



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 141

(1997, chapter 55)

**An Act respecting the Agence de
l'efficacité énergétique**

Introduced 14 May 1997
Passage in principle 21 May 1997
Passage 12 June 1997
Assented to 19 June 1997

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EXPLANATORY NOTES

This bill establishes an energy efficiency agency to be known as the “Agence de l’efficacité énergétique”. The affairs of the agency will be administered by a board of directors composed of not fewer than seven nor more than ten members appointed by the Government and representing the sectors concerned, and of the director general of the agency.

The bill provides that the objects of the agency include informing and enhancing the awareness of energy consumers, by all appropriate means, regarding the advantages of energy efficiency, providing technical support for research and development in the field of energy efficiency, and developing and administering energy efficiency programs. The agency may advise the Government and the Régie de l’énergie on any energy efficiency matter and will be responsible for the follow-up of the Government’s commitments as regards energy efficiency.

The bill also provides that, in the pursuit of its object, the agency may join with a partner active in the field of industrial, institutional, commercial or residential energy efficiency. Moreover, the agency may make a loan or subsidy under an energy efficiency program or provide financial support for research and development in the field of energy efficiency.

The bill provides that the Government may require energy distributors to pay a contribution under a special energy efficiency program.

Lastly, the bill amends the Act respecting the Régie de l’énergie (1996, chapter 61) in particular to empower the Government to authorize the Minister of Finance to advance funds to the Régie de l’énergie.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Régie de l’énergie (1996, chapter 61).

Bill 141

AN ACT RESPECTING THE AGENCE DE L'EFFICACITÉ ÉNERGÉTIQUE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

ESTABLISHMENT AND ORGANIZATION

1. An energy efficiency agency to be known as the “Agence de l’efficacité énergétique” is hereby established.

The agency is a legal person.

2. The agency is a mandatary of the Government. The property of the agency forms part of the domain of the State, but the execution of the obligations of the agency may be levied against its property.

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

3. The head office of the agency shall be situated in the territory of the Communauté urbaine de Québec.

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

4. The affairs of the agency shall be administered by a board of directors composed of

(1) not fewer than seven nor more than 10 members appointed by the Government for a term not exceeding five years and representing the sectors concerned; and

(2) the director general of the agency, who is a member of the board *ex officio*.

A member of the board of directors appointed under subparagraph 1 of the first paragraph may be reappointed.

5. The Government shall appoint a chairman from among the members of the board of directors.

The board members shall appoint a vice-chairman from among their number. The vice-chairman shall exercise the functions of chairman if the chairman is absent or unable to act.

6. The director general of the agency shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). The director general is responsible for the administration and direction of the agency within the scope of its by-laws. The office of director general is a full-time office.

The other board members shall receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

7. The quorum at meetings of the board is the majority of its members, including the chairman or vice-chairman.

Decisions of the board are made by a majority vote of the members present. In the case of a tie-vote, the chairman has a casting vote.

8. The chairman shall call, preside over and see to the proper conduct of the meetings of the board. The chairman shall exercise any other functions assigned to the chairman by the agency.

9. The board members may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. They are, in that case, deemed to have attended the meeting.

10. Any board member who has a direct or indirect interest in any enterprise that causes his personal interest to conflict with the interest of the agency must, on pain of forfeiture of office, disclose that interest to the board in writing and withdraw from any meeting for the duration of the discussion or the vote on any matter relating to the enterprise in which the member has an interest.

The director general may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise putting his personal interest in conflict with that of the agency. However, such forfeiture is not incurred if the interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

11. The agency may adopt rules of internal management for the conduct of its affairs.

12. The agency shall designate a secretary from among the members of its personnel.

13. The members of the personnel of the agency shall be appointed and remunerated in accordance with the Public Service Act. The director general shall exercise in their regard the powers conferred by the said Act on the chief executive officer of an agency.

14. No act, document or writing shall bind the agency unless it is signed by the chairman, the director general or, to the extent determined by by-law of the agency, by a member of its personnel.

The agency may allow, subject to the conditions and on the documents it determines, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person authorized by the director general.

15. The minutes of the meetings of the board, approved by the board and certified by the chairman, by the secretary or by any other personnel member so authorized by the board, are authentic, as are documents and copies emanating from the agency or forming part of its records if signed or certified by any such person.

DIVISION II

OBJECT AND POWERS

16. The object of the agency, in keeping with the principle of sustainable development, is to promote energy efficiency for all forms of energy, in all sectors of activity and for the benefit of all the regions of Québec.

17. The agency may, in particular, in the pursuit of its object,

- (1) collect information and data concerning energy efficiency;
- (2) inform, and enhance the awareness of, energy consumers, by all appropriate means, regarding the advantages of energy efficiency;
- (3) advise the Government on any energy efficiency matter and on legislative or regulatory measures relating to energy efficiency;
- (4) advise the Régie de l'énergie on any energy efficiency matter;
- (5) ensure the follow-up of government commitments as regards energy efficiency;
- (6) develop and administer energy efficiency programs;
- (7) provide technical support for research and development in the field of energy efficiency.

For the purposes of this section, the agency may join with a partner active in the field of industrial, institutional, commercial or residential energy efficiency.

18. In addition, the agency may

(1) participate financially in research and development in the field of energy efficiency by way of a loan or subsidy under an energy efficiency program or by way of financial support;

(2) receive gifts, bequests, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of the object of the agency; and

(3) follow up and verify the work carried out under an energy efficiency program involving the financial participation of the agency.

19. Every energy efficiency program involving the financial participation of the agency must set eligibility requirements, determine the nature of the participation and fix scales, limits and an awarding procedure.

20. In no case may the agency, without the authorization of the Government,

(1) make a financial commitment that is incompatible with the limits and the terms and conditions determined by the Government; or

(2) contract a loan that increases the aggregate of its outstanding loans to more than the amount determined by the Government.

The Government may subordinate its authorization to the conditions it determines.

21. Each year, the agency shall submit a development plan to the Government for approval.

The form and tenor of the development plan and the time when it is to be submitted shall be determined by the Government.

22. The agency may enter into an agreement in accordance with the law with another government or a department or body of such a government or with an international organization or a body of such an organization.

The agency may also enter into agreements or take part in joint projects with any other person or body.

DIVISION III**FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS**

23. The Government may, on the terms and conditions it determines,

(1) guarantee the repayment in capital and interest of any loan contracted by the agency and the performance of the other obligations of the agency; and

(2) authorize the Minister of Finance to advance to the agency any amount considered necessary for the pursuit of its object.

The sums required for the application of this section shall be taken out of the consolidated revenue fund.

24. Each year, the agency shall submit its budgetary estimates for the ensuing fiscal year and its budgetary rules to the Government for approval, at the time, in the form and with the content determined by the Government.

25. Not later than 30 June each year, the agency shall transmit to the Minister its financial statements and an activity report for the preceding fiscal year. The documents must contain all information required by the Minister.

26. The Minister shall lay the financial statements, activity report and development plan of the agency before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

27. The agency shall, in addition, furnish to the Minister any information required by the Minister concerning its activities.

28. The books and accounts of the agency shall be audited by the Auditor General each year and whenever so ordered by the Government.

29. Moreover, the Government may require that every electric power distributor, natural gas distributor, petroleum products distributor or steam distributor as defined in section 2 of the Act respecting the Régie de l'énergie (1996, chapter 61) pay a contribution to the Minister under a special energy efficiency program established by the Government, according to the conditions it determines.

The Government shall by regulation fix the rates and the terms and conditions of payment of the contribution.

DIVISION IV**DIRECTIVES AND REGULATIONS**

30. The Minister may issue directives concerning the general policy and objectives to be pursued by the agency.

The directives must be approved by the Government and come into force on the day of their approval. Once approved, they are binding on the agency, which must comply therewith.

Every directive shall be laid before the National Assembly within 15 days after it is approved by the Government. If the National Assembly is not sitting, the directive shall be laid before the Assembly within 15 days after resumption.

31. The Government may make regulations determining the rates and terms and conditions of payment of the contribution payable to the Minister.

Rates and terms and conditions may vary, in particular according to distributors or classes of distributors. The regulation may exclude a distributor or class of distributors.

DIVISION V

AMENDING AND FINAL PROVISIONS

32. The Act respecting the Régie de l'énergie (1996, chapter 61) is amended by inserting, after section 105, the following section :

“**105.1.** The Government may, on the terms and conditions it determines, authorize the Minister of Finance to advance to the Régie any amount considered necessary for the pursuit of its objects.

The sums required shall be taken out of the consolidated revenue fund.”

33. Section 159 of the said Act is amended by adding the following paragraph :

“The same applies to a regulation made by the Government under paragraph 1 of section 67 of the Act respecting the Régie du gaz naturel.”

34. The appropriations granted to the Ministère des Ressources naturelles for the operation of the Direction de l'efficacité énergétique for the fiscal year in which this section comes into force shall be transferred to the agency to the extent and on the terms and conditions determined by the Government.

35. The Minister of Natural Resources is responsible for the administration of this Act.

36. Section 33 has effect from 2 June 1997.

37. The provisions of this Act come into force on the date or dates to be fixed by the Government except sections 32, 33 and 36 which come into force on 19 June 1997.