



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 20
(2023, chapter 17)

**An Act to establish the Blue Fund
and to amend other provisions**

**Introduced 6 April 2023
Passed in principle 25 May 2023
Passed 7 June 2023
Assented to 9 June 2023**

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EXPLANATORY NOTES

This Act establishes the Blue Fund, which is dedicated, in particular, to the financing of any measure the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks may carry out in relation to the protection, restoration, development and management of water.

The Act provides for new regulatory powers allowing the Government to prohibit or limit certain uses of the water coming from a waterworks system or to determine conditions or prohibitions that apply where products are offered for sale, sold, distributed or otherwise made available in containers or packaging it determines, including single-use containers.

The Act provides for the periodic revision of the regulatory provisions made under the Environment Quality Act that concern the charges payable for the use of water.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Environment Quality Act (chapter Q-2).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1).

Bill 20

AN ACT TO ESTABLISH THE BLUE FUND AND TO AMEND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

1. Section 15.4.38 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended, in the second paragraph,

(1) by inserting “and for which no other fund under the Minister’s responsibility provides financing or has funds available” after “functions” in the introductory clause;

(2) by striking out subparagraph 8.

2. Section 15.4.40 of the Act is amended by inserting “or into the Blue Fund” at the end of subparagraph 10 of the first paragraph.

3. Section 15.4.41 of the Act is repealed.

4. The Act is amended by inserting the following division after section 15.4.43:

“DIVISION II.4

“BLUE FUND

“**15.4.44.** The Blue Fund is established.

The Fund is dedicated to the financing of any measure the Minister may carry out in relation to the protection, restoration, development and management of water, in particular as regards

(1) the sustainable, equitable and efficient use of water resources;

(2) flood prevention and control;

(3) the conservation of aquatic ecosystems; and

(4) water governance that complies with the governance scheme established by the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).

The Fund is to be used, in particular, to finance activities, projects and programs aimed at stimulating technological and social innovation, research and development, knowledge acquisition, performance improvement and public mobilization, awareness and education with regard to any matter mentioned in the second paragraph.

The Fund is intended, in particular, to provide financial support to municipalities and to non-profit bodies working for the protection, restoration, development and management of water.

“15.4.45. The Minister is responsible for the management of the Fund, which he ensures with a view to sustainable development, efficiency and transparency and taking into account the need to adapt to the effects of climate change.

To that end, the Minister gives priority to management centred on achieving the best results to ensure compliance with government principles, policy directions and objectives related to the matters referred to in the second paragraph of section 15.4.44.

“15.4.46. The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(2) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(3) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(4) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation for any of the matters covered by the Fund, in accordance with section 21 of the Act respecting the Société du Plan Nord (chapter S-16.011);

(5) the sums transferred to the Fund by the Government out of those credited to the general fund on a proposal of the Minister of Finance, including all or part of the revenue from taxes or other economic instruments related to the protection, restoration, development and management of water, identified by the Government;

(6) the sums with regard to fees, duties or charges related to the use or management of water, in particular the sums derived from the charges prescribed by the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1);

(7) any other sum provided for by law or a regulation of the Government or a regulation of the Minister;

(8) the revenue generated by the sums credited to the Fund;

(9) the interest charged on amounts owing under an Act or regulation under the Minister's administration and referred to in this section; and

(10) the financial contributions paid by the federal government for any of the matters covered by the Fund.

“15.4.46.1. A minister or a public body who or that is a party to an agreement entered into with the minister responsible for the administration of this Act under section 15.4.46.2 or has been entrusted with a mandate by the latter under the same section may, if applicable, debit the sums provided for in the agreement or the mandate from the Fund.

The estimates of the expenditures and investments for which each minister or public body may debit sums from the Fund must be clearly specified in the Fund estimates appearing in the special fund budget provided for in section 47 of the Financial Administration Act (chapter A-6.001).

Any such estimates must also appear in the estimates of each minister other than the Minister of Sustainable Development, Environment and Parks.

“15.4.46.2. When the activities of a department or public body allow the implementation of measures that may be financed by the Fund in accordance with section 15.4.44, the minister responsible for the administration of this Act may enter into an agreement with the minister responsible for that department or with that public body to allow it to debit the sums required for those measures from the Fund.

The minister responsible for the administration of this Act may also entrust a minister or a public body with a mandate to implement, as specified in the mandate, measures relating to the protection, restoration, development and management of water in an area under the latter minister's or the public body's responsibility. The minister may also, within the framework of such a mandate, allow the other minister or the public body to debit the sums required for such measures from the Fund.

Every agreement and mandate must be made public and specify the amount that may be debited from the Fund for the fiscal years during which the agreement or mandate will be applicable. An agreement must also specify the measures that may be financed using those sums as well as how the sums are to be distributed among the measures, or leave it up to the minister or the public body who or that is a party to the agreement to distribute the financing among those measures in the manner that is the most efficient. The administrative costs that may be debited from the Fund under such an agreement or mandate must be approved by the minister responsible for the administration of this Act.

The minister or public body concerned is responsible for implementing the measures for which he or it debits sums from the Fund as well as for achieving the objectives set regarding the protection, restoration, development and management of water.

“15.4.47. The Fund’s financial data and a list of the measures financed by it must appear under a separate heading in the department’s annual management report.

The financial data under the heading must include

(1) the expenditures and investments debited from the Fund by class of measures to which the Fund is dedicated;

(2) the sums debited from the Fund by each minister or public body who or that is a party to an agreement referred to in section 15.4.46.2 or has been entrusted with a mandate under that section; and

(3) the nature and evolution of revenues.

“15.4.48. The Fund’s financial statements are audited each year by the Auditor General.”

ENVIRONMENT QUALITY ACT

5. The preliminary provision of the Environment Quality Act (chapter Q-2) is amended by inserting the following paragraph after the first paragraph:

“The purpose of this Act is also to regulate the use of water resources in such a manner as to ensure the sustainable, equitable and efficient management of those resources, with a view to transparency and to preservation of this common good, in particular by promoting better access to information concerning water withdrawals.”

6. Section 46 of the Act is amended by inserting the following paragraph after paragraph 8:

“(8.1) prohibit or limit certain uses of the water coming from a waterworks system, in all or part of the territory of Québec;”.

7. Section 53.28 of the Act is amended by adding the following paragraph at the end:

“The Government may also, by regulation, determine the conditions or prohibitions that apply where products are offered for sale, sold, distributed or otherwise made available in containers or packaging it determines, including single-use containers.”

8. Section 53.29 of the Act is amended by inserting “the first paragraph of” after “under” in paragraph 1.

9. Section 95.1 of the Act is amended by adding the following paragraph at the end:

“Any regulatory provisions made under subparagraphs 11 and 12 of the first paragraph that concern charges payable for the use of water must, at least every five years, be evaluated to ensure the sustainable use of water resources.”

10. The Act is amended by inserting the following section after section 118.4:

118.4.1. The Minister shall make available, on the Minister’s department’s website, any information obtained under a regulation made under subparagraph *l* of paragraph 16 of section 46 or under subparagraphs 11 and 12 of the first paragraph of section 95.1 concerning

(a) the monthly and annual volumes of water withdrawn or used or, if they are not measured with measuring equipment, an estimate of those volumes in litres;

(b) the name of the person who withdraws or uses the volumes of water referred to in subparagraph *a*; and

(c) the location of the site where the volumes of water referred to in subparagraph *a* are withdrawn or of the waterworks system from which the volumes of water are derived.

Sections 23.1 and 27 do not have the effect of restricting the scope of this section.”

REGULATION RESPECTING THE CHARGES PAYABLE FOR THE USE OF WATER

11. Section 11 of the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is amended by replacing “Fund for the Protection of the Environment and the Waters in the Domain of the State for the purpose of ensuring water governance” by “Blue Fund”.

FINAL PROVISIONS

12. The assets and liabilities of the Fund for the Protection of the Environment and the Waters in the Domain of the State on 9 June 2023 with regard to fees, duties or charges related to the use or management of water and compensation obtained as a result of an action instituted under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) are transferred to the Blue Fund. If

the assets and liabilities transferred to the Blue Fund are insufficient to start up the Fund, sums from the Consolidated Revenue Fund may be transferred to the Blue Fund during the 2023–2024 fiscal year.

13. The expenditure and investment estimates for the Blue Fund, set out in Schedule I, are approved for the 2023–2024 fiscal year.

14. This Act comes into force on 1 July 2023, except section 10, which comes into force on 1 January 2024.

SCHEDULE I
(Section 13)

BLUE FUND

Estimates	2023–2024
Revenues	\$50,000,000
MELCCFP expenditures	\$50,000,000
Other departments' expenditures	0
Surplus (deficit) of the fiscal year	0
Ending cumulative surplus (deficit)	0
Investments	0
Total borrowings or advances ¹	0

¹ To (from) the Financing Fund and the general fund.