

39. Section 70 is amended by adding “or to the Gouvernement du Québec for the purpose of tender or performance security in respect to the contracts it awards.” At the end of paragraph 2.

40. Section 73 is amended by substituting “requires the” for the words “be accompanied by”.

41. Section 75 is amended:

(1) by substituting “with the participant’s consent or an” for the words “upon submitting the participant’s written consent or an” in the first paragraph;

(2) by substituting “with the consent of the participant or an” for the words “upon submitting the participant’s written consent or an” in the second paragraph.

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

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Gouvernement du Québec

O.C. 38-2002, 23 January 2002

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

Signing by a functionary of certain deeds, documents and writings

— Amendments

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS under section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), the Government may, by a regulation published in the *Gazette officielle du Québec*, determine to what extent a deed, document or writing may bind the Department and may be attributed to the Minister of Transport if it is signed by a functionary;

WHEREAS the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports was made by Order in Council 701-94 dated 11 May 1994;

WHEREAS it is expedient to amend the Regulation in order to complete the prescriptions in respect of certain documents of the Department and to take into account

changes made to the administrative organisation and financial management plan of the Department;

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

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports*

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

1. The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports is amended in section 2

(1) by adding “, regardless of the amount in question” at the end of subparagraph 1 of the first paragraph; and

(2) by deleting the second paragraph.

2. The following is substituted for section 3:

3. A director general, the Director of the Direction des contrats et des ressources matérielles, the Director of the Direction des Ressources financières, the Director of Laboratoire des chaussées and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a director and a service head are authorized to enter into contracts in an emergency situation, when the safety of persons or property is in jeopardy, in accordance with subparagraph 8 of the second paragraph of section 16 of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, made by Order in Council 961-2000 dated 16 August 2000.

* The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994 (1994, *G.O.* 2, 1939), was last amended by the Regulation made by Order in Council 1524-96 dated 4 December 1996 (1996, *G.O.* 2, 4988).

3.1 For the purposes of this Division, “director general” means the Director General of the Direction des politiques et de la sécurité en transport, the Director General of the Direction des infrastructures et des technologies, the Director General of Montreal and the West, the Director General of Québec and the East and the Director General of management services.”.

3. The words “Head of the Service de la gestion contractuelle, the Head of the Service de la gestion des ressources matérielles” are substituted for “Head of the Service des contrats” in section 4.

4. Section 5 is amended by substituting “\$100 000” for “\$10 000”.

5. Section 7 is amended

(1) by substituting “Service de la gestion des ressources matérielles” for “Service de l’approvisionnement” in the first paragraph; and

(2) by adding the following at the end of the second paragraph: “, up to \$25 000 or, in the case of granular materials, up to \$200 000.”.

6. The following is substituted for section 8:

“**8.** The person responsible for the supplies of a directorate or service is authorized, for the purposes of accomplishing the mandate of the administrative unit to which the person is attached, to sign any supply contract for an amount less than \$5 000.

8.1 A functionary holding an acquisition card on account of the Department is authorized, for the purposes of accomplishing the mandate of the administrative unit to which the functionary is attached, to use that card to enter into a contract for the acquisition of eligible goods or services within the meaning of the agreement between the card issuer and the Minister of Finance, up to the maximum amount per transaction set by the Minister of Finance.”.

7. Section 9 of this Regulation is amended by substituting:

(1) the words “Director of the Direction des contrats et des ressources matérielles, Head of Service de la gestion des ressources matérielles, the Head of Service de la gestion contractuelle” for “Assistant Director General of the Direction générale aux infrastructures et aux technologies” .

(2) the words “, the Head of the Service des projets and the Head of the Service des inventaires et du Plan d’une direction territoriale” for “and a head within a territorial directorate”.

8. This Regulation is amended by inserting the following after section 9:

“**9.1** A director and a service head who are not governed by section 9, a Head of division and a supervisor are authorized to sign a contract covered by section 9 the amount of which is lower than \$100 000.”.

9. The words “Service de la gestion contractuelle” are substituted for “Service des contrats” in section 10.

10. The following is substituted for section 11:

“**11.** A director, including the Director of the Direction des affaires juridiques, a service head, a division head and a foreman are authorized to sign any auxiliary service contract, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible.

11.1 A director, including the Director of the Direction des affaires juridiques, the Head of the Service de la gestion contractuelle, a head of the Service de la gestion des ressources matérielles, a head of the Service des projets and a head of the Service des inventaires et du Plan are authorized to sign any professional service contract, except those referred to in section 11.2, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible.

A service head, a division head and a foreman are authorized to sign a professional service contract referred to in the first paragraph for an amount less than \$25 000, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible.

11.2 The Director of the Laboratoire des chaussées, the Director of the Direction des structures, the Director of the Direction de la recherche et de l’environnement, the Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion contractuelle and the Head of the Service de la coordination de la recherche et de l’innovation are authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, any research contract entered into with a university, a government body or a non-profit teaching or research organization.”.

11. The following is substituted for section 12:

“**12.** The Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion contractuelle and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a territorial director, a service head within a territorial directorate and a division head are authorized to sign any service contract for highway snow removal.”

12. The following is inserted after section 12:

“§3.1 *Legal service contracts*”.

13. The words “, the Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion contractuelle” are inserted after “expertise immobilière” in section 13.

14. Section 14 is amended by inserting “, the Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion des ressources matérielles “ after “expertise immobilière”.

15. The following is substituted for section 15:

“**15.** A director is authorized to sign any contract granting a concession or an authorization to operate a property or service.”

16. Section 16.2 is amended by substituting “Head of the Service de la gestion des ressources matérielles” for “Head of the Service de l’approvisionnement”.

17. The Regulation is amended by inserting the following after section 16.2:

“**16.3** The Director of Financial Resources is authorized to sign any contract or document concerning the use and acceptance of credit and debit cards and the collection of any amount of money by any means of collection.”

18. The following is substituted for section 17:

“**17.** A territorial director is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he is responsible, any application submitted to the Minister of Transport of Canada or the Canadian Transportation Agency concerning safety at intersections of public highways and railroads and any application submitted to the National Energy Office of Canada concerning the construction of a road above a pipeline or the carrying out of work near a pipeline.”

19. Section 18 is amended

(1) by substituting “Director of the Direction du transport maritime, aérien et ferroviaire, the Head of the Service du transport ferroviaire, the Director of the Direction du transport routier des marchandises, the Director of the Direction du partenariat, de la modélisation et de la géomatique, the Head of the Service de l’environnement et des études d’intégration au milieu, the Director of Research and Environnement, the Head of the Service de la coordination de la recherche et de l’innovation” for “Assistant Director General of the Direction générale des infrastructures et aux technologies, the Director of the Direction des politiques d’exploitation et des programmes routiers”;

(2) by adding “or the Act to ensure safety in guided land transport (R.S.Q., c. S-3.3)” at the end of paragraph 2;

(3) by adding the following at the end of paragraph 3: “,except an agreement pertaining to the installation of equipment or material within the right-of-way of a highway”; and

(4) by adding the following paragraph:

“The Director of the Direction des contrats et des ressources matérielles and the Head of the Service de la gestion des ressources matérielles are authorized to sign the agreements referred to in subparagraph 3 of the first paragraph.”

20. Section 19 is amended

(1) by substituting “Head of the Service de la gestion des ressources matérielles” for “Head of the Service de la gestion des immeubles et des télécommunications”; and

(2) by inserting the words “and a head of the Service du soutien à la gestion” after the words “territorial director”.

21. The following is substituted for section 22:

“**22.** The Director of the Direction des contrats et des ressources matérielles and the Head of the Service de la gestion contractuelle are authorized to sign any settlement in consequence of a contractual claim.”

22. Section 23 is amended

(1) by inserting the following after paragraph 4:

“(4.1) any permission to temporarily occupy an immovable;”; and

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

“(6) any notarized deed and any document required for the purposes of the Act respecting the Agence métropolitaine de transport (R.S.Q., c. A-7.02) and the Act respecting the reconstruction and redevelopment of the areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay–Lac-Saint-Jean region (1997, c. 60).”.

23. Section 24 is amended

(1) by substituting “paragraphs 1 to 4.1 of section 23” for “paragraphs 1 to 4 of section 23”; and

(2) by striking out the words “and for a deed whereby a servitude prohibiting access is created, modified or cancelled” at the end.

24. The words “any document to transfer an immovable under section 11.5.1 of the Act respecting the Ministère des Transports,” are inserted after the word “responsible,” in section 25.

25. Section 26 is amended

(1) by substituting the words “Director of the Direction de la sécurité en transport, the Head of the Service des programmes et de la coordination avec les partenaires” for the words “Director of the Direction du soutien aux infrastructures, the Head of the Service de la sécurité dans les transports” in section 26; and

(2) by substituting “sections 303.1,” for “section”.

26. The Regulation is amended by inserting the following after section 26:

“**26.1** A territorial director is authorized, for the purpose of carrying out the mandate of the administrative unit for which he is responsible, to enter into an agreement with any municipality under section 628.1 of the Highway Safety Code.”.

27. The words “, the Head of the Service des politiques et des programmes” are inserted after the words “transport terrestre des personnes” in section 29.2.

28. The words “AND SCHOOL BUSSING” are deleted in the heading of Division 5.

29. The words “Director of the Direction du transport routier des marchandises” are substituted for the words “Director of the Direction du transport multimodal” in the first paragraph of section 30.

30. Section 31 is revoked.

31. The following Division is inserted after section 31.1:

“DIVISION 5.2

CENTRE DE LA GESTION DE L'ÉQUIPEMENT ROULANT

31.2 The Director and a service head of the Centre de gestion are authorized to sign, for the purposes of accomplishing the mandate of the Centre, any contract, including any deed cancelling a contract, agreement, deed and other document referred to in this Division or in section 16, 16.1, 16.2, 19 or 21.

31.3 The person responsible for engineering and acquisitions, the person responsible for administration and the person responsible for information systems are authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, any supply contract, auxiliary service contract or professional service contract for an amount not exceeding \$25 000, any contract for the sale of movable property or for the supply of services, any contract for the sale of surplus movable property and any contract for the leasing of rolling stock.

31.4 A regional exploitation manager is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he is responsible, any supply contract, auxiliary service contract or professional service contract for an amount not exceeding \$25 000, any contract for the sale of surplus movable property and any contract for the leasing of rolling stock.

31.5 Any person in charge of supplies is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit to which he is attached, any supply contract or auxiliary service contract for an amount not exceeding \$10 000.

31.6 Any employee assigned to machine shops is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit to which he is attached, any supply contract or auxiliary service contract for an amount not exceeding \$5 000.

31.7 A functionary holding an acquisition card for the Centre de gestion is authorized, for the purposes of accomplishing the mandate of the administrative unit to which he is attached, to use that card to enter into a contract for the acquisition of eligible goods or services within the meaning of the agreement between the card issuer and the Minister of Finance, up to the maximum amount per transaction set by the Minister of Finance.”.

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

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M.O., 2002

Order of the Minister of Social Solidarity dated 25 January 2002

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1; 2000, c. 41)

IN THE MATTER OF the Regulation amending the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”

THE MINISTER OF SOCIAL SOLIDARITY,

CONSIDERING the first paragraph of section 108 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1; 2000, c. 41), which prescribes that, upon presentation of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, the member and his spouse are entitled to obtain, upon application in writing to the pension committee, a statement of the benefits accumulated by the member under the plan and the value thereof at the date of the institution of the action;

CONSIDERING the third paragraph of section 108 of the Act, which prescribes that in the course of a mediation carried out prior to family proceedings, the member and his spouse are also entitled to obtain, upon written application to the pension committee, a statement showing the information prescribed by regulation;

CONSIDERING the first paragraph of section 110 of the Act, which prescribes that where the conjugal relationship between a member and his *de facto* spouse ends, they may, in the following year, agree in writing to partition between themselves the benefits accruing to the member under the pension plan;

CONSIDERING the second paragraph of section 110 of the Act, which prescribes that the member and his spouse are entitled to obtain, upon written application to the pension committee, the statement provided for in section 108, established at the date on which they ceased to live together in a conjugal relationship;

CONSIDERING the first paragraph of section 110.1 of the Act, which prescribes that the cost of producing the statement referred to in section 108 and the expenses incurred for effecting the transfer of benefits between spouses may be claimed from them only up to the limit fixed by the Minister, after consultation with the Régie, and published in the *Gazette officielle du Québec*, which limit may vary according to the type of plan;

CONSIDERING that the regulation entitled “Limits to the expenses for a transfer of benefits between spouses” was made by Order of the Minister of Income Security on 29 June 1996;

CONSIDERING that it is expedient to amend that regulation;

CONSIDERING sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the publication of a draft Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses” in section 2 of the *Gazette officielle du Québec* on 10 October 2001;

CONSIDERING that the Minister consulted the Régie des rentes du Québec with respect to this matter;

ORDERS as follows:

The Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”, attached to this order, is made.

Québec, 25 January 2002

JEAN ROCHON,
Minister of Social Solidarity

Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 110.1)

1. The title of the regulation entitled “Limits to the expenses for a transfer of benefits between spouses” is replaced with the following title:

* The regulation entitled “Limits to the expenses for a transfer of benefits between spouses” was made by an Order of the Minister of Income Security dated 29 June 1996 (*G.O.* 1996, 2, 3162) and has not been amended since.