

**Hydro-Québec Bylaw number 655
modifying Bylaw number 642 previously
modified by Bylaw number 644
establishing electricity rates and their
conditions of application**

Hydro-Québec act
(R.S.Q., c. H - 5)

1. Hydro-Québec Bylaw Number 642 establishing electricity rates and their conditions of application, approved by Decree Number 461-96 of April 17, 1996, and modified by Bylaw Number 644, is modified as follows:

In Subdivision 1 of Division VI, Section 105 is abrogated and replaced by the following:

“**105** – Conditions applying to municipalities: One of the two following conditions applies to a contract held by a municipality that is a Hydro-Québec customer:

a) Rate L and associated conditions of application, as set out in this Bylaw; or

b) Rate L as in effect April 30, 1990 and associated conditions of application at the date, except for the optimization charge, which must be adjusted to reflect conditions determined in this Bylaw; the customer's bill will be multiplied by 1.2941.

Option *b* above is reserved for contracts to which it applies on April 30, 1996.

Option *b* will continue to be offered as long as one or more municipalities make use of it. The applicable multiplier is revised annually.

When a municipality wishes to terminate option *b*, it must notify Hydro-Québec in writing and this decision is irrevocable. The change comes into effect at the beginning of the consumption period during which Hydro-Québec receives the written notice, or at the beginning of the subsequent consumption period or at the beginning of one of the three previous consumption periods, whichever the customer prefers.

No matter which option is chosen, if a municipality has one or more customers billed at Rate L, it is entitled to a refund of 15 % of their bills if the maximum power demand during a given consumption period is equal to or greater than 5,000 kilowatts for each customer concerned. If the maximum power demand is between 4,300 and 5,000 kilowatts, the percentage of the refund is determined as follows:

$$\frac{(\text{Maximum power demand} - 4,300 \text{ kW}) \times 15 \%}{700 \text{ kW}}$$

For a municipality to be entitled to the 15 % refund, the customer cannot be a former Hydro-Québec customer unless it became the customer of the municipality with Hydro Québec's consent.

If the maximum power demand is less than 4,300 kilowatts, the municipality is not entitled to a refund.

To obtain a refund, the municipality must provide Hydro-Québec with vouchers for each consumption period to prove that it is entitled to a refund.

For the purpose of application of this Section, “municipality” designates a municipality which is a customer of Hydro-Québec and which operates its own distribution system.”

2. Effective date: The present Bylaw shall take effect on the date its approval by the government.

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Gouvernement du Québec

O.C. 332-97, 19 March 1997

Financial Administration Act
(R.S.Q., c. A-6)

**Contracts of government departments
and public bodies
— General Regulation
— Amendments**

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS by means of a Regulation made by Order in Council 1241-96 dated 2 October 1996, the Government included measures intended to fight undeclared labour in the construction industry in the General Regulation respecting the conditions of contracts of government departments and public bodies;

WHEREAS the application of these measure poses certain problems insofar as:

— contractors who have been found guilty of offences against the Regulation since 11 May 1995, that is, the day after the date of the 1995-96 Budget Speech, could not know before the publication of those measures that they were also subject to administrative penalties;

— certain offences established by the Regulation would not be directly related to undeclared labour;

— the number of convictions required to determine that a contractor fails to apply those measures could have taken the size of the business into account;

— a general contractor does not have easy access to the information he would need to ascertain that his potential subcontractors respect the provisions applicable to them;

WHEREAS it is expedient to revoke those measures;

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 as prescribed in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

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 also of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the present measures intended to fight undeclared labour in the Québec construction industry are not adequate to attain the governmental objective;

— for most construction contracts to be carried out during the 1997 summer season, the awarding procedure will have to be initiated in the coming months of March and April; therefore, in order to avoid unwanted situations, it is expedient to revoke the provisions intended to fight undeclared labour in the Québec construction industry as soon as possible;

WHEREAS it is expedient to make the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, which has been recommended by the Conseil du trésor;

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 General Regulation respecting the conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994, 492-95 dated 12 April 1995, 233-96 dated 28 February 1996, 1241-96 dated 2 October 1996 and 1497-96 dated 4 December 1996, is further amended by substituting the following for section 7.3:

“**7.3** No construction contract may be awarded to a supplier unless he holds the licence required under the Building Act (R.S.Q., c. B-1.1).”.

2. Sections 7.4, 13.1 and 13.2 are revoked.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.