



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 134
(2002, chapter 65)

**An Act to establish the Fonds national
de l'eau**

Introduced 6 November 2002
Passage in principle 28 November 2002
Passage 13 December 2002
Assented to 18 December 2002

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EXPLANATORY NOTE

This bill provides for the creation of the Fonds national de l'eau. The measures proposed provide a framework for the establishment and management of the fund, which is intended principally to support the measures taken by the Minister of the Environment to ensure water governance.

Bill 134

AN ACT TO ESTABLISH THE FONDS NATIONAL DE L'EAU

WHEREAS water resources are essential to the environmental, economic and social well-being of Québec;

WHEREAS water resources, both surface water and groundwater, constitute a common heritage which is important to conserve to meet the needs of present and future generations;

WHEREAS it is necessary to develop better tools of water governance that enable the State, the custodian of the collective interests of citizens in the water resources, to meet the modern-day challenges of water resource management;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A fund to be known as the “Fonds national de l'eau” is hereby established at the Ministère de l'Environnement.

The fund shall be dedicated to the financing of measures taken by the Minister of the Environment to ensure water governance and in particular, to the financing of measures conducive to the protection and development of water resources and to ensuring a sufficient quality and quantity of water in a perspective of sustainable development.

2. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities and the nature of the costs that may be charged to the fund.

3. The fund shall be made up of the following sums:

(1) the sums paid into the fund by the Minister of Finance pursuant to sections 5, 6 and 11;

(2) the gifts, legacies and other contributions paid into the fund to further the attainment of the objects of the fund;

(3) the sums paid into the fund by a department out of the appropriations granted for that purpose by Parliament;

(4) the revenues, in the proportion determined by the Government, from the collection of duties, royalties, fees or other types of charges connected with water use or water resource management; and

(5) the revenues from investment of the sums making up the fund.

4. The management of the sums making up the fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions the Minister designates.

The Minister of the Environment shall keep the books of account of the fund and record the financial commitments chargeable to it. The Minister of the Environment shall also ensure that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

5. The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

The Minister may, conversely, advance to the consolidated revenue fund, on a short-term basis and subject to the conditions the Minister determines, any part of the sums making up the fund that is not required for its operation.

Any advance paid to a fund shall be repayable out of that fund.

6. The Minister of the Environment may, as the administrator of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

7. Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

8. The fiscal year of the fund ends on 31 March.

9. The surpluses accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

10. Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the Fonds national de l'eau the sums required for the execution of a judgment against the State that has become *res judicata*.

11. The Minister of Finance shall pay into the fund, as an advance, the sums required for the fund to begin operations. The Government shall determine the amount of and the date on which the sums must be paid into the fund. The sums shall be taken out of the consolidated revenue fund.

12. The Minister of the Environment is responsible for the application of this Act.

13. This Act comes into force on 18 December 2002.