

Regulations and other acts

Gouvernement du Québec

O.C. 955-2008, 8 October 2008

Financial Administration Act
(R.S.Q., c. A-6.001)

Borrowings made by a body

Regulation respecting borrowings made by a body

WHEREAS the fourth paragraph of section 77.1 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empowers the Government to determine by regulation in which cases and subject to which terms and conditions the authorization of the Minister of Finance is not required when a body makes a borrowing;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.1 of the Financial Administration Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting borrowings made by a body;

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

THAT the Regulation respecting borrowings made by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting borrowings made by a body

Financial Administration Act
(R.S.Q., c. A-6.001, s. 77.1, 4th par.; 2007, c. 41, s. 2)

1. In this Regulation, “short-term borrowing” means a borrowing whose maturity date is less than 365 days.

2. The authorization of the Minister of Finance referred to in the first paragraph of section 77.1 of the Financial Administration Act (R.S.Q., c. A-6.001) is not required in respect of the following borrowings of a body:

(1) a borrowing negotiated by the Minister of Finance under a mandate assigned by the body;

(2) a borrowing made with the Minister of Finance, as manager of the financing fund, or with Financement-Québec;

(3) a short-term borrowing or a borrowing by line of credit that meets the following conditions:

(a) the borrowing is made with one of the following lenders:

i. a financial institution authorized to carry on its activities under the laws applicable in Québec or Canada;

ii. the Caisse de dépôt et placement du Québec;

iii. a pension fund of a body referred to in section 77 of the Financial Administration Act;

iv. the Corporation d’hébergement du Québec;

(b) the interest rate of the borrowing does not exceed the rate of Canadian bankers’ acceptances on the CDOR page of the Reuters system on the date of the borrowing, increased by 0.3%, including all fees;

(4) a bank overdraft or any other credit facility that may be used to finance a bank overdraft and granted to a body by its financial institution, with a maximum term of 5 working days and whose applicable interest rate does not exceed the prime rate of the lending financial institution.

3. The authorization of the Minister of Finance is not required for a borrowing of less than \$20,000,000 contracted by a university establishment for the carrying out of a capital project that is not subsidized under the University Investments Act (R.S.Q., c. I-17).

No university establishment may split or segment its procurement requirements or change a borrowing or capital project to be exempted from the obligation to obtain the authorizations provided for in the Act.

If a borrowing groups together more than one capital project for an amount equal to or greater than \$20,000,000, the establishment must obtain the authorization of the Minister of Finance.

4. The authorization of the Minister of Finance is not required for a borrowing contracted by an institution referred to in the first paragraph of section 296 of the Act respecting health services and social services (R.S.Q., c. S-4.2) for the payment of capital costs charged to the institution's operating fund, where the amount corresponds to the lesser of \$5,000,000 or 5% of the operating expenditures of the most recently completed fiscal year of the institution.

No institution may split or segment its procurement requirements or change a borrowing or capital project for the purpose of avoiding the application of this section.

5. This Regulation comes into force on 15 December 2008.

8988

Gouvernement du Québec

O.C. 956-2008, 8 October 2008

Financial Administration Act
(R.S.Q., c. A-6.001)

Investments made by a body

Regulation respecting investments made by a body

WHEREAS the second and third paragraphs of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine by regulation in which cases and subject to which terms and conditions the authorization of the Minister responsible for the administration of the Act governing a body and the authorization of the Minister of Finance are not required for such a body to make an investment;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.2 of the Financial Administration Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting investments made by a body;

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

THAT the Regulation respecting investments made by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting investments made by a body

Financial Administration Act
(R.S.Q., c. A-6.001, s. 77.2, 2nd and 3rd pars.;
2007, c. 41, s. 2)

1. This Regulation applies to short-term investments, except securities lending, made by a body out of its temporary surplus of liquid assets or its operating fund.

In this Regulation, "short-term" means a maturity date of less than 365 days.

2. The authorization of the Minister of Finance and the authorization of the Minister responsible for the administration of the Act governing the body referred to in the first paragraph of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001) are not required in the case of the following investments made by a body:

(1) a deposit of money or demand loan with a financial institution authorized to carry on its activities under a law applicable in Québec or Canada;

(2) an investment made by the Minister of Finance under a mandate assigned by the body;

(3) any other investment, including a deposit with the Caisse de dépôt et placement du Québec, which meets the following conditions:

(a) it is made with a financial institution authorized to carry on its activities under a law applicable in Québec or Canada, with the Caisse de dépôt et placement du Québec or through dealers registered with the Autorité des marchés financiers or any other Canadian authority in securities;

(b) it is made through the purchase of one of the following:

i. a Treasury bond or a short-term note issued or guaranteed by the Gouvernement du Québec, the Government of Canada or the government of another province or Canadian territory;