

WHEREAS section 76 of the Act to amend various legislative provisions concerning municipal affairs (2002, c. 77), which came into force on 19 December 2002, repeals the Act respecting the Société de promotion économique du Québec métropolitain;

WHEREAS, under section 119 of that Act, section 76 has effect from the date fixed by the Government and the Government must, by the same order, fix the terms and conditions of dissolution and succession of the Société de promotion économique du Québec métropolitain;

WHEREAS, following the decision of Ville de Lévis not to participate in the CODEM, it is expedient to approve the distribution of the net assets of the Société to Ville de Québec and Ville de Lévis in accordance with the terms and conditions of a resolution passed by the board of directors of the Société on 6 March 2003;

WHEREAS it is advisable that the CODEM assume the rights and obligations of the Société as of 1 April 2003;

WHEREAS it is expedient to fix 1 September 2003 as the date on which section 76 of that Act takes effect;

WHEREAS, under section 35 of the Act respecting the Société de promotion économique du Québec métropolitain, the Minister of Industry and Trade is responsible for the administration of that Act;

WHEREAS, under Order in Council 1109-2002 dated 25 September 2002, the Minister of Finance, the Economy and Research discharges, among other things, the duties of the Minister of Industry and Trade, in particular those provided for in the Act respecting the Société de promotion économique du Québec métropolitain;

WHEREAS, under Order in Council 206-2001 dated 8 March 2001, amended by Order in Council 787-2001 dated 27 June 2001, Mr. Rosaire Bertrand was appointed Minister responsible for the Capitale-Nationale region;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance, the Economy and Research and of the Minister responsible for the Capitale-Nationale region:

THAT the distribution of the net assets of the Société de promotion économique du Québec métropolitain to Ville de Québec and Ville de Lévis be carried out, where applicable, in accordance with the terms and conditions of a resolution passed by the board of directors of the Société on 6 March 2003, attached to the Minister's recommendation in support of this Order in Council;

THAT, as of 1 April 2003, the Corporation de développement économique métropolitain (CODEM) have all the rights of the Société de promotion économique du Québec métropolitain and assume all its obligations;

THAT section 76 of the Act to amend various legislative provisions concerning municipal affairs have effect from 1 September 2003;

THAT all the expenses related to the transfer of the rights and obligations of the Société de promotion économique du Québec métropolitain be borne by the Corporation de développement économique métropolitain (CODEM).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 495-2003, 31 March 2003

An Act concerning the organization of police services (2001, c. 19)

Police Act
(R.S.Q., c. P-13.1)

Transitional measures necessary for the application of the Act

Regulation respecting transitional measures necessary for the application of the Act concerning the organization of police services

WHEREAS, under the first paragraph of section 353.6 of the Police Act (R.S.Q., c. P-13.1), a police officer who, after the integration of municipal police officers under section 353.3, becomes a member of the Sûreté du Québec, may not receive concomitantly his or her remuneration in that capacity and, as the case may be, a pension under the Pension Plan of the members of the Sûreté du Québec or the pension plan applicable to the police officer as member of the municipal police force that was abolished because police services are henceforth to be provided by the Sûreté du Québec;

WHEREAS, under the second paragraph of that section, the regulation under section 17 of the Act concerning the organization of police services (2001, c. 19) may pertain to the terms and conditions relating to the drawing of both a pension and remuneration, including those applicable in the event of non-compliance with the provisions of the first paragraph of section 353.6 of the Police Act;

WHEREAS, under section 17 of the Act concerning the organization of police services, to facilitate the application of the Act, the Government may, by regulation, before 21 June 2003, provide for the necessary transitional measures; that regulation is not subject to the publication requirement under section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, notwithstanding section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later dated fixed therein;

WHEREAS it is expedient to provide for transitional measures necessary for the application of the Act concerning the organization of police services, in particular as regards the drawing of both a pension and remuneration;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting transitional measures necessary for the application of the Act concerning the organization of police services, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting transitional measures necessary for the application of the Act concerning the organization of police services

An Act concerning the organization of police services (2001, c. 19, s. 17)

Police Act
(R.S.Q., c. P-13.1, s. 353.6)

1. A police officer who receives a retirement pension under the Pension Plan of the members of the Sûreté du Québec and who is transferred from a municipal police force abolished pursuant to the Act concerning the organization of police services (2001, c. 19) to the Sûreté du Québec shall, subject to section 3, elect whether or not to resume membership in the plan by sending a notice to the Sûreté du Québec before the date of the transfer. Should the police officer fail to do so within that time period, the officer is presumed to have elected to resume membership in the plan.

2. The pension paid under the Pension Plan of the members of the Sûreté du Québec to a transferred police officer who elects to resume membership in the plan shall cease to be paid from the date of transfer to the Sûreté du Québec.

The pension shall, when membership in the plan again ceases, be recalculated in accordance with the provisions of the plan, taking into account the pensionable salary and years of service credited to the member for the period during which the pension was no longer being paid. However, the new calculation may not operate to modify the applicable reduction factor, if any.

At the time the member again ceases membership in the plan, the member is entitled to receive the higher of the pension indexed in accordance with the plan as if payment of the pension had not been interrupted and the pension recalculated in accordance with the second paragraph. If the higher amount is the indexed pension, the contributions paid by the employee during the period when he or she was again a member of the Sûreté du Québec shall be reimbursed with interest, calculated in the manner and at the rates provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

3. A member referred to in section 1 who, on the date of coming into force of this Regulation, has already been integrated into the Sûreté du Québec, is presumed to have elected to be a member of the plan from the date of integration unless the member informs the Sûreté of his or her election declining membership within 30 days of receiving a notice informing the member of the option offered.

4. A member of the Sûreté du Québec who is transferred from a municipal police force abolished pursuant to the Act concerning the organization of police services, who is entitled to an immediate pension under the supplemental pension plan of which he or she was a member on the day before the transfer and who elects to receive the pension, cannot be a member of the Pension Plan of the members of the Sûreté du Québec.

The member must inform the Sûreté du Québec of the election to receive or not to receive the pension before the date of the transfer or, where applicable, within 30 days after the date on which the pension becomes payable. In the latter case, the member must also indicate the period for which the pension is paid.

5. A member referred to in section 4 who, on the date of coming into force of this Regulation, has already been integrated into the Sûreté du Québec shall, within 30 days of receiving a notice informing the member of the provisions of section 4, inform the Sûreté du Québec of his or her election to receive or not receive the pension. Should the member fail to do so within that time period, the member is presumed to have elected to receive the pension from the date of integration.

6. A person who, pursuant to this Regulation, is not a member of the Pension Plan of the members of the Sûreté du Québec and whose total years of service or parts thereof that would have been recognized under the Act concerning the organization of police services, had the person been a member of the plan or been able to have them recognized for pension eligibility purposes, is at least 35 years, cannot be a member of the Sûreté du Québec.

7. An election under this Regulation is irrevocable.

The Sûreté du Québec shall inform the Commission administrative des régimes de retraite et d'assurances of every election under this Regulation.

8. Every year, the Sûreté du Québec shall send to the Minister of Public Security a list of the members who have been integrated into the Sûreté du Québec and who receive a pension under the Pension Plan of the members of the Sûreté du Québec or under a supplemental pension plan of which they were members before the date of the transfer.

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