reserved designation.

**27.** The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

**28.** This Act comes into force on the date to be fixed by the Government.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 72  
(1996, chapter 52)

**An Act to amend the constituent Acts of the  
urban communities and other legislative  
provisions**

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**Introduced 13 November 1996  
Passage in principle 21 November 1996  
Passage 13 December 1996  
Assented to 16 December 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill amends the constituent Acts of the urban communities to abolish certain controls and grant new powers that facilitate or relax certain procedural requirements. Some of the amendments reflect amendments recently made to municipal legislation while others are more specific to the Communauté urbaine de Québec.*

*Under the bill, various obligations imposed on the three urban communities have been removed, in particular as concerns authorizations required from the Commission municipale du Québec and the Minister of Municipal Affairs. The newspaper publication requirements for notices of convocation of special meetings are relaxed and the use of fax transmission to call meetings is permitted. The bill also allows members of the executive committee to participate in committee meetings by telephone or other means of communication.*

*Several amendments already applying to the municipalities governed by the Cities and Towns Act and the Municipal Code of Québec are made applicable to the urban communities. As a result, it will be possible to delegate the hiring of employees, to grant contracts without calling for tenders on the authorization of the Minister and to participate in an investment fund for the purpose of providing financial support to businesses in a start-up or development phase. In addition, certain bonds and other debt securities have been dematerialized.*

*As regards the more specific amendments applicable to the Communauté urbaine de Québec, some are of a technical nature and concern administrative matters while others grant additional powers, including the power to pass a by-law for the implementation of an environmental protection and resource conservation program. The amendments authorize the Community to operate a waste upgrading plant, to establish classes of waste and to determine from those classes which waste may be upgraded or disposed of. The Community and that of Montréal are also authorized to establish bicycle lanes and to allow bicycle paths to be used for various means of locomotion other than the bicycle.*

*The bill extends the dematerialization of bonds and other debt securities to municipal and intermunicipal transit corporations, the Société de transport de la Ville de Laval, the Société de transport de la rive sud de Montréal and the cities of Québec and Montréal.*

*Lastly, the bill relaxes the rules contained in certain of those Acts that pertain to the capital expenditures programs of transit corporations.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Charter of the city of Québec (1929, chapter 95);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65).





## Bill 72

### AN ACT TO AMEND THE CONSTITUENT ACTS OF THE URBAN COMMUNITIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

**1.** Section 7 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by inserting the words “is the only candidate or who” after the word “who” in the second line of the third paragraph ;

(2) by adding, after the third paragraph, the following paragraph :

“However, at the beginning of the meeting, the members may, by a simple majority of the votes cast, determine the circumstances in which a drawing of lots, rather than another ballot, will be held in the case of a tie vote following a ballot. If such circumstances arise, the secretary shall establish the procedure for the drawing of lots, hold the draw and declare elected as chairman the person who is favoured by the drawing of lots.”

**2.** Section 22 of the said Act is amended by striking out the third paragraph.

**3.** Section 25 of the said Act is amended

(1) by replacing the word “twenty-four” in the third line by the words “36 hours or, in exceptional circumstances, 24” ;

(2) by adding, at the end, the following sentence: “The notice may also be sent by facsimile transmission, within the prescribed time, to each member of the Council.”

**4.** Section 25.1 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

**5.** Section 67.1 of the said Act is amended by replacing the words “The by-law may give” in the fourth line of the first paragraph by the words “The Council may also, on the conditions it determines, delegate”.

**6.** Section 77 of the said Act is amended by replacing the words “with the prior authorization of the Government, make with the Government of Canada or any body thereof, and may, with the authorization of the Minister, make with any regional or local municipality of the province of Ontario, and with any other public body, including a school board, agreements respecting the exercise of its competence” in the first, second, third, fourth and fifth lines of the first paragraph by the words “make agreements respecting the exercise of its competence with any public body, upon obtaining the prior authorization of the Government where the other party to the agreement is the Government of Canada or a body thereof”.

**7.** The said Act is amended by inserting, after section 83, the following section:

**“83.0.1.** The Minister may, on the conditions he determines, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.”

**8.** Section 83.1 of the said Act, amended by section 8 of chapter 71 of the statutes of 1995, is again amended

(1) by inserting the words “or, if the chairman is absent or unable to act and no other person is able to replace him in accordance with section 20, the director general” after the word “Council” in the first line;

(2) by striking out the words “upon the written request of the director general” in the fifth line;

(3) by inserting the words “or the director general, as the case may be,” after the word “chairman” in the sixth line.

**9.** The said Act is amended by inserting, after section 84.5, the following section:

**“84.6.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or development phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister.

The by-law must indicate the maximum contribution, not exceeding \$1,000,000, that the Community may make to the fund.”

**10.** Section 123 of the said Act, amended by section 491 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**123.** The Community may receive for treatment purposes, from a person other than a municipality, waste water from its territory or elsewhere.

Before making any contract for such purpose, the Community shall obtain the consent of the local municipality in whose territory the waste water originates.”

**11.** Section 128 of the said Act is amended by replacing the words “fixed by the Community and approved by the Commission municipale du Québec” in the third and fourth lines of the fourth paragraph by the words “it fixes. The municipality which possesses the waste disposal centre may, within 30 days, apply for a review of the compensation by the Commission municipale du Québec.”

**12.** The said Act is amended by inserting, after section 139, the following section :

“**139.1.** The Council may, by by-law, delegate to the chairman of the Community or to an officer or employee thereof, on the conditions the Council determines, the power to authorize or pay expenditures and to enter into ensuing contracts on behalf of the Community.

The by-law must, in particular, indicate the field of competence to which the delegation applies, the maximum amount of the expenditures that the chairman or the officer or employee may authorize or pay and the other conditions to which the delegation is subject.

Neither the chairman nor the officer or employee may authorize an expenditure that entails a financial commitment by the Community for a period extending beyond the current fiscal year. For the purposes of section 139, the authorization is considered to be a resolution authorizing the expenditure.

If, for the purposes of section 83, the authorization of the Minister must be obtained to allow the chairman, officer or employee to award a contract to a person other than the person who submitted the lowest tender, the authorization must be applied for by the Council.”

**13.** Section 151 of the said Act is amended by striking out the words “bonds, notes and other debt securities,” in the first line of the first paragraph.

**14.** Section 165.3 of the said Act is amended by striking out the third paragraph.

**15.** Section 167 of the said Act is amended by adding, at the end, the following paragraph:

“The notice of convocation for a special meeting shall be sent by the secretary of the Corporation and delivered by an officer of the Corporation or a peace officer to each member of the board of directors at least 36 hours or, in exceptional circumstances, 24 hours before the time fixed for the opening of the meeting. The notice may also be sent by facsimile transmission, within the prescribed time, to each member of the board of directors.”

**16.** Section 168 of the said Act is amended by adding, after the third paragraph, the following paragraph:

“The third paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

**17.** Section 171 of the said Act is amended by inserting the figure “83.0.1,” after the figure “83,” in the first line of the first paragraph.

**18.** Section 172.5 of the said Act is amended

(1) by inserting the words “or, if the chairman is absent or unable to act and no other person is able to replace him in accordance with section 164, the director general” after the word “directors” in the second line of the first paragraph;

(2) by inserting the words “or impair the operation of” after the word “damage” in the third line of the first paragraph;

(3) by replacing the word “he” in the first line of the second paragraph by the words “the chairman or, if applicable, the director general”.

**19.** Sections 193.2 and 193.3 of the said Act are repealed.

**20.** Section 194.1 of the said Act is amended by striking out the words “bonds, notes and other debt securities and the” in the first line of the first paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**21.** The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 41, the following section:

**41.1.** A member of the executive committee may, where circumstances so warrant, deliberate and vote at a meeting of the executive committee by telephone or other means of communication.

A member may avail himself of that right only if the following conditions are met:

(1) the chairman of the executive committee or the person replacing him and the secretary of the Community are present at the same place; and

(2) the telephone or other means of communication used permits all persons participating or present at the meeting to hear one another.

The minutes of the meeting must mention the names of members who participate at the meeting by telephone or other means of communication.

A member who deliberates and votes at a meeting by telephone or other means of communication in accordance with this section is deemed to be present at the meeting, and shall be included for the purpose of determining whether there is a quorum.”

**22.** Section 48 of the said Act is amended

(1) by replacing the word “meeting” in the fifth line of the first paragraph by the words “regular meeting or at least 36 hours or, in exceptional circumstances, 24 hours before the time fixed for the opening of the special meeting”;

(2) by adding, at the end of the first paragraph, the following sentence: “The notice of convocation of a special meeting may also be sent by facsimile transmission, within the prescribed time, to each member of the Council.”;

(3) by adding, after the second paragraph, the following paragraph:

“The second paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

**23.** Section 114 of the said Act is amended

(1) by replacing the words “shall not, without the prior authorization of the Government, make with the Government of Canada or any body thereof and may, with the authorization of the Minister, make with any other public body, including a municipality, agreements respecting the exercise of its competence” in the first, second, third, fourth and fifth lines of the first paragraph by the words “may make agreements respecting the exercise of its competence with any public body, upon obtaining the prior authorization of the Government where the other party to the agreement is the Government of Canada or a body thereof”;

(2) by replacing the words “in its territory” in the first line of the second paragraph by the words “of Québec”.

**24.** The said Act is amended by inserting, after section 120.0.3, the following section :

**“120.0.3.1.** The Minister of Municipal Affairs may, on the conditions he determines, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.”

**25.** Section 120.0.4 of the said Act is amended

(1) by replacing the words “may, on the written request of the director general” in the second line of the first paragraph by the words “or, if the chairman is absent or unable to act and neither of the vice-chairmen is able to replace him in accordance with section 36, the director general may”;

(2) by replacing the words “the written request must be presented by the head of the department concerned rather than by the director general” in the second, third and fourth lines of the second paragraph by the words “the power granted by that paragraph to the director general is to be exercised by the head of the department”;

(3) by inserting the words “, the director general or, if applicable, the head of the department” after the word “chairman” in the first line of the third paragraph.

**26.** The said Act is amended by inserting, after section 121.2, the following sections :

**“121.3.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or development phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister of Municipal Affairs.

The by-law must indicate the maximum contribution, not exceeding \$1,000,000, that the Community may make to the fund.

**“121.4.** The Community may establish and maintain, in its territory, non-profit organizations whose objects are economic promotion and development, assist or participate in the creation and maintenance of such organizations, entrust them with the organization and management, on its

behalf, of activities relating to economic promotion and development and, for such purposes, make contracts with them and grant them the necessary material resources and funds.

The non-profit organizations established by the Community may carry out the contracts made with any person and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside the territory of the Community.”

**27.** Section 150 of the said Act, amended by section 523 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**150.** The Community may receive for treatment purposes, from a person other than a municipality, waste water or other substances from its territory or elsewhere.

Before making any contract for such purpose, the Community shall obtain the consent of the local municipality in whose territory the waste water or other substances originate.”

**28.** Section 152.4 of the said Act, amended by section 546 of chapter 2 of the statutes of 1996, is again amended by replacing the words “garbage disposal centre it operates, upon payment of a compensation fixed by the Community and approved by the Commission municipale du Québec” in the second, third and fourth lines by the words “waste disposal establishment it operates, upon payment of a compensation it fixes. The municipality which possesses the waste disposal establishment may, within 30 days, apply for a review of the compensation by the Commission municipale du Québec.”

**29.** Sections 156 and 157 of the said Act are replaced by the following section :

“**156.** The Community may, by by-law, determine which parks, recreational centres and other recreational facilities not established by the Community are of a regional nature. In such a case, the Community is entrusted with the maintenance and operation of such parks, centres and facilities. For the purposes of this paragraph, the recreational centres and other recreational facilities referred to are those established by a municipality whose territory is included in that of the Community.

The Community may also, by by-law, establish parks, recreational centres and other recreational facilities that are of a regional nature.

For the purposes of this subdivision, a natural area is considered to be a park.”

**30.** Section 158.3 of the said Act is amended

(1) by inserting the words “bicycle paths and” after the word “intermunicipal” in the first line of the first paragraph;

(2) by inserting the words “bicycle path or” after the word “planned” in the second line of the third paragraph;

(3) by inserting the words “bicycle path or” after the words “part of the” in the third line of the third paragraph;

(4) by inserting the words “bicycle path or” after the words “establishment of a” in the first line of the fourth paragraph;

(5) by inserting the words “bicycle path or” after the word “similar” in the second line of the fourth paragraph;

(6) by inserting, after the fourth paragraph, the following paragraph:

“The by-law respecting the use of a bicycle path may allow, in addition to bicycles, roller skates, roller blades, skateboards, ski-boards or any other similar mode of locomotion to be used thereon. The by-law may reserve the path for one or more of those modes of locomotion, exclusive of the others, or establish different rules for traffic on the path according to the mode of locomotion.”

**31.** Section 223 of the said Act, amended by section 103 of chapter 65 of the statutes of 1995, section 49 of chapter 71 of the statutes of 1995 and section 128 of chapter 27 of the statutes of 1996, is again amended

(1) by striking out the first sentence of the third paragraph;

(2) by striking out the word “également” in the fifth line of the third paragraph of the French text;

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

“Every loan by-law of the Community relating to expenditures for the subway network that is transmitted to the Minister of Municipal Affairs shall, in order to be approved, be accompanied with a writing of the Agence métropolitaine de transport certifying that the expenditures are in conformity with its decisions relating to the extension of the subway network.”

**32.** Section 228 of the said Act, amended by section 51 of chapter 71 of the statutes of 1995, is again amended

(1) by replacing the words “sections 24 and 32” in the fourth line of the first paragraph by the words “section 24”;



(2) by striking out the second paragraph.

**33.** Section 231.1 of the said Act is repealed.

**34.** Section 232 of the said Act, amended by section 52 of chapter 71 of the statutes of 1995, is repealed.

**35.** Section 257 of the said Act is amended by striking out the second paragraph.

**36.** Section 260 of the said Act is amended

(1) by inserting the words “36 hours or, in exceptional circumstances,” after the words “not later than” in the third line of the third paragraph;

(2) by adding, at the end of the third paragraph, the following sentence: “The notice may also be sent by facsimile transmission, within the prescribed time, to each member of the board of directors.”

**37.** Section 291.28 of the said Act is amended by replacing the figure “120.0.3” in the first line by the figure “120.0.3.1”.

**38.** Section 306 of the said Act, amended by section 545 of chapter 2 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

“The same is true for the expenditure made by the Community for the payment of the sum required under section 73.1 of the Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65). The apportionment of the expenditure shall be considered to be the apportionment of the operating deficit of the corporation.”

**39.** Section 306.19 of the said Act, amended by section 60 of chapter 71 of the statutes of 1995, is again amended

(1) by replacing the words “sections 24 and 32” in the fifth line of the first paragraph by the words “section 24”;

(2) by striking out the second paragraph.

**40.** Section 306.23 of the said Act is repealed.

**41.** Section 306.25 of the said Act is repealed.

**42.** Section 306.27 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“306.27.** The facsimile of the signature of the director general of the corporation or of the treasurer of the corporation may be engraved, lithographed or printed on the documents referred to in section 306.26.”

**43.** Section 306.31 of the said Act, amended by section 61 of chapter 71 of the statutes of 1995, is repealed.

**44.** Section 306.32 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraph :

**“306.32.** The corporation may amend the program and have the amendment approved by Council.”;

(2) by striking out the words “to the extent that they are consistent with the first and second paragraphs” in the fourth and fifth lines of the third paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**45.** Section 31.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended

(1) by inserting the words “who is the only candidate or” after the word “mayor” in the second line of the fifth paragraph ;

(2) by inserting, after the fifth paragraph, the following paragraph :

“However, at the beginning of the meeting, the mayors may, by a simple majority of the votes cast, determine the circumstances in which a drawing of lots, rather than another round of voting, will be held in the case of a tie vote following a round of voting. If such circumstances arise, the secretary shall establish the procedure for the drawing of lots, hold the draw and declare the mayor who is favoured by the drawing of lots to be the holder designate of the office.”

**46.** Section 32 of the said Act is amended by striking out the third paragraph.

**47.** Section 35 of the said Act is amended

(1) by inserting the words “36 hours or, in exceptional circumstances,” after the words “not later than” in the first line of the first paragraph ;

(2) by adding, at the end of the first paragraph, the following sentence :  
“The notice of convocation of a special meeting may also be sent by facsimile transmission, within the prescribed time, to each member of the Council.”

**48.** Section 35.1 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

**49.** Section 38 of the said Act is amended

(1) by replacing the word “eight” in the first paragraph by the word “seven”;

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

“For the purposes of the first paragraph, the members of the Council representing Municipalité de Saint-Augustin-de-Desmaures and Municipalité de Boischatel are deemed to be absent during the deliberations and the vote concerning, in the first case, any matter relating to the Société and, in the second case, any other matter.”

**50.** Section 43 of the said Act is amended

(1) by replacing the words “he has had a copy of them delivered” in the fourth line of the second paragraph by the words “a copy has been given”;

(2) by striking out the words “delivery of the notice of” in the fifth line of the second paragraph.

**51.** Section 56 of the said Act is amended by replacing the words “section 136.13” in the first line of the first paragraph by the words “sections 136.13 and 140.3”.

**52.** Section 68.5 of the said Act is amended by replacing the figure “68.12” in the first line by the figure “68.13”.

**53.** The said Act is amended by inserting, after section 68.12, the following section:

**“68.13.** A member of the executive committee may, where circumstances so warrant, deliberate and vote at a meeting of the executive committee by telephone or other means of communication.

A member may avail himself of that right only if the following conditions are met:

(1) the chairman of the executive committee or the person replacing him and the secretary of the Community are present at the same place; and

(2) the telephone or other means of communication used permits all persons participating or present at the meeting to hear one other.

The minutes of the meeting must mention the names of members who participate at the meeting by telephone or other means of communication.

A member who deliberates and votes at a meeting by telephone or other means of communication in accordance with this section is deemed to be present at the meeting, and shall be included for the purpose of determining whether there is a quorum.”

**54.** Section 74.1 of the said Act is amended

(1) by replacing the words “It may, by the same by-law, entrust the director general with” in the first line of the second paragraph by the words “The Council may also, on the conditions it determines, delegate to the director general”;

(2) by replacing the words “by-law referred to in the first” in the first and second lines of the third paragraph by the words “resolution by which the decision provided for in the second”.

**55.** Section 86 of the said Act is amended

(1) by replacing the words “shall, with the prior authorization of the Government, make with the Government of Canada or any body thereof, and may with the authorization of the Minister, make with any other public body, including a municipality and a school board, agreements respecting the exercise of its competence” in the first, second, third, fourth and fifth lines of the first paragraph by the words “may make agreements respecting the exercise of its competence with any public body, upon obtaining the prior authorization of the Government where the other party to the agreement is the Government of Canada or a body thereof”;

(2) by replacing the words “in its territory” in the first line of the second paragraph by the words “of Québec”.

**56.** The said Act is amended by inserting, after section 92.0.2, the following section:

**“92.0.2.1.** The Minister may, on the conditions he determines, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.”

**57.** Section 92.0.3 of the said Act is amended

(1) by replacing the words “may, on written request by the director general,” in the fourth line of the first paragraph by the words “or, if the chairman is

absent or unable to act and neither of the vice-chairmen is able to replace him in accordance with section 31.6, the director general may”;

(2) by inserting the words “or, where applicable, the director general” after the word “chairman” in the first line of the second paragraph.

**58.** Section 93 of the said Act is amended

(1) by inserting the words “and hospitality” after the word “promotion” in paragraph *e*;

(2) by replacing the words “, recovery and recycling” in paragraph *h* by the words “and the upgrading of residual material”.

**59.** Section 95 of the said Act is amended by replacing the words “cycle tracks” in the second line of subparagraph *b* of the first paragraph by the words “bicycle paths and lanes”.

**60.** The said Act is amended by inserting, after section 96.0.1, the following sections :

**“96.0.2.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in the start-up or development phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister.

The by-law must indicate the maximum contribution, not exceeding \$1,000,000, that the Community may make to the fund.

**“96.0.3.** The Community may, for the purpose of improving the air quality in its territory or conserving or protecting its resources, pass by-laws promoting the eradication of ragweed, the reduction of the gull population or the treatment of Dutch elm disease or implementing any other environmental protection or resource conservation program.

For such purposes, the Community may found and maintain bodies in its territory whose objects are environmental protection and resource conservation, assist in the creation and maintenance of such bodies and entrust to them the organization and management of activities relating to those objects.”

**61.** Section 114 of the said Act is amended by replacing the first paragraph by the following paragraph :

**“114.** The Community shall establish the collection rolls and the tax bills for the municipalities whose territory is comprised in its territory and shall send the tax bills.”

**62.** The heading of subdivision 5 of Division VII of Title I of the said Act is amended by inserting the words “*and hospitality*” after the word “*promotion*”.

**63.** Section 121 of the said Act is amended

(1) by inserting the words “and provide for tourist hospitality” after the word “tourism” in the first line of the first paragraph;

(2) by striking out the words “, by a by-law approved by the Minister,” in the first line of the second paragraph;

(3) by replacing the words “carrying out of touristic promotion or” in the third line of the second paragraph by the words “exercise of the competence provided for in the first paragraph or of”;

(4) by inserting the words “and tourist hospitality” after the word “tourism” in the sixth line of the second paragraph.

**64.** The said Act is amended by inserting, after the heading of subdivision 8 of Division VII of Title I, the following section:

“**125.0.1.** The powers and obligations provided for in this subdivision with respect to the drinking water supply apply from the coming into force of a by-law passed under section 95 under which the Community orders that it has competence in that matter.”

**65.** Section 128 of the said Act is amended, in the French text, by replacing the word “leur” in the sixth line of the first paragraph by the word “lui”.

**66.** Section 137 of the said Act, amended by section 560 of chapter 2 of the statutes of 1996, is replaced by the following section:

“**137.** The Community may receive for treatment purposes, from a person other than a municipality, waste water or sludge from septic tanks that originates in its territory or elsewhere.

Before making any contract for such purpose, the Community shall obtain the consent of the local municipality in whose territory the waste water or sludge originates.”

**67.** The said Act is amended by inserting, after section 137, the following section:

“**137.1.** The Community may sell the energy resulting from the operation of water purification works.”

**68.** The heading of subdivision 9 of Division VII of Title I of the said Act is amended by replacing the words “, *recovery and recycling*” by the words “*and residual material upgrading*”.

**69.** Section 138 of the said Act is amended

(1) by replacing the words “fixed by the Community and approved by the Commission municipale du Québec” in the third and fourth lines of the fourth paragraph by the words “it fixes. The municipality which possesses the waste disposal site may, within 30 days, apply for a review of the compensation by the Commission municipale du Québec.”;

(2) by striking out the fifth paragraph.

**70.** Section 138.1 of the said Act is amended by replacing the words “waste recovery and recycling plant” in subparagraph *a* of paragraph 1 by the words “plant for the upgrading of residual material, in particular by recovery, reuse, recycling, composting and reclamation”.

**71.** Section 138.2 of the said Act, amended by section 561 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “waste disposal” in the third line of the first paragraph by the words “residual material upgrading plant or a waste disposal site”;

(2) by striking out the words “, recovery or recycling plant or site” in the third and fourth lines of the first paragraph;

(3) by replacing the words “waste or sludge coming” in the sixth line of the first paragraph by the words “residual material, waste or sludge”.

**72.** Section 138.4 of the said Act, amended by section 75 of chapter 71 of the statutes of 1995, is again amended

(1) by inserting the words “or residual material” after the first word “waste” in the second line of the first paragraph;

(2) by replacing the words “to the waste recovery and recycling plant” in the second and third lines of the first paragraph by the words “and the disposal site or the upgrading plant”;

(3) by replacing the words “residual material” after the word “waste” in the first line of subparagraph 3 of the second paragraph;

(4) by adding, after subparagraph 3 of the second paragraph, the following subparagraphs:

“(4) establish classes of waste or residual material;

“(5) determine, among the classes of residual material, those which may be upgraded or disposed of;

“(6) prescribe procedures for the separation and conditioning of waste or residual material for the purposes of removal, selective collection or upgrading ;

“(7) determine the management method for residue from residual material upgrading activities.”

**73.** Section 138.5 of the said Act, amended by section 563 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**138.5.** From the time the Community begins to operate a residual material upgrading plant, no municipality whose territory is comprised in that of the Community may award a contract for the removal of material that may be upgraded unless the treatment method is approved by the Community.”

**74.** Section 139 of the said Act is amended by replacing the words “, recovery or recycling sites or plants or to” in the first and second lines by the words “sites, residual material upgrading plants or”.

**75.** Section 140 of the said Act is amended by replacing the words “, recovery or recycling sites or plants” in the second and third lines of the first paragraph by the words “sites, residual material upgrading plants”.

**76.** The said Act is amended by inserting, after section 140, the following sections :

“**140.1.** In the exercise of their duties, the officers or employees of the Community charged with the application of the by-laws passed under section 138.4 may, at any reasonable time, enter sites where waste or residual material is removed, sites for disposing of waste or residue, or a residual material upgrading plant for the purpose of examining any substance, apparatus, machine, works or installation thereon or therein.

Such officers or employees may also require the production of the books, records and documents relating to the matters to which such by-laws apply and any other information they consider necessary or useful.

“**140.2.** No person may hinder an officer or employee referred to in section 140.1 in the exercise of his duties, particularly by misleading him or attempting to mislead him by concealment or by misrepresentation.

Such officer or employee shall, if required, identify himself and produce a certificate, signed by the head of the department concerned, attesting his authority.

“**140.3.** The Community may, by by-law, prescribe that the infringement of section 140.2 or of a by-law passed under the first paragraph or under any of subparagraphs 1, 3, 6 and 7 of the second paragraph of section 138.4 shall entail as a penalty a fine, and prescribe the minimum and maximum amounts of the fine, which may vary according to whether the offence is a first or subsequent offence.



The prescribed minimum and maximum amounts shall not exceed

(1) in the case of an infringement of section 140.2, \$300 and \$500 respectively for a first offence and double those amounts for a subsequent offence;

(2) in the case of an infringement of subparagraph 6 of the second paragraph of section 138.4, \$100 and \$1,000 respectively for a first offence and double those amounts for a subsequent offence;

(3) in all other cases, \$1,000 and \$2,000 respectively for a first offence and double those amounts for a subsequent offence.”

**77.** Sections 141 and 142 of the said Act are replaced by the following sections:

“**141.** This subdivision applies from the coming into force of a by-law passed under section 95 under which the Community orders that it has competence in the matters referred to in subparagraph *b* of the first paragraph of that section.

“**142.** The Community may, by by-law, determine which parks, recreational centres and other recreational facilities not established by the Community are of a regional nature. In such a case, the Community is entrusted with the maintenance and operation of such parks, centres and facilities. For the purposes of this paragraph, the recreational centres and other recreational facilities referred to are those established by a municipality whose territory is comprised in that of the Community.

The Community may also, by by-law, establish parks, recreational centres and other recreational facilities that are of a regional nature.

For the purposes of this subdivision, a natural area is considered to be a park.”

**78.** Section 143 of the said Act, amended by section 564 of chapter 2 of the statutes of 1996, is again amended by replacing the words “From the date on which the Community acquires competence in such matters, any project for the establishment by a municipality of a park, a center or other recreational installation” in the first, second and third lines by the words “Any project for the establishment by a municipality of a park, a centre or other recreational facility”.

**79.** Section 143.1 of the said Act is amended by replacing the words “Where the Community has obtained jurisdiction over parks under section 95, it” in the first and second lines of the first paragraph by the words “The Community”.

**80.** Section 144 of the said Act is amended

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

“**144.** The Community may, by by-law, establish intermunicipal bicycle paths and lanes reserved for bicycle riding and regulate the use thereof.”;

(2) by replacing the words “pavement of the streets mentioned in the by-law is reserved, in whole or in part, for bicycle traffic. In such a case, the by-law must also” in the first, second and third lines of the second paragraph by the words “roadway of the streets mentioned in the by-law be reserved, in whole or in part, for bicycle traffic. In such a case, the by-law must”;

(3) by inserting the words “bicycle path or” after the words “territory a” in the first line of the third paragraph;

(4) by inserting the words “the bicycle path or” before the word “lane” in the third line of the third paragraph;

(5) by inserting the words “of Transport” after the word “Minister” in the fifth line of the third paragraph;

(6) by inserting the words “bicycle path or” after the words “establishment of a” in the first line of the fourth paragraph;

(7) by inserting the words “path or” after the word “similar” in the second line of the fourth paragraph;

(8) by inserting, after the fourth paragraph, the following paragraph:

“The by-law respecting the use of a bicycle path may allow, in addition to bicycles, roller skates, roller blades, skateboards, ski-boards or any other similar mode of locomotion to be used thereon. The by-law may reserve the path for one or more of those modes of locomotion, exclusive of the others, or establish different rules for traffic on the path according to the mode of locomotion.”

**81.** Section 148 of the said Act is amended by replacing the word “second” in the first line of the second paragraph by the word “first”.

**82.** Section 153.1 of the said Act, amended by section 139 of chapter 27 of the statutes of 1996, is again amended by striking out the word “ensuing” in the fourth line of the first paragraph.

**83.** Section 158 of the said Act, amended by section 79 of chapter 71 of the statutes of 1995 and section 140 of chapter 27 of the statutes of 1996, is again amended by striking out the third and fourth paragraphs.

**84.** Section 165 of the said Act is repealed.

**85.** Section 166 of the said Act, amended by section 81 of chapter 71 of the statutes of 1995, is again amended by striking out the first, second and third paragraphs.

**86.** Section 180 of the said Act is amended by striking out the third paragraph.

**87.** Section 183 of the said Act is amended

(1) by inserting the words “36 hours or, in exceptional circumstances,” after the word “than” in the second line ;

(2) by adding, at the end, the following sentence : “The notice of convocation of a special meeting may also be sent by facsimile transmission, within the prescribed time, to each member of the board of directors.”

**88.** Section 184 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

**89.** Section 187.4 of the said Act is amended

(1) by replacing the words “he has had a copy thereof delivered” in the fourth line of the second paragraph by the words “a copy has been given” ;

(2) by striking out the words “delivery of the notice of” in the fifth line of the second paragraph.

**90.** Section 187.21 of the said Act is amended

(1) by replacing the words “It may, by the same by-law, entrust the director general with” in the first line of the second paragraph by the words “The Council may also, on the conditions it determines, delegate to the director general” ;

(2) by replacing the words “by-law referred to in the first” in the first and second lines of the third paragraph by the words “resolution by which the decision provided for in the second”.

**91.** Section 205 of the said Act is amended by replacing the word “Commission” in the second line of the second paragraph by the word “Community”.

## ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

**92.** Section 93 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

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

“**93.** Each year, the corporation shall adopt for the next three fiscal years the program of its capital expenditures. The program must be approved by the council of two-thirds of the municipalities whose territory is subject to its jurisdiction.”;

(2) by striking out the third, fourth and fifth paragraphs.

**93.** Section 93.1 of the said Act is amended by striking out the words “, except that the by-law shall be transmitted within thirty days of its approval by the council of two-thirds of the municipalities whose territory is subject to the jurisdiction of the corporation” in the second, third, fourth and fifth lines.

**94.** Section 100 of the said Act is repealed.

**95.** Section 101 of the said Act is amended by striking out the first, second and third paragraphs.

## CHARTER OF THE CITY OF QUÉBEC

**96.** Section 324 of the charter of the city of Québec (1929, chapter 95), amended by section 2 of chapter 85 of the statutes of 1966-67 and replaced by section 22 of chapter 42 of the statutes of 1980, is again amended by striking out the words “note, bond, treasury bond and” in the second line.

**97.** Section 325 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, replaced by section 22 of chapter 42 of the statutes of 1980 and by section 20 of chapter 61 of the statutes of 1984, and amended by section 20 of chapter 116 of the statutes of 1986, is repealed.

**98.** Section 326 of the said charter, amended by section 15 of chapter 110 of the statutes of 1930 and by section 2 of chapter 85 of the statutes of 1966-67, and replaced by section 20 of chapter 75 of the statutes of 1972 and by section 22 of chapter 42 of the statutes of 1980, is again amended by striking out the second and third paragraphs.

## CHARTER OF THE CITY OF MONTRÉAL

**99.** Article 755 of the charter of the city of Montréal (1959-60, chapter 102), replaced by section 100 of chapter 77 of the statutes of 1977 and amended by section 57 of chapter 71 of the statutes of 1982 and by section 40 of chapter 111 of the statutes of 1987, is repealed.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

**100.** Section 100 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is repealed.

**101.** Section 102 of the said Act is amended

(1) by striking out the words “of the chairman or of the treasurer of the corporation or” in the first and second lines;

(2) by striking out the words “on the documents contemplated in section 100 or” in the third and fourth lines.

**102.** Sections 105 and 106 of the said Act are repealed.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

**103.** Section 126 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is repealed.

**104.** Section 128 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**128.** The facsimile of the signature of the treasurer or of any other person referred to in section 127 may be engraved, lithographed or printed on the documents referred to in that section.”

**105.** Section 129 of the said Act is amended by striking out the words “, by resolution,” in the first line.

**106.** Section 131 of the said Act, amended by section 88 of chapter 76 of the statutes of 1988, is repealed.

**107.** Section 132 of the said Act, amended by section 89 of chapter 76 of the statutes of 1988, is again amended

(1) by replacing the first and second paragraphs by the following paragraph:

“**132.** The corporation may amend the program.”;

(2) by replacing the words “To the extent that they are consistent with the first and second paragraphs, the” in the first and second lines of the third paragraph by the word “The”.

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE  
TRANSPORT AND AMENDING VARIOUS LEGISLATIVE  
PROVISIONS

**108.** The Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65) is amended by inserting, after section 73, the following section:

**“73.1.** The municipalities whose territory is situated in the territory of the Société de transport de la Communauté urbaine de Montréal are not required to pay the sums under sections 70 and 73.

That Community shall, in accordance with the terms and conditions of payment prescribed, where that is the case, under the second paragraph of section 70, pay to the Agency a sum equal to the total of the sums which those municipalities are not required to pay.”

TRANSITIONAL AND FINAL PROVISIONS

**109.** Notwithstanding any inconsistent legislative provision, every by-law in force on 15 December 1996 and passed pursuant to a power or an obligation which, under a provision of this Act, needs no longer be exercised or fulfilled by by-law, may be amended, replaced or revoked by resolution.

**110.** The Communauté urbaine de Montréal may, to finance all or part of the sum it is required to pay for the 1996 municipal fiscal year under section 73.1 of the Act respecting the Agence métropolitaine de transport and amending various legislative provisions, enacted by section 108 of this Act, use any surplus referred to in section 217 of the Act respecting the Communauté urbaine de Montréal.

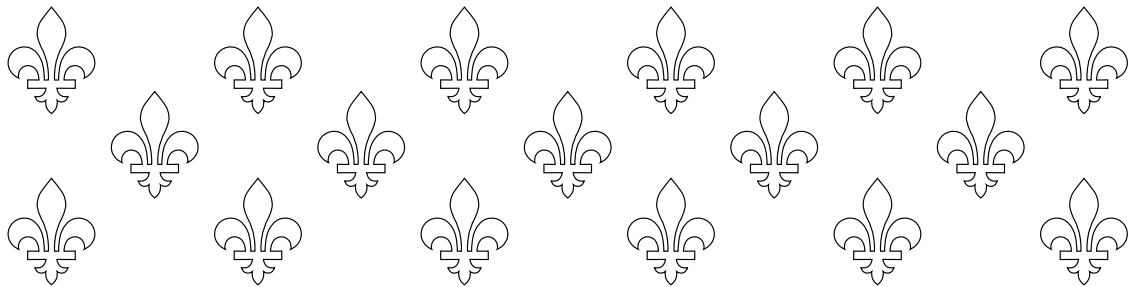
In such a case, the second paragraph of section 306 of the Act respecting the Communauté urbaine de Montréal, enacted by section 38 of this Act, shall apply only to that part, if any, of the expenditure of the Community that is not financed by means of a surplus.

**111.** By-law No. 88-271 amending By-law No. 207 concerning the development plan, passed by the Council of the Communauté urbaine de Québec on 26 April 1988, is deemed to have come into force on that date.

The first paragraph does not affect any case pending on 13 November 1996 in which the fact that By-law No. 88-271 did not come into force was invoked before that date.

**112.** Sections 38, 108 and 110 have effect from 1 January 1996.

**113.** This Act comes into force on 16 December 1996, except sections 13 and 20, paragraph 2 of section 32, sections 33 and 34, paragraph 2 of section 39 and sections 40 to 42, 84, 85, 94 to 101, 103 and 104, which come into force on the date or dates to be fixed by the Government.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 73

(1996, chapter 53)

**An Act respecting the Commission  
administrative des régimes de retraite et  
d'assurances and amending various legislative  
provisions as regards pension plans**

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**Introduced 14 November 1996**

**Passage in principle 26 November 1996**

**Passage 13 December 1996**

**Assented to 16 December 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The object of this bill is to give effect to negotiations between the Government, the major unions and the principal associations of the managerial personnel.*

*The bill amends the Act respecting the Government and Public Employees Retirement Plan to provide new methods for financing the administrative expenses of the Commission administrative des régimes de retraite et d'assurances in respect of the pension plans it administers. To that effect, the bill provides, in particular, that the administrative expenses of the Commission will, in future, be shared between the parties as regards certain pension plans.*

*Additional powers are conferred on the pension committee of the Commission to reflect the changes introduced in the financing rules of the Commission. A new pension committee is established to represent non-unionizable employees who are members of the Government and Public Employees Retirement Plan.*

*The bill amends the Act respecting the Government and Public Employees Retirement Plan to enable the Government to prescribe special provisions applicable to non-unionizable employees who are members of that plan.*

*The bill also amends the Act respecting the Pension Plan of Peace Officers in Correctional Services, in particular to harmonize certain provisions of that plan with the rules resulting from the federal reform of the fiscal incentive for retirement savings.*

*Lastly, the bill contains technical or consequential amendments to facilitate the administration of the pension plans.*

## LEGISLATION AMENDED BY THIS BILL :

- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
- Police Act (R.S.Q., chapter P-13);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);



- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act to amend pension plans and various legislation (1983, chapter 24).



## Bill 73

### AN ACT RESPECTING THE COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES AND AMENDING VARIOUS LEGISLATIVE PROVISIONS AS REGARDS PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN  
CORRECTIONAL SERVICES

**1.** Section 42 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended

(1) by replacing subparagraphs 1, 2 and 3 of the first paragraph by the following subparagraphs :

“(1) 7.85%, up to that part of the pensionable salary which does not exceed the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (chapter R-9);

“(2) 9.65% of that part of the pensionable salary which exceeds the maximum pensionable earnings.”;

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

“However, the employer shall, in respect of an employee referred to in section 5, make an annual deduction equal to 9% of the pensionable salary paid to the employee by the employer.

The first and the second paragraphs apply only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**2.** Section 44 of the said Act is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph :

“(5) is totally and permanently disabled within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement);”.

**3.** Section 45 of the said Act is amended by replacing paragraph 2 by the following paragraph :

“(2) the amount obtained by multiplying the average pensionable salary by 2% per year of service credited after 31 December 1991.”

**4.** The said Act is amended by inserting, after section 45, the following section :

“**45.1.** If the employee is under 65 years of age, the annual amount of pension is increased by an amount equal to 0.1875% of the employee’s average pensionable salary per year of service credited after 31 December 1991.”

**5.** Section 46 of the said Act is amended by inserting the words “and section 45.1” after the words “section 45” in the first line of the second paragraph.

**6.** Section 51 of the said Act, amended by section 10 of chapter 70 of the statutes of 1995, is again amended

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

“**51.** From the month following the pensioner’s sixty-fifth birthday or, as the case may be, from the month following the date on which the employee retires, if that date is after his sixty-fifth birthday, the pension is reduced as follows :

(1) for that part of the pension pertaining to the years of service credited before 1 January 1992, by the amount obtained by multiplying

(a) 0.78125% ;

(b) the number of years of service credited between 31 December 1965 and 1 January 1992 but, in the case of the death of the person referred to in section 57, up to the number of years of service used in computing the spouse’s and the child’s pensions ; and

(c) that part of the average pensionable salary which does not exceed the average maximum pensionable earnings, within the meaning of the Act respecting the Québec Pension Plan (chapter R-9), in respect of all such last years of service as are needed to attain a sum of five corresponding contributory periods or, if the sum is less than five, in respect of all the years ;

(2) for that part of the pension pertaining to the years of service credited after 31 December 1991, by the amount obtained by adding the following amounts :

(a) the amount obtained by multiplying

i. 0.5% ;

ii. the number of years of service credited after 31 December 1991 but, in the case of the death of the person referred to in section 57, up to the number of years of service used in computing the spouse's and the child's pensions; and

iii. that part of the average pensionable salary which does not exceed the average maximum pensionable earnings, within the meaning of the Act respecting the Québec Pension Plan (chapter R-9), in respect of all such last years of service as are needed to attain a sum of five corresponding contributory periods or, if the sum is less than five, in respect of all the years; and

(b) the amount added to the pension under section 45.1, taking into account the index adjustment that applied thereto.”;

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

“Where the pension is reduced under section 56.1, the amount obtained under subparagraph 1 and the amount obtained under subparagraph *a* of subparagraph 2 of the first paragraph are reduced by 2%.”

**7.** The said Act is amended by inserting, after section 52, the following subdivision:

“§ 2.1 — *Maximum benefits*

“**52.1.** Pension amounts computed under subdivision 2 of this division shall not exceed the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**8.** The said Act is amended by inserting, after section 56, the following section:

“**56.1.** The employee may, in applying for a pension, elect to receive a pension with a 2% reduction for the duration of the payment in order to enable his spouse to receive, instead of the pension provided for in section 56, a pension equal to 60% of the reduced pension to which the employee will be entitled. The employee who is entitled to a deferred pension may also make that election within the 90 days preceding the date of his sixty-fifth birthday. However, the 2% reduction does not apply to the amount added, where applicable, to the annual amount of pension pursuant to section 45.1.

The election becomes irrevocable as soon as payment of the employee's pension begins, even where no spouse is entitled to a pension.”

**9.** Section 63 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) from the time the employee is totally and permanently disabled within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement);”.

**10.** The said Act is amended by inserting, after section 66, the following division :

**“DIVISION III.1**

**“ADDITIONAL BENEFIT**

**“66.1.** The persons who belong to a category or subcategory determined by regulation are entitled to an additional benefit which shall be granted according to the rules, terms and conditions prescribed in the regulation, which may vary according to the category or subcategory to which the person belongs. The additional benefit shall be established in the manner prescribed in the regulation.

**“66.2.** The actuarial value of the additional benefits granted under section 66.1 shall be financed by the sum of the following amounts :

(1) the amount resulting from the increase of the employer contribution under section 145 ;

(2) the amount equal to the difference between the amounts provided for in the following subparagraphs :

(a) the amount of contributions paid by the employees and the employer contributions during the period extending from 1 January 1988 to 31 December 1991 ;

(b) the amount of contributions which would, during the same period, have been paid by the employees and by the employer had the rate of contribution been fixed in light of the actuarial valuation of the plan as it stands on 31 December 1987.

The amount obtained pursuant to the first paragraph bears interest, compounded annually, and computed according to the rate of return obtained at the Caisse de dépôt et placement du Québec by the fund of the employees who may be unionized and who are members of the Government and Public Employees Retirement Plan. For the purpose of computing the interest, the amounts referred to in subparagraphs 1 and 2 of the first paragraph shall be established annually and are deemed to be received at the midpoint of each year.

**“66.3.** A regulation under this division may have effect 12 months or less before its adoption.”

**11.** Section 75 of the said Act is amended by inserting the words “and additional benefit” after the word “pension” in the first line of subparagraph 1 of the first paragraph.

**12.** Section 82 of the said Act is amended by inserting the words “and the additional benefit” after the word “pension” in subparagraph 1 of the first paragraph.

**13.** Section 130 of the said Act is amended

(1) by striking out paragraph 4;

(2) by inserting, after paragraph 7, the following paragraph :

“(7.1) determine, for the purposes of section 66.1, the categories or subcategories to which persons must belong in order to be entitled to an additional benefit, and the rules, terms and conditions governing the establishment and payment of the benefit, which may vary according to the category or subcategory;”;

(3) by adding, at the end, the following paragraph :

“(12) set up review committees for the purposes of section 141.”

**14.** Section 134 of the said Act is amended by replacing the words “granted each year by Parliament” in the third line of the second paragraph by the words “paid in accordance with section 158.5 or, where applicable, with section 158.6 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**15.** Section 60 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by adding, at the end of subparagraph 1 of the first paragraph, the words “and the additional benefit under the Pension Plan of Peace Officers in Correctional Services”.

**16.** Section 67 of the said Act is amended by inserting the words “and the additional benefit” after the word “pension” in the first line of subparagraph 2 of the first paragraph.

**17.** Section 134 of the said Act, amended by section 13 of chapter 46 of the statutes of 1995 and by section 36 of chapter 70 of the statutes of 1995, is again amended

(1) by inserting the words “referred to in section 164” after the words “Comité de retraite” in the second line;

(2) by replacing the figure “147.1” in the first line of paragraph 22.1 by the figure “158.7”;

(3) by adding, at the end, the following paragraph :

“For the purposes of the consultation provided for in the first paragraph, draft regulations must be submitted to the Comité de retraite at least 30 days before they are adopted, together with a report describing their effects.”

**18.** Section 137 of the said Act, amended by section 14 of chapter 46 of the statutes of 1995, is again amended

(1) by inserting the words “referred to in section 164” after the words “Comité de retraite” in the first line of the second paragraph;

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

“The Commission may carry out, in the case of the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan, the pension or retirement plans referred to in sections 9, 10 and 10.0.1 of this Act and the Pension Plan of Certain Teachers, only the studies that concern the administration of those plans. However, it may carry out any study requested jointly by the parties negotiating the conditions of employment of the employees to whom those plans apply or by the associations representing the non-unionizable employees referred to in Title IV.0.1 and the Government.”

**19.** The said Act is amended by inserting, after section 137, the following sections:

“**137.0.1.** The Commission may appear before the courts as plaintiff or as defendant.

Articles 94, 94.2 and 94.5 to 94.10 of the Code of Civil Procedure apply to the Commission.

“**137.0.2.** The Commission may, by regulation, adopt rules for the conduct of its affairs. The regulation must be submitted to the Government for approval.”

**20.** Section 138 of the said Act is replaced by the following section:

“**138.** The Commission is under the direction of a chairman appointed by the Government for a period of not over five years after consultation with the unions and associations mentioned in section 164 and with the associations represented on the Comité de retraite referred to in section 173.1. The Government shall also appoint a vice-chairman for a period of not over five years to assist the chairman in the performance of his duties.

In addition to assuming the direction of the Commission and the supervision of its personnel, the chairman shall see to it that the decisions of the pension committees referred to in sections 164 and 173.1 are carried out.”

**21.** Section 139 of the said Act is amended by replacing the word “vice-chairmen” in the first line by the word “vice-chairman”.



**22.** Section 140 of the said Act, amended by section 15 of chapter 46 of the statutes of 1995, is replaced by the following section :

“**140.** If the chairman is absent or unable to act, the vice-chairman shall replace him.”

**23.** Section 141 of the said Act is amended by replacing the word “vice-chairmen” in the first line by the word “vice-chairman”.

**24.** Section 142 of the said Act is amended by replacing the word “vice-chairmen” in the third line by the word “vice-chairman”.

**25.** Section 144 of the said Act is amended by replacing the words “a vice-chairman” in the second line of the first paragraph by the words “the vice-chairman”.

**26.** Section 145 of the said Act is amended by replacing the words “one of the vice-chairman” in the second and third lines by the words “the vice-chairman”.

**27.** Section 147.1 of the said Act, amended by section 37 of chapter 70 of the statutes of 1995, is repealed.

**28.** The said Act is amended by inserting, after section 158, the following division :

## “DIVISION II.1

### “FINANCIAL PROVISIONS

“**158.1.** The Government shall determine the total amount of the annual budget of the Commission. It shall also determine, in accordance with an applicable agreement, if any, the portion of that amount that may be attributed to the Government and Public Employees Retirement Plan in respect of employees who may be unionized, the portion that may be attributed to such plan in respect of non-unionizable employees referred to in Title IV.0.1 and the portion that may be attributed to the other pension plans administered by the Commission.

“**158.2.** The Government may make regulations prescribing rules and procedures for the establishment of the annual budget of the Commission.

“**158.3.** The administrative expenses of the Government and Public Employees Retirement Plan in respect of employees who may be unionized shall be paid, from 1 April 1996, in equal portions out of the employees’ contribution fund of the Caisse de dépôt et placement du Québec and out of the portion of the amount referred to in section 158.8 pertaining to the administrative expenses of that plan for those employees and the consolidated

revenue fund. The sums taken out of the consolidated revenue fund shall be added to the Government employer's contribution entered in the non-budgetary pension plans account appearing in its financial statements in respect of that plan and shall be deducted from that account.

**“158.4.** The administrative expenses of the Government and Public Employees Retirement Plan in respect of non-unionizable employees referred to in Title IV.0.1 shall be paid, from 1 April 1996, in equal portions out of the employees' contribution fund of the Caisse de dépôt et placement du Québec and out of the portion of the amount referred to in section 158.8 pertaining to the administrative expenses of that plan for those employees and the consolidated revenue fund. The sums taken out of the consolidated revenue fund shall be added to the Government employer's contribution entered in the non-budgetary pension plans account appearing in its financial statements in respect of that plan and shall be deducted from that account.

**“158.5.** The administrative expenses of the pension plans administered by the Commission, except those referred to in sections 158.3 and 158.4, shall be paid out of that part of the amount determined under section 158.8 which pertains to the administrative expenses of such plans and out of the consolidated revenue fund. The sums taken out of the consolidated revenue fund shall be added, in the manner determined by the Government, to the Government employer's contribution entered in the non-budgetary pension plans account appearing in its financial statements in respect of those plans and shall be deducted from that account.

Notwithstanding the first paragraph, the administrative expenses of the Pension Plan of Elected Municipal Officers shall continue to be paid in accordance with section 81 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

**“158.6.** Notwithstanding section 158.5, the administrative expenses of the pension plans determined by regulation shall be borne by those plans to the extent and in the manner determined by that regulation.

**“158.7.** The Government may, by regulation, provide for the recovery by the Commission of certain administrative expenses and certain other expenses incurred by the Commission in connection with applications concerning pension plans administered by the Commission or pension plans payment of the benefits of which is a responsibility of the Commission, submitted in connection with family mediation proceedings or proceedings for the partition or transfer between spouses of benefits accrued under a pension plan. The Government may also provide that such expenses, if not paid on the date specified in the regulation, bear interest computed in the manner prescribed in the regulation and at the rates fixed in Schedule VI.

**“158.8.** The employers and government bodies which, as employers, must pay contributions under the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Pension Plan of Peace Officers in Correctional

Services, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan must also pay, at the same time as they remit their employees' contributions, an amount for the payment of the administrative expenses of the plans. That amount shall correspond to a percentage of the contributions that the Government determines by regulation, and may vary from year to year.

**“158.9.** The Government may, on the terms and conditions it determines,

- (1) authorize the Commission to contract loans by notes, bonds or otherwise ;
- (2) secure the payment in capital and interest of any loan contracted by the Commission and any of its obligations ;
- (3) authorize the Minister of Finance to advance to the Commission any amount considered necessary to meet its obligations or to exercise its functions and powers.

The sums required for the purposes of subparagraphs 2 and 3 shall be taken out of the consolidated revenue fund.

**“158.10.** The Commission may not make payments or assume obligations, except those provided for in section 158.9, for an amount that exceeds, in the same fiscal year, the sums at its disposal for the year in which the payments are made or the obligations are assumed.

This section shall not operate to prevent the Commission from making commitments for more than one fiscal year.

**“158.11.** The Commission may invest the sums at its disposal for its administration under this division

- (1) in demand deposits or term deposits of less than one year with the Caisse de dépôt et placement du Québec, a bank or a savings and credit union ;
- (2) in securities for a term of less than one year issued or guaranteed by the Government of Québec or of Canada.

**“158.12.** The sums paid under this division shall be paid to the Commission and allocated, together with its other revenues, to the administrative fund it establishes for that purpose.

**“158.13.** Government regulations under sections 158.2, 158.7 and 158.8 shall be made after the Commission has consulted with the pension committees referred to in sections 164 and 173.1. For the purposes of the consultation, the draft regulations must be submitted to the committees at least 30 days before they are adopted.

Those regulations and the regulation made under section 158.6 may have effect 12 months or less before they are adopted.”

**29.** The heading of Chapter II of Title III of the said Act is replaced by the following heading :

“PENSION COMMITTEES”.

**30.** Section 163 of the said Act is replaced by the following section :

“**163.** Two pension committees are hereby established within the Commission.”

**31.** The said Act is amended by inserting, after section 163, the following :

#### “DIVISION I

“PENSION COMMITTEE OF THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN FOR EMPLOYEES WHO MAY BE UNIONIZED, OF THE TEACHERS PENSION PLAN, OF THE CIVIL SERVICE SUPERANNUATION PLAN, OF THE PLANS ESTABLISHED UNDER SECTIONS 9, 10 AND 10.0.1 OF THIS ACT AND OF THE PENSION PLAN OF CERTAIN TEACHERS”.

**32.** Section 164 of the said Act is amended by striking out the words “a member is chosen from among the non-unionized or supervisory personnel and” in the third and fourth lines.

**33.** Section 165 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraphs :

“(2) approving the budget of the Commission pertaining to the administration of the Government and Public Employees Retirement Plan in respect of employees who may be unionized ;

“(2.1) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of funds derived from contributions paid by those of such employees to whom that plan applies ;”;

(2) by inserting, after paragraph 4, the following paragraphs :

“(4.1) approving the plan of action of the Commission for the Government and Public Employees Retirement Plan in respect of employees who may be unionized ;

“(4.2) determining the services that the Commission may provide under that plan in respect of such employees to the extent that the administrative expenses of the plan in their respect are not affected ;

“(4.3) requiring from the Commission studies concerning the administration of that plan in respect of such employees and the administration of the other pension plans referred to in paragraph 1;”.

**34.** Section 167 of the said Act is amended by replacing the word “vice-chairmen” in the second line of the second paragraph by the word “vice-chairman”.

**35.** Section 170 of the said Act is replaced by the following section :

“**170.** The secretary of the Commission is by virtue of his office the secretary of the committee. He is also the secretary of the audit committee established under sections 173.0.2 and 173.5.”

**36.** Section 173 of the said Act is amended

(1) by replacing the figure “2” in the second line of the first paragraph by the figure “2.1”;

(2) by replacing the word “personnel” in the fourth line of the third paragraph by the words “employees other than the employees referred to in Title IV.0.1”;

(3) by replacing the words “member of the committee chosen from among the non-unionizable or supervisory personnel” in the ninth and tenth lines of the third paragraph by the words “members of the Comité de retraite referred to in section 173.1 chosen from among the representatives of the non-unionizable employees”.

**37.** The said Act is amended by inserting, after section 173, the following sections :

“**173.0.1.** The employees of the Commission and its vice-chairman, except where he replaces the chairman, may not be members of the Comité de retraite.

“**173.0.2.** An audit committee is established within the Comité de retraite. The audit committee shall be composed of four members appointed by the Comité de retraite, two from among the persons appointed pursuant to paragraphs 1, 2 and 3 of section 164, and the other two from among representatives of the Government.

The audit committee is responsible for

(1) receiving, for review, the draft financial statements of the Government and Public Employees Retirement Plan in respect of employees who may be unionized and making a report thereon to the Commission ;

(2) making a review of the administration of the Commission concerning the plan in respect of those employees and submitting recommendations to the Commission ;

(3) receiving, for review, the reports of the internal auditors of the Commission and of the Auditor General.”

**38.** Chapter II.1 of Title III of the said Act, including sections 173.1 to 173.4, is replaced by the following division :

## “DIVISION II

### “PENSION COMMITTEE OF THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN IN RESPECT OF NON-UNIONIZABLE EMPLOYEES

“**173.1.** The committee shall be composed of the chairman of the Commission and at least four other members appointed by the Government for a period not exceeding two years. One-half of the members, except the chairman, shall represent the non-unionizable employees referred to in Title IV.0.1.

The Government may determine, by regulation, after consulting the associations representing non-unionizable employees referred to in Title IV.0.1, the composition of the committee and the manner in which the committee members are appointed.

“**173.2.** The committee is responsible for

(1) reviewing the decisions made by the Commission in respect of non-unionizable employees referred to in Title IV.0.1 ;

(2) approving the budget of the Commission pertaining to the administration of the Government and Public Employees Retirement Plan in respect of those employees ;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of the funds derived from contributions paid by those employees ;

(4) receiving, for review and report to the Commission, the draft financial statements of the plan in respect of those employees ;

(5) receiving reports on the actuarial valuation of the plan in respect of those employees ;

(6) approving the plan of action of the Commission for the plan in respect of those employees ;

(7) determining the services that the Commission may provide for the plan in respect of those employees to the extent that the administrative expenses of the plan in their respect are not affected;

(8) requiring from the Commission studies concerning the administration of the plan in respect of those employees;

(9) advising the Minister and the Commission, and submitting recommendations concerning the implementation of the plan in respect of those employees.

**“173.3.** The committee may delegate all or part of its powers under paragraphs 1 and 3 of section 173.2 to subcommittees.

The subcommittees shall be composed of two representatives of the Government and of two other representatives appointed after consultation with the committee members representing the non-unionizable employees referred to in Title IV.0.1.

**“173.4.** Sections 166 to 172 and 173.0.1, adapted as required, apply to the committee.

**“173.5.** An audit committee is established within the Comité de retraite. The audit committee shall be composed of four members, other than the president appointed from and by the Comité de retraite. Two of the members shall represent the Government and the other two shall represent the non-unionizable employees referred to in Title IV.0.1.

The audit committee is responsible for

(1) receiving, for review, the draft financial statements of the Government and Public Employees Retirement Plan in respect of the non-unionizable employees referred to in Title IV.0.1, and making a report thereon to the Commission;

(2) making a review of the administration of the Commission concerning the plan in respect of those employees and submitting recommendations to the Commission;

(3) receiving, for review, the reports of the internal auditors of the Commission and of the Auditor General.”

**39.** Section 174 of the said Act is replaced by the following section:

**“174.** Once every three years, the Comité de retraite referred to in section 164 shall require the Commission to cause an actuarial valuation of the Government and Public Employees Retirement Plan to be prepared in respect of employees who may be unionized, of the Teachers Pension Plan and of the Civil Service Superannuation Plan by the actuaries designated by the Commission. If no such request is made, the Commission shall cause the

actuarial valuation to be prepared if more than three years have elapsed since the last valuation.

The Comité de retraite shall appoint an independent actuary charged with reporting to the committee, within 30 days of his appointment, on the validity of the assumptions used for the actuarial valuation.

The Comité de retraite shall send the report to the Minister within 90 days of its receipt.

The first, second and third paragraphs, adapted as required, apply to the Government and Public Employees Retirement Plan in respect of non-unionizable employees referred to in Title IV.0.1.”

**40.** Section 177 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**177.** The Government may, by regulation, revise the rate of contribution to the Government and Public Employees Retirement Plan. The rate applicable to employees who may be unionized and the rate applicable to non-unionizable employees referred to in Title IV.0.1 shall be based on the result of the actuarial valuation of the plan made in respect of those employees, respectively, and shall be adjusted from 1 January after receipt by the Minister of the report of the independent actuary.”

**41.** Section 179 of the said Act is amended by replacing the words “Comité de retraite” in the first line of the first paragraph by the words “competent pension committee”.

**42.** Section 183 of the said Act, amended by section 20 of chapter 20 of the statutes of 1994, is again amended by replacing the words “Comité de retraite” in the first line of the first paragraph by the words “pension committees referred to in sections 164 and 173.1”.

**43.** Section 214 of the said Act is amended

(1) by replacing the words “Comité de retraite” in the second line by the words “pension committees referred to in sections 164 and 173.1”;

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

“For the purposes of the consultation, the draft regulations must be submitted to the committees at least 30 days before they are adopted, together with a report describing their effects.”

**44.** The said Act is amended by inserting, after section 215, the following Title :



**“TITLE IV.0.1****“SPECIAL PROVISIONS OF THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN APPLICABLE TO NON-UNIONIZABLE EMPLOYEES**

**“215.0.0.1.** This Title applies to non-unionizable employees who are members of the Government and Public Employees Retirement Plan on 31 December 1996. It also applies to persons who become non-unionizable employees after that date and to persons who belong to a category or subcategory of employees determined by regulation.

To benefit from the provisions of this Title or from provisions prescribed under that Title, the employees referred to in the first paragraph must comply with the rules, conditions and procedures prescribed by regulation.

**“215.0.0.2.** The Government may determine, by regulation, in respect of the employees to whom this Title applies, special provisions which may vary from those provided in the Government and Public Employees Retirement Plan, except the provisions under Chapter VII.1 of Title I.

**“215.0.0.3.** For the purposes of the second paragraph of section 137, the Commission may not exercise the powers conferred on it under sections 26, 28, 59.5, 59.6, 85.3, 114.1, 115.2, 115.8 and 221 in determining periods and dates, or under sections 79 and 149, in respect of the employees to whom this Title applies, except with the prior approval of the Comité de retraite referred to in section 173.1.

**“215.0.0.4.** Government regulations under this Title shall be made after the Commission has consulted with the Comité de retraite referred to in section 173.1. The regulations may have effect 12 months or less before they are adopted.

For the purposes of the consultation referred to in the first paragraph, the draft regulations shall be submitted to the committee not later than 30 days before they are adopted, together with a report describing their effects.

**“215.0.0.5.** The Commission is entrusted with the administration of this Title.”

**45.** Section 215.17 of the said Act, enacted by section 41 of chapter 70 of the statutes of 1995, is replaced by the following section :

**“215.17.** Government regulations under this Title shall be made after the Commission has consulted with the pension committees referred to in sections 164 and 173.1. For the purposes of the consultation, the draft regulations must be submitted to the committees at least 30 days before they are adopted, together with a report describing their effects.

The regulations may have effect 12 months or less before they are adopted.”

**46.** Section 222 of the said Act is amended by replacing the words “and IV” in the first line by the words “, IV to IV.2”.

#### CONSEQUENTIAL PROVISIONS

#### ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

**47.** Section 74 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by adding, at the end, the following sentence: “However, the sums required for the administration of the plans provided for in Chapters II and III shall, if the Office delegates the administration of those plans to the Commission administrative des régimes de retraite et d’assurances, be paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).”

#### POLICE ACT

**48.** Section 60 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the words “granted annually by Parliament” in the sixth line by the words “paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

#### ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

**49.** Section 56 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing the words “granted annually by Parliament” in the third line by the words “paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

#### ACT RESPECTING THE TEACHERS PENSION PLAN

**50.** Section 78 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “granted annually by Parliament” in the third line of the second paragraph by the words “paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**51.** Section 114 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words “granted annually by Parliament” in the first and second lines of the third paragraph by the words “paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

## COURTS OF JUSTICE ACT

**52.** Section 246.28 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the words “granted annually by Parliament” in the fifth line by the words “paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

## ACT TO AMEND PENSION PLANS AND VARIOUS LEGISLATION

**53.** Section 97 of the Act to amend pension plans and various legislation (1983, chapter 24) is repealed.

## MISCELLANEOUS AND TRANSITIONAL PROVISIONS

**54.** The first regulation made after 31 December 1996 under subparagraph 2 of the first paragraph of section 1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services may, where it so provides, have effect from any date not prior to 1 January 1992.

**55.** The first regulation made after 31 December 1996 under paragraphs 8.1 to 8.5 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services may, where it so provides, have effect from any date not prior to 1 January 1997.

**56.** Sections 3 to 8 apply only to employees who cease to be members of the Pension Plan of Peace Officers in Correctional Services after 31 December 1996.

**57.** The first order in council made under section 158.1 and the first regulation made under section 158.2 of the Act respecting the Government and Public Employees Retirement Plan may, where they so provide, apply from any date not prior to 1 April 1996.

**58.** The Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan is deemed to have given its prior approval in respect of the powers exercised before 1 January 1997 by the Commission administrative des régimes de retraite et d'assurances under sections 26, 28, 59.5, 59.6, 79, 85.3, 114.1, 115.2, 115.8, 149 and 221 of the said Act.

**59.** The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan shall continue to hear the applications for reexamination submitted by non-unionizable employees referred to in Title IV.0.1 of the said Act, by beneficiaries who belonged to such a group of employees at the time they ceased to be members of their plan or by beneficiaries who are their assigns, spouses or children until the date of appointment of the members of the Comité de retraite referred to in section 173.1 of that Act. From that date, any application for reexamination submitted

by such an employee or such a beneficiary and for which no decision has been made shall be referred to the latter committee.

**60.** Notwithstanding the first paragraph of section 177 of the Act respecting the Government and Public Employees Retirement Plan, the rate of contribution of that plan as regards non-unionizable employees referred to in Title IV.0.1 of the said Act shall be based, from 1 January 1997, not only on the result of the actuarial valuation of the plan made in their respect on the basis of the data as it stands on 31 December 1993 but also on the provisions of the said Act, except those of Chapter III of Title III, that are applicable to them and are in force on 31 December 1996, until a new valuation of the plan in their respect is made.

**61.** The general standards concerning the distribution of the investments of the funds of the non-unionizable employees to whom the Government and Public Employees Retirement Plan applies, established by the Comité de placement des fonds pour les employés de niveau non syndicable referred to in Chapter II.1 of Title III of the Act respecting the Government and Public Employees Retirement Plan, as it read on 31 December 1996, remain in force.

**62.** The amount of the Government's total obligations under the Government and Public Employees Retirement Plan as regards non-unionizable employees shall continue to be entered in its financial statements until 31 March 1997 as being the amount by which the amount of the total obligations of the plan in respect of such employees exceeds the contribution fund of those employees at the Caisse de dépôt et placement du Québec. For the purposes of financial statements subsequent to 31 March 1997, the total amount of the Government's obligations under that plan as regards those employees shall be determined taking into account section 130 of the Act respecting the Government and Public Employees Retirement Plan. The Government shall, in entering its obligations in its financial statements, take into account the actuarial valuation of the plan as regards those employees made on the basis of the data as it stands on 31 December 1996 and, where available, subsequent valuations.

The Government's current service contribution in respect of the plan as regards those employees shall continue, until 31 December 1996, to be entered annually in the Government's financial statements as being the amount by which the required total contributions exceeds the contributions paid by those employees. From 1 January 1997, the contribution to be entered shall take into account section 130 of the said Act.

**63.** Such members of the personnel of the Commission administrative des régimes de retraite et d'assurances exercising functions transferred before 1 April 1997 by the Government to the Conseil du trésor as may be determined by the Government become, from the date determined by the Government, members of the personnel of the Conseil du trésor or of another department or body designated by the Government.

**64.** This Act comes into force on 1 January 1997, except sections 2 and 9 and paragraph 1 of section 13, which come into force on the date to be fixed by the Government.



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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 1603-96**, 19 December 1996

**An Act respecting the Société de télédiffusion  
du Québec and amending the Act respecting  
educational programming and other legislative  
provisions (1996, c. 20)**  
— **Coming into force**

COMING INTO FORCE of the Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions

WHEREAS the Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions (1996, c. 20) was assented to on 20 June 1996;

WHEREAS section 42 of that Act enacts that the Act will come into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 18 December 1996 as the date of coming into force of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Culture and Communications;

THAT 18 December 1996 be fixed as the date of coming into force of the Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions (1996, c. 20).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 1587-96, 18 December 1996**

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

#### **Application of the special provisions — Amendments**

Regulation to amend the Regulation respecting the application to certain unionizable employees of the special provisions applicable to non-unionizable employees

WHEREAS Title IV.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) contains special provisions applicable to non-unionizable employees;

WHEREAS under the second paragraph of section 215.0.1 of that Act, enacted by section 5 of Chapter 13 of the Statutes of 1995 and amended by section 19 of Chapter 46 of the Statutes of 1995, Title IV.1 of the Act also applies to an employee who meets the conditions mentioned in subparagraphs 1 to 3 of the first paragraph of section 215.0.1 and who has become a unionizable employee in circumstances and during the periods determined by regulation;

WHEREAS by Order in Council 1253-95 dated 20 September 1995, the Regulation respecting the application to certain unionizable employees of the special provisions applicable to non-unionizable employees was made;

WHEREAS under the second paragraph of section 215.0.1 of the Act, the regulation may also include special provisions concerning the determination and funding of the actuarial value of the benefits granted pursuant to Title IV.1 of the Act to such an employee and special provisions concerning the transfer of sums of money to allow for that value, which provisions may differ from the provisions otherwise applicable under Chapter II of that Title of the Act;

WHEREAS it is expedient to provide such special provisions by regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the application to certain unionizable employees of the special provisions applicable to non-unionizable employees, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the application to certain unionizable employees of the special provisions applicable to non-unionizable employees**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 215.0.1;  
1995, c. 13, s. 5, and 1995, c. 46, s. 19)

**1.** The Regulation respecting the application to certain unionizable employees of the special provisions applicable to non-unionizable employees, made by Order in Council 1253-95 dated 20 September 1995, is amended by inserting the following after section 1:

“**1.1** For the purposes of paying the benefits resulting from the reductions that will not be made under the special provisions mentioned in Title IV.1 of that Act and granted to the employees referred to in section 1, the Commission administrative des régimes de retraite et d'assurances shall make the following transfers each year, with interest at the rates provided for in Schedule VI to the Act in respect of the period indicated in the Schedule:

(1) a sum equal to 5/12 of the actuarial value of the benefits resulting from the reductions that will not be made in respect of the years of service prior to 1 July 1982 and to half the value of the benefits resulting from the reductions that will not be made in respect of the years of service after 30 June 1982, excluding the years of service referred to in subparagraph 2, from the non-unionizable employees' contribution fund at the Caisse de dépôt et placement du Québec to the unionizable employees' contribution fund at the Caisse;

(2) a sum equal to the actuarial value of the benefits resulting from the reductions that will not be made in respect of the years of service transferred from the Teachers Pension Plan or from the Civil Service Superannuation Plan to the Government and Public Employees Retirement Plan, taken in equal shares from the non-unionizable employees' contribution fund at the Caisse and from the employers' contributory fund at the Caisse, to the consolidated revenue fund;

(3) a sum equal to the actuarial value of the reductions that will not be made pursuant to section 215.5.0.4 or 215.5.0.5 of the Act, in the pension credits obtained under sections 86, 100 and 104 of the Act or under sections 101, 113 and 158 of the Act, taking into account the terms and conditions of payment of those benefits, to the respective funds of those pension credits. That sum shall be taken in equal shares from the non-unionizable employees' contribution fund at the Caisse and from the employers' contributory fund at the Caisse.

**1.2** For the purposes of section 1.1, the Commission shall cause to be prepared each year by the actuaries it designates a determination of the actuarial value of the benefits referred to in that section and of the sums intended to fund them.”.

**2.** This Regulation comes into force on the date of its making.

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Gouvernement du Québec

### **O.C. 1588-96, 18 December 1996**

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

#### **Temporary measures applicable to certain non-unionizable employees**

Temporary measures applicable to certain non-unionizable employees under the Government and Public Employees Retirement Plan

WHEREAS Chapters I.01 to I.04 of Title IV.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 6 of Chapter 13 of the Statutes of 1995, provide for specific measures applicable to non-unionizable employees who meet certain conditions;

WHEREAS Chapter I.1 of that Title provides for another specific measure applicable to such employees;

WHEREAS under the first paragraph of section 215.0.3 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 5 of Chapter 13 of the Statutes of 1995, the Government may determine the date on which each of the measures provided for in Chapters I.0.1 to I.0.4 of that Title begins to apply. Except with respect to a person who availed himself thereof, the Government may determine the date on which each of those measures and the measure provided for in Chapter I.1 of that Title expire. The Government may also determine any later date until which each of the measures provided for in those chapters may continue to apply;

WHEREAS by Order in Council 303-96 dated 13 March 1996, the Government set 1 January 1997 as the date of expiry of the measures provided for in Chapters I.0.1 to I.1 of that Title;

WHEREAS those measures are paid for by the surplus contributions that accumulated from 1987 to 1992, that the balance of such contributions was valued at 24 million dollars at 16 September 1996 and that such balance is sufficient to allow for the extension of the measures until 1 July 1998;

WHEREAS to give effect to the agreement reached by the Government and the associations of administrators of the public and parapublic sectors, it is expedient to set 1 July 1998 as the date until which each of the measures provided for in Chapters I.0.1 to I.1 of that Title may continue to apply;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the measures provided for in Chapters I.0.1 to I.1 of Title IV.1 of the Act respecting the Government and Public Employees Retirement Plan may continue to apply until 1 July 1998.

MICHEL CARPENTIER,  
*Clerk of the Conseil xécutif*

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Gouvernement du Québec

**O.C. 1589-96, 18 December 1996**

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

**Amendments to Schedules I and II.1 to the Act**

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under the first paragraph of section 16.1 of that Act, amended by section 5 of Chapter 46 of the Statutes of 1995, the pensionable salary of an employee who is released with pay for union activities is the salary paid to him by his employer and the salary, if any, paid to him by a body designated in Schedule II.1;

WHEREAS under the second paragraph of that section 16.1, the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Amendments to Schedules I and II.1 to 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. 220)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1321-94, 1322-94, 1323-94 and 1324-94 dated 7 September 1994, 1800-94 dated 21 December 1994, 538-95 dated 26 April 1995, 928-95 dated 5 July 1995, 1194-95 dated 6 September 1996, 1506-95 dated 22 November 1995, 81-96 dated 24 January 1996, 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, and also by sections 79 of Chapter 2 of the Statutes of 1994, 49 of Chapter 21 of the Statutes of 1994, 42 of Chapter 27 of the Statutes of 1994, 20 of Chapter 27 of the Statutes of 1995 and 20 of Chapter 46 of the Statutes of 1995, is further amended by inserting in paragraph 1, in alphabetical order, the name "the Syndicat de l'enseignement de Champlain".

**2.** Schedule II.1 to the Act, amended by Orders in Council 1323-94 dated 7 September 1994, 1639-94 dated 24 November 1994, 842-95 dated 21 June 1995, 1322-95 dated 4 October 1995, 82-96 and 83-96 dated 24 January 1996, 184-96 dated 14 February 1996, 556-96 dated 15 May 1996, 615-96 dated 29 May 1996, 821-96 dated 2 July 1996, 1051-96 dated 28 August 1996, and also by section 21 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the words: "The Fédération québécoise des directeurs et directrices d'établissement d'enseignement (FQDE)".

**3.** These Amendments have effect from 1 January 1996.

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Gouvernement du Québec

## O.C. 1592-96, 18 December 1996

An Act respecting land use planning and development (R.S.Q., c. A-19.1)

### Ville de La Baie — Declaration of special planning zones in the territory

Declaration of special planning zones in the territory of Ville de La Baie

WHEREAS on 19 and 20 July 1996, torrential rains caused total or substantial losses to several immovables located in certain parts of the territory of Ville de La Baie;

WHEREAS it is urgent to intervene rapidly in order to provide the disaster victims with land on which new homes may be built;

WHEREAS the zoning by-laws presently applicable in those parts of the territory of the town do not provide for housing development;

WHEREAS in accordance with section 158 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the Government may, by order, declare any part of the territory of Québec to be a “special planning zone” in order to solve a development or environmental problem the urgency or seriousness of which, in the opinion of the Government, justifies its intervention;

WHEREAS section 160 of that Act provides that the order shall include the land use planning and development controls applicable in that zone;

WHEREAS due to the urgency and seriousness of the development problems with which the town and its citizens are confronted, it is important to amend the land use planning and development controls applicable to those parts of the territory;

WHEREAS by Resolution 96-479, adopted on 13 September 1996, the town requested that the Minister of Municipal Affairs adopt an Order in Council declaring certain parts of its territory special planning zones;

WHEREAS under section 161 of the Act respecting land use planning and development, the Draft Order in Council was published in the *Gazette officielle du Québec* of 6 November 1996;

WHEREAS on 3 December 1996, under section 163 of that Act, the representative designated by the Minister

held a consultation on the content of the Draft Order in Council;

WHEREAS subsequently to that consultation, the description of Zone 2 provided for in the Draft Order in Council has to be altered to take into account the fact that the Commission de protection du territoire agricole, by Decision 94040-242058 dated 1 November 1996, authorized the non-agricultural use of only one of the nine residential sites proposed for that zone;

WHEREAS it is expedient to make the Order in Council as originally proposed, with an amendment in respect of the perimeter of Zone 2 to take into account the decision of the Commission de protection du territoire agricole;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the parts of the territory of Ville de La Baie described below be declared “special planning zones” and that their perimeter be described as follows:

#### Zone 1

Zone 1 consists of two strips. One strip lies along the west edge of chemin de la Rivière, while the other strip lies along the east edge.

The west strip is 60 metres deep and 150 metres in length along the west edge of chemin de la Rivière, and its southern limit is the line dividing lots 313 and 314 of the cadastre of the Paroisse de Saint-Alexis.

The east strip is 60 metres deep and 150 metres in length along the east edge of chemin de la Rivière, and its southern limit is the line dividing lots 313 and 314 of the cadastre of the Paroisse de Saint-Alexis.

#### Zone 2

Zone 2 consists of a strip 60 metres deep and 50 metres in length along chemin de la Rivière, straddling lots 308 and 309 of the cadastre of the Paroisse de Saint-Alexis, and its southern limit lies 56 metres from the right of way of chemin de la Rivière, measured along the line dividing lots 308 and 309 of the cadastre of the Paroisse de Saint-Alexis.

#### Zone 3

Zone 3 consists of a strip 80 metres deep and 120 metres in length along the east edge of the new chemin de la Rivière, and its southern limit is the line dividing lots 286 and 290 of the cadastre of the Paroisse de Saint-Alexis.

**Zone 4**

Zone 4 consists of a strip 80 metres deep and 400 metres in length along the west edge of chemin de la Rivière, and its southern limit is the line dividing lot 289 of the cadastre of the Paroisse de Saint-Alexis and lot 85 of the cadastre of Ferland.

**Zone 5**

Zone 5 consists of a strip 60 metres deep and 470 metres in length along the north edge of the new chemin Saint-Jean, and its western limit is the line dividing lots 320 and 321 of the cadastre of the Paroisse de Saint-Alexis.

**Zone 6**

Zone 6 consists of a strip 60 metres deep and 200 metres in length along the northwest edge of the new chemin Saint-Jean, and its southwestern limit is the line dividing lots 331 and 332 of the cadastre of the Paroisse de Saint-Alexis.

**Zone 7**

Zone 7 consists of a strip 60 metres deep and 1300 metres in length along the east edge of chemin Saint-Bruno, and its northern limit is the line dividing lots 68 and 69 of the cadastre of the Paroisse de Saint-Alexis before the cadastral revision.

**Zone 8**

Zone 8 consists of a strip 60 metres deep and 1950 metres in length along the west edge of chemin Saint-Bruno, and its southern limit is the line dividing lots 351 and 352 of the cadastre of the Paroisse de Saint-Alexis.

**Zone 9**

Zone 9 consists of a strip 60 metres deep and 825 metres in length along the north edge of chemin des Chutes, and its eastern limit is the line dividing lots 569 and 568 of the cadastre of the Paroisse de Saint-Alphonse.

**Zone 10**

Zone 10 consists of a strip 60 metres deep and 150 metres in length along the north edge of chemin des Chutes, and its eastern limit is the line dividing lots 555 and 554 of the cadastre of the Paroisse de Saint-Alphonse.

**Zone 11**

Zone 11 consists of lots 3712-1 to 3712-58 and lots 837-1, 594-5, 594-3, 594-2, 594-1, 837-2 and 837-3 of the cadastre of Ville de La Baie;

THAT the objectives pursued be stated as follows:

(1) to provide land to the disaster victims as rapidly as possible, allowing them to rebuild a dwelling as soon as possible;

(2) to promote the return of families to their former neighbourhood;

(3) to avoid the creation of prejudices, in particular financial loss and psychological distress for persons already greatly affected by the total or partial loss of their property;

(4) to avoid speculation on land in the territory of Ville de La Baie;

THAT the land use planning and development controls applicable within the perimeters constituting the “special planning zones” described above be as follows:

The uses allowed are:

(1) In zones 1 to 10: residential use allowing the installation of single-dwelling buildings;

(2) In Zone 11: low-density residential use allowing the installation of detached buildings containing one to three dwellings or buildings containing four dwellings in a row;

THAT the Ville de La Baie be designated as the authority responsible for the administration of the land use planning and development controls applicable within the perimeters constituting the “special planning zones”;

THAT the land use planning and development controls applicable within those zones be amended, reviewed or repealed in accordance with the procedure provided for in sections 123 and following of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## O.C. 1613-96, 18 December 1996

An Act respecting the Société de développement industriel du Québec  
(R.S.Q., c. S-11.01)

### Business Start-up Support Program — Amendments

Regulation to amend the Business Start-up Support Program

WHEREAS under section 5 of the Act respecting the Société de développement industriel du Québec (R.S.Q., c. S-11.01), the Government may establish, by regulation, financial assistance programs designed to promote economic development in Québec;

WHEREAS under section 47 of that Act, the Government may make regulations, in particular, to establish criteria to determine which businesses may receive financial assistance, to determine the form of financial assistance and to determine the conditions a business must fulfil to obtain such financial assistance;

WHEREAS by Order in Council 832-96 dated 3 July 1996, the Government made the Business Start-up Support Program which was amended by Order in Council 1209-96 dated 25 September 1996 in order to enable businesses located within the territory of regional county municipalities having suffered loss as a result of the July 1996 flooding, to obtain financial assistance for the purpose of supporting the resumption of their operations;

WHEREAS it is expedient to further amend the Business Start-up Support Program in order to add regions having suffered loss as a result of the July 1996 flooding, that is, the regions of Durham-Sud (region 04), Boileau (region 07), Maria (region 11), Saint-François-de-la-Rivière-du-Sud (region 12), Arundel Canton (region 15), Montcalm (region 15), Saint-Adolphe-d'Howard (region 15), Saint-Faustin-Lac-Carré (region 15), Saint-Jovite Paroisse (region 15), Val David Village (region 15) and Harrington Canton (region 15);

WHEREAS in addition, it is expedient to amend the Program in order to postpone the deadline before which an application for financial assistance may be submitted;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published pursuant to section 8 of

that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS under section 18 of that Act, 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 Government is of the opinion that the urgency owing to the necessity of refloating the economy in the regions of Durham-Sud (region 04), Boileau (region 07), Maria (region 11), Saint-François-de-la-Rivière-du-Sud (region 12), Arundel Canton (region 15), Montcalm (region 15), Saint-Adolphe-d'Howard (region 15), Saint-Faustin-Lac-Carré (region 15), Saint-Jovite Paroisse (region 15), Val David Village (region 15) and Harrington Canton (region 15) justifies the absence of prior publication of the regulation and its coming into force on the date of its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Industry, Trade, Science and Technology:

THAT the Regulation to amend the Business Start-up Support Program, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Business Start-up Support Program

An Act respecting the Société de développement industriel du Québec  
(R.S.Q., c. S-11.01, ss. 5 and 47)

1. The Business Start-up Support Program, made by Order in Council 832-96 dated 3 July 1996 and amended by Order in Council 1209-96 dated 25 September 1996, is further amended by adding the following paragraph in section 9.1:

“In this Division, “designated region” also means the territory of the municipalities of Durham-Sud (region 04), Boileau (region 07), Maria (region 11), Saint-François-de-la-Rivière-du-Sud (region 12), Arundel Canton (region 15), Montcalm (region 15), Saint-Adolphe-

d'Howard (region 15), Saint-Faustin-Lac-Carré (region 15), Saint-Jovite Paroisse (region 15), Val David Village (region 15) and Harrington Canton (region 15).”.

**2.** The following is substituted for section 9.4:

“An application for financial assistance under this Division shall be submitted to the Corporation no later than 31 July 1997.”.

**3.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### **O.C. 1625-96, 18 December 1996**

Hydro-Québec Act  
(R.S.Q., c. H-5)

#### **Hydro-Québec — Pension Plan**

Approval of By-Law no. 653 Hydro-Québec Pension Plan

WHEREAS under section 49 of the Hydro-Québec Act (R.S.Q., c. H-5), the Corporation is authorized to establish by law a retirement plan;

WHEREAS under section 55 of the Hydro-Québec Act, every by-law passed under the division concerning the retirement plan shall be subject to the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) and shall not come into force until approved by the Government;

WHEREAS By-Law no. 653 Hydro-Québec Pension Plan, which replaces By-Law no. 582, was made on 5 December 1996 by the board of directors of Hydro-Québec;

WHEREAS under paragraph 1 of section 3 of the Regulations Act (R.S.Q., c. R-18.1), that Act does not apply to By-Law no. 653 Hydro-Québec Pension Plan;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Natural Resources;

That By-Law no. 653 Hydro-Québec Pension Plan, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **By-law no. 653 Hydro-Québec Pension Plan**

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HYDRO-QUÉBEC PENSION PLAN

**PART I**  
GENERAL PROVISIONS

In this By-law, unless the context indicates otherwise, terms written in the masculine gender also include the feminine and shall mean:

**SECTION 1**  
DEFINITIONS

1.1 “Actuarial equivalence”: determination by the actuary of an amount which is equivalent in value to another amount, based on generally accepted actuarial assumptions which have been communicated by Hydro-Québec to the appropriate government authorities, in accordance with the requirements of applicable laws and regulations; (1.16)

1.2 “Actuary”: a person qualified to fulfil this function in accordance with the Supplemental Pension Plans Act; (1.2)

1.2A “Adjusted earnings”: the member’s earnings expressed as a weekly amount to which is added, if applicable, the earnings which correspond to the weekly earnings rate, expressed as a weekly amount, shown on the employer’s payroll during a temporary leave of absence that the member redeems as a year of contributory service;

Adjusted earnings shall also include, if applicable, the total or partial difference, expressed as a weekly amount, between the earnings rate shown on the employer’s payroll before and after the reduction in workweek, for which the employer has contributed, for:

i. the member at January 1, 1997 that has continued to be a member since such date;

and

ii. the person that, had it not been for his termination of employment, would have been eligible to contribute at January 1, 1997 and is entitled to recall rights at such date; [1.40A]

1.3 “Basic exemption”: Basic exemption established for the year in question under the Québec Pension Plan Act; (1.17)

1.4 “By-law no. 83”: By-law no. 83 in respect of the Hydro-Québec Pension Plan, as amended by By-laws nos. 106, 119, 123, 258, 259, 260 and 265; (1.35)

1.5 “By-law no. 278”: By-law no. 278 in respect of the Hydro-Québec Pension Plan, as amended by By-laws nos. 362, 416 and 447; (1.36)

1.6 “By-law no. 534”: By-law no. 534 in respect of the Hydro-Québec Pension Plan; (1.37)

1.6A “By-law no. 582”: By-law no. 582 in respect of the Hydro-Québec Pension Plan; [1.37A]

1.7 “Child”: a child of a member, a former member or a pensioner, whatever the relationship, who meets one of the following conditions:

(a) is under 18 years of age;

(b) is between 18 and 25 years of age, and is a full-time student at an educational institution;

(c) regardless of his age, became mentally or physically disabled before reaching his 18th birthday, and has remained totally disabled ever since;

(d) regardless of his age, became mentally or physically disabled between 18 and 25 years of age, while a full-time student at an educational institution, and has remained totally disabled ever since; (1.15)

1.8 “Committee”: the Hydro-Québec Pension Committee; (1.11)

1.9 “Compensation”: earnings plus any additional payments, including bonuses, premiums, lump-sum amounts, overtime pay, allowances of any type excluding the reimbursement of expenses, and any other similar payments; (1.38)

1.10 “Consumer price index for the year”: the arithmetical average, for the 12-month period ending October 31st for the year in question, of the monthly consumer price indices for all goods in Canada, as published by Statistics Canada; (1.19)



1.11 “Defined benefit limit”: the greater of the following amounts:

(a) \$1,722.22;

(b) one ninth of the money purchase limit for the year in question as defined by the Income Tax Act; (1.32)

1.12 “Earnings”: the member’s basic hourly, daily, weekly, monthly or annual pay, which is stated on the employer’s payroll, with the exception of any additional payments, such as bonuses, premiums, benefits, lump-sum amounts, gratuities, allowances of any type, over-time pay or any other similar payments; (1.40)

1.13 “Employee”: any person working for Hydro-Québec or one of its subsidiaries as a trainee or as a permanent, regular or temporary employee and who is shown on the employer’s payroll, with the exception of any person governed by the Construction decree, (R.R.Q. 1981, c. R-20 r.5); (1.13)

1.14 “Employer”: Hydro-Québec, located at 75 René-Lévesque Blvd. West, Montréal, Québec H2Z 1A4, or Hydro-Québec International, located at 800 de Maisonneuve Blvd. East, Montréal, Québec H2L 4M8, or any other subsidiary bound by a plan membership agreement as described under Section 24; (1.14)

1.15 “Five-year average earnings”: the member’s average adjusted earnings, expressed as an annual amount, for the five years of contributory service for which the adjusted earnings were the greatest, or, if the member has less than five years of contributory service, for his actual years of contributory service. If one or more fractions of years of contributory service are taken into account, the complementary fraction and corresponding adjusted earnings are determined on the basis of the years in which the adjusted earnings, expressed as an annual amount, were the greatest. The years of contributory service recognized pursuant to a transfer agreement and the related earnings are not taken into account for the purposes of establishing the five-year average earnings; (1.41)

1.16 “Former member”: a former employee, who is not a pensioner, but is entitled to benefits under By-law no. 83, By-law no. 278, By-law no. 534, By-law no. 582 or the plan; (1.3)

1.17 “Hydro-Québec Act”: the Hydro-Québec Act, (R.S.Q., c. H-5); (1.25)

1.18 “Income Tax Act”: the Income Tax Act, S.C. 1970-71-72, c. 63 and any amendments made thereto; (1.24)

1.19 “Interest”: simple interest at the rate of 4 % per annum for the period of January 1, 1966 to December 31, 1979, interest at the rate of 7.5 % compounded annually between January 1, 1980 and December 31, 1989, and for each year from January 1, 1990, at the rate obtained monthly on personal five-year term deposits for chartered banks as reported by the Bank of Canada; (1.21)

1.20 “Member”: an employee who is eligible to contribute to the plan or an employee who has postponed his retirement or a person who is entitled to recall rights following his termination of employment and to whom the provisions in 7.5 apply; (1.30)

1.21 “Old Age Security Act”: the Old Age Security Act, (R.S.C., 1985, c. O-9); (1.23)

1.22 “Pay period”: a period of time, or a fraction thereof, as determined by the employer’s payroll system; (1.31)

1.23 “Pension index”: the ratio expressed as a percentage of the consumer price index for the year, to that of the previous year; (1.20)

1.24 “Pensioner”: a former employee who receives pension benefits under By-law no. 83, By-law no. 278, By-law no. 534, By-law no. 582 or the plan. Any employee who receives his total pension benefit after the normal retirement date while remaining in the service of the employer is considered a pensioner; (1.39)

1.25 “Physician”: a physician authorized to practice medicine by the applicable legislation; (1.29)

1.26 “Plan”: all the provisions of the present By-law and any amendments made thereto; the plan is designated as the Hydro-Québec Pension Plan; (1.33)

1.27 “Present value”: the value of a benefit as established at a given date on an actuarial equivalence basis; (1.43)

1.28 “Québec Pension Plan Act”: the Québec Pension Plan Act, (R.S.Q., c. R-9); (1.27)

1.28A “Reduction in workweek”: the decrease in the average full-time workweek as a result of measures to reduce total compensation, as applied to a member effective January 1, 1997, with the exception of any decrease in the average workweek granted at the employee’s request; [1.32A)]

1.29 “Spouse”: any person of the opposite sex who:

(a) is married to a member, a former member, or a pensioner;

(b) has been living in a conjugal relationship with an unmarried member, an unmarried former member, or an unmarried pensioner, for a period of not less than three years, or, in the following cases, for a period of not less than one year, where:

- a child has been conceived from the relationship;
- they have jointly adopted at least one child while living together in a conjugal relationship;
- one of them has adopted at least one child who is the child of the other during this period; (1.12)

1.30 “Subsidiary”: a company of which Hydro-Québec owns a minimum of 90 % of the shares, including, for the purposes of this plan, any electricity cooperative of which Hydro-Québec has acquired the assets; (1.18)

1.31 “Supplemental Pension Plans Act”: the Supplemental Pension Plans Act, (R.S.Q., c. R-15.1); (1.26)

1.32 “Supplemental plan”: any pension plan of a subsidiary in which the member, former member or pensioner has participated; (1.34)

1.33 “Temporary leave of absence”: any absence from employment authorized by the employer; (1.1)

1.34 “Termination of employment”: any interruption in the years of continuous service not due to retirement or death; (1.10)

1.35 “Three-year average earnings”: the member’s average adjusted earnings, expressed as an annual amount, for the three years of contributory service for which the adjusted earnings were the greatest, or, if the member has less than three years of contributory service, for his actual years of contributory service. If one or more fractions of years of contributory service are taken into account, the complementary fraction and corresponding adjusted earnings are determined on the basis of the years in which the adjusted earnings, expressed as an annual amount, were the greatest. The years of contributory service recognized pursuant to a transfer agreement and the related earnings are not taken into account for the purposes of establishing the three-year average earnings; (1.42)

1.36 “Total and permanent disability”: any physical or mental disability certified in writing by a physician,

preventing a member from occupying a position for which he is reasonably qualified by his education, training or experience, and which continues until his death; (1.22)

1.37 “Year”: calendar year; (1.4)

1.38 “Year of allowable service”: a year during which the member participated in a pension plan of a company with which a transfer agreement was signed, which is not a year of contributory service for the purposes of the plan and which is recognized for the sole purpose of establishing the entitlement to a retirement benefit, any fraction of year being considered proportionately; (1.5)

1.39 “Year of certified service”: a year during which the member has participated in a supplemental plan, any fraction of year being considered proportionately; (1.7)

1.40 “Year of contributory service”: a year during which the member contributed to the Hydro-Québec Pension Fund, or a year recognized as such pursuant to the plan or to a transfer agreement, any fraction of year being considered proportionately; (1.6)

1.41 “Year’s maximum pensionable earnings”: the maximum earnings recognized for the year in question under the Québec Pension Plan Act; (1.28)

1.42 “Years of continuous service”: the total number of years during which a person has remained without interruption in the employ of the employer, a subsidiary, or who has fulfilled a function with one of the preceding, or has had no interruption of employment in a company with which a transfer agreement has been signed, but including any temporary leave of absence and the 24-month period provided for in 7.5, any fraction of year, being considered proportionately; (1.8)

1.43 “Years of credited service”: the total number of years of contributory service, years of certified service, and years of allowable service. (1.9)

Note: The numbers in parentheses correspond to the definitions of the French version.

## SECTION 2 MEMBERSHIP

2.1 Any employee who, as at December 31, 1996, was participating in the Hydro-Québec Pension Plan under By-law no. 582, shall participate in the plan as of January 1, 1997.

2.2 Any person hired after December 31, 1996 as a trainee or as a permanent employee shall participate in

the plan as of the date he begins his employment, if he is under 65 years of age at the time.

2.3 As of June 1, 1990, any temporary employee, with the exception of any person governed by the Construction decree, (R.R.Q., 1981, c. R-20, r.5), shall participate in the plan if, in the year preceding the one during which he joins the plan, he received from the employer compensation at least equal to 35 % of the year's maximum pensionable earnings, as established for the said year, or has been in the employment of the employer for a minimum of 700 hours and if, at the time his membership begins, he has not reached the age of 65.

2.4 Any person working for a subsidiary as an employee shall participate in the plan as of the date provided for in the plan membership agreement concluded under Section 24, if he is under 65 years of age at the time and subject to the provisions set out in 2.3 in respect of temporary employees.

2.5 Members of the Québec Hydro-Electric Commission appointed between June 30, 1973 and September 30, 1978 shall be deemed to have been participating in the plan as of the date of their appointment, in accordance with By-law no. 83 and By-law no. 278.

### SECTION 3 CONTRIBUTIONS

#### 3.1 Employee contributions:

(a) At each pay period, a member contributes, through payroll deduction, an amount equal to the sum of:

- i. 6.3 % of the earnings up to the basic exemption;
- ii. 4.5 % of that portion of earnings between the basic exemption and the year's maximum pensionable earnings;
- iii. 6.3 % of that portion of earnings above the year's maximum pensionable earnings.

(b) A member who receives earnings during temporary leave of absence shall continue to make contributions.

(c) A member shall cease to make contributions on the last day of the month during which he attains age 65.

#### 3.2 Employer contributions

For each member contributing to the plan, the employer shall pay, before the 15th day following the end of each pay period, a contribution equal to the sum of:

(a) 11.34 % of the earnings up to the basic exemption;

(b) 9.54 % of that portion of earnings between the basic exemption and the year's maximum pensionable earnings;

(c) 11.34 % of that portion of earnings above the year's maximum pensionable earnings.

#### 3.3 Adjustment of contributions

(a) The contributions provided for in 3.1 and 3.2 above are adjusted in accordance with the actuarial valuation report prepared by the actuary and filed with the Régie des rentes du Québec. This report sets out recommendations to Hydro-Québec as to the percentages for employee and employer contributions, in such a way that at the date of the actuarial valuation, the percentage of employer contributions when applied to the total of the earnings of the contributing members represents 180 % of the percentage of the employee contributions on the members' total earnings. The percentage of employee and employer contributions thus obtained is reduced by 1.8 percentage point for that portion of earnings between the basic exemption and the year's maximum pensionable earnings. However, for the purpose of determining the percentage of employee contributions and the percentage of employer contributions according to the 100 % 180 % ratio stipulated above, the said 1.8 percentage point reduction is not taken into account.

(b) The percentages of employee contributions and the percentages of employer contributions determined according to *a* above are reduced, where applicable, by the utilization of any surplus in respect of part I of the plan as shown in the report mentioned in *a* above.

(c) Following the adjustments as set out in *a* and *b* above, the resulting percentages of employee and employer contributions shall not exceed those set out in 3.1 and 3.2, nor be less than:

#### i. Employee contributions:

- (1) 5.82 % of the earnings up to the basic exemption;
- (2) 4.02 % of that portion of earnings between the basic exemption and the year's maximum pensionable earnings;
- (3) 5.82 % of that portion of earnings above the year's maximum pensionable earnings.

ii. Employer contributions:

- (1) 10.48 % of the earnings up to the basic exemption;
- (2) 8.68 % of that portion of earnings between the basic exemption and the year's maximum pensionable earnings;
- (3) 10.48 % of that portion of earnings above the year's maximum pensionable earnings.

iii. Notwithstanding the foregoing, from January 1, 1997 to December 31, 2000:

Employer contributions:

- (1) 5.82 % of the earnings up to the basic exemption;
- (2) 4.02 % of that portion of earnings between the basic exemption and the year's maximum pensionable earnings;
- (3) 5.82 % of that portion of earnings above the year's maximum pensionable earnings.

(d) The percentages of employee and employer contributions resulting from the application of 3.3 shall be applied during the period set out in the report mentioned in *a* above. However, the percentages of contributions provided for in 3.1 and 3.2 shall apply for the period between the end of the period covered by an actuarial valuation report and the date on which a new actuarial valuation report is filed with the Régie des rentes du Québec.

(e) An overpayment of contributions resulting from the adjustments provided for in 3.3 shall be returned to the members and the employer in the form of a contribution holiday according to terms and conditions determined by Hydro-Québec and subject to the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant to this Act. In the event that a contribution holiday cannot be granted, such as in the case of a termination of employment, a death entitling the spouse or children to a survivor pension, where applicable, an unpaid temporary leave or a retirement, or in the event that the member has ceased to contribute to the plan, the overpayment of employee contributions shall be considered as additional voluntary contributions and, as such, shall be reimbursed with interest unless they are included in the excess contributions.

(f) If, following the adjustments provided for in 3.3, the contributions made are insufficient, the difference between the contributions made and the contributions payable shall be paid by the contributing members and

the employer. The payment thereof, with interest, shall be according to the terms and conditions determined by Hydro-Québec and pursuant to the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant to this Act. In the event that no earnings are paid, such as in the case of a termination of employment, a death entitling the spouse or children to a survivor pension, an unpaid temporary leave or a retirement, or in the event that the member has ceased to contribute to the plan, the difference shall be returned to the pension fund with interest.

### 3.4 Equalization contributions

The employer shall make up any unfunded actuarial liability of the plan through one or more payments, the terms and conditions of which shall be determined by the employer, in accordance with the provisions then in force of the Hydro-Québec Act and the Supplemental Pension Plans Act.

The employer shall also pay any amount required to ensure the solvency of the plan pursuant to the provisions of the Supplemental Pension Plans Act.

Any technical actuarial deficiency resulting from the experience of the plan in relation to the improvements made to Part I of the plan after December 31, 1985 shall be made up through special contributions shared by the employer and the contributing members, with the employer's share being equal to 180 % of the member's share, provided, however, that the percentages of employee contributions, as increased by this special contribution and expressed as percentages of earnings, does not exceed the percentages set out in 3.1.

### 3.5 Excess contributions

(a) Excess contributions are equal to employee contributions for the years of contributory service after December 31, 1989, accrued with interest, in excess of 50 % of the present value of the benefits provided for in Part I of the plan and resulting from the years of contributory service after December 31, 1989.

(b) Excess contributions are calculated at the date of termination of employment, death or retirement of the member, whichever comes first, provided that, in the case of termination of employment or death, the member has at least 2 years of continuous service.

### 3.6 Contributions for periods of temporary leave of absence or reduction in workweek

(a) A member who receives compensation from the employer during a temporary leave of absence due to maternity shall continue to make contributions. These

shall be calculated on the earnings rate shown on the employer's payroll during the temporary leave of absence.

(b) i. A member who receives an indemnity from the employer during a temporary leave of absence resulting from a preventive leave under the Act Respecting Occupational Health and Safety (R.S.Q., c. S-2.1), or an occupational accident under the Act Respecting Industrial Accidents and Occupational Diseases (R.S.Q., c. A-3.001), shall continue to make contributions. These shall be calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence.

ii. However, when the indemnity provided for above is paid by the "Commission de la santé et de la sécurité du travail", the member shall, after December 31, 1989, have the option of continuing to make his contributions. For the purposes of this paragraph, his contributions shall be calculated on the basis of his earnings rate shown on the employer's payroll during the temporary leave of absence.

(c) A member who receives payments under the employer's supplementary earnings security plan shall continue to make contributions based on such payments. Contributions shall be calculated on the basis of these payments even though they may be reduced by payments from a government plan. Benefits shall be calculated, where applicable, on the basis of such earnings.

(d) Subject to the provisions of Section 10, and to the following, no contributions shall be payable during periods of temporary leave of absence without pay, and such periods shall not be considered in the calculation of benefits under the plan. However;

i. from January 1, 1997 to December 31, 2000:

(1) during any temporary leave of absence without pay under an unpaid leave plan, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence. Such contributions shall correspond to the current service cost applicable to the pay period in question, expressed as a percentage, as determined in the actuarial valuation report prepared by the actuary and filed with the Régie des rentes du Québec;

(2) during any temporary leave of absence without pay under a deferred salary leave plan, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence. Such contributions shall be equal to the sum of the employee

contributions and the employer contributions applicable to the pay period in question;

(3) during any period of temporary leave of absence partially compensated under an equally distributed remuneration plan, the member may, for each pay period, make contributions calculated on the basis of the difference between the earnings rate, expressed as a weekly amount, shown on the employer's payroll during the temporary leave of absence and the weekly earnings paid during the periods in question. Such contributions shall be equal to the sum of the employee contributions and the employer contributions applicable to the pay period in question;

(4) during any period of temporary leave of absence without pay under a job sharing arrangement, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence. Such contributions shall be equal to the sum of the employee contributions and the employer contributions applicable to the pay period in question;

(5) during any temporary leave of absence without pay under a tutorial plan, the member may, for each pay period, make his employee contributions as applicable to the pay period in question and calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence;

ii. effective January 1, 1997:

(1) during any temporary leave of absence without pay resulting from a voluntary reduction in the work-week from 33.5 hours to 32 hours, approved by the employer, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll in effect during the temporary leave of absence and equal to the sum of the employee contributions and the employer contributions for the one hour and one half per week which corresponds to the difference between the actual schedule and the normal full-time schedule. However, if the sum of the hours paid and redeemed is less than 32, the one hour and one half shall be reduced by the proportion of the number of these hours on 32.

A member may exercise this option on the first pay period of the year, with this choice being valid for the entire year, unless his schedule changes during the year;

(2) during any temporary leave of absence without pay under a parental benefits plan, the member may, for each pay period, make his employee contributions calculated on the basis of the earnings rate shown on the

employer's payroll during the temporary leave of absence.

(e) Effective January 1, 1997, the employer shall make, within the period set out in 3.2 above, for the member at January 1, 1997 or for the person referred to in 1.2A(ii) who has had his earnings reduced as a result of a reduction in workweek, contributions equal to the sum of the employee contributions and the employer contributions calculated on the basis of the difference between the earnings rate, expressed as a weekly amount, before the reduction in workweek and the earnings rate, expressed as a weekly amount, after said reduction in workweek. Such contributions shall cease as soon as the earnings rate, expressed as a weekly rate, is once again equal to the rate in effect before the reduction in workweek. Such contributions do not increase the number of years of contributory service and serve solely for the purposes of calculating benefits.

(f) The payment of the full amount of the contributions pursuant to *e* above is subject to the payment, by the member, of the contributions provided for in *b(ii)* and *d* above or to the redemption of the years of contributory service as provided for in Section 10. Where applicable, the employer only makes contributions in proportion to the contributions made by the member. However, the employer shall pay the full amount of such contributions if the member's only non-contributory leave of absence is the one provided for in *d(ii)(1)* above.

(g) A member who avails himself of the provisions set out in *b(ii)* and *d* above, shall have the total or part of his temporary leave of absence counted as a year of contributory service.

When a member has all or part of his temporary leave of absence counted as a year of contributory service, the years of contributory service so recognized shall be presumed to be those closest to his return to work.

The provisions regarding the payment of the contributions provided for in *b(ii)*, *d(i)* and *d(ii)* (2) above are set out in Section 10.

A member who avails himself of the provisions set out in *b(ii)* and *d* above and in Section 10 cannot have adjusted earnings nor a contribution period which is greater than those obtained had he not taken the temporary leaves of absence.

Contributions made in accordance with this Section 3.6 shall be deemed as employee contributions, with the exception of those resulting from *e* and *f* above, which shall be deemed as employer contributions.

3.7 For the purposes of this Section only, the earnings used to determine contributions shall be limited to the sum of the following amounts:

(a) the defined benefit limit for the year;

(b) the year's maximum pensionable earnings multiplied by the rate stipulated in 4.3*c*,

the whole divided by the rate provided for in 4.1*d*.

3.8 All contributions paid under this Section shall be subject to the Income Tax Act and to any regulations adopted by the Government of Canada pursuant to this Act.

#### SECTION 4 CALCULATION OF PENSION

4.1 The annual retirement benefit is equal to the sum of the following:

(a) 2 % of the five-year average earnings multiplied by the number of years of contributory service prior to January 1, 1966;

(b) 2.25 % of the five-year average earnings multiplied by the number of years of contributory service after December 31, 1965 and prior to January 1, 1990;

(c) 2.25 % of the five-year average earnings multiplied by the number of years of contributory service after December 31, 1989 and prior to January 1, 1992;

(d) 2 % of the three-year average earnings multiplied by the number of years of contributory service after December 31, 1991;

4.2 The annual pension calculated in 4.1*a* and 4.1*b* above and increased, where applicable, by retirement benefits payable under Section 5.2*c* shall not exceed, prior to indexing as provided for in Section 13, 80 % of the five-year average earnings.

However, for the calculation of this maximum, the additional pension provided for in 4.4 and the adjustment provided for in 5.5*c(ii)* shall not be taken into account.

4.3 Beginning on the 1<sup>st</sup> day of the month following the 65<sup>th</sup> birthday, the retirement benefit provided for in 4.1 and 4.2 shall be reduced by the sum of the following:

(a) 0.7 % of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of

employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1965 and prior to January 1, 1990;

(b) 0.7 % of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1989 and prior to January 1, 1992;

(c) 0.3 % of the three-year average earnings, up to the average of the year's maximum pensionable earnings for the three years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1991.

4.4 An additional retirement benefit from excess contributions, as established in 3.5, shall be added, where applicable, to the retirement benefit calculated in 4.1, 4.2 and 4.3.

This additional retirement benefit shall be determined on an actuarial equivalence basis.

## SECTION 5 RETIREMENT

### 5.1 Normal retirement

(a) The normal retirement date is the 1<sup>st</sup> day of the month immediately following the 65<sup>th</sup> birthday.

(b) A member who retires on the normal retirement date shall receive a retirement benefit pursuant to Section 4 and, where applicable, to Section 14.

### 5.2 Voluntary retirement

(a) Any member who has at least 15 years of credited service may retire on the 1<sup>st</sup> day of any month following his 60<sup>th</sup> birthday. However, a female member who was working on December 31, 1979, and who, on that date, was a member of the plan in accordance with By-law no. 83 may, once she has at least 10 years of credited service, retire on the 1<sup>st</sup> day of any month following her 60<sup>th</sup> birthday.

In addition, any member who has at least 15 years of credited service may retire on the 1<sup>st</sup> day of any month following his 55<sup>th</sup> birthday, if:

i. the sum of the member's age and years of credited service equals at least 85; or

ii. the sum of the member's age and years of continuous service as of the date he began working, as recognized by Hydro-Québec for the purposes of the plan, equals at least 85, excluding however any period of non-membership in the plan of a company with which there is a transfer agreement and any period of non-contribution to the Hydro-Québec Pension Plan in accordance with the plan, By-law no. 582, By-law no. 534, By-law no. 278, By-law no. 83 and By-law no. 12 of Hydro-Québec and amendments thereto, with years of service with a subsidiary not being considered as periods of non-contribution for the purposes of this subsection.

From January 1, 1997 to December 31, 2000, any member who has at least 15 years of credited service may retire on the 1<sup>st</sup> day of any month following the date on which he fulfills one of the following requirements:

i. the sum of the member's age and years of credited service equals at least 80; or

ii. the sum of the member's age and years of continuous service as of the date he began working, as recognized by Hydro-Québec for the purposes of the plan, equals at least 80, excluding however any period of non-membership in the plan of a company with which there is a transfer agreement and any period of non-contribution to the Hydro-Québec Pension Plan in accordance with the plan, By-law no. 582, By-law no. 534, By-law no. 278, By-law no. 83 and By-law no. 12 of Hydro-Québec and amendments thereto, with years of service with a subsidiary not being considered as periods of non-contribution for the purposes of this subsection.

(b) The member shall be entitled to a retirement benefit pursuant to Section 4 and, where applicable, to Section 14.

(c) If the retirement date of a member who chooses retirement under this Section is prior to the normal retirement date of a supplemental plan in which he participated, he shall be entitled, under the following circumstances, to a pension supplement, as of the date of his voluntary retirement, equal to:

i. in the case of a member who takes early retirement under a supplemental plan, the amount of the pension supplement is equal to the reduction in the retirement benefit accrued under the supplemental plan as a result of early retirement;

ii. in the case of a member who is not entitled to early retirement under a supplemental plan, the amount of the pension supplement is equal to the amount of the pension accrued under the supplemental plan and is paid until the latter becomes payable.

The pension supplement resulting from the application of this Section is allocated proportionally to the years of credited service prior to January 1, 1990 and years of credited service after December 31, 1989 over the total number of years of credited service.

### 5.3 Retirement at the request of the employer

(a) The employer may retire a member under the following conditions:

i. the member has at least 10 years of credited service; and

ii. retirement is based on:

1. appropriate administrative requirements with the consent of the member; or

2. a physical or mental disability such that the member is unable to work for the employer.

Under such circumstances, the member shall retire on the date determined by the employer.

(b) When retirement precedes or coincides with the normal retirement date, the member shall be entitled to a retirement benefit pursuant to Section 4 and, where applicable, to Section 14. In the case of retirement pursuant to 5.3a(ii)(2), the reduction pursuant to 4.3 shall apply as soon as the pensioner receives a disability pension under the Québec Pension Plan Act.

Except in the case of the retirement of a member who is affected of a total and permanent disability, the annual pension payable at age 65, credited on the retirement date for the years of credited service after December 31, 1991 shall be reduced by 0.25 % per month for each month included between the effective retirement date and the 1<sup>st</sup> day of the month coinciding with or immediately following the earliest of these dates:

i. the date on which the member would have reached his 60<sup>th</sup> birthday;

ii. the date on which the member would have completed 30 years of continuous service;

iii. the date on which the years of continuous service and the member's age would have totalized 80.

However, the retirement benefit accrued for years of credited service after December 31, 1989 must not be less than the retirement benefit determined by the present value of the retirement benefit the member was entitled to before his retirement date for years of credited service after December 31, 1989, or, failing that, for the same years of credited service, the present value of the deferred retirement benefit the member would have been entitled to if he had ceased to be a member on the day preceding his retirement for any reason other than retirement.

(c) If the retirement date is after the normal retirement date, the pension shall be calculated pursuant to 5.5c.

### 5.4 Early retirement at the request of the member

(a) Any member with a minimum of 2 years of contributory service or continuous service but less than 10 may retire on the 1<sup>st</sup> day of any month following his 55<sup>th</sup> birthday, based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit determined pursuant to 4.1c and 4.1d, but reduced on an actuarial equivalence basis, with such reduction not being less than the one determined pursuant to 12.1.3, for the period between the actual retirement date and the normal retirement date;

ii. the reduction pursuant to 4.3b and 4.3c shall apply as of the 1<sup>st</sup> day of the month following the 65<sup>th</sup> birthday;

iii. the provisions of 4.4 and 14 shall apply, where applicable;

iv. to this retirement benefit shall be added the reimbursement of the member's contributions paid during the years of contributory service prior to January 1, 1990, plus interest.

(b) A member with a minimum of 10 years of contributory service or continuous service and less than 15 years of credited service may retire on the 1<sup>st</sup> day of any month following his 55<sup>th</sup> birthday, based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit determined pursuant to 4.1, but reduced on an actuarial equivalence basis, with such reduction not being less than the one determined pursuant to 12.1.3, for the period between the actual retirement date and the voluntary retirement date or the normal retirement date, whichever is the earliest;



ii. the reduction provided for in 4.3 shall apply as of the 1<sup>st</sup> day of the month following the 65<sup>th</sup> birthday;

iii. the provisions of 4.4 and 14 shall apply, where applicable.

(c) A member with a minimum of 15 years of credited service may retire as of the 1<sup>st</sup> day of any month following his 55<sup>th</sup> birthday, based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit pursuant to 4.1 and 4.2, reduced by 0.25 % for each month preceding the date on which he would have been entitled to voluntary retirement, based on the years of credited service or years of continuous service at his retirement date and on his age at the time of voluntary retirement; or, reduced on an actuarial equivalence basis for the period between the actual retirement date and the voluntary retirement date, whichever method is more advantageous;

ii. the reduction provided for in 4.3 shall apply as of the 1<sup>st</sup> day of the month following the 65<sup>th</sup> birthday;

iii. the provisions of 4.4 and 14 shall apply, where applicable.

(d) A member with a minimum of 15 years of credited service may also retire on the 1<sup>st</sup> day of any month after January 1, 1997 but before December 31, 2000, provided that one of the requirements set out in subparagraphs (i) or ii of the 3<sup>rd</sup> paragraph of 5.2a is met during this period. The pension shall be based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit determined pursuant to 4.1 and 4.2, but reduced on an actuarial equivalence basis, with such reduction not being less than the one determined pursuant to 12.1.3, for the period between the actual retirement date and the voluntary retirement date or the normal retirement date, whichever is the earliest;

ii. the reduction provided for in 4.3 shall apply as of the 1<sup>st</sup> day of the month following the 65<sup>th</sup> birthday;

iii. the provisions of 4.4 and 14 shall apply, where applicable.

(e) If, from January 1, 1997 to December 31, 2000, a member is entitled to retire pursuant to *c* and *d* above, his benefits are determined in accordance with the more generous provisions provided in said subsections, it being understood that the calculation in *c*(i) above is made for a voluntary retirement pursuant to the provisions of the first paragraph of 5.2a.

## 5.5 Postponed retirement

(a) A member who remains in the employer's service after his normal retirement date may retire as of the 1<sup>st</sup> day of any month following this date. The retirement benefit of the member shall be postponed until his actual retirement date, but no later than December 1<sup>st</sup> of the year in which the member reaches the age limit provided for in applicable legislation, even if he remains in the employer's service after this date.

(b) During the postponement period, the member may request the payment of his retirement benefit, in whole or in part, but only insofar as is necessary to compensate for any reduction in earnings during this period, including the reduction in earnings as a result of a transfer during this period from a full-time to a part-time schedule, or from the reduction of a part-time schedule. The member may not make such request more than once per 12-month period.

(c) The amount of the postponed retirement benefit payable on the date of retirement or at the latest on December 1<sup>st</sup> of the year in which the member reaches the age limit provided for in applicable legislation, shall be equal to the sum of the following:

i. the retirement benefit determined as at the normal retirement date pursuant to Section 4;

ii. the retirement benefit calculated on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period, of the retirement benefit provided for in (i) above, reduced, where applicable, by any payments made under *b* above.

(d) Accumulation of retirement benefits shall take place from the normal retirement date until the actual retirement date, but no later than December 1<sup>st</sup> of the year in which the member reaches the age limit provided for in applicable legislation, based on an interest rate compounded annually equal to the rate submitted by Hydro-Québec to the appropriate government authorities in accordance with the Supplemental Pension Plans Act.

(e) The provisions pursuant to 14.1 shall apply, where applicable.

## SECTION 6 DEATH BENEFITS

6.1 For the purposes of Section 6, spousal status shall be determined on the day preceding the death of the member or pensioner.

## 6.2 Death prior to retirement

6.2.1 If a member with less than 2 years of contributory service and less than 2 years of continuous service dies before his normal retirement date, his spouse, failing which his estate, shall receive a refund of the employee's contributions paid for the years of contributory service after December 31, 1989, plus interest; in addition, his estate shall receive a refund of the employee's contributions paid for the years of contributory service prior to January 1, 1990, plus interest.

6.2.2 If a member with at least 2 years of contributory service or continuous service but less than 10 years of credited service dies before his normal retirement date, his spouse, failing which his estate, shall receive a refund equal to the present value of the benefits the member was entitled to prior to his death for the years of credited service after December 31, 1989, or, if not applicable, for the same years of credited service, the present value of the deferred retirement benefit the member would have been entitled to if he had ceased to be a member on the day of his death for any reason other than death. In addition, his estate shall receive a refund of the employee's contributions paid for the years of contributory service prior to January 1, 1990, plus interest.

6.2.3 (a) If a member with at least 10 years of credited service dies before the normal retirement date, his spouse shall receive a survivor benefit payable for life equal to the sum of the following:

i. 50 % of the retirement benefit to the member at the date of his death, established pursuant to 4.1*a*, 4.1*b* and 4.2, and reduced, pursuant to 4.3*a*, as soon as a survivor benefit is payable to the spouse under the Québec Pension Plan Act;

ii. the survivor benefit determined as the greater of the following amounts:

(1) the present value of the survivor benefit payable to the spouse. This survivor benefit payable to the spouse is equal to 50 % of the retirement benefit accrued to the member at the date of his death, pursuant to 4.1*c* and 4.1*d*, and reduced, pursuant to 4.3*b* and 4.3*c*, as soon as a pension is payable to the spouse under the Québec Pension Plan Act;

and

(2) the present value of the retirement benefits the member was entitled to prior to his death for years of credited service after December 31, 1989, or, if not applicable, for the same years of credited service, the present value of the deferred retirement benefit the member would have been entitled to if he had ceased to be a

member on the day of his death for any reason other than death.

(b) i. If a member referred to in 6.2.3*a* dies without a spouse, the pension provided for in 6.2.3*a*(i) shall be paid to the children. If the member referred to in 6.2.3*a* dies without a spouse and without children, the employee contributions for the years of contributory service prior to January 1, 1990, plus interest, shall be paid to his estate.

ii. However, in the two cases referred to in (i) above, the estate shall be paid the present value of the pension to which the member would have been entitled before his death for the years of credited service after December 31, 1989 or, failing this, for the same years of credited service, the value of the deferred pension to which the member would have been entitled if he had ceased to be a member on the day of his death for any reason other than death.

6.2.4 (a) If a member whose retirement benefit was fully or partially postponed dies, his spouse shall be entitled to a survivor benefit, the present value of which shall be equal to the greater of the following amounts:

i. the sum of the following:

(1) the present value of the survivor benefit payable to the spouse. This survivor benefit payable to the spouse is equal to 60 % or, where applicable, to 50 %, of the retirement benefit, pursuant to 5.5*c*(i), to which the member would have been entitled if he had ceased to be a member on the day of his death for any reason other than death;

(2) the value of the pension pursuant to 5.5*c*(ii), the entire amount reduced, where applicable, by the payments already made pursuant to 5.5*b*;

and

ii. the sum of the following:

1) the present value of the survivor benefit payable to the spouse. This survivor benefit to the spouse is equal to 50 % of the retirement benefit on normal retirement date pursuant to 4.1*a*, 4.1*b*, 4.2 and 4.3*a*;

(2) the present value of the retirement benefit on normal retirement date to which the member was entitled prior to his death for the years of credited service after December 31, 1989;

(3) the value of the pension pursuant to 5.5*c*(ii), the entire amount reduced, where applicable, by the payments already made pursuant to 5.5*b*.

(b) i. If a member referred to in 6.2.4a dies without a spouse, 50 % of the retirement benefit pursuant to 5.5c, but only for the years of credited service prior to January 1, 1990, shall be paid to the children. If the member referred to in 6.2.4a dies without a spouse and without children, the employee contributions for the years of contributory service prior to January 1, 1990, plus interest, shall be paid to his estate.

ii. However, in the two cases referred to in (i) above, the estate shall receive the present value of the pension to which the member was entitled before his death for the years of credited service after December 31, 1989.

6.2.5 (a) Subject to the provisions of subsections *b* and *c* below, the entitlement to benefits accorded to the spouse in 6.2.1, 6.2.2, 6.2.3 and 6.2.4 shall terminate as a result of a legal separation, a divorce, a marriage annulment or a termination of the conjugal relationship.

(b) The legally separated spouse shall retain his entitlement to benefits pursuant to 6.2.3a(i).

(c) For benefits pursuant to 6.2.4, if there has been no division of benefits accrued by the member under the plan following a legal separation, a divorce, a marriage annulment or a termination of the conjugal relationship, the member may notify the committee in writing to pay the survivor benefit to his legally separated spouse or to his former spouse despite a legal separation, a divorce, a marriage annulment or a termination of the conjugal relationship.

### 6.3 Death after retirement

6.3.1 Subject to 6.3.2, on the death of a pensioner, his spouse shall be paid a lifetime pension equal to 50 % of the pension established according to the provisions of By-law no. 83 before application of Sections 38 and following, or according to the provisions of By-law no. 278 before application of Part II, or according to the provisions of By-law no. 534 before application of Part II and Section 4.4, or according to the provisions of Part I of By-law no. 582 or of the Plan before application of Section 14.1.

If the pension benefit established according to the preceding provisions has not been reduced in compliance with Section 7 of By-law no. 83 or in compliance with Section 4.3 of By-law no. 278 or of By-law no. 534 or in compliance with Section 4.3 of By-law no. 582 or of the plan, the reduction shall apply as soon as a survivor benefit is payable to the spouse under the Québec Pension Plan Act.

6.3.2 On the death of a pensioner whose retirement commenced after December 31, 1989, if the spouse has

not renounced the right to a 60 % pension under Section 4.4 of By-law no. 534 or Section 14.1 of By-law no. 582 or of the Plan, the spouse shall be paid a lifetime pension equal to 60 % of the pension paid to the pensioner in accordance with Part I of By-law no. 534 of By-law no. 582 or of the plan, provided the pension had been adjusted on an actuarial equivalence basis according to Section 4.4 of By-law no. 534 or according to Section 14.1 of By-law no. 582 or of the plan, to provide the spouse with a 60 % pension.

If the pension established according to the preceding provisions has not been reduced in compliance with 4.3, the reduction shall apply on the 1<sup>st</sup> day of the month following the date of the pensioner's 65<sup>th</sup> birthday.

6.3.3 (a) Subject to subsection *b* below, the entitlement to benefits pursuant to 6.3.1 and 6.3.2 shall disappear upon a legal separation, a divorce, a marriage annulment or a termination of the conjugal relationship.

(b) In the case of the benefits pursuant to 6.3.1 and 6.3.2, if there has been no division of benefits accrued by the member under the plan following a legal separation, a divorce, a marriage annulment or a termination of the conjugal relationship, the pensioner may notify the committee in writing to pay the survivor benefit to the spouse who is legally separated or to the former spouse, despite such legal separation, divorce, marriage annulment or termination of the conjugal relationship.

(c) In the case of a pensioner who was receiving a pension on December 31, 1989, subsections *a* and *b* of this Section shall apply only in the case of a divorce, a marriage annulment or termination of the conjugal relationship.

6.3.4 Subject to the provisions of 6.3.3b, if a pensioner who did not have a spouse on his retirement date dies without a spouse, the survivor benefit pursuant to 6.3.1 shall be paid to the children.

6.3.5 If a pensioner who had a spouse on his retirement date dies without a spouse, the survivor benefit pursuant to 6.3.1 and 6.3.2 shall be paid to the children.

### 6.4 Death of surviving spouse

If the surviving spouse of a member or the surviving spouse of a pensioner dies, the survivor benefit that was being paid to the spouse shall continue to be paid to the children.

6.5 Upon termination of the pension payable pursuant to By-law no. 83, By-law no. 278, By-law no. 534, Sections 6.3.1, 6.3.2, 6.3.3, 6.3.4, 6.3.5 and 6.4 of By-law no. 582 or of the plan, or when no pension is

payable, any excess of the contributions paid by the member plus interest over the sum of the pensions already paid shall be paid to the estate. For the purpose of this subsection, the benefits paid pursuant to Sections 38 and following of By-law no. 83, Part II of By-law no. 278, Part II of By-law no. 534 and Part II of By-law no. 582 or of the plan are not to be considered.

## SECTION 7 TERMINATION BENEFITS

7.1 Any member with at least 2 years of contributory service or continuous service who terminates employment with the employer before his normal retirement date shall not be entitled to a refund of his contributions for the years of contributory service after December 31, 1989. Instead, the member shall receive a deferred retirement benefit payable at the normal retirement date, but for an amount equal to the benefit accrued at the termination date, calculated pursuant to 4.1c, 4.1d, 4.3b, 4.3c and 4.4.

7.2 A member who leaves the employer without fulfilling the above requirements shall receive a cash payment equal to his contributions for the years of contributory service after December 31, 1989, plus interest.

7.3 Any member who terminates employment with the employer after age 45 but before the normal retirement date shall not be entitled to a refund of his contributions paid for the years of contributory service prior to January 1, 1990, if he has at least 10 years of contributory or continuous service. Instead, he shall receive a deferred retirement benefit payable at the date and under the conditions of normal retirement for an amount equal to the retirement benefit accrued at the termination date, pursuant to 4.1a, 4.1b, 4.2 and 4.3a. However, in the case of a female member who was an employee on December 31, 1979 and who is entitled to a deferred retirement benefit as of her normal retirement date, the portion of the deferred retirement benefit for the years of contributory service after December 31, 1965 but prior to January 1, 1980 shall be adjusted on an actuarial equivalence basis for the deferral of benefit payments from the member's 60<sup>th</sup> to her 65<sup>th</sup> birthday.

Notwithstanding the above, the amount of the deferred retirement benefit shall be at least equal to the retirement benefit whose present value is equal to the contributions in respect of the years of contributory service prior to January 1, 1990, plus interest.

7.4 A member who terminates his employment without meeting the age and service conditions described in 7.3 shall receive a cash payment equal to his contributions for the years of contributory service prior to January 1, 1990, with interest.

7.5 When a member referred to in 2.3 is entitled to recall rights following his termination of employment, he must leave his employee contributions in the pension fund for a maximum of 24 months, and there shall be no interruption of the years of continuous service. If the member is not rehired within a maximum period of 24 months, the years of continuous service shall be considered to have terminated at the end of this period.

7.6 The provisions in respect of retirement at the request of the employer and postponed retirement shall not apply to deferred retirement benefits. The provisions in respect of voluntary retirement, with the exception of the provisions of 5.2c, and early retirement at the request of the member shall apply to deferred pensions.

From January 1, 1997 to December 31, 2000, the provisions in respect of voluntary retirement pursuant to the 3<sup>rd</sup> paragraph of 5.2a and those in respect of early retirement at the request of the member pursuant to 5.4d shall apply to deferred pensions if the two following requirements are met:

- i. termination of employment happens during this period;
- ii. one of the requirements set out in sub-paragraph (i) or (ii) of the 3<sup>rd</sup> paragraph of 5.2a is fulfilled during this period.

7.7 The provisions with respect to survivor benefits payable to the spouse, failing which, to the children, shall apply to a deferred retirement benefit when a former member dies after one of the following dates:

- (a) the date on which he would have been entitled to an early retirement at the request of the member according to the provisions of 5.4c, 5.4d and 5.4e;
- (b) the date on which he would have been entitled to a voluntary retirement;
- (c) the normal retirement date

and for the purposes of death benefits, spousal status shall be established on the day preceding the death of the former member.

7.8 When on the death of a former member no retirement benefit is payable pursuant to 7.7 above, his contributions for years of contributory service prior to January 1, 1990, plus interest, shall be payable in a single lump sum to his estate, except for the years of contributory service prior to January 1, 1966 if these have already been refunded. On the other hand, the present value of the deferred retirement benefit at the termination of employment date for the years of credited service

after December 31, 1989 shall be payable in a single lump sum to the spouse or, if there is no spouse, to the estate.

7.9 Any member who is more than 10 years from normal retirement age on the date of termination of employment with the employer, if such date is after December 31, 1989, shall be entitled, according to the provisions of the Supplemental Pension Plans Act, to transfer the present value of the deferred retirement benefit pursuant to 7.1 and 7.3 to another pension plan regulated by the Supplemental Pension Plans Act or defined by the regulations adopted by the Government of Québec pursuant to such Act.

The member or former member may make an election as to his available options within the following periods:

(a) during the 180-day period following his termination of employment;

(b) subsequently, every 5 years, within 180 days following the date of anniversary of his termination of employment date but, at the latest, by the date provided for in *c*;

(c) within 180 days following the date 10 years prior to his normal retirement age.

In the cases provided for in *b* and *c*, a new present value of the deferred retirement benefit shall be determined at each 5<sup>th</sup> anniversary of the termination of employment date, but at the latest, on the former member's 55<sup>th</sup> birthday.

7.10 The provisions of 7.9 above shall not apply to retirement at the request of the employer, even if the member is under age 55.

7.11 Any amount that the member or former member is entitled to transfer under 7.9, that is less than 10 % of the year's maximum pensionable earnings for the year in which he has this right of transfer, shall be transferred by the committee to another pension plan as defined by the regulations adopted by the Government of Québec pursuant to the Supplemental Pension Plans Act and chosen by the member or former member or, if not available, by the committee. This measure does not apply in the event of dismissal if the member did not exercise his entitlement to transfer.

However, the committee shall not transfer such amount if the amount has been used to provide a retirement benefit already in the course of payment.

7.12 Any amount transferred to any registered plan under this Section shall be subject to the Income Tax

Act and to any regulations adopted by the Government of Canada pursuant to that Act.

## SECTION 8 TRANSFER OF BENEFITS BETWEEN SPOUSES

8.1 In the event of a legal separation, a divorce or marriage annulment, the benefits accrued to a member, former member or pensioner under the plan shall, upon application in writing to the committee, be divided between the member and his spouse to the extent provided for in the Civil Code of Québec or by a court order.

Where the court awards to the spouse of a member, former member or pensioner, as payment for a compensatory allowance, the benefits accrued to such member, former member or pensioner under the plan, the benefits shall, upon application in writing to the committee, be transferred to the spouse to the extent provided for by the court order.

8.2 In the event of the cessation of the conjugal relationship between a spouse and a member, former member or pensioner, within the meaning of 1.24*b*, the member, former member or pensioner and spouse may, within 6 months, agree in writing to a partition of the accrued benefits of the member, former member or pensioner under the plan, in accordance with the provisions of the Supplemental Pension Plans Act.

8.3 Upon presentation of an application for a legal separation, a divorce, a marriage annulment or a payment of a compensatory allowance, or in the event of the cessation of a conjugal relationship, a member, former member or pensioner and his spouse shall be entitled, upon application in writing to the committee, to obtain a statement of the accrued benefits of the member, former member or pensioner under the plan and of the present value thereof as at the date of the institution of the action. Such application shall also contain the following documents and information or any other documents or information prescribed by the regulations adopted by the Government of Québec pursuant to the Supplemental Pension Plans Act:

(a) the name and address of the member, former member or pensioner and his spouse;

(b) in the case of married spouses, a marriage certificate, a copy of the application for a legal separation, a divorce, a marriage annulment or a payment of a compensatory allowance, as well as the date of such application;

(c) in the case of unmarried spouses, a joint declaration stating the dates on which their conjugal relation-

ship began and ended and, if they have lived in a conjugal relationship for more than 1 year but less than 3 years, proof of one of the events set out in 1.29*b*.

The committee shall provide the applicant and his spouse with such statement within the periods and with the information as set out in the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto.

8.4 Any application for the partition or transfer of benefits of the member, former member or pensioner made in writing to the committee shall be accompanied by a copy of the following documents, if applicable, and any other documents prescribed by the regulations adopted by the Government of Québec pursuant to the Supplemental Pension Plans Act:

(*a*) the court order for the legal separation from divorce, marriage annulment or payment of a compensatory allowance and, where applicable, the agreement entered into between the married spouses in respect of the partition or transfer of the benefits of the member, former member or pensioner;

(*b*) any other court order related to the partition or transfer of the benefits of the member, former member or pensioner;

(*c*) the divorce certificate and, in the case of another court order pursuant to *a* or *b* above, the non-appeal certificate;

(*d*) in the case of unmarried spouses, the agreement between them with respect to the partition of benefits of the member, former member or pensioner.

8.5 Unless it is a joint application for partition or transfer of benefits, the committee shall provide the member, former member or pensioner with a written notice informing him of such application and the present value of the benefits claimed by his spouse.

The committee may not proceed with the execution of the partition or transfer until 60 days have elapsed since such notice is sent to the member, former member or pensioner. Moreover, the committee may not proceed if it is notified that the spouse of the member, former member or pensioner has duly waived his rights to benefits or that the member, former member or pensioner has initiated a legal action in opposition to the application for partition or transfer.

8.6 The value of the accrued benefits of the member, former member or pensioner shall be determined in accordance with the provisions of the regulations adopted

by the Government of Québec pursuant to the Supplemental Pension Plans Act.

8.7 Unless it has been notified of the spouse's waiver of or a judicial opposition to the partition or transfer of the benefits of the member, former member or pensioner, the committee shall, within 120 days of the expiry of the period provided for in the second paragraph of 8.5, transfer any amount to which the spouse is entitled as a result of such partition or transfer into a pension plan, as defined by the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto.

When the benefits to which the spouse is entitled as a result of the partition or transfer are a refund to which the member would have been entitled at the date of institution of the action, the committee shall pay the spouse the amount corresponding to such benefits or transfer same into a pension plan as defined by the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto.

8.8 The procedure provided for in 8.5 and 8.7 shall be subject to the provisions of any regulations adopted pursuant to the Supplemental Pension Plans Act, and any provisions of such regulations adopted by the Government of Québec amending such procedure shall form part of and amend this Section.

8.9 Subject to the provisions of the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto, the benefits allocated to the spouse following the partition of the benefits of the member, former member or pensioner or as payment of a compensatory allowance may be used solely to purchase a life annuity, and shall be transferred to another plan.

8.10 Execution of the partition or transfer shall reduce the benefits of the member, former member or pensioner pursuant to the provisions of the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto.

## SECTION 9 CALCULATION OF INTEREST

9.1 Employee contributions shall bear interest as of the date they are paid into the pension fund, until the date of payment thereof.

9.2 In the case of a member or former member who avails himself of the provisions of 7.9, the employee contributions shall bear interest until the date used to determine the present value of the deferred retirement

benefit. Subsequently, the present value of the deferred retirement benefit shall bear interest for the period between the date on which such value was established and the date of transfer at a rate determined according to the actuarial assumptions and methods filed with the Régie des rentes du Québec, in accordance with the provisions of the Supplemental Pension Plans Act.

9.3 Excess contributions, if any, shall bear interest as of the date of their calculation pursuant to 3.5*b* and until such time as they are refunded, transferred to another plan, or used to provide an additional benefit.

9.4 No interest shall be credited on employee contributions after the date on which the member or former member starts to receive a retirement benefit or after the date of death of the member or former member.

9.5 Employee contributions shall bear interest starting only on January 1, 1966.

9.6 As of January 1, 1990, interest shall be determined as follows:

(a) for the first 6 months of a year, the interest shall correspond to the average of the rates in 1.19 for the 6-months ended November 30th of the previous year;

(b) for the last 6 months of a year, the interest shall correspond to the average of the rates in 1.19 for the 6-months ended May 31st of the same year.

## **SECTION 10**

### **REDEMPTION OF YEARS OF CONTRIBUTORY SERVICE**

10.1 A member who:

(a) starts to receive benefits under the long-term disability plan of the employer after January 6, 1982;

(b) receives an indemnity from the "Commission de la santé et de la sécurité du travail" as a result of a preventive leave under the Act Respecting Occupational Health and Safety (R.S.Q., c. S-2.1), or an occupational accident under the Act Respecting Industrial Accidents and Occupational Diseases (R.S.Q., c. A-3.001) and who did not avail himself, after December 31, 1989, of the provisions set out in 3.6*b*(ii);

(c) avails himself of unpaid leave under the parental benefits plan and who did not avail himself of the provisions set out in 3.6*d*(ii)(2);

(d) avails himself of an unpaid leave that an employer must grant under any applicable legislation.

and who returns to work before his normal retirement date, may have all or part of the period of temporary leave of absence counted as a year of contributory service, provided he pays the employee contributions, plus interest, subject to the following terms and conditions:

i. the contributions are calculated on the basis of the earnings rate appearing on his employer's payroll during the temporary leave of absence, the year's maximum pensionable earnings, the basic exemption and the rate of contribution in effect during the period of temporary leave of absence;

ii. the member avails himself of this option and selects his method of refund pursuant to 10.4.

10.2 If a member elects to have only part of his period of temporary leave of absence counted as a year of contributory service, the years of contributory service thus credited shall be presumed to be those just prior to his return to work.

10.3 A member on temporary leave of absence as a result of his election to the Québec National Assembly or the House of Commons, who returns to work before his normal retirement date, may have all or part of his years as elected representative counted as years of contributory service, provided he pays the employee contributions, plus interest, in accordance with the terms and conditions as set out in 10.1 and 10.2. This provision shall not apply if for this period of leave of absence the member is entitled to a pension under a pension plan for the members of the Québec National Assembly or of the House of Commons.

10.4 A member can avail himself of the option provided for in 10.1 and 11.1 one time only, and do so within 180 days following his return to work or rehiring. The refund may be made:

(a) in a single lump sum payment within 90 days following the exercise of the option provided the payment is made before the earlier of the retirement date and the normal retirement date;

or

(b) through earnings deductions at each pay period of which the amount, plus the interest, shall be established by Hydro-Québec; however, the full refund can neither be done over a period exceeding 5 years, starting on the date the option is exercised nor extend beyond the earlier of the retirement date and the normal retirement date;

or

(c) through annual payments of which the amount, plus the interest, shall be established by Hydro-Québec; however, the full refund shall not exceed 5 years of contributory service, as of the date the option is exercised nor extend beyond the earlier of the retirement date and the normal retirement date.

Interest shall accumulate from the date contributions are due to be made into the pension fund; the 180-day period provided for exercising said option and the terms of payment described above shall not in any way delay or cancel the charging of interest. Should the member fail to make a payment, accumulated interest shall be added to the balance of the redemption.

Once each year, the member may make a lump-sum payment to reduce or eliminate the balance of contributions to be recovered.

The member may decide to terminate his redemption at any time by submitting a written notice to the employer. This decision shall be irrevocable. The years of contributory service shall then be established in relation to the refunds paid as at the date of termination of the redemption.

10.5 (a) A member who avails himself of the provisions set out in 3.6*d*(i) and whose temporary leave of absence lasts more than one pay period must advise the employer in writing at least 30 days before the beginning of his temporary leave of absence.

(b) A member shall receive from the employer, prior to the beginning of his temporary leave of absence, a statement showing the number of payments he must make, the amount of each payment and the date at which each of these payments is due. Such payments shall be made as follows:

i. by cheque, if the member does not receive any earnings during the pay period in question or if the earnings paid are not sufficient to cover the contributions due; or

ii. by deductions at source each pay period, in other cases.

(c) Any unpaid contribution at the due date shall be increased by the interest accumulated until the balance is paid. The member may pay the balance of unpaid payments, plus accumulated interest, at the end of his temporary leave of absence, provided the date of full payment is no later than 90 days after the end of said temporary leave of absence and does not extend beyond the earlier of the retirement date and the normal retirement date.

(d) The member may decide to terminate his redemption at any time by submitting a written notice to the employer. This decision shall be irrevocable. The years of contributory service shall then be established in relation to the payments made as at the date of termination of the redemption.

10.6 A member who avails himself of the provisions set out in 3.6*d*(i)(1) and whose temporary leave of absence is expected to last less than 10 days per pay period and not extend beyond subsequent pay periods, must advise the employer in writing before the beginning of said leave of absence or within 180 days of his return.

The contribution due shall be deducted from the member's earnings provided the earnings paid are greater than or equal to the contribution due. If such is not the case, the member may make his payment by cheque. No interest is chargeable if the date at which the member's notice is received makes it possible to pay the contribution through a deduction at source or a payment by cheque during the pay period the temporary leave of absence is taken. In all other cases, the contribution due shall be deducted from the member's earnings at a subsequent pay period and this contribution shall be increased by the interest due from the date said contribution was due to be made into the pension fund.

A member who does not avail himself of the provisions set out hereinabove cannot avail himself of the provisions of 10.9.

10.7 A member who avails himself of the provisions set out in 3.6*b*(ii) must advise the employer in writing, if applicable, as soon as he knows the date of his eligibility for the payment of compensation by the "Commission de la santé et de la sécurité au travail".

The provisions as described in 10.5*b*(i), in 10.5*c* and 10.5*d* apply to such member.

10.8 A member who avails himself of the provisions set out in 3.6*d*(ii)2 must advise the employer in writing at least 15 days prior to the beginning of his temporary leave of absence.

The provisions as described in 10.5*b*(i), in 10.5*c* and in 10.5*d* apply to such member.

10.9 A member who did not avail himself of the periodic payment option pursuant to 3.6*d*(i) and who returns to work or to a full-time schedule before his normal retirement date may avail himself of the provisions set out in 10.4 for the redemption of the years of contributory service which correspond to these temporary leaves of absence. However, only a temporary leave



of absence or part of a temporary leave of absence taken between January 1, 1997 and December 31, 2000 may be redeemed. The member must exercise his redemption option no later than on the earlier of the following two dates, that is:

- i. within 180 days following his return to work or to a full-time schedule; or
- ii. June 30, 2001.

10.10 The provisions of this Section shall be subject to the Income Tax Act and any regulations adopted by the Government of Canada pursuant thereto.

## **SECTION 11**

### **REHIRING**

11.1 Any member who has received a refund of contributions pursuant to Section 7 of the plan, of By-law no. 582, of By-law no. 534, of By-law no. 278 or to Section 18 of By-law no. 83 may, if he is rehired, and subject to the provisions of the Income Tax Act and of any regulations adopted by the Government of Canada pursuant thereto, have a portion or all of the years of contributory service prior to his termination of employment counted, provided he returns the amount required, according to the terms and conditions set out in 10.4. The amount required equals the amount reimbursed plus interest for the period elapsed between the date of the refund and the date of the first payment for the redemption, multiplied by the number of contributory years that the member wishes to have counted divided by the number of contributory years preceding his termination of employment. This provision shall not apply to the values of the deferred retirement benefits transferred under the provisions of Section 7 or refunded pursuant to 22.7, except in the case of reinstatement following firing, if the pension amounts transferred or refunded, accrued with interest, are paid into the pension fund.

11.2 Any person who receives a retirement benefit under the plan, By-law no. 582, By-law no. 534, By-law no. 278 or By-law no. 83 shall cease to receive the retirement benefit if he is rehired as a member prior to his normal retirement date. However, he shall retain all the years of contributory service prior to his retirement date for which he has not received a refund of contributions under the provisions of Section 7.4 of the plan or of By-law no. 582, Section 7.5 of By-law no. 534, Section 7 of By-law no. 278 or Section 18 of By-law no. 83.

Any person who receives a retirement benefit under the plan, By-law no. 582, By-law no. 534, By-law no. 278 or By-law no. 83 shall cease to receive the retirement benefit if he is rehired as a member after his normal retirement date but before December 1st of the year in

which he reaches the age limit provided for in applicable legislation. Such retirement benefit shall then be postponed pursuant to 5.5 and, where applicable, Section 19.

11.3 Any person who is entitled to a deferred retirement benefit under the plan, By-law no. 582, By-law no. 534, By-law no. 278 or By-law no. 83 shall lose his right to such deferred retirement benefit if he is rehired as a member before his normal retirement date. However, he shall retain all the years of contributory service prior to his termination date for which he has not received a refund of contributions under the provisions of Section 7.4 of the plan or of By-law no. 582, Section 7.5 of By-law no. 534, Section 7 of By-law no. 278 or Section 18 of By-law no. 83.

11.4 Any member who has been retired pursuant to 5.3a(ii)(2) and who before reaching his 60th birthday becomes capable of carrying out the functions equivalent to those he held prior to his retirement, may be rehired by the employer. If he refuses the position offered him, the retirement benefit he receives shall be replaced by a deferred retirement benefit pursuant to Section 7, even if he does not satisfy the conditions pursuant to 7.3.

11.5 When the member has had a portion of the period preceding his termination of employment counted as a year of contributory service, the recognized years of contributory service correspond to those closest to his termination of employment for which the remitted contributions were paid.

## **SECTION 12**

### **MAXIMUM BENEFITS**

12.1 From the normal retirement date

12.1.1 The annual pension payable starting from the normal retirement date credited to the member for years of contributory service after December 31, 1991 shall be subject to the limit described in 12.1.2.

12.1.2 The annual pension established in 12.1.1 shall be limited to the defined benefit limit established on the date of event, multiplied by the number of years of contributory service after December 31, 1991.

12.1.3 The limit obtained in 12.1.2 shall be reduced by 1/4 % per month, if applicable, for each month between the retirement date and the 1st day of the month coinciding with or immediately following the earliest of these dates:

(a) the date on which the member would have reached his 60th birthday;

(b) the date on which the member would have completed 30 years of continuous service;

(c) the date on which the years of continuous service plus the member's age would have totalized 80.

## 12.2 Before the normal retirement date

12.2.1 The annual pension payable from the retirement date up to the normal retirement date credited to the member for the years of contributory service after December 31, 1991 shall be subject to the lower of the limits described in 12.2.2 and 12.2.3.

12.2.2 The first limit referred to in 12.2.1 shall be established on the date of event and shall correspond to the sum of the following amounts:

(a) the defined benefit limit, multiplied by the number of years of contributory service after December 31, 1991;

(b) 25 % of the average of the year's maximum pensionable earnings of the current year and of the previous 2 years, multiplied by the ratio expressed by the number of years of contributory service after December 31, 1991 over 35; this ratio shall not exceed 1.

12.2.3 The second limit referred to in 12.2.1 shall be established on the date of event and shall correspond to the sum of the following amounts:

(a) the annual pension obtained in 12.1;

(b) the amount calculated according to the following formula:

$$A \times \frac{B}{C}$$

where:

A represents the difference between the pension obtained in 12.2.2 and that obtained in 12.1;

B represents the average of the amounts calculated in 12.2.3.1 and 12.2.3.2, weighted by the proportion of the years of contributory service before January 1, 1992 and the proportion of the years of contributory service after December 31, 1991;

C represents the difference between the annual pension payable starting on the retirement date and continuing until the normal retirement date and the annual pension payable starting on the normal retirement date credited to the member by virtue of the total years of contributory service;

and where:

$$\frac{B \times 1}{C}$$

12.2.3.1 The first amount referred to in item B of the formula in 12.2.3b corresponds to the sum of:

(a) the maximum annual pension payable under the Old Age Security Act;

(b) the maximum annual pension that would be payable to the member under the Québec Pension Plan Act if he were 65 years of age, multiplied by the ratio of his three-year average compensation to the corresponding average year's maximum pensionable earnings, subject to a maximum of 1.

12.2.3.2 The second amount referred to in item B of the formula in 12.2.3b corresponds to the total obtained in 12.2.3.1 reduced by 1/4 % per month, as applicable, for each month between the retirement date and the date of the member's 60th birthday, and multiplied by the ratio representing the member's number of years of continuous service over 10; this ratio shall not exceed 1.

12.3 The application of Sections 12.1 and 12.2 shall take into account, as the case may be, any pension resulting from the surplus distributed at the time the plan is wound up.

12.4 The application of Sections 12.1 and 12.2 shall not take into account, as the case may be, any benefits transferred to the spouse under Section 8.

12.5 Sections 12.1 and 12.2 shall not apply to the part of the annual pension provided from excess contributions determined according to the provisions of 3.5.

12.6 The reductions provided for in 12.1.3 and 12.2.3.2 shall not apply in the case of pension payable for total and permanent disability under 5.3a(ii)(2).

12.7 The date of event for the purposes of 12.1 and 12.2 shall correspond to the date pension benefits become payable, except under the following conditions:

(a) in the case of postponed retirement, the normal retirement date shall be used;

(b) in the case of termination of employment, the date of termination of employment shall be used;

(c) in the case of dissolution of the plan, the date on which the plan is dissolved shall be used;

(d) in the case of legal separation, divorce or marriage annulment of a member, the date of the application for legal separation, divorce or marriage annulment shall be used;

(e) in the case of cessation of a conjugal relationship between a member and his spouse as defined in 1.29*b*, the date on which the conjugal relationship ceased shall be used.

12.8 All pension benefits provided under the plan shall be subject to the limits imposed by the Income Tax Act and by any regulations adopted by the Government of Canada pursuant to that Act regarding pension adjustments.

12.9 The annual pension established in the first paragraph of Section 18.2 shall be subject to the limits in Sections 12.1 and 12.2, determined using the years of continuous service rather than the years of contributory service.

### SECTION 13 INDEXATION

13.1 On January 1<sup>st</sup> of each year, the amount of the retirement and survivor benefits being paid under the plan, By-law no. 582, By-law no. 534, By-law no. 278, By-law no. 83 and the supplemental plans shall be updated to reflect the change in the pension index, in the following manner:

(a) The amount of the retirement or survivor benefit expressed as an annual amount and paid as at December 31<sup>st</sup> of the preceding year shall be multiplied by the greater of:

- i. the pension index for the year in question, reduced by 3 %;
- ii. the pension index for the year in question, subject to a maximum of 102 %.

Any retirement or survivor benefit, the payment of which has begun during the year, shall be updated on the following January 1<sup>st</sup> and prorated according to the number of months that have elapsed since payment of the benefit began, with the exception of a survivor benefit paid to the spouse or children of a deceased pensioner, which benefit shall be indexed for the entire year in which it began to be paid.

In the event that a pensioner dies in the year during which he began to receive his retirement benefit, the survivor benefit paid to the spouse or children shall be updated on the following January 1<sup>st</sup> and prorated ac-

ording to the number of months that have elapsed since his retirement date.

(b) If the method of calculation of the consumer price index for any particular year is changed, Hydro-Québec shall determine the method of calculation of the pension index for the said year.

13.2 Retirement and survivor benefits paid under a supplemental plan shall be indexed according to this Section only when the adjustment rate provided for in the plan is higher than that provided for in the supplemental plan, and in such case, the indexing shall be based solely on the difference between those adjustment rates.

13.3 Indexation of retirement and survivor benefits under supplemental plans as provided for under this Section shall not be paid to the pensioner, his spouse or his children where the spouse has not waived the right to the 60 % survivor benefit, which indexation shall be considered in the actuarial equivalence provided for in 4.4 of By-law no. 534 or in 14.1 of By-law no. 582 or of the plan.

13.4 Indexation of deferred retirement benefits shall apply in the manner provided for in 13.1*a*, as of January 1<sup>st</sup> of the year following the date on which they start to be paid.

13.5 Any retirement benefit not in payment on the normal retirement date or after such date shall also be updated pursuant to 13.1.

### SECTION 14 OPTIONAL FORMS OF PENSION

14.1 Prior to the date on which pension payments begin, the employee's spouse, if any, may waive the death benefit provided for in 6.3.2 by so notifying the committee in writing. This waiver may be revoked by notifying the committee in writing within the period provided for above.

If the employee's spouse, if any, has not waived the benefit provided for in 6.3.2, the annual pension calculated in 4.1, 4.2 and 4.3, increased, where applicable, by the pension benefit provided for in 5.2*c*, shall be adjusted on an actuarial equivalence basis with the normal pension provided for in 6.3.1, to pay the spouse a 60 % pension.

Spousal status, for the purposes of application of the above provisions shall be established on the day preceding the date on which the member's retirement benefit begins.

14.2 When the retirement date is prior to the normal retirement date, the member or former member may request an adjustment of the reduction provided for in 4.3c on an actuarial equivalence basis, the pension calculated in 4.1d being replaced by an annual pension equal to 2.25 % of the five-year average earnings multiplied by the number of years of contributory service after December 31, 1991. This adjustment may only be exercised by the member or former member on the day preceding the date on which pension payments begin.

This option may not have the effect of increasing the reduction provided for in 4.3 by an amount greater than the sum of:

(a) the maximum annual pension payable under the Old Age Security Act;

(b) the maximum annual pension that would be payable to the member or the former member under the Québec Pension Plan Act if he were 65 years of age on the retirement date, multiplied by the three-year average compensation, limited to the average of the year's maximum pensionable earnings for the last 3 years, divided by the average of the year's maximum pensionable earnings for the last 3 years.

## SECTION 15 ADMINISTRATION OF THE PLAN

15.1 Administration of the plan shall be the responsibility of the committee; however, Hydro-Québec, as trustee, shall be responsible for management of the pension fund.

### 15.2 Hydro-Québec Pension Fund

(a) The pension fund shall consist of:

i. funds from the Hydro-Québec Pension Plan, pursuant to By-law no. 582, employee, employer and equalizing contributions, as well as investment income derived therefrom;

ii. funds paid as a result of an agreement to participate in the plan, pursuant to Section 24.

(b) The Hydro-Québec Pension Fund may receive any amount transferred from a registered plan for the purpose of meeting the obligations pursuant to Sections 10, 11 and 23.

(c) All expenses related to the administration of the plan and the management of the fund shall be assumed by the pension fund.

(d) Retirement benefits granted by Montreal Light, Heat & Power Consolidated before April 15, 1944 and by Hydro-Québec after this date, under Section 17 of the By-laws of Montreal Light, Heat & Power Consolidated or the benefits payable under By-law no. 12 of Hydro-Québec, shall be paid directly from the pension fund.

(e) The payment of benefits shall be a debit to the pension fund.

### 15.3 Accounting

Separate accounts shall be kept for the premiums and contributions resulting from the application of Sections 38 and following of By-law no. 83, of Part II of By-law no. 278, of Part II of By-law no. 534, of Part II of By-law no. 582 and of Part II of the plan, and for the income derived therefrom, as well as for the payment of related benefits and indexation of said benefits.

### 15.4 Management of the pension fund

Hydro-Québec shall manage the pension fund pursuant to the provisions of the Hydro-Québec Act and the applicable provisions of the Supplemental Pension Plans Act. Specifically Hydro-Québec shall:

(a) prepare, within six months of the end of each fiscal year of the plan, a financial report containing a statement of the plan assets and liabilities as well as a statement of revenues and expenses for the fiscal year just terminated. Such report shall be audited by the individuals appointed by the Government of Québec for the auditing of the Hydro-Québec accounts under the Hydro-Québec Act;

(b) prepare a written investment policy that takes into account the characteristics of the plan, its financial liabilities, and the applicable provisions of the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto;

(c) determine on the investments to be made with the assets of the plan and ensure that these are made in accordance with the investment policy and applicable legislation;

(d) authorize the payment of amounts required to discharge the obligations pursuant to Section 23;

(e) have the actuary prepare an actuarial valuation of the plan at the latest as at the last fiscal year-end of the plan that falls within three years following the date of the latest actuarial valuation of the plan, or, where the Régie des rentes du Québec so requires, at a date set by the Régie. It shall also have such a valuation prepared at

the effective date of the plan and at the effective date of any amendment to the plan which affects its funding or its solvency;

(f) have the actuary prepare a report relating to any actuarial valuation of the plan. Such report shall contain the information as prescribed by the Supplemental Pension Plans Act or any regulations adopted by the Government of Québec pursuant thereto;

(g) provide the committee with any information it deems necessary for the sound administration of the plan, in particular the financial report provided for in *a* above, and the actuarial valuation report provided for in *f* above.

### 15.5 Hydro-Québec Pension Committee

(a) The committee shall be made up of 13 members, including seven representatives of Hydro-Québec, one independent member and five members elected by the plan members, former plan members and pensioners; three of these five members shall be selected from among the unionized employees who are plan members, one among the non-unionized employees who are plan members, and one among the pensioners or former plan members.

(b) The committee members elected in accordance with subsection *a* shall be chosen from among the plan members who are not on unpaid temporary leave at the time their candidacies are submitted, and among pensioners and former plan members; they shall be elected in accordance with the procedures set out by the committee.

(c) The Hydro-Québec representatives on the committee and the independent member shall be appointed by Hydro-Québec. The independent member must qualify pursuant to the provisions of the Supplemental Pension Plans Act.

(d) During the annual meeting provided for in 15.6*n*, the plan members, former plan members and pensioners may choose to appoint additional committee members to those already elected in accordance with *a* and *b* above. In such case, the plan members, former plan members and pensioners shall appoint a single committee member to represent them, or the plan members shall appoint an additional committee member and the former plan members and pensioners shall appoint another committee member.

(e) Hydro-Québec shall appoint to the committee additional representatives which number will correspond to the number of committee members appointed by the plan members, former plan members and pensioners

pursuant to *d* above. The term of office of such committee members shall be one year.

(f) The committee shall elect its chairman from among the committee members appointed by Hydro-Québec. The committee shall designate a secretary, who does not have to be a committee member.

(g) The committee members in office on January 1, 1990 shall remain in office until they are replaced by members elected or appointed pursuant to this Section.

(h) The term of office of committee members representing plan members, former plan members and pensioners shall be 3 years, not to exceed 4 years, with the exception of those elected at the time of the annual meeting, whose term shall not exceed one year. A committee member whose term has expired shall remain in office until he is reappointed or replaced. Any new committee member shall take office as at the first meeting following his election or appointment.

(i) Subject to *e* above, Hydro-Québec representatives on the committee shall remain in office until such time as their successors are appointed.

(j) In the event of any vacancy on the committee, the members who remain, if they represent a quorum, may continue to exercise the powers and rights of the committee until such time as a replacement is appointed or elected.

(k) The chairman shall preside over the meetings of the committee, ensure that its decisions are executed, and sign the appropriate documents.

(l) The secretary shall write up the minutes of the committee meetings and shall keep them in the record book maintained for that purpose. He shall be responsible for maintaining all records and books prescribed by the committee.

(m) The quorum for the committee meetings shall be seven when the committee consists of thirteen members, eight when the committee consists of fifteen members, and nine when the committee consists of seventeen members, and any decision shall be made by a majority of those members present. The chairman shall have the deciding vote in the case of a tie.

(n) With the exception of the independent member, the committee members shall not be entitled to any remuneration.

### 15.6 Duties of the committee

Subject to the provisions of 15.1 and 15.4 in respect of the role of trustee of the pension fund exercised by Hydro-Québec, the committee shall have the duties it is assigned under the Supplemental Pension Plans Act, in particular to:

(a) provide the Régie des rentes du Québec with the application for registration of the plan or its amendments, together with all information and documents provided for under the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto;

(b) inform the members when it plans to apply for the registration of an amendment to the plan, in accordance with the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto;

(c) see to the application of the provisions of the plan;

(d) interpret the provisions of the plan in the case of doubt;

(e) authorize the payment of benefits by Hydro-Québec;

(f) draw up internal rules of procedure in those areas falling within its jurisdiction and, in particular, adopt the procedure for election to the committee of representatives of the plan members, former plan members and pensioners;

(g) hold meetings at least once a month;

(h) prepare an annual report on its activities for Hydro-Québec;

(i) transmit to Hydro-Québec its recommendations for improving the administration of the plan or increasing the efficiency thereof;

(j) allow employees, plan members, former plan members, pensioners or their agents who so request, to review, during regular business hours, within 30 days following receipt of such written request, any document prescribed by the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto, under the terms and conditions established by the act and regulations;

(k) allow plan members, former plan members, pensioners or their agents who so request, to review, during

regular business hours, within 30 days following receipt of such written request, any plan provision in force at any time during the period in which such person was a plan member;

(l) requests for documents or the review of documents may be made free of charge by an individual not more than once in a 12-month period. A fee may be charged for any additional request(s) by an individual within such period;

(m) provide every plan member, within 90 days of his joining the plan or of the date of registration of the plan, with a copy of the applicable provisions of the plan, as well as a description of the rights and obligations of the member. In the event of any amendment to the plan, the employer shall provide every plan member, former plan member or pensioner with such document within 90 days of the registration date of the amendment by the Régie des rentes du Québec;

(n) within six months of every fiscal year-end of the plan or within the additional period granted by the Régie des rentes du Québec, convene a meeting, as per the procedure adopted by the committee, by written notice to every member, former member, pensioner and the employer to:

i. inform them of the amendments made to the plan, of any situations in respect of conflicts of interest noted by any committee member, and of the financial status of the plan;

ii. allow the plan members, former plan members and pensioners to decide whether or not to appoint one or two member(s) to the committee, pursuant to 15.5*d*, and, where applicable, proceed with such appointment(s);

iii. report on its administration;

(o) transmit to every plan member, former plan member and pensioner with the notice of the annual meeting, a statement containing the information prescribed by the regulations adopted by the Government of Québec pursuant to the Supplemental Pension Plans Act;

(p) within 60 days of the date on which the committee is informed that a person has ceased to be a plan member, provide such person or provide any other person who is entitled to a refund or to any other benefits with a statement containing the information prescribed by the Supplemental Pension Plans Act and any regulations adopted by the Government of Québec pursuant thereto;

in addition, within 60 days of a written request to such effect, provide free of charge such statement updated to reflect the most recent data available;

in addition, within 30 days of a written request, provide free of charge the data used to determine such statement or update of same and more particularly those used to calculate the benefits to which he is entitled;

(q) within six months of each fiscal year-end, forward to the Régie des rentes du Québec an annual return with such information as prescribed by the regulations adopted by the Government of Québec pursuant to the Supplemental Pension Plans Act;

(r) forward the report pursuant to 15.4f to the Régie des rentes du Québec within six months of the fiscal year-end of the plan or as of the date set by the Régie;

(s) delegate all or part of its powers, or have itself represented by a third party for any particular action;

(t) within 30 days following the coming into office of a committee member appointed by the plan members, former plan members or pensioners, review the delegations of responsibilities to determine which are to be maintained and which are to be revoked.

#### 15.7 Vacancy

(a) A person shall cease to be a committee member on the occurrence of one of the following:

- i. his death;
- ii. his termination of employment;
- iii. his absence for more than six meetings of the committee in the course of one year;
- iv. his resignation, or in the case of a Hydro-Québec representative or of the independent member, revocation of his mandate;
- v. when he ceases to belong to the group he represents, except, where applicable, for committee members elected during the annual meeting.

(b) Any committee member may resign by giving the committee prior written notice of a minimum of 30 days.

#### 15.8 Replacement

A vacancy on the committee shall be filled as follows:

(a) in the case of a Hydro-Québec representative and the independent member, the replacement shall be ap-

pointed by Hydro-Québec within 60 days of the vacancy;

(b) in the case of a representative of unionized employees, non-unionized employees or pensioners and of former plan members, the replacement shall be the defeated candidate who received the most votes at the most recent election held within the group in question, and this person shall remain in office until the end of the term of the person he replaces;

(c) in the case of a committee member appointed during the annual meeting, the committee shall appoint a plan member, former plan member or pensioner to fill the vacancy until the next annual meeting is held.

## PART II SUPPLEMENTARY PROVISIONS

### SECTION 16 DEFINITIONS

Unless the context indicates otherwise, the terms below shall have the following meaning:

16.1 “Vested Pension”: either of the following amounts:

(a) the amount of retirement benefit payable under a supplemental pension plan assuming it is paid to the beneficiary as soon as he is entitled thereto;

(b) the sum of the following amounts calculated pursuant to 4.2 and 5.2c:

- i. the amount of retirement benefit calculated pursuant to 4.1a and 4.1b;
- ii. the amount of retirement benefit calculated pursuant to 4.1c and 4.1d.

16.2 “Total Pension”: the sum of the vested pensions.

### SECTION 17 CONTRIBUTIONS

The contributions required for the complete funding and indexation of the benefits pursuant to Sections 38 and following of By-law no. 83, Part II of By-law no. 278, Part II of By-law no. 534, Part II of By-law no. 582 and Part II of the plan shall be paid entirely by the employer.

The contributions required to the funding and indexation of benefits for retirement at the request of the employer pursuant to 5.3a(ii)(1) shall be paid entirely

by the employer. However, in such a case, the unfunded actuarial liability for each such retirement, as calculated immediately prior to the retirement date, and an amount equal to this liability shall be transferred from Part I of the plan to Part II of the plan.

Notwithstanding the foregoing, an amount equal to the improvement unfunded actuarial liability with respect to Part II resulting from modifications effective January 1, 1997 and allowing, from January 1, 1997 to December 31, 2000, a voluntary retirement pursuant to the 3<sup>rd</sup> paragraph of 5.2a, shall be transferred as at January 1, 1997 from Part I of the plan to Part II of the plan.

## SECTION 18 RETIREMENT BENEFIT GUARANTEE FORMULA

### 18.1 Eligibility

The following persons shall be deemed eligible for a retirement benefit guarantee formula, with the exception of deferred retirement members and recipients of spousal or children's survivor benefits pursuant to a deferred retirement benefit:

(a) a member in the employ of a subsidiary prior to January 1, 1966, whose effective date of employment is recognized by Hydro-Québec to precede this date, and who retires subsequent to December 31, 1996 pursuant to the plan and who has at least 10 years of credited service or at least 15 years of credited service in the case of a member who retires pursuant to 5.4;

(b) the spouse of a pensioner referred to in *a* or in Section 16.1a of By-law no. 582 who dies after December 31, 1996;

(c) the spouse of a member in the employ of a subsidiary prior to January 1, 1966, whose effective date of employment which is recognized by Hydro-Québec precedes this date, who dies while still in service after December 31, 1996 and who has at the time of death at least 10 years of credited service.

### 18.2 Calculation method

The purpose of the retirement benefit guarantee formula is to provide:

(a) the eligible member at the time of retirement with a pension at least equal to 2.00 % of five-year average earnings times the total number of years of continuous service with Hydro-Québec or a subsidiary, as of the effective date of employment as recognized by Hydro-Québec for the purposes of the plan. However, the pen-

sion payable for years of continuous service prior to January 1, 1990 shall be limited to 80 % of the five-year average earnings.

If the years of contributory service total less than 5, the five-year average earnings, for the purposes of this Section, shall be calculated pursuant to 1.15, considering, for the purposes of said Section, the years of certified service as years of contributory service and the basic pay received during these years.

If the total pension is less than the amount calculated above, the pensioner shall receive the difference.

If the spouse's right to 60 % of the deceased's retirement benefit was not waived pursuant to 4.4 of By-law no. 534 or in 14.1 of By-law no. 582 or of the plan, the amount referred to in the third paragraph above shall be adjusted on an actuarial equivalence basis. If applicable, this amount shall be increased by an additional amount calculated on an actuarial equivalence basis to take into account the guaranteed pension paid for a determined period under a supplemental plan and the pension, where applicable, pursuant to Section 20.

(b) the eligible spouse referred to in 18.1 with a survivor benefit equal to the greater of the following amounts:

i. 50 % of the amount referred to in the first paragraph of 18.2a;

and

ii. 50 % of the total pension.

If the pension payable to an eligible spouse under a supplemental plan and this plan prior to the application of Part II of the plan is less than the greater of the above amounts, the eligible spouse shall receive the difference.

If the spouse's right to 60 % of the deceased's pension was not waived pursuant to 4.4 of By-law no. 534 or to 14.1 of By-law no. 582 or of the plan, the eligible spouse shall receive 60 % of the amount referred to in the fourth paragraph of 18.2a.

(c) the eligible spouse referred to in 18.1c with a survivor benefit equal to the greater of the following amounts:

i. (1) 50 % of the amount referred to in paragraph 1 of 18.2a, prorated according to the total number of years of continuous service between the effective date of employment as recognized by Hydro-Québec for the pur-



poses of the plan and December 31, 1989, over the total number of years of continuous service between said effective date of employment and the date of the member's death; plus

(2) the survivor benefit resulting from the greater of the following amounts:

(a) the present value of the amount referred to in the first paragraph of 18.2a to which the member was entitled before his death, prorated according to the total number of years of continuous service between January 1, 1990 and the date of the member's death, over the total number of years of continuous service between the effective date of employment as recognized by Hydro-Québec for the purposes of the plan and the date of his death;

and

(b) the present value of the survivor benefit payable to the spouse. This survivor benefit shall be equal to 50 % of the amount referred to in the first paragraph of 18.2a, prorated according to the total number of years of continuous service between January 1, 1990 and the date of the member's death over the total number of years of continuous service between the effective date of employment as recognized by Hydro-Québec for the purposes of the plan and the date of his death.

and

ii. (1) 50 % of the vested pension pursuant to 16.1a and 16.1b(i); plus

(2) the survivor benefit equal to the greater of the following amounts:

(a) the present value of the survivor benefit payable to the spouse. This survivor benefit is equal to 50 % of the retirement benefit credited to the member as at the date of his death pursuant to 16.1b(ii);

and

(b) the present value of the retirement benefit to which the member was entitled before his death for years of credited service after December 31, 1989.

If the survivor benefit payable to the eligible spouse under the supplemental plans and the plan prior to the application of Part II of the plan is less than the greater of the amounts referred to in (i) or (ii) above, the eligible spouse shall receive the difference.

### 18.3 Terms and conditions of application

(a) If an eligible spouse receives a separation allowance following the death of an eligible employee in the service of Southern Canada Power Company, Limited, the retirement benefit guarantee formula shall apply only at the end of the number of weeks used as the basis for calculating the allowance.

If said allowance is less than the amount established pursuant to the last paragraph of 18.2c, the retirement benefit guarantee formula shall not apply during such number of years as obtained by dividing A by B below:

A amount of the separation allowance;

B annual amount of the supplement resulting from the retirement benefit guarantee.

(b) If an eligible spouse's survivor benefit under a supplemental plan and this plan before the application of Part II of the plan is greater than the amount established pursuant to 18.2b(i) or 18.2c(i), only for a limited period of time, the retirement benefit guarantee formula shall apply at the end of this limited period. In the case of an eligible spouse of a pensioner, this paragraph shall apply only if the spouse's right to 60 % of the deceased's retirement benefit has been waived.

(c) If an eligible spouse elects to receive the survivor benefit to which he is entitled under a supplemental plan as a lump-sum payment, said survivor benefit shall be deemed to be paid out for the period provided for in the supplemental plan, and the retirement benefit guarantee formula shall apply as pursuant to b above. In the case of an eligible spouse of a pensioner, this subsection shall apply only if the spouse's right to 60 % of the deceased's retirement benefit has been waived.

(d) If under a supplemental plan an eligible spouse is entitled to a refund of contributions, the retirement benefit guarantee formula shall not apply for such number of years as obtained by dividing A by B below:

A total amount of the refund of contributions;

B annual amount of the supplement resulting from the retirement benefit guarantee.

(e) For purposes of the application of 18.2b and 18.2c, any amount payable upon the death of an eligible member or pensioner under a supplemental plan shall be deemed as being paid to the eligible spouse. In the case of an eligible spouse of a pensioner, this subsection applies only if the spouse's right to 60 % of the deceased's retirement benefit has been waived.

#### 18.4 Spouse of a pensioner as at December 31, 1989

(a) Upon the death of a pensioner who is in receipt of a retirement benefit as at December 31, 1989, his spouse shall be entitled, for his lifetime, to a survivor benefit equal to 50 % of the retirement benefit payable to the pensioner under a supplemental plan and 50 % of the supplement as calculated pursuant to Sections 15.2a and 15.4b(i) of By-law no. 278, less the amount of survivor benefit paid to the spouse or beneficiary under the supplemental plan.

(b) The survivor benefit calculated in *a* above shall be subject to the following terms and conditions:

i. if a pensioner with a retirement benefit guaranteed which is payable for a limited period of time under a supplemental plan dies before the end of this limited period, his spouse shall be entitled to the excess, if any, between 50 % of the sum of the following amounts:

(1) the supplement pursuant to the retirement benefit guarantee formula in force as at December 31, 1989; plus

(2) the retirement benefit payable under a supplemental plan if said plan does not provide for payment of a survivor benefit to the spouse;

and the retirement benefit payable under a supplemental plan, until the end of the period provided for in the supplemental plan. At the end of this period, the spouse shall be entitled, until death, to the survivor benefit calculated in *a* above.

ii. if the eligible spouse elects to receive the survivor benefit to which he is entitled under a supplemental plan as a lump-sum payment, such benefit shall be deemed to be paid and the spouse shall receive the excess, if any, between 50 % of the sum of the following amounts:

(1) the supplement pursuant to the retirement benefit guarantee formula in force as at December 31, 1989; plus

(2) the retirement benefit payable under a supplemental plan when this plan does not provide for payment of a survivor benefit to the spouse;

and the retirement benefit payable under the supplemental plans, until the end of the period as provided for in the supplemental plan. At the end of this period, the spouse shall be entitled, for his lifetime, to the benefit as calculated in *a* above.

iii. for the purposes of application of this Section, any amount payable upon the death of a pensioner under

a supplemental plan shall be deemed as being paid to his spouse.

### SECTION 19 RETIREMENT BENEFIT GUARANTEE FORMULA – POSTPONED RETIREMENT

19.1 The provisions of this Section 19 shall apply to members or spouses referred to in 18.1.

19.2 If an eligible member remains in the employ of the employer subsequent to his normal retirement date, the supplement resulting from the application of 18.2a shall be determined as at the normal retirement date and shall be postponed until the actual retirement date, but no later than December 1<sup>st</sup> of the year in which the member reaches the age limit provided for by applicable legislation, even if the member remains in the employ of the employer after that date.

19.3 During the postponement period, an eligible member may request payment of the supplement, in full or in part, but only to the extent necessary to compensate for a reduction in earnings, if any, during this period, including any decrease in earnings during such period which is the result of a change in status from a full-time to a part-time schedule or of a reduction of a part-time schedule, and not compensated pursuant to the application of 5.5b. The member may not make such a request more than once during any 12 month period.

19.4 The amount of the postponed supplement payable on the retirement date or a date no later than December 1st of the year in which the eligible member reaches the age limit provided for by applicable legislation, shall be equal to the sum of the following amounts:

(a) the supplement established as at the normal retirement date pursuant to the provisions of the fourth paragraph of 18.2a or the third paragraph of 18.2a if the spouse's right to 60 % of the deceased's retirement benefit has been waived pursuant to the provisions of 4.4 of By-law no. 534 or in 14.1 of By-law no. 582 or of the plan or if the member had no spouse on his normal retirement date; plus

(b) the retirement benefit determined on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period of the supplement provided for in *a* above, less, where applicable, any retirement benefit paid pursuant to 19.3.

The accrual of the supplement and the actuarial equivalence shall be determined pursuant to the provisions of 5.5d.

19.5 Upon the death of an eligible member subsequent to the normal retirement date but before December 1<sup>st</sup> of the year in which he reaches the age limit provided for by applicable legislation, the eligible spouse shall be entitled, for his lifetime, to the greater of the following amounts:

(a) i. the supplement determined pursuant to 18.2c as at the normal retirement date; plus

ii. the retirement benefit determined on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period, of the supplement provided for in (i) above, less, where applicable, any benefits paid pursuant to 19.3;

and

(b) i. the supplement determined pursuant to 18.2b as at the normal retirement date; plus

ii. the retirement benefit determined on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period, of the supplement provided for in *i* above, less, where applicable, any benefits paid pursuant to 19.3.

19.6 Upon the death of a pensioner who retired subsequent to his normal retirement date or who died while still in the employ of the employer after December 1<sup>st</sup> of the year in which he reaches the age limit provided for by applicable legislation, the eligible spouse shall be entitled, for his lifetime, to the sum of the following amounts:

(a) the supplement determined in 18.2b as at the normal retirement date and revised pursuant to Section 13;

(b) 60 % of the deceased's retirement benefit determined pursuant to 19.4b and as revised pursuant to Section 13, or 50 % if the spouse's right to 60 % of the deceased's retirement benefit has been waived pursuant to 4.4 of By-law no. 534 or to 14.1 of By-law no. 582 or of the plan or if the pensioner had no spouse as at normal retirement date, and as revised pursuant to Section 13.

19.7 The provisions of 18.3 shall apply, mutatis mutandis, to the survivor benefit payable to a spouse pursuant to 19.5 and 19.6.

## SECTION 20 MINIMUM RETIREMENT BENEFIT

### 20.1 Eligibility

Subject to the provisions of 20.2, the following persons shall be deemed eligible for an increase in benefits resulting from the application of the minimum retirement benefit:

(a) the pensioner who begins receiving a retirement benefit after December 31, 1996;

(b) the spouse of any pensioner deceased after December 31, 1996;

(c) the spouse of any member deceased after December 31, 1996 whose years of contributory service plus years of certified service is greater than or equal to 10 years.

20.2 The following persons shall not be eligible for an increase in benefits resulting from the application of the minimum retirement benefit:

(a) the beneficiary of a deferred retirement benefit or of a benefit payable to a spouse or child resulting from a deferred retirement benefit;

(b) the member who retires with less than 10 years of credited service;

(c) the member who retires pursuant to the provisions of 5.4a and 5.4b.

(d) the spouse of a member who retired pursuant to the provisions of 5.4a and 5.4b.

### 20.3 Method of calculation

(a) The total pension paid to the eligible pensioner or eligible spouse under the plan, By-law no. 582, By-law no. 534, By-law no. 278, By-law no. 83 and the supplemental plans shall be increased, where applicable, in order to guarantee a minimum annual pension of \$2,200.

(b) The increase resulting from the application of this Section shall be allocated proportionally to the years of credited service prior to January 1, 1990 and the years of credited service subsequent to December 31, 1989 over the total years of credited service.

### 20.4 Terms and conditions of application

(a) If the pension of any eligible person under 20.1 is greater than the minimum pension only for an established period of time, the minimum pension shall apply at the end of such period.

(b) The amount of the increase shall be calculated on the assumption that a member's vested pension under a supplemental plan is paid upon his becoming eligible therefor.

(c) For the purposes of the determination of the minimum survivor benefit payable to an eligible spouse, any amount payable under a supplemental plan shall be deemed paid to the eligible spouse.

(d) The amount of the increase is calculated without taking into account any benefit transferred to the spouse under Section 8.

20.5 The increase provided for in this Section shall not be granted to an eligible pensioner or his spouse if the spouse's right to 60 % of the deceased's retirement benefit has not been waived, such increase being included pursuant to the provisions of the fourth paragraph of 18.2a.

## **SECTION 21** **SPECIAL PROVISIONS**

21.1 For the purposes of calculating the vested pension and total pension, as well as the supplements and increases established pursuant to the retirement benefit guarantee formula and minimum retirement benefit, the following items shall not be taken into consideration:

(a) any annuities purchased by the member with additional or voluntary contributions under a supplemental plan;

(b) any options exercised by the beneficiary in respect of terms of payment;

(c) any amount resulting from the application of Section 13;

(d) the adjustment provided for in 4.4 of By-law no. 534, applied to the benefit under this plan or under a supplemental plan to grant a spouse a survivor benefit equal to 60 % of the deceased's retirement benefit;

(e) the benefit provided for in 4.5 of By-law no. 534 and 4.4 of By-law no. 582 or of the plan;

(f) options pursuant to Section 14 of By-law no. 582 or of the plan.

21.2 If a pensioner dies without a spouse after December 31, 1989, or if the surviving spouse dies after this date, the survivor benefit payable to the spouse provided for in Part II of the plan shall be paid to the children.

21.3 If a member dies without a spouse after December 31, 1989:

(a) the survivor benefit payable to the spouse under Part II of the plan, based on the years of credited service prior to January 1, 1990, shall be paid to the children;

(b) the present value of the retirement benefit to which the member was entitled prior to his death under Part II of the plan, based on the years of credited service after December 31, 1989, shall be paid to his estate.

21.4 Upon the death of a pensioner who retired prior to January 1, 1990 and who received a retirement benefit under a supplemental plan, Sections 38 and subsequent of By-law no. 83, Part II of By-law no. 278, the survivor benefit to which his spouse is entitled shall be increased by 50 % of the amount of indexation to which the pensioner was entitled for such retirement benefit at the date of his death.

Upon the death of a pensioner who retired after December 31, 1989 and who received a retirement benefit under Part II of By-law no. 534, Part II of By-law no. 582 or Part II of the plan, the survivor benefit to which his spouse is entitled shall be increased by 60 % of the amount of indexation to which the pensioner was entitled for such retirement benefit at the date of his death. If the spouse's right to 60 % of the deceased's retirement benefit has been waived, the spouse's survivor benefit shall be increased by 50 % of the amount of indexation to which the member was entitled under a supplemental pension plan or Part II of By-law no. 534, Part II of By-law no. 582 or Part II of the plan.

21.5 Benefits in this Part shall be subject to the Income Tax Act and to any regulations adopted by the Government of Canada pursuant to this Act.

## **PART III** **MISCELLANEOUS PROVISIONS**

### **SECTION 22** **PAYMENT OF BENEFITS**

22.1 The retirement benefit shall be payable as of the retirement date or a date no later than December 1<sup>st</sup> of the year in which a member reaches the age limit provided for by applicable legislation. Spousal or children's

benefits shall be payable as of the 1<sup>st</sup> day of the month following the death of the member, pensioner or spouse.

22.2 Retirement benefits shall be paid by cheque on a monthly basis at the end of each month. Benefits shall be payable up to but not including the 1<sup>st</sup> day of the month following the death of a pensioner or member who receives it and the balance, if any, of the last month benefit shall be paid to his estate.

22.3 The spouse's survivor benefit shall be paid in the same manner as provided for in 22.2. This benefit shall be payable up to but not including the 1<sup>st</sup> day of the month following the death of the spouse and the balance, if any, of the last monthly benefit shall be paid to his estate.

22.4 If, pursuant to Section 6, survivor benefits are payable to a member's children, the amount of these benefits shall be split equally among all the children and shall be paid in the manner provided for in 22.2. These benefits shall accrue until the 1<sup>st</sup> day of the month following the date on which the last child ceases to be entitled thereto. In the event of the death of a child, the balance of the last monthly benefit to which he was entitled shall be paid to his estate.

22.5 Upon his retirement but no later than December 1<sup>st</sup> of the year in which he reaches the age limit provided for by applicable legislation, a member shall be entitled to the retirement benefit provided for by the plan, but not to a refund of contributions or to a refund or transfer of the present value of his retirement benefit.

22.6 Notwithstanding the provisions of 22.2, Hydro-Québec reserves the right to change the method of payment.

22.7 Notwithstanding the provisions of 22.5, if the present value of the benefits excluding the present value of the benefits provided for in 4.5 of By-law no. 534 or in 4.4 of By-law no. 582 or of the plan, determined as at the retirement or termination date, is less than 4 % of the year's maximum pensionable earnings, the present value of such benefits and the present value of the benefits provided for in 4.5 of By-law no. 534 or in 4.4 of By-law no. 582 or of the plan shall be reimbursed, before they become payable, in a lump sum by cheque to the former member or pensioner.

22.8 When contributions or, where applicable, the present value of a benefit pursuant to 22.7 are refunded under the plan, the member or, where applicable, the member's spouse, may authorize the employer, in writing, to transfer all or part of the amount payable to him by the pension fund to another registered plan.

22.9 At any time during which the plan is not 100 % solvent, the present value of any benefits to which a member or beneficiary is entitled under the plan will be paid out in a lump sum only in proportion to the degree to which the plan is solvent.

This Section will not affect the periodic payments of a retirement or survivor benefit which has become payable.

22.10 The present value of any benefit which cannot be paid out under the terms of 22.9 shall be funded and will be paid pursuant to the provisions of the Supplemental Pension Plans Act.

22.11 Unless there are provisions to the contrary in any applicable act, the following shall be non-assignable and exempt from seizure:

(a) any employee or employer contributions paid or payable to the Hydro-Québec Pension Fund, plus interest;

(b) any benefits paid or amounts refunded or transferred under the plan;

(c) any amount allocated to the spouse of a member, a former member or a pensioner as a result of the partition or transfer of entitlements according to the provisions of Section 8, plus interest.

In addition, the benefits of a member, a former member, a pensioner or a beneficiary shall not be transferred, mortgaged, anticipated or offered in guarantee or waived.

22.12 Before the member or beneficiary is entitled to any benefits under this plan, proof of age and any other information or documents as the committee deems necessary must be provided.

22.13 All payments under this plan shall be made in Canadian dollars.

## **SECTION 23**

### **TRANSFER AGREEMENT**

Hydro-Québec may draw up an agreement with any Government, corporation, company or legal entity who has a pension plan, to facilitate the mutual transfer of their employees and to establish the conditions and terms of transfer for purposes of retirement.

A member who, following termination of his employment, exercises the provisions of this Section, shall not be entitled to any termination benefits. If any payment of benefits has been authorized, it shall be cancelled. If

the member has received a refund of contributions made prior to January 1, 1966, he shall repay the reimbursed amount plus interest for the period which has elapsed since the date the refund was made and the date on which the option is exercised pursuant to this Section.

A pensioner or member, who on termination of his employment had contributions or the present value of his deferred retirement benefit reimbursed pursuant to the provisions of 7.9, may not avail himself of the provisions of this Section.

#### **SECTION 24** PLAN MEMBERSHIP AGREEMENT

24.1 The plan shall also apply to companies of which Hydro-Québec holds at least 90 % of the shares and with which it has drawn up a plan membership agreement, effective as of the date on which the agreement was reached between Hydro-Québec and the said company.

24.2 The plan membership agreement may make provisions for the transfer of the funds accumulated under pension plans of subsidiaries to the Hydro-Québec Pension Fund and for any payments from the Hydro-Québec Pension Fund of benefits already granted under such plans.

#### **SECTION 25** ACQUIRED BENEFITS

This By-law does not in any way affect the rights and benefits of those receiving a retirement benefit or spousal or children's benefit as at January 1, 1997, nor of former members for whom entitlement to a deferred retirement benefit was vested as a result of their termination of employment prior to this date.

#### **SECTION 26** SPECIAL PROVISIONS

26.1 The plan provisions in respect of members who were employed by a subsidiary shall apply to any person who becomes a member as a result of the acquisition by Hydro-Québec of any facility used for the production or distribution of electricity, based on the provisions of the plan.

26.2 Any pension plan in which a member as referred to in 26.1 participated while employed for a company or organization whose facility for the production or distribution for electricity were acquired in whole or in part by Hydro-Québec, shall be deemed a supplemental plan for the purposes of the plan.

26.3 If the member referred to in 26.1 is entitled to a deferred retirement benefit under an individual pension

agreement issued after the wind-up or partial wind-up of the supplemental plan, in which the member participated, the said deferred retirement benefit shall be deemed a retirement benefit under a supplemental plan.

26.4 (a) If a member referred to in 26.1 receives a refund of contributions prior to his retirement from a supplemental plan in which he participated, the applicable years of credited service are not to be considered until such time as the member has accumulated 10 years of contributory service.

The retirement benefit guarantee formula shall not apply during the number of years calculated by dividing A by B below:

A total amount of the refund of contributions

B annual amount of supplement resulting from the retirement benefit guarantee

If the member dies before the number of years calculated by dividing A by B above has expired, the retirement benefit guarantee formula shall not apply to the spouse or children until that period has elapsed.

(b) Where the member referred to in 26.1 has received an amount representing the present value of a portion of the deferred retirement benefit, the retirement benefit guarantee formula shall not apply during the number of years calculated by dividing A by B below:

A the present value of said portion of the deferred retirement benefit

B the annual amount of supplement derived from the retirement benefit guarantee formula

If the member dies before the number of years calculated by dividing A by B above has expired, the guaranteed retirement benefit shall not apply to the spouse or children until such period has elapsed.

However, the member shall be credited with the total number of years of certified service.

Where the member receives the present value of the total deferred retirement benefit, Section 26.3 shall apply.

26.5 In applying the retirement benefit guarantee formula to a member referred to in 26.1, January 1, 1966 as it appears in Section 18 shall be replaced by the date on which the member was placed on the Hydro-Québec payroll.

## SECTION 27

### EFFECTIVE DATE

27.1 (a) This By-law shall come into force on January 1, 1997.

(b) Sections 5.4a(i), 5.4b(i), 5.5c, 6.2.4a(ii)(2), 6.2.4(ii), 19.4 and 19.5 of this By-law are effective January 1, 1992.

27.2 This By-law shall replace Hydro-Québec By-law no. 582.

1133

Gouvernement du Québec

## O.C. 1636-96, 18 December 1996

Health Insurance Act  
(R.S.Q., c. A-29)

### Compensate for a physical deficiency — Amendments

Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act

WHEREAS under subparagraph *h* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Board or upon its recommendation, make regulations to determine the services and the prostheses, orthopedic devices, locomotor or posture assists, medical supplies or other equipment that compensate for a physical deficiency indicated therein and that must be considered to be insured services for the purposes of the fifth paragraph of section 3 and determine the amount that may be assumed on behalf of a beneficiary indicated therein;

WHEREAS under section 69.0.1 of the Act, a regulation adopted under subparagraph *h* of the first paragraph of section 69 of the Act, following a contract with a supplier pursuant to section 3.1 of the Act, is not subject to the provisions concerning the obligation of publication and the date of coming into force which are set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS by Order in Council 612-94 dated 27 April 1994, the Government made the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act and it is expedient to amend it;

WHEREAS the Régie de l'assurance-maladie du Québec has been consulted on the amendments;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act

Health Insurance Act  
(R.S.Q., c. A-29, s. 3, 5<sup>th</sup> par., and s. 69, 1<sup>st</sup> par., subpar. *h*)

1. The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, made by Order in Council 612-94 dated 27 April 1994 and amended by the Regulations made by Orders in Council 961-94 dated 22 June 1994, 829-95 dated 14 June 1995 and 1495-95 dated 15 November 1995, is further amended, in Subdivision IV of Division I of Part I of Chapter V of Title Two, by substituting the following for the list appearing under the heading "BATTERIES FOR POWERED WHEEL CHAIRS":

### "AQUEUX-TYPE DEEP CYCLE BATTERIES GROUP 22:

BATTERIES PUISSANTES	Price
— Model: 22NF-DC Manufacturer: M.K. Battery	\$54.98
Warranty Period: 12 months	
LA CIE DE BATTERIES COMMERCIALES R.M. LTÉE	
— Model: 22NF-DC Manufacturer: Crown Battery Inc.	\$56.50
Warranty Period: 12 months	

— Model: 22F-DC \$52.50  
 Manufacturer: Crown Battery Inc.

Warranty Period: 12 months

AQUEUX-TYPE DEEP CYCLE BATTERIES  
 GROUP 24:

BATTERIES PUISSANTES

— Model: 24-DC \$51.98  
 Manufacturer: M.K. Battery

Warranty Period: 12 months

AQUEUX-TYPE DEEP CYCLE BATTERIES  
 GROUP U1:

LA CIE DE BATTERIES COMMERCIALES  
 R.M. LTÉE

— Model: U1-DC \$42.50  
 Manufacturer: Crown Battery Inc.

Warranty Period: 12 months ”.

**2.** This Regulation comes into force on 1 February 1997.

1142

Gouvernement du Québec

## O.C. 1639-96, 18 December 1996

Police Act  
 (R.S.Q., c. P-13)

### Basic police services

Regulation respecting basic police services

WHEREAS under paragraph 11 of section 6.1 of the Police Act (R.S.Q., c. P-13), the Government may, by regulation, define, for the purposes of determining, in the application of section 64.4, whether a local municipality maintains adequate police services, the basic services that must be offered by such a municipality, establish the categories of local municipalities and define the different basic services for every category;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation respecting basic police services was published in Part 2 of the *Gazette officielle du Québec* of 29 November 1995 with a notice that it could be made by the

Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting basic police services, attached hereto, be made.

MICHEL CARPENTIER,  
 CLERK OF THE CONSEIL EXÉCUTIF

### Regulation respecting basic police services

Police Act  
 (R.S.Q., c. P-13, s. 6.1, par. 11)

**1.** A local municipality shall provide the following basic police services whatever the type of jurisdiction a police force has over its territory:

(1) continuous police presence ensuring that its police force or the one serving it, totally or partially, is capable of intervening to maintain peace, order and public security and to respond within a reasonable time to any request for help from a citizen;

(2) the conducting of investigations which, following the finding of a misdemeanor, ensure that the scene of a crime is not disturbed, that the plaintiff and any witnesses are identified, that statements are recorded, that everything necessary to the pursuit of an investigation is handed over to the Sûreté du Québec or another appropriate police force and that, in the case of a flagrant offence, the suspect is arrested and appears in court if need be;

(3) the implementation of local crime prevention measures and programs or of the measures and programs developed or endorsed by the Government or one of its agencies.

**2.** In addition, a local municipality whose population is equal to or greater than 5 000 shall provide the following basic services:

(1) round-the-clock patrol;

(2) following the finding of an offence, ensure that investigations are conducted, including the gathering of clues and evidence, the arrest of the suspect if need be,



the laying of charges and the issue of offence reports, as well as the follow-up in court, subject to the following:

(a) an investigation into sexual assault or robbery constitutes a basic service only for a local municipality whose population is equal to or greater than 15 000;

(b) an investigation into a homicide or a suspicious death, an attempted murder, the sexual abuse of a minor in a school or institutional setting, a kidnapping, serious or armed sexual assault, arson having caused the death of a person or serious bodily harm, or a crime involving the use of explosives constitutes a basic service only for a local municipality whose population is equal to or greater than 50 000;

(c) an investigation into serious serial crimes or a network of serious crimes extending beyond the territory served, a homicide related to organized crime, the taking of hostages, entrenched or barricaded persons, extortion or sequestering, exceptional criminal events or events occurring outside the territory served does not constitute a basic service.

**3.** For the purposes of this Regulation, a police force serving several municipalities shall provide the basic police services prescribed for the most populous local municipality.

Moreover, in the case of those municipalities, the whole of the territory served shall be taken into consideration, as regards police presence and patrol.

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



## Draft Regulations

### Draft Regulation

An Act respecting the Régie du logement (R.S.Q., c. R-8.1)

#### Costs exigible by the Régie du logement — Replacement

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of costs exigible by the Régie du logement, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purposes of the draft regulation are:

— to increase from \$42 to \$50 the basic tariff of the costs exigible by the Régie du logement for all applications other than applications for a ruling on a change in a lease, for the fixing or revision of rent, for contesting an adjustment of rent, for the revision of a decision or for a decrease in rent;

— for all the applications excluded above, that is, those for the fixing of rent and a decrease in rent, to fix the upper limit at \$50, subject to annual indexing, and establish a decrease in relation to the amount of the rent paid, as follows:

— \$50, where the rent is more than \$600;

— \$40, where the rent is more than \$350 but no more than \$600;

— \$30, where the rent is \$350 or less;

— to fix at \$126 the costs for an application for authorization to convert an immovable to divided co-ownership, to which shall be added \$126 per dwelling starting with the second dwelling;

— to increase from \$20 to \$25 the costs for replacing on the roll a case struck off the roll or for a motion to reopen a hearing;

— to extend the present rules respecting indexing, collection, exemption and reimbursement;

— to introduce costs of 3.8 % for rent deposits;

— to prescribe the following tariff of costs for the service of a proceeding on which a commissioner may rule:

a maximum cost of \$6 for service of a proceeding introductive of suit, to which the following maximum costs may be added for an authorized special mode of service:

— \$20 for service by a bailiff;

— \$75 for service by public notice.

Additional information may be obtained by contacting Mr. Claude Reed at the Régie du logement, rez-de-chaussée, bureau 2360, Pyramide Ouest (D), 5199, rue Sherbrooke Est, Montréal (Québec), H1T 3X1, tel.: (514) 873-6575 or fax: (514) 873-6805.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, rue Chauveau, secteur B, 3<sup>e</sup> étage, Québec (Québec), G1R 4J3.

RÉMY TRUDEL,  
*Minister of Municipal Affairs*

### Tariff of costs exigible by the Régie du logement

An Act respecting the Régie du logement (R.S.Q., c. R-8.1, s. 108, 1<sup>st</sup> par., subpar. 4)

#### DIVISION I COSTS EXIGIBLE BY THE RÉGIE DU LOGEMENT

**I.** For the filing of the proceedings below, the costs exigible are established as follows:

(1) \$50 for an application other than the applications referred to in paragraphs 2 and 3;

(2) for an application for a ruling on a change in a lease, for the fixing or revision of rent, for contesting an adjustment of rent, for the revision of a decision or for an application for the sole purpose of obtaining a decrease in rent:

\$30, where the rent is \$350 or less;

\$40, where the rent is more than \$350 but no more than \$600;

\$50, where the rent is more than \$600;

(3) \$126 for an application for authorization to convert an immovable to divided co-ownership, to which \$126 shall be added per dwelling starting with the second dwelling;

(4) \$25 for replacing on the roll a case struck off the roll or for a motion to reopen a hearing.

**2.** From 1997, the costs provided for in section 1 shall be indexed on 1 November of each year on the basis of the rate of variation in the general Consumer Price Index for Canada, as determined by Statistics Canada under the Statistics Act (R.S.C., 1985, c. S-19), calculated on the basis of the average of the indexes for the preceding 12 months.

The indexed amounts shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Régie du logement shall inform the public of the annual indexing calculated under this section. It shall do so through Part 1 of the *Gazette officielle du Québec* and, where the Board considers it appropriate, by any other means.

**3.** The costs provided for in section 1 are payable upon the filing of the proceeding, in cash, by certified cheque, by postal money order or by another instrument of payment providing the same guarantees, made out to the Minister of Finance.

**4.** Any person who proves that he receives financial support under the Act respecting income security (R.S.Q., c. S-3-1.1) shall be exempted from paying the costs provided for in section 1.

**5.** The Board shall reimburse the costs paid for filing where it grants:

(1) a motion for the correction of a decision;

(2) an application for revocation of a decision made under the second paragraph of section 89 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1).

**6.** Costs of 3.8 % shall be exigible and shall be collected by the Board at the time of deposit, from the rents deposited at its office.

## DIVISION II

### COSTS EXIGIBLE FOR THE SERVICE OF CERTAIN PROCEEDINGS

**7.** Pursuant to section 79.1 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), the costs incurred by the applicant for the service of the proceeding introductive of suit to each party may be adjudged up to an amount of \$6.

In addition to the costs provided for in the first paragraph, where a special mode of service is authorized by the Board or where a new service is imposed, the costs incurred may be adjudged up to an amount of:

(1) \$20 for service by a bailiff, those costs being established in accordance with the Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r. 3);

(2) \$75 for service by public notice.

**8.** This Regulation replaces the Regulation respecting fees payable to the Régie du logement, made by Order in Council 630-82 dated 17 March 1982.

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

1139

## Draft Regulation

Dairy Products and Dairy Products Substitutes Act (R.S.Q., c. P-30)

### Dairy products substitutes — Amendment

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 to amend the Regulation respecting dairy products substitutes, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is, in accordance with the Agreement on Internal Trade, to harmonize the Québec regulatory provisions respecting the colouring of margarine with federal and provincial regulations. For that purpose, the draft regulation proposes to remove from the Regulation respecting dairy products substitutes (R.R.Q., 1981, c. P-30, r. 15) the standard for the colour of the product.

The economic impact of the draft regulation will be positive for Québec margarine manufacturers involved in interprovincial trade, who in the future will no longer have to support stocks of margarine of different colours.

In addition, a study made in 1994 on the impact of a decrease in butter consumption caused by the abandonment of the regulatory provisions in both Québec and Ontario indicates, in particular, that consumers are less and less concerned by the colour of margarine. Price and health constitute the two major parameters in deciding whether to purchase butter or margarine. The study also noted that it is difficult to identify and measure the impact of colour.

Further information may be obtained by contacting Mr. Gaëtan Busque, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec), G1R 4X6, tel.: (418) 643-2460.

GUY JULIEN,  
*Minister of Agriculture, Fisheries  
and Food*

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## Regulation to amend the Regulation respecting dairy products substitutes

Dairy Products and Dairy Products Substitutes Act (R.S.Q., c. P-30, s. 42, par. g)

**1.** The Regulation respecting dairy products substitutes (R.R.Q., 1981, c. P-30, r. 15), amended by the Regulations made by Orders in Council 406-83 dated 9 March 1983, 1272-87 dated 19 August 1987, 862-89 dated 7 June 1989, 1316-91 dated 25 September 1991 and 1827-93 dated 15 December 1993, is further amended by deleting subparagraph *c* of paragraph 1 of section 40.

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

1138

## Draft Regulation

An Act to foster the development of manpower training (1995, c. 43)

### Training bodies, trainers and training services — Accreditation

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 accreditation of training bodies, trainers and training services”, the text of which appears below, may be enacted by the Government, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to set the conditions under which the Société québécoise de développement de la main-d’oeuvre will henceforth accredit the training bodies, trainers and training services stipulated in paragraph 2 of section 6 of the Act. By virtue of its composition, the board of directors of the Société adopted this draft, at its meeting of August 22, 1996, by reconciling the points of view of the various employer, labour, popular and education groups. The consultation announced at the time will make it possible to test the consensus on the draft.

The draft regulation seeks to ensure the credibility of trainers whose services are engaged by employers, notably small and mid-sized businesses which do not always have internal specialized resources. Nevertheless, they wish to deal with bodies or trainers from which their training purchases will constitute an eligible expenditure under the Act.

Recognition of multi-employer services should also make the Act easier to apply in those businesses, in many cases small, that are part of a group, notably under a franchise operation.

Further information may be obtained by contacting Mr. Michel Monette, Direction des programmes de formation, 800, place Victoria, bureau 2900, C.P. 100, Montréal (Québec), H4Z 1B7. Telephone: (514) 873-1892.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the President and Chief Executive Officer of the Société québécoise de développement de la main-d’oeuvre, Mrs. Diane Bellemare, 425, rue Saint-Amable, 6<sup>e</sup> étage, Québec (Québec), G1R 5T7.

LOUISE HAREL,  
*Minister of State for Employment  
and Solidarity*

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## Regulation respecting the accreditation of training bodies, trainers and training services

An Act to foster the development of manpower training (1995, c. 43, s. 20, 1<sup>st</sup> sub-sec., par. 1 and s. 21, par. 2 and 3)

**1.** Any legal person, including a non-profit organization, or any partnership that wishes to be accredited as a training body for the purposes of the Act to foster the development of manpower training (1995, c. 43) must apply in writing to the Société québécoise de développement de la main-d'oeuvre using the form provided, giving the following information:

1° the address of its principal establishment of business in Québec;

2° the registration number attributed to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

3° a brief description of the physical resources such as premises and equipment available to the body for training purposes;

4° the professional fields in which training will be provided;

5° the names of the trainers, employees or contract workers, who are members of its personnel and, for each of them, his professional field and experience in such field, his training and experience as a trainer.

This application must be accompanied by its most recent annual return filed with the Inspector General of Financial Institutions under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or, failing that, its administrative organization plan specifying the names of the directors or partners, as the case may be.

If an application does not include the names of the trainers, it must be accompanied by a statement by the representative authorized for this purpose in which the training body undertakes to provide training using only trainers who have been accredited by the Société.

**2.** An applicant who satisfies the following conditions will be accredited by the Société as a training body:

1° it has an establishment located in Québec;

2° its trainers, employees or contract workers, have an average experience of three years in each of the professional fields in which training will be provided;

3° each of its trainers has either received a minimum of 135 hours of training in teaching methods, or has at least 250 hours of experience as a trainer, or has received a minimum of 90 hours of training and has at least 100 hours of experience as a trainer.

**3.** The Société will accredit as a trainer a natural person who submits an application in writing to the Société using the form provided and who includes the following information:

1° his address in Québec;

2° a description of his experience of three years in each professional field for which he seeks accreditation;

3° proof that he satisfies one of the conditions set out in paragraph 3° of section 2.

**4.** The Société will accredit the training service of an employer subject to the provisions of section 1 of the Act to foster the development of manpower training when it receives an application submitted in writing on the form provided and the following information and documents are included:

1° its address in Québec;

2° the name of the person responsible for the service;

3° a description of the responsibilities of the service;

4° information on the nature of the training activities carried out during the last year or on those planned at the time of the application;

5° a written statement by the representative generally or specially authorized for this purpose specifying the qualifications of the personnel of a training service that enable it to fulfil the responsibilities that define such a service in accordance with this regulation.

**5.** An accredited training service assumes or coordinates the following responsibilities:

1° preparation of specific training plans, design and programming of activities;

2° internal training activities provided by the qualified personnel of the employer or a supplier of material or equipment;

3° recognition of the successful completion of an internal training activity by a member of the personnel.

It may also assume or coordinate any of the following responsibilities:

1° personnel development policy or strategy;

2° diagnosis of personnel needs;

3° organization of external training activities;

4° assessment of results;

5° training follow-up.

**6.** Sections 4 and 5 apply, with the necessary adaptations, to a “multi-employer training service”.

An application for accreditation from such a service must include the names and addresses of the employers to which it applies.

In this regulation, “multi-employer training service” means the administrative unit or legal person charged with organizing training for the personnel of employers belonging to a group identified with a common banner, a common trademark or a line of products.

**7.** The training service of a government agency or department can call on the services of any qualified employee of another government agency or department.

**8.** The training service of an establishment of the health and social services network can call on the services of any qualified employee of the network, as well as any member of the medical staff.

**9.** The training service of an establishment of the education network, the private education network and the higher education network, can call on the services of any qualified employee of these networks.

**10.** The training service of a municipality can call on the services of a qualified employee of another municipality or institution of the municipal universe.

The term ‘municipal universe’ means, apart from the urban communities and regional county municipalities, the following organizations: the Union des municipalités, the Union des municipalités régionales de comté and the ministère des Affaires municipales.

**11.** The accredited training body and trainer must inform the Société without delay of any change affecting the conditions they must satisfy for accreditation. Unless it has filed the statement stipulated in the 3<sup>rd</sup> subsection of section 1, the accredited training body must update, at least every six months, the list of its personnel of trainers, employees or contract workers.

**12.** The accredited training body and trainer must fully honour contracts concluded with their clients.

**13.** The accredited training body can only provide training through its personnel of trainers, employees or

contract workers, except for a training activity held as part of a symposium, conference or seminar or any other training activity organized in partnership with a recognized educational institution or another accredited training body.

**14.** The accredited training body must ensure that any training it provides is given by a trainer with the required experience and competence.

**15.** An accredited multi-employer training service can only provide training using qualified employees of an employer identified in its accreditation.

**16.** An accredited training body and trainer issue a training attestation to each employee who successfully completes a training activity. Such attestation includes:

1° the name of the employer;

2° the name of the participant;

3° a brief description of the training activity;

4° confirmation of successful completion;

5° the length of the training activity.

An accredited training service, including an accredited multi-employer service, issues an attestation containing the same information to each employee who successfully completes an internal training activity. This attestation must be issued at least once a year and upon the employee’s departure.

**17.** Accreditation cannot be assigned.

**18.** The holder of an accreditation must display it prominently in his establishment.

**19.** The board of directors of the Société can suspend or revoke an accreditation if it concludes that the conditions are no longer satisfied.

**20.** An accreditation is valid for one year in the case of a training body or a trainer and for two years in the case of a training service, including a multi-employer training service.

**21.** The holder of an accreditation must complete his application for renewal using the form provided and return it to the Société at least thirty days before the expiration of his accreditation.

Accreditation is renewed if the holder continues to satisfy the conditions stipulated for obtaining accredita-

tion and if he has satisfied those imposed for the maintenance of accreditation.

**22.** The fees payable for the accreditation of a training body or its annual renewal are \$300. They are \$150 for a trainer and \$100 for a non-profit organization.

**23.** The fees payable for the accreditation or renewal of a training service are \$200. They are \$400 for a multi-employer training service.

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

1132

## Draft Regulation

An Act to foster the development of manpower training (1995, c. 43)

### Eligible training expenditures

#### — Amendments

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 amending the Regulation respecting eligible training expenditures”, the text of which appears below, may be enacted by the Government, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to ensure concordance with the Regulation respecting the accreditation of training bodies, trainers and training services by recognizing the eligibility of expenditures made by an employer with a multi-employer service. It also specifies the transition period during which training bodies and trainers must comply with the Regulation respecting accreditation.

Further information may be obtained by contacting Mr. Michel Bérubé, lawyer, 425, rue Saint-Amable, 6<sup>e</sup> étage, Québec (Québec), G1R 5T7. Telephone: (418) 643-1892.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the President and Chief Executive Officer of the Société québécoise de développement de la main-d’œuvre, Mrs. Diane Bellemare, 425, rue Saint-Amable, 6<sup>e</sup> étage, Québec (Québec), G1R 5T7.

LOUISE HAREL,  
*Minister of State for Employment  
and Solidarity*

## Regulation amending the Regulation respecting eligible training expenditures

An Act to foster the development of manpower training (1995, c. 43, s. 20, par. 1 and 2)

**1.** Section 1 of the Regulation respecting training expenditures enacted by order-in-council 1586-95 of December 6, 1995 is amended

1° by adding, in paragraph 1°, after the words “training body, including a non-profit organization”, the words “a multi-employer training service”;

2° by the elimination of the second sub-section.

Persons registered in the Directory of trainers kept by the Société québécoise de développement de la main-d’œuvre must, at the end of their registration, obtain accreditation in accordance with the Regulation respecting the accreditation of training bodies, trainers and training services.

Registrations that expire during the first three months following the coming into force of this regulation are extended until the end of such three months.

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

1131

## Draft Regulation

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1)

### Development of wildlife

#### — Scale of fees and duties

#### — Amendments

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 to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Envi-



ronment and Wildlife, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec, G1R 5V7.

DAVID CLICHE,  
*Minister of the Environment  
and Wildlife*

## Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 54, 97, 102, s. 121, par. 1 and s. 162, pars. 10 and 10.1)

**1.** The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 and amended by the Regulations made by Orders in Council 277-92 dated 26 February 1992, 494-92 dated 1 April 1992, 310-93 dated 10 March 1993, 195-94 dated 2 February 1994, 633-94 dated 4 May 1994 and 322-95 dated 15 March 1995, 1063-95 dated 9 August 1995, 314-96 dated 13 March 1996 and 912-96 dated 17 July 1996, is further amended by substituting the figure “24.57” for the figure “23.47” in section 2.

**2.** Section 4 is amended:

(1) by substituting the number “13.15” for the number “12.50” in paragraphs 1, 3 and 4; and

(2) by substituting the number “242.65” for the number “231.00” in paragraph 2.

**3.** Section 4.1 is amended:

(1) by substituting the following for paragraph 1:

“(1) (a) sport fishing licence for anadromous Atlantic salmon

i. resident	\$28.68
ii. non-resident	\$92.52

(b) sport fishing licence for anadromous Atlantic salmon (1-day term)

i. resident	\$10.91
ii. non-resident	\$24.08

(c) sport fishing licence for anadromous Atlantic salmon with catch and release obligation

i. resident	\$ 6.53
ii. non-resident	\$ 6.53”

(2) by substituting the numbers “42.94”, “11.57” and “8.72” for the numbers “43.54”, “11.07” and “8.22” in paragraph 2; and

(3) by substituting the numbers “5.65” and “17.36” for the numbers “5.37” and “17.96” in paragraph 3.

**4.** Section 4.2 is amended

(1) by substituting the number “67.00” for the number “63.75” in subparagraph 1 of the first paragraph;

(2) by substituting the number “11.50” for the number “11.00” in subparagraph 2 of the first paragraph;

(3) by substituting the number “30.50” for the number “29.00” in subparagraph 3 of the first paragraph; and

(4) by substituting the number “50.00” for the number “522.75” in subparagraph 4 of the first paragraph.

**5.** Section 4.3 is amended

(1) by substituting the number “202.25” for the number “192.50” in subparagraph 1 of the first paragraph;

(2) by substituting the number “101.00” for the number “96.25” in subparagraph 2 of the first paragraph;

(3) by substituting the number “28.00” for the number “26.75” in subparagraph 3 of the first paragraph;

(4) by substituting the number “56.00” for the number “53.25” in subparagraph 4 of the first paragraph;

(5) by substituting the number “168.00” for the number “160.00” in subparagraph 5 of the first paragraph;

(6) by substituting the number “336.00” for the number “320.00” in subparagraph 6 of the first paragraph; and

(7) by substituting the number “28.00” for the number “26.75” in subparagraph 7 of the first paragraph.

**6.** Section 6 is amended

(1) by striking out “for 1994” in the part preceding paragraph 1;

(2) by substituting the number “227.00” for the number “216.25” in paragraph 1;

(3) by substituting the number “911.00” for the number “867.75” in paragraph 2.

**7.** Section 6.1 is amended by substituting the number “28.50” for the number “27.25”.

**8.** Section 7 is amended:

(1) by substituting the numbers “91.00” and “184.75” for the numbers “86.75” and “176.00” respectively in paragraph 1;

(2) by substituting the numbers “351.25” and “713.75” for the numbers “334.50” and “679.75” respectively in paragraph 2;

(3) by substituting the number “30.75” for the number “29.25” in paragraph 3;

(4) by substituting the number “269.00” for the number “256.25” in paragraph 4; and

(5) by substituting the number “889.00” for the number “846.75” in paragraph 5.

**9.** Section 10 is amended by inserting the words “and in the sector of Dunière in the Matane and Dunière Wildlife Sanctuary” after the word “Sanctuary”.

**10.** Section 10.1 is amended by substituting “third” for “second” in the fourth paragraph.

**11.** Section 11 is amended

(1) by substituting the following for subparagraph 1, 2, 3 and 4 of the first paragraph:

“(1) Lease of exclusive trapping rights \$ 1.42/km<sup>2</sup>;

(2) Lease of exclusive hunting rights \$15.63/km<sup>2</sup>;

(3) Lease of exclusive fishing rights, for purposes of an outfitting operation

(a) fishing in a salmon river or in a part thereof referred to in the Québec Fishery Regulations (1990) (SOR/90-214 dated 29 March 1990): the amount is calculated by applying the following formula:

$$Kt \times \frac{L \times A}{1.6} \times C \times Ke \times (S \times P);$$

(b) fishing in a territory other than the territory referred to in clause a: \$15.63/km<sup>2</sup>

(4) Lease of exclusive fishing rights,

for purposes other than those of an outfitting operation \$50.68/per year

(2) by substituting the number “42.60” for the number “42.01” in the second paragraph and in respect of variable (Kt); and

(3) by substituting the number “11.36” for the number “11.20” in the third paragraph and in respect of variable (Ke).

**12.** Section 12 is amended

(1) by substituting the number “14.20” for the number “14.00” in paragraph 1; and

(2) by substituting the number “142.00” for the number “140.04” in paragraphs 2 and 3.

**13.** Section 14 is amended by substituting the following for paragraphs 1, 2, 3 and 4, for the purposes of changing the amount of the funding contribution for the Fondation de la faune du Québec:

(1) Resident hunting licences:

(a) caribou

i. valid for the southern part of Area 19 \$3.25;

ii. valid for Area 22 \$3.25;

iii. valid for Area 23, fall \$3.25;

iv. valid for Area 23, winter \$3.25;

v. valid for Area 24 \$3.25;

vi. valid for the part of Area 19 and of Area 23 \$3.25;

(b) white-tailed deer elsewhere than in Area 20 \$3.25;

(c) white-tailed deer in Area 20 \$3.25;

(d) northern leopard frog, green frog, bullfrog \$1.60;

(e) hare or rabbit, using snares \$1.60;

(f) moose \$3.25;

(g) black bear \$3.25;

(h) small game, except for the snaring of hare or rabbit \$1.60;

(2) Non-resident hunting licences:

(a) caribou

i. valid for Area 23, fall \$3.25;

ii. valid for Area 23, winter \$3.25;

iii. valid for the part of Area 22 described in Schedule XVII to the Regulation respecting hunting \$3.25;

(b) white-tailed deer

i. elsewhere than in Area 20 \$3.25;

ii. in Area 20 \$3.25;

(c) moose \$3.25;

(d) black bear \$3.25;

(e) small game, except for the snaring of hare or rabbit \$1.60;

(3) Trapping licences:

(a) resident general trapping licence \$1.60;

(b) non-resident general trapping licence \$1.60;

(c) professional trapping licence \$1.60;

(d) assistant trapper's licence \$1.60;

(4) Fishing licences: \$2.25.

**14.** Section 15 is amended:

(1) by substituting the number "1998" for the number "1997" in the first and second paragraphs.

**15.** Schedule I attached hereto is substituted for Schedule I to the Regulation for the purposes of changing the amount of the annual fees.

**16.** Schedules II, III and V attached hereto are substituted for Schedules II, III and V to the Regulation for the purposes of changing the right of access fees.

**17.** The following is substituted for sections 8 and 9 of Schedule IV:

<b>Column I Wildlife sanctuaries</b>		<b>Column II Right of access fee per day or per 7 consecutive days per person</b>
8. Mastigouche	Lac au Sorcier	\$22.82/day
	other area	\$11.41/day \$61.43/7 days
9. Matane and Dunière		\$11.41/day \$61.43/7 days

**18.** This Regulation comes into force on 1 April 1997, except for section 3 which will come into force on the date of coming into force, in 1997, of the Regulation to amend the Québec Fishery Regulations respecting the price of fishing permits and adopted under the Fisheries Act (R.S.C., 1985, c. F-14) if that date is later than 1 April 1997.

#### **SCHEDULE 1**

(s. 3)

#### **FEEES PAYABLE FOR HUNTING LICENCES**

<b>Section</b>	<b>Column I Type of licence</b>	<b>Column II Annual fee</b>
1	Caribou (a) Valid for the southern part of Area 19 described in Schedule V to the Regulation respecting hunting	
	i. resident	\$38.87
	(b) Valid for the part of Area 22 described in Schedule VII to the Regulation respecting hunting	
	i. resident	\$38.87
	(c) Valid for Area 23 Fall	
	i. resident	\$38.87
	ii. non-resident	\$224.25
	(d) Valid for Area 23 Winter	
	i. resident	\$38.87
	ii. non-resident	\$224.25

Section	Column I Type of licence	Column II Annual fee	Section	Column I Type of licence	Column II Annual fee
	(e) Valid for Area 24 i. resident	\$38.87	3	Northern leopard frog, green frog, bullfrog i. resident	\$11.56
	(f) Valid for the part of Area 19 and of Area 23 described in Schedule IX to the Regulation respecting hunting i. resident	\$38.87	4	Hare or rabbit, using snares i. resident	\$11.56
	(g) Valid for the part of Area 22 described in Schedule XVII to the Regulation respecting hunting i. resident ii. non-resident	\$38.87 \$224.25	5	Moose i. resident ii. non-resident	\$36.24 \$241.80
2	White-tailed deer (a) Elsewhere than in Area 20 i. resident ii. non-resident	\$32.07 \$185.64	6	Black bear i. resident ii. non-resident	\$30.97 \$102.71
	(b) In Area 20 i. resident ii. non-resident	\$43.48 \$249.70	7	Small game, except for the snaring of hare or rabbit i. resident ii. non-resident	\$11.12 \$58.51
			8	Licence to hunt moose in a new area i. resident ii. non-resident	\$5.70 \$5.70

**SCHEDULE II**

(s. 8)

**RIGHT OF ACCESS FEES FOR RESTRICTED HUNTING IN WILDLIFE SANCTUARIES**

Wildlife sanctuary	Species	Right of access fee per hunter or group of hunters	
Ashuapmushuan	Moose, Black bear, Snowshoe hare	\$751.16	per stay, per group of hunters for hunting all 3 species
Chic-Chocs	Moose	\$751.16	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Laurentides	Moose	\$751.16	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter

<b>Wildlife sanctuary</b>	<b>Species</b>	<b>Right of access fee per hunter or group of hunters</b>	
La Vérendrye	Moose	\$751.16	per stay, per group of hunters
	Ruffed grouse, Spruce grouse, Snowshoe hare, Wildfowl	\$14.48	per stay, per hunter, for hunting all 4 species
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Mastigouche	Moose	\$751.16	per stay, per group of hunters
Matane and Dunière	Moose	\$751.16	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Papineau-Labelle	Moose	\$751.16	per stay, per group of hunters
	White-tailed deer	\$30.27	per day, per hunter
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Portneuf	Moose	\$751.16	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Rimouski	Moose	\$751.16	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Rouge-Matawin	Moose	\$751.16	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Saint-Maurice	Moose	\$751.16	per stay, per group of hunters
Sept-Îles– Port-Cartier	Moose, Black bear	\$751.16	per stay, per group of hunters for hunting all 2 species Port-Cartier

**SCHEDULE III**

(s. 9)

**RIGHT OF ACCESS FEES FOR UNRESTRICTED HUNTING IN WILDLIFE SANCTUARIES**

<b>Wildlife sanctuary</b>	<b>Species</b>	<b>Right of access fee per hunter</b>	
Aiguebelle	Snowshoe hare	\$26.33	per season
Ashuapmushuan	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per stay for hunting all 4 species
	Black bear	\$22.60	per day
	Snowshoe hare (i. 7) *	\$26.33	per stay
Chic-Chocs	Wolf, Coyote	\$14.48	per day for hunting both species
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
Laurentides	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
La Vérendrye	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
Mastigouche	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
	Black bear	\$22.60	per day
Matane et Dunière	Wolf, Coyote	\$14.48	per day for hunting all 2 species
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
Papineau-Labelle	Ruffed grouse, Spruce grouse, Snowshoe hare, Eastern cotton-tail rabbit (i. 3) *, Wildfowl	\$14.48	per day for hunting all 5 species
	Snowshoe hare (i. 7) *	\$26.33	per season
Plaisance	Snowshoe hare (i. 7) *	\$26.33	per season
	Wildfowl	\$24.79 \$12.28	per season per day

<b>Wildlife sanctuary</b>	<b>Species</b>	<b>Right of access fee per hunter</b>	
Port-Daniel	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
	Wolf, Coyote	\$14.48	per day for hunting both species
Portneuf	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
Rimouski	Wolf, Coyote, White-tailed deer	\$24.57	per day for hunting all 3 species
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
	Black bear	\$22.60	per day
Rouge-Matawin	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
Saint-Maurice	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
	Black bear	\$22.60	per day
Sept-Îles– Port-Cartier	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$14.48	per day for hunting all 4 species
	Snowshoe hare (i. 7) *	\$26.33	per season
	Black bear	\$22.60	per day

\* The reference in parentheses is to the types of hunting implement described in the Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989.

**SCHEDULE V**

(s. 10.2)

**RIGHT OF ACCESS FEES FOR FISHING ANADROMOUS ATLANTIC SALMON IN CERTAIN WILDLIFE SANCTUARIES**

Column I Wildlife sanctuaries	Column II Sector	Daily right of access fee per person	
		Column III Resident	Column IV Non-resident
1. Rivière Petit-Saguenay	<b>(1) Sector 1:</b>		
	The territory described under the heading “Sector 1” in Schedule III to the Regulation respecting fishing in certain wildlife sanctuaries, made by Order in Council 847-84 dated 4 April 1984, as amended.	\$26.98	\$54.19
	<b>(2) Sector 2:</b>		
	The territory described under the heading “Sector 2” in Schedule III to the Regulation respecting fishing in certain wildlife sanctuaries.	\$41.46	\$83.15
2. Rivières Matapédia and Patapédia  Rivière Matapédia sectors	<b>(1) Sector 1:</b>		
	The territory described under the heading “Sector 1” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$28.74	\$58.58
	<b>(2) Sector 2:</b>		
	The territory described under the heading “Sector 2” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$63.02	\$126.03
	<b>(3) Sector 3:</b>		
	The territory described under the heading “Sector 3” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$28.74	\$58.58
	<b>(4) Sector 4:</b>		
	The territory described under the heading “Sector 4” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$3.51	\$6.80
3. Rivières Matapédia and Patapédia  Rivière Patapédia sectors	<b>(1) Sector 1:</b>		
	The territory described under the heading “Sector 1” in Schedule V to the Regulation respecting fishing in certain wildlife sanctuaries.	\$31.37	—



Column I Wildlife sanctuaries	Column II Sector	Daily right of access fee per person	
		Column III Resident	Column IV Non-resident
	<b>(2) Sector 2:</b>		
	The territory described under the heading “Sector 2” in Schedule V to the Regulation respecting fishing in certain wildlife sanctuaries.	\$31.37	—
	<b>(3) Sector 3:</b>		
	The territory described under the heading “Sector 3” in Schedule V to the Regulation respecting fishing in certain wildlife sanctuaries.	\$31.37	\$63.02
4. Rivières Matapédia and Patapédia	<b>(1) Sector 1:</b>		
Rivière Causapscal sectors	The territory described under the heading “Sector 1” in Schedule VI to the Regulation respecting fishing in certain wildlife sanctuaries.	\$29.18	\$58.58
	<b>(2) Sector 2:</b>		
	The territory described under the heading “Sector 2” in Schedule VI to the Regulation respecting fishing in certain wildlife sanctuaries.	\$55.00	\$110.21
5. Sainte-Anne		\$39.49	\$78.98
6. Saint-Jean	<b>(1) Sector 1:</b>		
	The territory described under the heading “Sector 1” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$35.54	\$71.30
	<b>(2) Sector 2:</b>		
	The territory described under the heading “Sector 2” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$50.00	\$100.00
	<b>(3) Sector 3:</b>		
	The territory described under the heading “Sector 3” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$50.00	\$100.00
	<b>(4) Sector 4:</b>		
	The territory described under the heading “Sector 4” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$72.18	\$144.35

Column I Wildlife sanctuaries	Column II Sector	Daily right of access fee per person	
		Column III Resident	Column IV Non-resident
7. Port-Daniel		\$28.30	\$56.82
8. Sept-Îles–Port-Cartier	<b>(1) Sector 1:</b>		
Rivière aux Rochers sectors	The territory described under the heading “Sector 1” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$45.64 <sup>(1)</sup>	\$91.28 <sup>(1)</sup>
	(1) from 1 August those amounts shall be reduced by 50 %		
	<b>(2) Sector 3:</b>		
	The territory described under the heading “Sector 3” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$22.81	\$45.64
9. Sept-Îles–Port-Cartier	<b>(1) Sector 2:</b>		
Rivière MacDonald sectors	The territory described under the heading “Sector 2” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$22.81	\$45.64
	<b>(2) Sector 3:</b>		
	The territory described under the heading “Sector 3” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$22.81	45.64
	<b>(3) Sector 5:</b>		
	The territory described under the heading “Sector 5” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$22.81	\$45.64
	<b>(4) Sector 6:</b>		
	The territory described under the heading “Sector 6” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$22.81	\$45.64
10. Rivière-Cascapédia	<b>(1) Sector 3 (c)</b>		
	The territory described under the heading “Sector 3 (c)” in Schedule IX to the Regulation respecting fishing in certain wildlife sanctuaries.	\$60.00	\$120.00

Column I Wildlife sanctuaries	Column II Sector	Daily right of access fee per person	
		Column III Resident	Column IV Non-resident
	(2) Sector 4 (d)		
	The territory described under the heading “Sector 4 (d)” in Schedule IX to the Regulation respecting fishing in certain wildlife sanctuaries.	\$60.00	\$120.00

1135

## Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Fishing licences — Amendments

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 to amend the Fishing Licences Regulation, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to create four new sport fishing licences for anadromous Atlantic salmon.

To that end, the draft regulation proposes to introduce a 1-day sport fishing licence for anadromous Atlantic salmon for residents and another for non-residents. Another class of sport fishing licence for anadromous Atlantic salmon, one, with a catch-and-release obligation, will also be introduced for both residents and non-residents.

To date, study of the matter has not shown any impact on business and, in particular, on small and medium-sized businesses. As for the public, two classes of sport fishing licences for anadromous Atlantic salmon are added, which will allow certain anglers to practise their activity at lesser cost.

Further information may be obtained by contacting:

Mr. Serge Bergeron  
Ministère de l'Environnement et de la Faune  
Service de la réglementation  
150, boulevard René-Lévesque Est, 4<sup>e</sup> étage  
Québec (Québec)  
G1R 4Y1  
Tel.: (418) 643-4880  
Fax: (418) 528-0834.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec, G1R 5V7.

DAVID CLICHE,  
*Minister of the Environment  
and Wildlife*

## Regulation to amend the Fishing Licences Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, pars. 4, 8 and 10)

1. The Fishing Licences Regulation, made by Order in Council 845-84 dated 4 April 1984 and amended by the Regulations made by Orders in Council 1255-84 dated 30 May 1984, 1319-85 dated 26 June 1985, 484-86 dated 16 April 1986, 630-88 dated 27 April 1988, 704-89 dated 10 May 1989, 462-90 dated 4 April 1990, 46-91 dated 16 January 1991, 280-92 dated 26 February 1992, 310-93 dated 10 March 1993 and 197-94 dated 2 February 1994, is further amended by substituting the following for subparagraph 1 of the first paragraph of section 1:

“(1) (a) a sport fishing licence for anadromous Atlantic salmon for a resident or non-resident;

(b) a 1-day sport fishing licence for anadromous Atlantic salmon for a resident or non-resident;

(c) a sport fishing licence for anadromous Atlantic salmon with a catch-and-release obligation for a resident or non-resident.”.

**2.** This Regulation comes into force on 1 April 1997 or on the date of coming into force, in 1997, of the Regulation that, in respect of the price of fishing licences, will amend the Québec Fishery Regulations made under the Fisheries Act (R.S.C., 1985, c. F-14), if that date of coming into force is later than 1 April 1997.

1137

## Draft Regulation

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

### Members of the boards of directors of regional boards — Election and appointment

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 for the election and appointment of the members of the boards of directors of regional boards, the text of which appears below, may be made by the Minister of Health and Social Services upon the expiry of 45 days from this publication.

The purpose of the draft regulation is to determine the procedure to be followed for the election of members of the boards of directors of regional boards by institutions, community organizations, regional county municipalities, urban communities, Ville de Montréal, Ville de Laval, educational institutions, regional organizations representing socio-economic groups and organizations and associations whose activities are related to the field of health and social services.

Further information may be obtained by contacting Mr. Jean Théorêt, ministère de la Santé et des Services sociaux, Direction générale de la coordination régionale, 1075, chemin Sainte-Foy, 4<sup>e</sup> étage, Québec (Québec), G1S 2M1; telephone: (418) 643-4352; fax: (418) 644-2009.

Any interested person having comments to make concerning this matter is asked to send them in writing,

before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,  
*Minister of Health  
and Social services*

## Regulation respecting the procedure for the election and appointment of the members of the boards of directors of regional boards

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 397.3; 1996, c. 36, s. 38)

### DIVISION I GENERAL

#### §1. Scope

**1.** This Regulation applies to the election of the members of the boards of directors of regional health and social services boards by electoral colleges referred to in subparagraphs 1 to 5 of the first paragraph of section 397 of the Act respecting health services and social services (R.S.Q., c. S-4.2), replaced by section 37 of Chapter 36 of the Statutes of 1996.

#### §2. Returning officer

**2.** The Minister of Health and Social Services shall appoint a returning officer for each regional board not later than 65 days prior to the date of the elections.

**3.** A returning officer may appoint the deputy returning officers and scrutineers he needs to perform his duties.

**4.** The duties of a returning officer are to

- (1) give notice of an election;
- (2) accept or refuse nominations;
- (3) draw up a list of the nominated candidates;
- (4) inform the voters and candidates of the election procedure;
- (5) supervise the conduct of the election;
- (6) count the votes;
- (7) declare the candidates elected; and

(8) forward the election documents to the regional board and a copy of the nomination papers of elected candidates to the Minister.

**5.** A deputy returning officer shall perform the following duties under the authority of the returning officer:

(1) he receives candidacies and forwards them to the returning officer;

(2) he informs the voters and candidates of the election procedure;

(3) he supervises the conduct of the election;

(4) he counts the votes; and

(5) he informs the returning officer of the results of the election.

**6.** The regional board shall provide the returning officer and his deputy returning officers with the technical and administrative support required for the elections to be held and shall keep the election documents for at least one year from the date on which the votes are counted.

## DIVISION II ELECTIONS BY INSTITUTIONS IN THE REGION

### §1. *Election notice and nominations*

**7.** Not later than 60 days prior to the date of the election, the returning officer shall forward to the chairman of the board of directors of each public institution and to the chairman of the board of directors or the permit holder of each private institution in the region a notice mentioning that they are entitled to take part in the election of the members of the board of directors of the regional board and describing the procedure to make nominations. The election notice shall indicate the number of members to be elected by the institutions in the region, according to the group composition determined by the Minister under section 397.2 of the Act, made by section 38 of Chapter 36 of the Statutes of 1996.

The election notice shall mention the requirement in subparagraph 1 of the first paragraph of section 397 of the Act and the restrictions provided for in section 398.1 of the Act, replaced by sections 37 and 40 of Chapter 36 of the Statutes of 1996.

**8.** A nomination shall be made by means of a certified true copy of a resolution of the board of directors, together with a nomination paper drawn up in accor-

dance with the one in Schedule I or, in the case of an institution that is not a legal person, by means of a letter together with the nomination paper.

It shall be received by the returning officer not later than 35 days prior to the date of the election, before 5:00 p.m.

**9.** At the end of the nomination period, the returning officer shall draw up a list of the nominated candidates in respect of each group.

For each candidate, he shall indicate the name of the institution that nominated him.

### §2. *Election by acclamation*

**10.** At the close of nominations for a group determined by the Minister, where the number of candidates is less than or equal to the number of members to be elected, the returning officer shall declare the candidates elected. The returning officer shall then complete the certificate of election by acclamation in Schedule II and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the institutions concerned.

### §3. *Voting*

**11.** At the close of nominations for a group determined by the Minister, where the number of candidates is greater than the number of members to be elected, the returning officer shall forward a list of the candidates to the institutions composing the group not later than 30 days prior to the date of the election. Such list shall be accompanied by a notice indicating the date, time and place of the election and the number of candidates to be elected and by a voting envelope.

**12.** Institutions shall send their vote to the returning officer not later than the day preceding the election, before 5:00 p.m., by means of a certified true copy of a resolution of the board of directors inserted in the envelope provided or, in the case of an institution that is not a legal person, by means of a letter inserted in the envelope provided.

#### §4. Counting of votes

**13.** The returning officer shall open the envelopes on the date and at the time and place indicated in the notice.

Each candidate or, in his absence, a representative designated in writing by him may be present when the votes are being counted.

The returning officer shall count the votes and indicate, on the list of candidates, beside each name, the number of votes received.

**14.** The returning officer shall declare elected the candidates who have obtained the greatest number of votes, considering the group composition determined by the Minister.

Where there is a tie-vote resulting in the election of more candidates than the number required in a group, the returning officer shall draw lots among the candidates who obtained an equal number of votes and who are the closest to the candidate who obtained the greatest number of votes.

**15.** The returning officer shall complete the certificate of election provided in Schedule III and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the institutions concerned.

#### §5. Recount

**16.** At the request of a candidate or his representative, the returning officer shall recount the votes.

Such request shall be made in writing and be received by the returning officer not later than 5 days following the date of the election.

The returning officer shall recount the votes within 5 days of receiving the request.

The candidates and their representatives may be present when the votes are being recounted.

### DIVISION III ELECTIONS BY REGIONAL COMMUNITY ORGANIZATIONS

#### §1. Election notice and nominations

**17.** Not later than 60 days prior to the date of the election, the returning officer shall forward to each regional community organization designated in accordance with subparagraph 2 of the first paragraph of section 397 of the Act a notice mentioning that they are entitled to take part in the election of the members of the board of directors of the regional board and describing the procedure to make nominations. The election notice shall indicate the number of members to be elected by those organizations.

The election notice shall mention the requirement in subparagraph 2 of the first paragraph of section 397 of the Act and the restrictions provided for in section 398.1 of the Act.

**18.** A nomination shall be made by means of a certified true copy of a resolution of the board of directors, together with a nomination paper drawn up in accordance with the one in Schedule I.

It shall be received by the returning officer not later than 35 days prior to the date of the election, before 5:00 p.m.

**19.** At the end of the nomination period, the returning officer shall draw up a list of the nominated candidates and shall indicate on it, in respect of each candidate, the name of the organization on whose board of directors he sits and the type of services provided by that organization. The returning officer may also indicate the municipality where the organization is located.

#### §2. Election by acclamation

**20.** At the close of nominations, where the number of candidates is less than or equal to the number of members to be elected, the returning officer shall declare the candidates elected. The returning officer shall then complete the certificate of election by acclamation in Schedule II and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the community organizations.

### §3. *Voting*

**21.** At the close of nominations, where the number of candidates is greater than the number of members to be elected, the returning officer shall forward a list of the candidates to each community organization not later than 30 days prior to the date of the election. Such list shall be accompanied by a notice indicating on what date and at what time and place votes will be counted and by a voting envelope.

**22.** Community organizations shall send their vote to the returning officer not later than the day preceding the election, before 5:00 p.m., by means of a certified true copy of a resolution of their board of directors inserted in the envelope provided.

### §4. *Counting of votes*

**23.** The returning officer shall open the envelopes on the date and at the time and place indicated in the notice.

Each candidate or, in his absence, a representative designated in writing by him may be present when the votes are being counted.

The returning officer shall count the votes and indicate, on the list of candidates, beside each name, the number of votes received.

**24.** The returning officer shall declare elected the candidates who have obtained the greatest number of votes, considering the groups determined by the Minister.

Where there is a tie-vote resulting in the election of more candidates than required, considering the group composition determined by the Minister, the returning officer shall draw lots among the candidates who obtained an equal number of votes and who are the closest to the candidate who obtained the greatest number of votes.

If complying with the representation determined by the Minister results in the impossibility of electing the determined number of members on the board of directors of the regional board by community organizations, the other candidates having obtained the greatest number of votes shall be declared elected, regardless of the representation, until the required number of members is reached.

**25.** The returning officer shall complete the certificate of election provided in Schedule III and forward it to the regional board within 5 days of the election, with

the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the community organizations.

### §5. *Recount*

**26.** At the request of a candidate or his representative, the returning officer shall recount the votes.

Such request shall be made in writing and be received by the returning officer not later than 5 days following the date of the election.

The returning officer shall recount the votes within 5 days of receiving the request.

The candidates and their representatives may be present when the votes are being recounted.

## DIVISION IV ELECTIONS BY REGIONAL COUNTY MUNICIPALITIES, URBAN COMMUNITIES, VILLE DE MONTRÉAL AND VILLE DE LAVAL

### §1. *Election notice and nominations*

**27.** Not later than 60 days prior to the date of the election, the returning officer shall forward to each regional county municipality whose territory is comprised in the region, to the urban communities, to Ville de Montréal and to Ville de Laval a notice mentioning that they are entitled to take part in the election of the members of the board of directors of the regional board and describing the procedure to make nominations. The election notice shall indicate the number of members to be elected by regional county municipalities, urban communities, Ville de Montréal and Ville de Laval.

The election notice shall mention the requirements in subparagraph 3 of the first paragraph of section 397 of the Act and the restrictions provided for in section 398.1 of the Act.

In the case of urban communities, Ville de Montréal and Ville de Laval, the notice of election shall indicate that each of them takes part individually in the election and that, consequently, the elected municipal officers whose names will be forwarded to the returning officer will be declared elected, provided that the requirements and restrictions mentioned in the second paragraph are complied with.

**28.** A nomination shall be made by means of a certified true copy of a resolution, together with a nomination paper drawn up in accordance with the one in Schedule I.

It shall be received by the returning officer not later than 35 days prior to the date of the election, before 5:00 p.m.

**29.** At the end of the nomination period, the returning officer shall draw up a list of the nominated candidates and shall indicate on it, in respect of each candidate, the name of the local municipality in which he is an elected officer and the name of the regional county municipality or of the urban community in which such local municipality is comprised, where applicable.

#### §2. Election by acclamation

**30.** At the close of nominations, where the number of candidates is less than or equal to the number of members to be appointed, the returning officer shall declare the candidates elected by complying with the requirements of subparagraph 3 of the first paragraph of section 397 of the Act and with the group composition determined by the Minister under section 397.2 of the Act. The returning officer shall then complete the certificate of election by acclamation in Schedule II and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to each regional county municipality, each urban community, Ville de Montréal and Ville de Laval.

#### §3. Voting

**31.** At the close of nominations, where the number of candidates is greater than the number of members to be elected, the returning officer shall forward a list of the candidates to each regional county municipality not later than 40 days prior to the date of the election. Such list shall be accompanied by a notice indicating on what date and at what time and place votes will be counted and by a voting envelope.

**32.** Regional county municipalities shall send their ballot paper to the returning officer not later than the day preceding the election, before 5:00 p.m., by means of a certified true copy of a resolution inserted in the envelope provided for that purpose.

#### §4. Counting of votes

**33.** The returning officer shall open the envelopes on the date and at the time and place indicated in the notice.

Each candidate or, in his absence, a representative designated in writing by him may be present when the votes are being counted.

The returning officer shall count the votes and indicate, on the list of candidates, beside each name, the number of votes received.

**34.** The returning officer shall declare elected the candidates who have obtained the greatest number of votes in accordance with the requirements of subparagraph 3 of the first paragraph of section 397 of the Act and with the group composition determined by the Minister under section 397.2 of the Act.

Where there is a tie-vote resulting in the election of more candidates than the number required, the returning officer shall draw lots among the candidates who obtained an equal number of votes and who are the closest to the candidate who obtained the greatest number of votes.

**35.** The returning officer shall complete the certificate of election provided in Schedule III and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the regional county municipalities.

#### §5. Recount

**36.** At the request of a candidate or his representative, the returning officer shall recount the votes.

Such request shall be made in writing and be received by the returning officer not later than 5 days following the date of the election.

The returning officer shall recount the votes within 5 days of receiving the request.

The candidates and their representatives may be present when the votes are being recounted.



## DIVISION V ELECTIONS BY REGIONAL EDUCATIONAL INSTITUTIONS

### §1. *Election notice and nominations*

**37.** Not later than 60 days prior to the date of the election, the returning officer shall forward to the board of directors of the educational institutions having their head office in the region a notice mentioning that they are entitled to take part in the election of the members of the board of directors of the regional board.

The election notice shall mention the requirement in subparagraph 2 of the first paragraph of section 397 of the Act and the restrictions provided for in section 398.1 of the Act.

**38.** A nomination shall be made by means of a certified true copy of a resolution of the board of directors, together with a nomination paper drawn up in accordance with the one in Schedule I.

It shall be received by the returning officer not later than 35 days prior to the date of the election, before 5:00 p.m.

**39.** At the end of the nomination period, the returning officer shall draw up a list of the nominated candidates and shall indicate on it, in respect of each candidate, the name of the educational institution in which he is an administrator or a member of the board of directors.

### §2. *Election by acclamation*

**40.** At the close of nominations, where the number of candidates is less than or equal to the number of members to be elected, the returning officer shall declare the candidates elected. The returning officer shall then complete the certificate of election by acclamation in Schedule II and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the educational institutions.

### §3. *Voting*

**41.** At the close of nominations, where the number of candidates is greater than the number of members to be elected, the returning officer shall forward a list of

the candidates to each educational institution not later than 30 days prior to the date of the election. Such list shall be accompanied by a notice indicating on what date and at what time and place votes will be counted and by a voting envelope.

**42.** Educational institutions shall send their vote to the returning officer not later than the day preceding the election, before 5:00 p.m., by means of a certified true copy of a resolution of the board of directors inserted in the envelope provided.

### §4. *Counting of votes*

**43.** The returning officer shall open the envelopes on the date and at the time and place indicated in the notice.

Each candidate or, in his absence, a representative designated in writing by him may be present when the votes are being counted.

The returning officer shall count the votes and indicate, on the list of candidates, beside each name, the number of votes received.

**44.** The returning officer shall declare elected the candidates who have obtained the greatest number of votes.

Where there is a tie-vote resulting in the election of more candidates than the number required, the returning officer shall draw lots among the candidates who obtained an equal number of votes and who are the closest to the candidate who obtained the greatest number of votes.

**45.** The returning officer shall complete the certificate of election provided in Schedule III and forward it to the regional board within 5 days of the election, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the educational institutions.

### §5. *Recount*

**46.** At the request of a candidate or his representative, the returning officer shall recount the votes.

Such request shall be made in writing and be received by the returning officer not later than 5 days following the date of the election.

The returning officer shall recount the votes within 5 days of receiving the request.

The candidates and their representatives may be present when the votes are being recounted.

**DIVISION VI**  
**ELECTIONS BY REGIONAL ORGANIZATIONS**  
**REPRESENTING SOCIO-ECONOMIC GROUPS**  
**AND BY ORGANIZATIONS AND ASSOCIATIONS**  
**WHOSE ACTIVITIES ARE RELATED TO THE**  
**FIELD OF HEALTH AND SOCIAL SERVICES**

*§1. Election notice and nominations*

**47.** Not later than 60 days prior to the date of the election, the returning officer shall forward to each regional organization and association designated in accordance with subparagraph 5 of the first paragraph of section 397 of the Act a notice mentioning that they are entitled to take part in the election of the members of the board of directors of the regional board and describing the procedure to make nominations. The election notice shall indicate the number of members to be elected by those organizations and associations.

The election notice shall mention the restrictions provided for in section 398.1 of the Act.

**48.** A nomination shall be made by means of a certified true copy of a resolution of the board of directors, together with a nomination paper drawn up in accordance with the one in Schedule I or, in the case of an association not incorporated as a legal person, by means of a letter from its representative, together with the nomination paper.

It shall be received by the returning officer not later than 35 days prior to the date of the election, before 5:00 p.m.

**49.** At the end of the nomination period, the returning officer shall draw up a list of the nominated candidates and shall indicate on it, in respect of each candidate, the name of the organization or association that nominated him. He may also indicate the municipality in which the organization or association is located.

*§2. Election by acclamation*

**50.** At the close of nominations, where the number of candidates is less than or equal to the number of members to be appointed, the returning officer shall declare the candidates elected. The returning officer shall then complete the certificate of election by acclamation in Schedule II and forward it to the regional

board within 5 days, with the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to each organization and association.

*§3. Voting*

**51.** At the close of nominations, where the number of candidates is greater than the number of members to be elected, the returning officer shall forward a list of the candidates to each organization and association not later than 30 days prior to the date of the election. Such list shall be accompanied by a notice indicating on what date and at what time and place votes will be counted and by a voting envelope.

**52.** Organizations and associations shall send their vote to the returning officer not later than the day preceding the election, before 5:00 p.m., by means of a certified true copy of a resolution of the board of directors inserted in the envelope provided for that purpose or, in the case of an association not incorporated as a legal person, by means of a letter from its representative inserted in the envelope provided.

*§4. Counting of votes*

**53.** The returning officer shall open the envelopes on the date and at the time and place indicated in the notice.

Each candidate or, in his absence, a representative designated in writing by him may be present when the votes are being counted.

The returning officer shall count the votes and indicate, on the list of candidates, beside each name, the number of votes received.

**54.** The returning officer shall declare elected the candidates who have obtained the greatest number of votes.

Where there is a tie-vote resulting in the election of more candidates than the number required, the returning officer shall draw lots among the candidates who obtained an equal number of votes and who are the closest to the candidate who obtained the greatest number of votes.

**55.** The returning officer shall complete the certificate of election provided in Schedule III and forward it to the regional board within 5 days of the election, with

the elected candidates' nomination papers. He shall also forward a copy of those documents to the Minister.

Within 5 days of the election, the returning officer shall forward a notice of the election containing the names of the persons elected to the organizations and associations concerned.

*§5. Recount*

**56.** At the request of a candidate or his representative, the returning officer shall recount the votes.

Such request shall be made in writing and be received by the returning officer not later than 5 days following the date of the election.

The returning officer shall recount the votes within 5 days of receiving the request.

The candidates and their representatives may be present when the votes are being recounted.

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



Gouvernement du Québec  
Ministère de la Santé et des Services sociaux  
Cabinet du sous-ministre - Secrétariat

**Schedule I**  
**(ss.8, 18, 28, 38 and 48)**

**NOMINATION PAPER OF A CANDIDATE**

Please complete in "BLACK" block letters

Name of the regional board ▶

**Section I - Nomination**

Surname and given name of candidate		Sex M <input type="checkbox"/> F <input type="checkbox"/>		Date of birth Y   M   D			Social insurance N°		
Address (N°, street, municipality, county, province)									
Postal code			Telephone home Area code			Telephone office Area code			

**Section II - Nominator**

**A) Resolution in the case of a legal person**

At the sitting of \_\_\_\_\_ 19\_\_\_\_ the board of directors of \_\_\_\_\_,  
which is a member of the electoral college \_\_\_\_\_  
Name of the legal person  
adopted the following resolution: that \_\_\_\_\_  
Surname and given name of  
be nominated for the position of member of the board of directors \_\_\_\_\_  
Name of the regional board  
\_\_\_\_\_  
Signature of authorized person

**B) In the case of a private institution or of an association not incorporated as a legal person**

1- Name of the institution or association		Telephone		2- Surname and given name of the signee		Telephone	
Address				Address			
				Signature			

**Section III - Candidate's consent**

I, the undersigned, agree to be a candidate for the position of member of the board of directors

\_\_\_\_\_  
Name of the regional board

\_\_\_\_\_  
Name of the electoral college

I authorize the transmission of the information entered in this paper to the regional board and, if I am elected, to the ministère de la Santé et des Services sociaux. The information transmitted to the regional board and to the Department is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information.

In witness whereof, I have signed at: \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_

\_\_\_\_\_  
Signature of candidate

**Section IV - For use of the regional board**

1- Transaction Registration Correction Cancellation		1 2 3		2- Method of election Vote Accla- - mation		1 2		3- Terms of office Number		4- Start of term of office		5- Year of term of office 19		6- Electoral college * (see list below)	
Date Y   M   D		Signature of the executive director													

- \*LISTE OF CODES**
- 15- Institutions
  - 16- Community organizations
  - 17- Regional county municipalities or municipalities
  - 18- Educational institutions
  - 19- Organizations and associations

IN COMPLIANCE WITH SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION.

**Please note that:**

- The information on this form is gathered for the regional board and, if the candidate is elected, for the ministère de la Santé et des Services sociaux.
- The information transmitted to the regional board and the MSSS is used to make up the file of the members of the boards directors of the regional boards.

**3- The following will have access to that Information:**

- the employees of the regional board and the MSSS within the scope of their office;
- any other user meeting the requirements of this Act.

4- The information on the form is compulsory.  
5- The masculine form used in the text designates women as well as men.



Gouvernement du Québec  
Ministère de la Santé et des Services sociaux  
Cabinet du sous-ministre - Secrétariat

**Schedule II**  
**(ss.10, 20, 30, 40 and 50)**

**CERTIFICATE OF ELECTION BY ACCLAMATION**

I, the undersigned, the Returning Officer, hereby declare that I have received and accepted the candidacies of the following persons for the positions that must be filled within the board of directors of:

\_\_\_\_\_ Name of the regional board

following election by: \_\_\_\_\_ Name of the electoral college

	Name	Address	Telephone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

The above candidates are declared elected.

In witness whereof, I have signed this certificate on \_\_\_\_\_ 19\_\_\_\_  
Day Month Year

at \_\_\_\_\_ at \_\_\_\_\_  
Time Place

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_



Gouvernement du Québec  
Ministère de la Santé et des Services sociaux  
Cabinet du sous-ministre - Secrétariat

**Schedule III**  
**(ss.15, 25, 35, 45 and 55)**

**CERTIFICATE OF ELECTION**

Electoral college \_\_\_\_\_

\_\_\_\_\_  
Name of the regional board

I, the undersigned, \_\_\_\_\_ acting as Returning

Officer, hereby declare that:

THE FOLLOWING CANDIDATES HAVE BEEN ELECTED:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

1. SIGNATURE

Returning Officer

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

## Draft Regulation

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

### Regulation

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. S-3.1.1), that the Regulation to amend the Regulation respecting income security, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to eliminate the increase in the scale of needs paid as reimbursement of real estate taxes for persons eligible for the work and employment incentives program. On the other hand, it increases the amounts prescribed as work income excluded for the purposes of computing the benefits of persons eligible for that program in order to take into account the elimination of the increase in the scale of needs paid as reimbursement of real estate taxes. The draft regulation also provides for the requisition of a certificate in writing attesting to the need for transportation by ambulance to cover related expenses and to reduce coverage for medical transportation by taxi. Finally, the draft regulation provides, in the case of false statements, for a fee for opening the record, the charging of continuous interest and certain terms and conditions governing recovery.

To date, study of the matter reveals an impact in the form of an increase in amounts owed or of a reduction in the monthly benefits of persons eligible for the work and employment incentives program.

Further information may be obtained by contacting Mrs. Geneviève Bouchard, Director of income security policies and programs development, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1, tel.: 646-2566.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Employment and Solidarity and Minister of Income Security, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1.

LOUISE HAREL,  
*Minister of State for Employment and Solidarity  
and Minister of Income Security*

## Regulation to amend the Regulation respecting income security

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 91, 1<sup>st</sup> par., subpars. 4, 5, 8, 23 to 24.1, 25 and 2<sup>nd</sup> par.; 1995, c. 69, s. 20, pars. 4, 7 and 9)

**1.** The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996, 761-96 dated 19 June 1996, 926-96 dated 17 July 1996, 1290-96 dated 9 October 1996 and 1480-96 dated 27 November 1996, is further amended in section 13:

(1) by substituting the following for subparagraph 1:

“(1) Scale based on unavailability:

Adult(s)	Dependent children	Scale of needs	Work income excluded
1	0	\$577	\$84
1	1	822	71
1	2 or more	943	80
2	0	913	79
2	1	1 034	68
2	2 or more	1 130	73”;

(2) by substituting the following for subparagraphs 3 to 5:

“(3) Scale based on participation:

Adult(s)	Dependent children	Scale of needs	Work income excluded
1	0	\$597	\$110
1	1	842	97
1	2 or more	963	107
2	0	933	130
2	1	1 054	141
2	2 or more	1 150	147;

(4) Scale based on non-participation:

Adult(s)	Dependent children	Scale of needs	Work income excluded
1	0	\$477	\$184
1	1	722	170
1	2 or more	843	180
2	0	738	231
2	1	859	242
2	2 or more	955	247;

(5) Mixed scale:

Adult(s)	Dependent children	Scale of needs	Work income excluded
1 non-participant and 1 participant	0	\$836	\$181
	1	957	192
	2 or more	1 053	197
1 non-participant and 1 unavailable	0	826	155
	1	947	155
	2 or more	1 043	160
1 unavailable and 1 participant	0	923	105
	1	1 044	105
	2 or more	1 140	110.”.

**2.** The following is substituted for the table in section 14.1

“Category of scales	Scale of needs	Work income excluded
Unavailability	\$231	\$84
Participation	251	110
Non-participation	131	184”.

**3.** Section 18 is revoked.

**4.** The fourth paragraph of section 25 is deleted.

**5.** Section 35 is amended

(1) by inserting the following paragraphs after the second paragraph:

“Where such transportation is by ambulance, the benefits shall be granted, in the case of an adult, if the need for transportation is attested to by a certificate signed by a physician or a person authorized for that purpose by the hospital centre where the beneficiary is taken to.

An application for payment for transportation by ambulance may be made by the carrier. It shall be accompanied by the certificate or by a document establishing

that such transportation was not needed. For payment purposes only, the Minister shall then pay the carrier whether or not such transportation was needed. That payment is not deemed to be an acknowledgment by the Minister of the need for such transportation. Where the need is not attested to, the benefit thus granted is deemed to have been received without entitlement by the adult.”;

(2) by adding the following paragraph at the end after the words “must be used”: “In respect of a beneficiary of the Work and Employment Incentives program, the special benefits for the expenses of each transportation of an adult by taxi shall be granted minus the lesser of \$20 or 20 % of the transportation cost. Notwithstanding the foregoing, the amounts so deducted may not exceed \$100 a year per adult.”.

**6.** The following paragraph is added at the end of section 119:

“(3) if the recoverable amount results from a statement containing false information or from a document containing such information, made or sent more than once by a person with a view to making himself or his family eligible for a last resort assistance program, or with a view to receiving or causing his family to receive more benefits than would otherwise have been granted, the payments may not be less than \$224 per month.”.

**7.** The following paragraph is added in section 123:

“(3) a recoverable amount resulting from a statement containing false information or from a document containing such information, made or sent more than once by a person with a view to making himself or his family eligible for a last resort assistance program, or with a view to receiving or causing his family to receive more benefits than would otherwise have been granted, in which case the maximum shall be \$224; notwithstanding the foregoing, all the reductions applied to the benefits and the compensation shall not exceed 50 % of the total benefits, in which case the amount of compensation shall be reduced but may not be lower than \$112.”.

**8.** The words “except if the recoverable amount is due by a person who made a statement containing false information or who sent a document containing such information with a view to making himself or his family eligible for a last resort assistance program, or with a view to receiving or causing his family to receive more benefits than would otherwise have been granted, subparagraph 2 of the first paragraph ceases to apply in respect of a recoverable amount” are substituted for “subparagraph 2 of the first paragraph ceases to apply in respect of that amount” in the second paragraph of section 124.



**9.** The following is inserted before subparagraph 1 of section 124.1:

“(0.1) \$100 for any formal notice sent under section 41 of the Act if the recoverable amount is due by a person who made a statement containing false information or who sent a document containing such information with a view to making himself or his family eligible for a last resort assistance program, or with a view to receiving or causing his family to receive more benefits than would otherwise have been granted;”

**10.** This Regulation will come into force on 1 April 1997.

1106

## Draft Regulation

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

### Regulation

#### — Amendments

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 to amend the Regulation respecting income security, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to give effect to the provisions of Bill 84, entitled “An Act to amend the Act respecting income security”. It provides that a person who has the care of a dependent child may qualify, from 1 September 1997, for the scale based on unavailability of the work and employment incentives program if, on 30 September 1997, the child is less than 5 years of age or cannot attend a kindergarten class on a full-time basis. The draft Regulation prescribes certain provisions pertaining to the recovery of the interest received by a beneficiary of a last resort assistance program who was waiting for the realization of a right and to subrogation costs to be charged to a debtor who has failed to pay support.

To date, study of the matter has revealed an impact on beneficiaries of the work and employment incentives program and those waiting for the realization of a right. In addition, it should have an impact on debtors who have failed to pay support.

Further information may be obtained by contacting Mrs. Geneviève Bouchard, Director of income security

policies and programs development, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1, tél.: 646-2566.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Employment and Solidarity and Minister of Income Security, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1.

LOUISE HAREL,  
*Minister of State for Employment and Solidarity  
and Minister of Income Security*

## Regulation to amend the Regulation respecting income security

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 91, 1<sup>st</sup> par., subpars, 16.01 and 22.1, and 2<sup>nd</sup> par.)

**1.** The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996, 761-96 dated 19 June 1996, 929-96 dated 17 July 1996, 1290-96 dated 9 October 1996, 1480-96 dated 27 November 1996 and 1566-96 dated 11 December 1996, is further amended in section 13.1 by inserting the following before paragraph 1:

“(0.1) for the purposes of subparagraph 3 of the first paragraph of section 16 of the Act, an adult member of a family who has the care of a dependent child less than 5 years of age on 30 September or, if he is 5 years of age on that date, who cannot attend a kindergarten class on a full-time basis;”

**2.** The following is inserted after section 120.1:

“**120.2** The interest provided for in the second paragraph of section 35 of the Act is exigible where the value of the realized right has borne interest.

If the amount of benefits is less than the value of the realized right, the interest shall be computed in proportion to the amount of those benefits and in relation to the period for which they were granted.

**120.3** A debtor of support is liable for the payment of costs of \$100 to the Minister where the latter is subrogated in the creditor's rights under section 39 of the Act and the debtor is in arrears with a support payment. Those costs may not be collected unless arrears are paid.

Those costs shall be collected by the Minister of Revenue where he is responsible for collecting the support payments under the Act to facilitate the payment of support (1995, c. 18).”

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 1, which will come into force on 1 September 1997.

1155

## Draft Regulation

Parks Act  
(R.S.Q., c. P-9)

### Parks — Amendments

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 to amend the Parks Regulation, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec), G1R 5V7.

DAVID CLICHE,  
*Minister of the Environment  
and Wildlife*

## Regulation to amend the Parks Regulation

Parks Act  
(R.S.Q., c. P-9, s. 9.1, 1<sup>st</sup> par., subpar. a, as amended  
by 1995, c. 40, s. 4)

**1.** The Parks Regulation, made by Order in Council 567-83 dated 23 March 1983 and amended by the Regulations made by Orders in Council 1112-83 dated 1 June 1983, 1385-83 dated 22 June 1983, 1404-84 dated 13 June 1984, 1915-84 dated 22 August 1984, 2330-84 dated 17 October 1984, 2479-84 dated 7 November 1984, 149-85 dated 23 January 1985, 1913-85 dated 18 September 1985, 2143-85 dated 16 October 1985, 1060-87 dated 30 June 1987, 632-88 dated 27 April 1988, 484-89 dated 29 March 1989, 459-90 dated 4 April 1990, 722-90 dated 23 May 1990, 1727-90 dated 12 December 1990, 43-91 dated 16 January 1991, 278-92 dated 26 February 1992, 311-93 dated 10 March 1993, 198-94 dated 2 February 1994, 633-94 dated 4 May 1994, 679-94 dated 11 May 1994 and 314-96 dated 13 March 1996, is further amended by inserting the following paragraph between the second and third paragraphs of section 5:

“Notwithstanding the foregoing, where no lodging service is offered in the location for which an occupation licence is issued, the amount indicated in section 1 of Schedule I shall include the cost of the right of access pass for a child under 18 years of age accompanied by the holder of parental authority.”

**2.** Schedule I is amended

(1) by substituting the figures “61.43” and “122.86” for the numbers “57.04” and “114.08” in section 2; and

(2) by substituting the number “1998” for the number “1997” in section 3.

**3.** This Regulation comes into force on 1 April 1997.

1136

## Draft Regulation

Forest Act  
(R.S.Q., c. F-4.1)

### Unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

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 unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, the text of which appears below, may be made by the Minister at the expiry of 45 days following this publication.

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jacques Robitaille, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec), G1S 4X4.

GUY CHEVRETTE,  
Minister of State for Natural Resources

### Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

Forest Act  
(R.S.Q., c. F-4.1, ss. 5 and 72)

**1.** The unit rates for stumpage in forests in the public domain set out in Schedule I shall be indexed on 1 April, 1 August and 1 December 1997 in accordance with the performance of the price indexes for the forest products specified in Schedule II. The index rates per species, group of species and quality shall be calculated in accordance with the following formulas:

Index rate at at 1 April 1997	=	Average price index for the months of October, November and December 1996 and January 1997
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Average price index  
for the months of  
April 1995 to March 1996;

Index rate at 1 August 1997	=	Average price index for the months of February, March, April and May 1997
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Average price index for  
the months of April 1995  
to March 1996

Index rate at 1 December 1997	=	Average price index for the months of June, July, August and September 1997
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Average price index for  
the months of April 1995  
to March 1996

The amounts thus indexed shall apply, in each forest tariffing zone indicated in Schedule I, to the calculation of the dues payable by the holder of a forest management permit for the supply of a wood processing plant for the 4-month period following the date of indexing.

The amounts indexed in the manner prescribed in the first paragraph shall be reduced to the nearest fraction of \$0.10/m<sup>3</sup> where they contain a fraction less than \$0.025/m<sup>3</sup>. They shall be rounded off to the nearest fraction of \$0.05/m<sup>3</sup> where they contain a fraction equal to or greater than \$0.025/m<sup>3</sup> but less than \$0.075/m<sup>3</sup> and shall be increased to the nearest fraction of \$0.10/m<sup>3</sup> where they contain a fraction equal to or greater than \$0.075/m<sup>3</sup>.

The Minister of Natural Resources shall inform the public, through Part I of the *Gazette officielle du Québec* and, where he considers it appropriate, by any other means, of the indexing calculated under this section.

**2.** This Regulation replaces the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, made by Minister's Order 9600137 of the Minister of Natural Resources, dated 10 July 1996 and published in Part 2 of the *Gazette officielle du Québec* of 24 July 1996.

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

**SCHEDULE I**  
(s.1)  
**REFERENCE UNIT RATES FOR STUMPAGE IN FORESTS IN THE PUBLIC DOMAIN BY FOREST TARIFFING**  
**ZONE FOR THE 1997-1998 FISCAL YEAR**

Species	Quality*	Stumpage (\$/m <sup>3</sup> )															
		Zones															
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Fir, spruce, jack pine, tamarack	A	18,49	17,41	13,10	12,91	15,38	12,78	3,85	3,85	9,70	11,71	13,28	12,93	14,03	17,18	22,07	18,82
	B	18,49	17,41	13,10	12,91	15,38	10,10	3,08	3,08	5,77	11,71	13,28	10,61	12,93	17,18	22,07	14,81
White pine	B	11,63	7,91	7,59	7,60	7,59	7,59	2,24	2,24	13,59	13,86	13,11	11,37	11,17	10,05	10,54	9,96
	A	20,96	14,08	12,80	12,83	12,80	12,80	5,66	5,66	21,55	21,64	20,08	16,73	17,05	15,04	15,32	15,01
Red pine	B	8,22	5,66	5,66	5,66	5,66	5,66	5,66	5,66	9,74	9,84	9,43	8,57	8,42	7,65	8,03	7,74
	B	3,62	2,83	2,54	2,55	2,54	2,54	0,89	0,89	3,53	3,57	3,12	2,14	2,42	2,01	2,06	2,08
Hemlock, cedar	B	3,32	2,59	2,54	2,54	2,54	2,54	0,89	0,89	3,40	3,39	2,98	2,14	2,42	2,01	2,06	2,08
	C	3,32	2,59	2,54	2,54	2,54	2,54	0,89	0,89	3,40	3,39	2,98	2,14	2,42	2,01	2,06	2,08
White pine, red pine, hemlock, cedar	A	25,38	21,00	21,00	20,78	21,00	21,00	21,00	21,00	35,10	36,29	32,11	21,00	24,05	21,00	21,00	21,00
	B	11,90	7,52	7,52	7,52	7,52	7,52	7,52	7,52	17,30	17,93	15,76	9,97	10,63	8,28	7,96	7,91
Oak, cherry, walnut	A	21,03	10,69	6,53	6,62	6,53	6,53	6,53	6,53	21,48	22,08	20,06	14,97	16,33	15,31	15,54	14,44
	B	10,01	5,44	5,23	5,23	5,23	5,23	3,16	3,16	10,43	10,63	9,78	8,05	7,89	7,26	7,37	6,86
Yellow birch, basswood	A	19,51	10,63	10,74	10,74	10,74	10,74	3,17	3,17	20,34	20,74	18,56	13,71	14,87	13,90	13,98	13,18
	B	6,63	4,33	3,65	3,67	3,65	3,65	1,10	1,10	4,75	4,76	4,29	3,52	3,53	3,36	3,41	3,32
Poplar/Aspen	B	2,81	2,13	1,60	1,61	1,60	1,60	0,48	0,48	2,46	2,43	2,17	1,83	1,87	1,83	1,84	1,77
	C	1,49	1,28	1,21	1,22	1,21	1,21	0,47	0,47	1,34	1,31	1,24	1,16	1,25	1,13	1,22	1,20
Other hardwoods	B	4,00	3,13	3,06	3,06	3,06	3,06	1,09	1,09	4,11	4,10	3,61	2,58	2,92	2,43	2,50	2,44
	C	4,00	3,13	3,06	3,06	3,06	3,06	1,09	1,09	4,11	4,10	3,61	2,58	2,92	2,43	2,50	2,44
All hardwoods (except poplar /aspen)	C	4,00	3,13	3,06	3,06	3,06	3,06	1,09	1,09	4,11	4,10	3,61	2,58	2,92	2,43	2,50	2,44
	D	2,73	2,13	2,08	2,09	2,08	2,08	0,75	0,75	2,80	2,79	2,46	1,76	1,99	1,65	1,70	1,66

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

Species	Quality*	Stumpage (\$/m <sup>3</sup> )															
		Zones															
		17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Fir, spruce, jack pine, tamarack	A	15,71	11,74	9,11	7,47	3,32	10,83	9,04	7,15	6,27	3,08	16,63	13,48	10,55	22,05	17,67	14,24
	B	14,74	11,74	7,34	6,75	3,32	10,83	9,04	3,75	6,22	3,08	15,73	13,48	10,55	22,05	16,00	14,24
White pine	B	9,56	4,62	5,87	4,85	1,80	6,80	5,79	5,45	4,03	1,72	15,04	14,14	11,72	14,00	12,81	11,15
Red pine	A	14,78	12,80	12,87	12,80	12,80	13,33	12,80	12,80	12,80	12,80	24,77	22,39	18,81	24,61	23,46	19,21
	B	7,39	5,66	5,73	5,66	5,66	6,12	5,66	5,66	5,66	5,66	10,67	10,03	8,72	10,41	9,87	8,55
Hemlock, cedar	B	2,02	1,79	2,20	1,88	0,76	1,85	1,58	2,12	1,58	0,73	4,22	3,72	2,89	4,27	4,02	3,12
White pine, red pine, hemlock cedar	C	2,02	1,79	2,20	1,88	0,76	1,85	1,58	2,12	1,58	0,73	4,22	3,59	2,84	4,27	4,02	2,97
Oak, cherry walnut	A	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	39,37	37,00	28,39	35,56	34,82	29,07
	B	8,30	7,52	7,53	7,52	7,52	7,74	7,52	7,52	7,52	7,52	19,45	18,28	13,63	17,27	16,94	13,67
Yellow birch basswood	A	14,50	6,53	6,79	6,53	6,53	8,71	6,53	6,53	6,53	6,53	24,28	22,60	17,80	24,65	21,57	17,40
	B	6,88	3,16	3,28	3,16	3,16	4,18	3,16	3,16	3,16	3,16	12,55	11,08	8,46	11,97	10,24	8,26
White birch, maple, ash, elm, ironwood	A	13,32	6,03	7,62	6,32	2,48	8,95	7,25	7,69	5,29	2,37	24,59	21,65	16,37	23,40	19,87	15,97
	B	3,30	2,18	2,70	2,28	0,88	2,62	2,21	2,72	1,91	0,85	6,32	5,13	3,71	7,05	5,59	3,77
Poplar/Aspen	B	1,78	1,06	1,32	1,11	0,43	1,37	1,16	1,30	0,93	0,41	3,44	2,67	1,94	3,53	2,89	2,02
	C	1,10	0,83	1,01	0,87	0,38	0,94	0,83	1,15	0,74	0,37	1,59	1,38	1,27	1,64	1,62	1,33
Other hardwoods	B	2,38	1,71	2,06	1,78	0,84	2,02	1,82	2,48	1,53	0,81	5,09	4,33	3,42	5,16	4,85	3,58
All hardwoods (except poplar/ aspen)	C	2,38	1,71	2,06	1,78	0,84	2,02	1,82	2,48	1,53	0,81	5,09	4,33	3,42	5,16	4,85	3,58
	D	1,62	1,16	1,40	1,21	0,57	1,38	1,24	1,69	1,04	0,55	3,47	2,95	2,33	3,52	3,31	2,44

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

Species	Quality*	Stumpage (\$/m <sup>3</sup> )															
		Zones															
		33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
Fir, spruce, jack pine, tamarack	A	11,07	21,38	17,22	16,63	13,12	17,72	15,08	16,28	16,10	20,88	16,19	13,82	11,74	10,41	9,26	4,53
	B	9,59	21,38	14,66	16,63	11,53	17,72	15,08	16,28	13,55	20,88	16,19	13,82	6,43	10,41	9,26	3,08
White pine	B	10,55	12,79	12,18	7,03	7,03	8,39	8,74	8,17	8,90	8,14	7,82	6,51	7,75	5,94	5,80	3,57
Red pine	A	16,70	23,43	22,43	13,82	13,82	13,12	12,80	16,02	16,78	15,01	14,69	13,03	13,83	12,80	12,80	12,80
	B	7,95	9,86	9,45	5,87	5,87	6,00	5,87	7,09	7,34	6,63	6,37	5,71	6,47	5,66	5,66	5,66
Hemlock, cedar	B	2,40	4,01	3,84	2,50	2,50	2,75	2,75	3,10	2,93	2,41	2,35	2,00	1,72	1,50	2,43	1,54
White pine, red pine, hemlock, cedar	C	2,39	4,01	3,77	1,68	1,68	2,75	2,75	2,87	2,82	2,38	2,15	2,00	1,72	1,50	2,43	1,54
Oak, cherry, walnut	A	24,38	34,85	33,64	21,00	21,00	21,00	21,00	22,84	24,37	21,00	22,07	21,00	21,00	21,00	21,00	21,00
	B	10,97	16,96	16,13	7,52	7,52	7,52	7,52	8,78	9,81	7,52	8,25	7,52	8,08	7,52	7,52	7,52
Yellow birch, basswood	A	16,25	21,46	20,34	12,53	12,53	14,01	13,77	16,01	15,19	13,12	12,41	7,88	11,13	6,53	6,53	6,53
	B	7,71	10,18	9,65	5,94	5,94	6,71	6,61	7,61	7,24	6,28	5,92	3,79	5,30	3,16	3,16	3,16
White birch, maple, ash, elm, ironwood	A	14,91	19,77	18,71	11,45	11,45	12,94	12,75	14,71	13,96	12,10	11,54	9,02	10,74	7,33	8,56	5,28
	B	3,47	5,53	5,11	2,65	2,65	4,16	4,11	4,62	4,03	3,63	3,16	2,79	2,74	2,18	3,10	1,92
Poplar/Aspen	B	1,86	2,87	2,68	1,44	1,44	1,72	1,69	2,06	1,95	1,74	1,60	1,44	1,49	1,17	1,46	0,90
	C	1,15	1,62	1,56	0,93	0,93	1,19	1,22	1,17	1,23	1,12	1,05	1,06	0,92	0,80	1,37	0,86
Other hardwoods	B	2,87	4,84	4,55	2,02	2,02	3,33	3,34	3,46	3,40	2,86	2,59	2,42	2,08	1,83	2,94	1,87
All hardwoods (except poplar/ aspen)	C	2,87	4,84	4,55	2,02	2,02	3,33	3,34	3,46	3,40	2,86	2,59	2,42	2,08	1,83	2,94	1,87
	D	1,96	3,30	3,10	1,38	1,38	2,27	2,28	2,36	2,31	1,95	1,76	1,65	1,42	1,25	2,01	1,27

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

Species	Quality*	Stumpage (\$/m <sup>3</sup> )																
		Zones																
		49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	99
Fir, spruce, jack pine, tamarack	A	15,27	11,61	12,80	9,67	5,60	4,08	15,90	12,86	15,98	11,36	7,11	4,26	5,03	3,35	3,08	6,17	3,08
	B	14,84	11,61	12,80	9,41	3,10	3,08	15,90	12,86	15,98	11,36	6,63	3,66	3,08	3,08	3,08	6,17	3,08
White pine	B	8,25	7,68	7,10	6,63	3,10	1,70	8,73	8,69	8,71	7,03	5,32	3,40	2,07	2,45	1,96	3,79	1,17
Red pine	A	14,34	12,80	12,81	12,80	12,80	12,80	12,86	12,80	12,80	12,80	12,80	12,80	12,80	12,80	12,80	12,80	12,80
	B	6,39	5,67	5,66	5,66	5,66	5,66	5,88	5,67	5,66	5,66	5,66	5,66	5,66	5,66	5,66	5,66	5,66
Hemlock, cedar	B	2,46	2,18	1,98	1,88	1,13	0,75	2,73	2,51	2,50	2,11	1,61	1,17	0,73	0,91	0,85	1,34	0,53
	C	2,46	2,18	1,98	1,88	1,13	0,75	2,73	2,51	2,50	2,11	1,61	1,17	0,73	0,91	0,85	1,34	0,53
Oak, cherry, walnut	A	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00
	B	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52
Yellow birch, basswood	A	13,12	9,99	9,15	8,12	6,53	6,53	13,58	11,14	10,96	8,47	7,20	6,53	6,53	6,53	6,53	6,53	6,53
	B	6,29	4,83	4,43	3,93	3,16	3,16	6,52	5,39	5,31	4,10	3,49	3,16	3,16	3,16	3,16	3,16	3,16
White birch, maple, ash, elm, ironwood	A	12,12	9,43	8,54	8,02	4,18	2,46	12,60	10,72	10,59	8,72	6,61	4,45	2,70	3,29	2,81	5,00	1,69
	B	3,72	3,08	2,79	2,64	1,46	0,90	4,06	3,52	3,49	2,89	2,20	1,51	0,92	1,13	1,04	1,70	0,65
Poplar/Aspen	B	1,71	1,38	1,29	1,27	0,67	0,42	1,68	1,49	1,47	1,25	0,97	0,67	0,42	0,51	0,45	0,75	0,29
	C	1,14	1,04	0,94	0,90	0,59	0,40	1,22	1,21	1,21	1,07	0,81	0,61	0,37	0,46	0,44	0,70	0,28
Other hardwoods	B	2,97	2,63	2,38	2,27	1,36	0,90	3,30	3,02	3,00	2,55	1,94	1,42	0,88	1,10	1,04	1,62	0,65
	C	2,97	2,63	2,38	2,27	1,36	0,90	3,30	3,02	3,00	2,55	1,94	1,42	0,88	1,10	1,04	1,62	0,65
All hardwoods (except poplar aspen)	D	2,02	1,79	1,62	1,54	0,93	0,61	2,25	2,06	2,05	1,73	1,32	0,97	0,60	0,75	0,71	1,10	0,44

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

**SCHEDULE II**  
**PRICE INDEXES PER SPECIES, GROUP OF SPECIES AND QUALITY**

<b>Species and groups of species</b>	<b>Quality<sup>1</sup></b>	<b>Price index<sup>2</sup></b>	<b>Reference price index<sup>3</sup></b>
<b>FIR, SPRUCE, JACK PINE, TAMARACK</b>	A	Preserved or treated wood (D691527)	158.4
	B	Lumber and pulp and paper index, softwood: Lumber, softwood, Québec (D692870; 75.6 %) Newsprint paper (D691618; 12.4 %) Paper board (D693067; 2.0 %) Woodpulp, sulphate, bleached, domestic (D691604; 6.9 %) Other paper for printing (D691621; 3.1 %)	100.0
<b>WHITE PINE</b>	B	White pine (Eastern Quotes and Comments)	763
<b>RED PINE</b>	A	Preserved or treated wood (D691527)	158.4
	B	White pine (Eastern Quotes and Comments)	763
<b>HEMLOCK, CEDAR</b>	B	Lumber, softwood, Québec (D692870)	128.2
<b>WHITE PINE, RED PINE, HEMLOCK, CEDAR</b>	C	Pulp and paper index, softwood: Newsprint paper (D691618; 1.8 %) Paper board (D693067; 1.5 %) Woodpulp, sulphate, bleached, domestic (D691604; 94.9 %) Other paper for printing (D691621; 1.8 %)	100.0
<b>OAK, CHERRY, WALNUT</b>	A	Veneer and plywood, hardwood (D691529)	147.7
	B	Lumber, hardwood (D691502)	104.7
<b>YELLOW BIRCH, BASSWOOD</b>	A	Veneer and plywood, hardwood (D691529)	147.7
	B	Lumber, hardwood (D691502)	104.7
<b>WHITE BIRCH, MAPLE, ASH, ELM, IRONWOOD</b>	A	Veneer and plywood, hardwood (D691529)	147.7
	B	Lumber, hardwood (D691502)	104.7
<b>POPLAR/ASPEN</b>	B	Poplar/Aspen index: Veneer and plywood, hardwood (D691529; 13.0 %) Waferboard OSB (Random Lengths; 45.6 %) Pallets (D691568; 41.4 %)	100.0
	C	Waferboard OSB (Random Lengths)	154.0
<b>OTHER HARDWOODS</b>	B	Lumber, hardwood (D691502)	104.7



Species and groups of species	Quality <sup>1</sup>	Price index <sup>2</sup>	Reference price index <sup>3</sup>
<b>ALL HARDWOODS (EXCEPT POPLAR/ASPEN)</b>	C D	Lumber, hardwood (D691502) Pulp and paper index, hardwood Newsprint paper (D691618; 0.8 %) Paper board (D693067; 11.0 %) Woodpulp, sulphate, bleached, domestic (D691604; 73.0 %) Other paper for printing (D691621; 15.2 %)	104.7 100.0

- 1 The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.
- 2 The source of the price indexes and the relative weight of each are indicated in parentheses. The price indexes from Statistics Canada are indicated according to the Cansim number appearing in catalogue 62-011.
- 3 The reference price index corresponds to the average of the price indexes calculated between 1 April 1995 and 31 March 1996. The weighting for the composite index Poplar/Aspen, Quality B, is preliminary. The final result will be printed in the Regulation of March 1997.

1130

## Draft Minister's Order

Forest Act  
(R.S.Q., c. F-4.1)

### Value of silvicultural treatments

Notice is hereby given that the Order of the Minister of Natural Resources respecting the value of silvicultural treatments, the text of which appears below, may be made by the Minister, with or without amendment, at the expiry of 45 days following this publication.

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jacques Robitaille, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec), G1S 4X4.

GUY CHEVRETTE,  
*Minister of State for Natural Resources*

**M.O., 1996**

### Minister's Order 96-347 of the Minister of Natural Resources respecting the value of silvicultural treatments

Forest Act  
(R.S.Q., c. F-4.1, ss. 73.1 and 73.3)

**1.** The silvicultural treatments described in Schedule I shall be admitted as payment of the dues prescribed by the Minister responsible for the application of the Forest Act for the 1997-1998 fiscal year.

**2.** The value of those silvicultural treatments is established in Schedule II.

**3.** This Minister's Order replaces Minister's Order 9501399 of the Minister of Natural Resources, published in Part 2 of the *Gazette officielle du Québec* of 27 March 1996.

**4.** This Minister's Order of the Minister of Natural Resources comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

### SCHEDULE I

(s. 1)

### SILVICULTURAL TREATMENTS ADMITTED FOR THE 1997-1998 FISCAL YEAR

#### DIVISION I ALL FOREST AREAS

1. Site preparation: site preparation consists of any of the following five operations:

(1) scarification: loosening the soil to promote natural or artificial regeneration of desired species of trees;

(2) clearing: windrowing or piling non-commercial ligneous matter to facilitate the planting of seedlings or the passage of a scarifier;

(3) winter shear-blading: clearing frozen ground with a shear-blade-equipped tractor in order to eliminate all vegetation and remove excessively thick organic matter;

(4) ploughing and harrowing: loosening the soil by means of a plough and a harrow to promote the planting of tolerant hardwoods or hybrid poplars;

(5) prescribed burning: intentional burning of forest fuels left lying in a forest management area after the felling of commercial timber carried out in weather conditions that enable fire to spread freely within the selected area.

2. Planting: the setting in the soil of cuttings, sets, bare-root seedlings or container seedlings in order to produce ligneous matter.

3. Natural regeneration reinforcement planting: the planting of seedlings in an area where natural regeneration is insufficient, in order to obtain a number of evenly distributed trees of the principal species in that area.

4. Release treatment: the controlling of competing vegetation by spraying herbicides registered for forestry, such as glyphosate, or by using mechanical means such as circular saws, chain saws or shears, in order to promote the natural or artificial regeneration of desired species.

5. Precommercial thinning: the felling of trees that impede the growth of selected trees in a young stand, by equalizing the spacing between them.

6. Commercial thinning: the felling or harvesting of trees in an even-aged stand that has not yet reached cutting age, in such a way as to accelerate the diameter growth of the remaining trees and to improve the quality of the stand.

7. Drainage: the digging of ditches to lower soil humidity by draining away surface run-off and seepage, in order to improve tree growth and to promote natural and artificial regeneration.

**DIVISION II**  
FOREST AREAS INTENDED FOR PRIORITY  
PRODUCTION OF SOFTWOODS

8. Pine seeding: the aerial or ground seeding of jack pine seed or the seeding of jack pine or white pine in funnels.

**DIVISION III**  
FOREST AREAS INTENDED FOR THE PRIORITY  
PRODUCTION OF TOLERANT HARDWOODS,  
WHITE PINE, RED PINE, CEDAR AND MIXED  
STANDS WITH TOLERANT HARDWOODS

9. Selection cutting: the periodic felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A balanced selection structure must be obtained or maintained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

10. Improvement cutting: the felling or harvesting of trees in a degraded uneven-aged high forest whose diameter is equal to or greater than the diameter determined for each species, while maintaining the percentage of the basal area of Quality 1 trees after treatment.

**DIVISION IV**  
FOREST AREAS INTENDED FOR THE PRIORITY  
PRODUCTION OF TOLERANT HARDWOODS,  
WHITE PINE, RED PINE AND MIXED STANDS  
WITH TOLERANT HARDWOODS

11. Preselection cutting: the felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A structure conducive to selection must be obtained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

12. Enrichment planting: the introduction of or an increase in the number of white pine, red oak, American ash or yellow birch in a stand, through planting.

**DIVISION V**  
FOREST AREAS INTENDED FOR THE PRIORITY  
PRODUCTION OF SOFTWOODS, TOLERANT  
HARDWOODS, WHITE PINE, RED PINE AND  
MIXED STANDS

13. Progressive seed cutting: the felling or harvesting of trees at the time of the first of a series of successive regeneration cuts in an even-aged stand that has reached cutting age, thus permitting the opening of the forest cover and the elimination of overtopped trees, and promoting natural regeneration from seeds produced by dominant and codominant trees left as seed bearers.

14. Strip cutting with regeneration and soil protection: felling or harvesting in a stand, in strips no more

than 60 metres wide, leaving a distance between each strip at least equal to the width of the strip harvested. In the strips, all trees of commercial species whose diameter has reached 10 centimetres or more at 1.30 metres above the highest ground level are harvested. Cutting must allow the harvesting of not less than 75 % of the basal area or the reduction of the forest cover to less than 25 %. Felling or hauling roads must be spaced and every precaution must be taken to avoid damaging advance regeneration and to protect the soil.

15. Fertilization: the application of chemical or organic fertilizers to increase the production capacity of the soil.

#### **DIVISION VI** SILVICULTURAL TREATMENTS FOR THE PROTECTION OF FOREST RESOURCES

16. Strip cutting with regeneration and soil protection: felling or harvesting in a stand, in strips no more than 60 metres wide, leaving a distance between each strip at least equal to the width of the strip harvested. In the strips, all trees of commercial species whose diameter has reached 10 centimetres or more at 1.30 metres above the highest ground level are harvested. Cutting must allow the harvesting of not less than 75 % of the basal area or the reduction of the forest cover to less than 25 %. Felling or hauling roads must be spaced and every precaution must be taken to avoid damaging advance regeneration and to protect the soil.

17. Selection cutting: the periodic felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A balanced selection structure must be obtained or maintained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

18. Improvement cutting: the felling or harvesting of trees in a degraded uneven-aged high forest whose diameter is equal to or greater than the diameter determined for each species, while maintaining the percentage of the basal area of Quality 1 trees after treatment.

19. Preselection cutting: the felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A structure conducive to selection must be obtained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

### **SCHEDULE II**

(s. 2)

#### VALUE OF SILVICULTURAL TREATMENTS ADMITTED AS PAYMENT OF DUES FOR THE 1997-1998 FISCAL YEAR

##### **DIVISION I** ALL FOREST AREAS

###### 1. SITE PREPARATION

— Scarification	
Anchor chains	\$100/ha
Shark-fin barrels and chains	\$290/ha
Hydraulic cone trenchers (Wadell type)	\$230/ha
Hydraulic disk trenchers (TTS hydraulic and Donaren types)	\$185/ha
Batch scarifier (Bracke), disk trencher (TTS type)	\$130/ha
Batch scarifier moulder (Bracke moulder)	\$180/ha
“V” blade batch scarifier (Bracke) or disk trencher	\$360/ha
Cutter-type portable scarifier, forest mattock	\$320/1 000 microsites
Forest harrows (Rome and Crabe types)	
Single pass	\$205/ha
Double pass	\$370/ha
Létourneau tree crusher	\$225/ha
— Winter shear-blading with a shear-blade-equipped crawler tractor	\$415/ha
— Clearing	
Rake-equipped crawler tractor	\$410/ha
Rake-equipped skidder	\$345/ha
Modified “V” blade models C and H	\$175/ha
— Ploughing and harrowing	
Forest plough (Lazure type) + forest harrow (Rome and Crabe types)	\$1 120/ha
— Prescribed burning	\$375/ha

###### 2. PLANTING

— With site preparation	
Bare-root seedlings Conventional size	\$210/1 000 seedlings
Large size	\$245/1 000 seedlings
Container seedlings 67-50:	\$170/1 000 seedlings
45-110 or cuttings:	\$175/1 000 seedlings
25-200:	\$230/1 000 seedlings
45-340 and 25-350-A:	\$315/1 000 seedlings

— Without site preparation		11 000 to 14 999 t/ha	\$695/ha
Bare-root seedlings Conventional size	\$225/1 000 seedlings	15 000 to 19 999 t/ha	\$815/ha
Large size	\$260/1 000 seedlings	20 000 and over t/ha	\$910/ha
Container seedlings 67-50:	\$185/1 000 seedlings	— Priority production of intolerant hardwoods and mixed predominantly intolerant hardwood stands	\$795/ha
45-110:	\$190/1 000 seedlings	— Priority production of tolerant hardwoods and mixed predominantly tolerant hardwood stands	\$760/ha
25-200:	\$245/1 000 seedlings		
45-340 and 25-350-A:	\$330/1 000 seedlings		
<b>3. NATURAL REGENERATION REINFORCEMENT PLANTING</b>			
— With site preparation			
Bare-root seedlings Conventional size	\$225/1 000 seedlings	Average DSH of felled trees (cm)	Value with tree marking (\$/ha)
Large size	\$260/1 000 seedlings	12 to 12.9	1 016
Container seedlings 67-50:	\$180/1 000 seedlings	13 to 13.9	871
45-110:	\$190/1 000 seedlings	14 to 15.9	705
25-200:	\$245/1 000 seedlings	16 to 17.9	549
45-340 and 25-350-A:	\$330/1 000 seedlings	18 or more	440
— Mixed with tolerant and intolerant hardwoods			
— Tolerant and intolerant hardwoods			
<b>7. DRAINAGE</b>			
— Without site preparation		Cleared areas (without prior felling)	\$1.40/m or m <sup>3</sup>
Bare-root seedlings Conventional size	\$240/1 000 seedlings	Wooded areas (with prior felling)	\$1.75/m or m <sup>3</sup>
Large size	\$275/1 000 seedlings		
Container seedlings 67-50:	\$195/1 000 seedlings		
45-110:	\$205/1 000 seedlings		
25-200:	\$260/1 000 seedlings		
45-340 and 25-350-A:	\$345/1 000 seedlings		
<b>4. RELEASE TREATMENT</b>			
— Mechanical			
Coniferous or boreal forest zone	\$555/ha		
Mixed and hardwood forest zones	\$630/ha		
— Herbicides			
Ground spraying	\$340/ha		
Aerial spraying	\$205/ha		
<b>5. PRECOMMERCIAL THINNING</b>			
— Priority production of softwoods and mixed predominantly softwood stands			
4 000 to 6 999 t/ha	\$355/ha		
7 000 to 10 999 t/ha	\$550/ha		
<b>6. COMMERCIAL THINNING</b>			
— Softwoods			
<b>DIVISION II</b>			
<b>FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF SOFTWOODS</b>			
<b>8. PINE SEEDING</b>			
— Aerial seeding			\$35/ha
— Ground seeding			\$130/ha
— Funnels			\$295/1 000 seeded microsites
<b>DIVISION III</b>			
<b>FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF TOLERANT HARDWOODS, WHITE PINE, RED PINE, CEDAR AND MIXED STANDS WITH TOLERANT HARDWOODS</b>			
<b>9. SELECTION CUTTING</b>			
— Tolerant hardwoods			\$235/ha
— Mixed with tolerant hardwoods			\$235/ha

— Cedar	\$220/ha
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10. IMPROVEMENT CUTTING	
— Tolerant hardwoods	\$235/ha
— Mixed with tolerant hardwoods	\$235/ha
— Cedar	\$220/ha

**DIVISION IV**

FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF TOLERANT HARDWOODS, WHITE PINE, RED PINE AND MIXED STANDS WITH TOLERANT HARDWOODS

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11. PRESELECTION CUTTING	
— Tolerant hardwoods	\$235/ha
— Mixed with tolerant hardwoods	\$235/ha
— Cedar	\$220/ha
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12. ENRICHMENT AND REINFORCEMENT PLANTING OF HARDWOODS AND PINE	\$495/1 000 seedlings

**DIVISION V**

FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF SOFTWOODS, TOLERANT HARDWOODS, WHITE PINE, RED PINE AND MIXED STANDS

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13. PROGRESSIVE SEED CUTTING	
— Softwoods	\$505/ha
— Mixed with tolerant and intolerant hardwoods	\$235/ha
— Tolerant and intolerant hardwoods	\$235/ha
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14. STRIP CUTTING WITH REGENERATION AND SOIL PROTECTION (except in mixed stands)	\$205/ha
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15. FERTILIZATION	
— Softwoods and mixed stands with tolerant hardwoods	\$355/ha
— Tolerant hardwoods	\$355/ha

**DIVISION VI**

SILVICULTURAL TREATMENTS FOR THE PROTECTION OF FOREST RESOURCES

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16. STRIP CUTTING WITH REGENERATION AND SOIL PROTECTION	\$205/ha
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17. SELECTION CUTTING	
— Tolerant hardwoods	\$235/ha
— Mixed with tolerant hardwoods	\$235/ha
— Cedar	\$220/ha
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18. IMPROVEMENT CUTTING	
— Tolerant hardwoods	\$235/ha
— Mixed with tolerant hardwoods	\$235/ha
— Cedar	\$220/ha
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19. PRESELECTION CUTTING	
— Tolerant hardwoods	\$235/ha
— Mixed with tolerant hardwoods	\$235/ha
— Cedar	\$220/ha

Note: The expression “tolerant hardwoods” includes white pine and red pine.

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

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