

Regulations and other acts

Gouvernement du Québec

O.C. 114-2007, 14 February 2007

An Act respecting the Société de financement des infrastructures locales du Québec (R.S.Q., c. S-11.0102)

Signing of certain documents

Regulation respecting the signing of certain documents of the Société de financement des infrastructures locales du Québec

WHEREAS section 23 of the Act respecting the Société de financement des infrastructures locales du Québec (R.S.Q., c. S-11.0102) provides that a deed, document or writing is binding on and may be attributed to the Société only if it is signed by the chair, the vice-chair, the secretary or another person, but, in the latter case, only to the extent determined by regulation;

WHEREAS section 27 of the Act provides that regulations made under sections 23 to 26 are submitted to the Government for approval;

WHEREAS the Société de financement des infrastructures locales du Québec made the Regulation respecting the signing of certain documents of the Société de financement des infrastructures locales du Québec;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the signing of certain documents of the Société de financement des infrastructures locales du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the signing of certain documents of the Société de financement des infrastructures locales du Québec

An Act respecting the Société de financement des infrastructures locales du Québec (R.S.Q., c. S-11.0102, s. 23)

DIVISION I

SIGNING OF CERTAIN DOCUMENTS BY THE MINISTER OR OFFICERS OF THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DES RÉGIONS

1. The signing of a document referred to in section 2, by the Minister or a person of the Ministère des Affaires municipales et des Régions referred to in that section, is binding on the Société de financement des infrastructures locales du Québec (hereinafter «SOFIL») and may be attributed to the Société to the extent that those persons act pursuant to a service agreement entered into between SOFIL and the Ministère des Affaires municipales et des Régions.

The first paragraph applies even if the person holds the position on an interim basis or is temporarily replacing a deputy minister or an assistant or associate deputy minister.

2. Section 1 applies to the signing by the Minister, the deputy minister, an assistant or associate deputy minister or the director of the branch responsible for programs related to infrastructures, of all documents concerning payment of financial assistance by SOFIL to the municipal bodies granted in conformity with the investment plan approved by the Government by Décret 104-2006 dated 28 February 2006, in accordance with section 8 of the Act respecting the Société de financement des infrastructures locales du Québec (R.S.Q., c. S-11.0102), and in conformity with the conditions of payment of financial assistance approved by the Government by Décret 1145-2005 dated 26 November 2005, in accordance with section 10 of the Act.

DIVISION II**SIGNING OF CERTAIN DOCUMENTS BY THE MINISTER OR OFFICERS OF THE MINISTÈRE DES TRANSPORTS**

3. The signing of a document referred to in section 4, by the Minister or a person of the Ministère des Transports referred to in that section, is binding on SOFIL and may be attributed to SOFIL to the extent that those persons act pursuant to a service agreement entered into between SOFIL and the Ministère des Transports.

The first paragraph applies even if the person holds the position on an interim basis or is temporarily replacing a deputy minister or an assistant or associate deputy minister.

4. Section 3 applies to the signing by the Minister, the deputy minister, an assistant or associate deputy minister or the director of the branch responsible for programs related to land transportation of persons or for programs related to local roads, of all documents concerning payment of financial assistance by SOFIL to the municipal bodies granted in conformity with the investment plan approved by the Government by Décret 104-2006 dated 28 February 2006, in accordance with section 8 of the Act respecting the Société de financement des infrastructures locales du Québec, and in conformity with the conditions of payment of financial assistance approved by the Government by Décret 1145-2005 dated 26 November 2005, in accordance with section 10 of the Act and the special conditions approved by the Minister of Transport.

DIVISION III**SIGNING OF CERTAIN DOCUMENTS BY OFFICERS OF THE MINISTÈRE DES FINANCES**

5. The signing of a document referred to in section 6, by a person of the Ministère des Finances referred to in that section, is binding on SOFIL and may be attributed to SOFIL to the extent that that person acts pursuant to a service agreement entered into between SOFIL and the Ministère des Finances.

The first paragraph applies even if the person holds the position on an interim basis or is temporarily replacing a deputy minister or an assistant or associate deputy minister.

6. Section 5 applies to the signing by

(1) the deputy minister or an assistant or associate deputy minister, of the documents referred to in paragraphs 2 to 5;

(2) the director of the branch responsible for cash management or for the management of funds and payments, of the documents pertaining to

(a) the opening of a trust bank account for the management of SOFIL investments;

(b) the opening of a securities trust account for the financial settlement and securities custody of SOFIL investments; and

(c) the transfer of funds from the SOFIL account to the consolidated fund or from the SOFIL securities trust account;

(3) the director of the branch responsible for treasury operations, of the documents pertaining to SOFIL investments to the extent that those investments are made in accordance with the investment policy adopted by the board of directors of SOFIL;

(4) the director of the branch responsible for back office services, of the documents pertaining to

(a) the confirmation of financial operations carried out by the branch responsible for treasury operations;

(b) bank settlements through the financial agent of the Ministère des Finances; and

(c) custody of the securities held by SOFIL; and

(5) the director of the branch responsible for financial resources, of the documents pertaining to

(a) the establishment of the SOFIL budgetary structure in the Government's accounting system;

(b) the entry in the Government's accounting system, at the beginning of each year, of amounts available for commitments;

(c) the authorization of persons designated by the Ministère des Affaires municipales et des Régions and the Ministère des Transports to conduct transactions in the Government's accounting system;

(d) the collection of SOFIL revenues and their entry in the Government's accounting system;

(e) the entry of SOFIL accounts receivable in the Government's accounting system;

(f) the issue of cheques to reimburse departments and bodies for the cost of services rendered to SOFIL pursuant to the instructions of the secretary of SOFIL; and

(g) the reimbursement of living and travel expenses of the members of the board of directors and the secretary of SOFIL in accordance with the provisions of Décret 2005-83 dated 30 November 1983.

7. 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. 135-2007, 14 February 2007

Environment Quality Act
(R.S.Q., c. Q-2)

Exclusion of the proposed schedules and schedules of contributions established under section 53.31.14 of the Environment Quality Act from the application of the Regulations Act

WHEREAS subdivision 4.1 of Division VII of Chapter I of the Environment Quality Act (R.S.Q., c. Q-2) creates a regime to compensate municipalities for part of the costs for providing services to ensure the recovery and reclamation of residual materials;

WHEREAS the implementation of the regime, based on the principle of extended producer responsibility, relies mainly on the initiative and direct participation of intervening parties in the private sector and municipal sector, various elements of the regime are, under the Act, to be defined by contract between the unions of municipalities and bodies certified by RECYC-QUÉBEC to represent the enterprises and other persons concerned;

WHEREAS, under the regime, the certified bodies are to determine by agreement with the unions of municipalities the amount of the net costs of the municipal services to be compensated, and the criteria for the distribution of the sums among the municipalities;

WHEREAS section 53.31.13 of the Environment Quality Act allows the certified bodies to collect the contributions from the persons concerned to finance payment of compensation by the body to the municipalities;

WHEREAS section 53.31.14 of the Act entrusts the certified bodies with the responsibility of establishing a schedule to apportion between the persons concerned the amounts of their respective contributions and the schedule must be approved by the Government;

WHEREAS, under that section, the certified body must hold a special consultation of the persons concerned before establishing such a schedule and submitting it to the Government for approval;

WHEREAS RECYC-QUÉBEC must also, under section 53.31.15 of the Act, give an opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body;

WHEREAS, at the time the Government is preparing to approve a schedule of contributions, the agreement on the amount of the net costs of the municipal services that those contributions are intended to pay has already been negotiated and signed and, consequently, the publication of a proposed schedule under section 8 of the Regulations Act (R.S.Q., c. R-18.1) will not allow public participation to change the overall level of contributions on the basis of those costs;

WHEREAS, under paragraph 6 of section 3 of the Regulations Act (R.S.Q., c. R-18.1), the Government may determine by order the proposed regulations or regulations to which the Act does not apply;

WHEREAS it is expedient to exclude the schedules of contributions established under section 53.31.14 of the Environment Quality Act from the application of the Regulations Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks and the Minister of Justice:

THAT the Regulations Act (R.S.Q., c. R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act (R.S.Q., c. Q-2).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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