

NATIONAL ASSEMBLY

SECOND SESSION

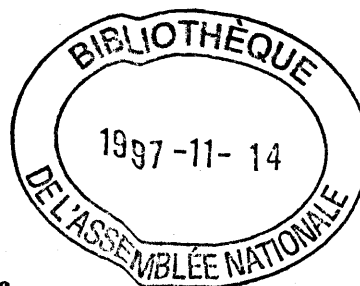
THIRTY-FIFTH LEGISLATURE

Bill 178

An Act to abolish certain bodies

Introduction

Introduced by
Mr Jacques Léonard
Minister for Administration and the Public
Service, Chairman of the Conseil du trésor



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EXPLANATORY NOTES

The purpose of this bill is to repeal legislative provisions establishing or authorizing the establishment of certain bodies.

The provisions concerned relate to the Office des autoroutes du Québec, the Comité d'études musicales, the Comité d'études dramatiques, the Bureau d'examineurs des mesureurs de bois, the Bureau des examinateurs en tuyauterie, the Bureau des examinateurs électriciens, the Régie des télécommunications, the Société de la Maison des sciences et des techniques, the Société québécoise des transports, any legal person whose capital stock is controlled by the Société québécoise des transports, and the Conseil de la recherche et du développement en transport.

The bill also contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Building Act (R.S.Q., chapter B-1.1);
 - Cities and Towns Act (R.S.Q., chapter C-19);
 - Municipal Code of Québec (R.S.Q., chapter C-27.1);
 - Telegraph and Telephone Companies Act (R.S.Q., chapter C-45);
 - Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62);
 - James Bay Region Development Act (R.S.Q., chapter D-8);
 - Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
 - Hydro-Québec Act (R.S.Q., chapter H-5);
 - Act respecting piping installations (R.S.Q., chapter I-12.1);
 - Act respecting certain public utility installations (R.S.Q., chapter I-13);
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- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Cullers Act (R.S.Q., chapter M-12.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting roads (R.S.Q., chapter V-9);
- Act respecting the Régie de l'énergie (1996, chapter 61) .

LEGISLATION REPEALED BY THIS BILL :

- Autoroutes Act (R.S.Q., chapter A-34);
- Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01);
- Act respecting the Société de la Maison des sciences et des techniques (R.S.Q., chapter S-11.02);
- Act respecting the Société québécoise des transports (R.S.Q., chapter S-22.1).

Bill 178

AN ACT TO ABOLISH CERTAIN BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ABOLITION OF CERTAIN BODIES

AUTOROUTES ACT

1. The Autoroutes Act (R.S.Q., chapter A-34), amended by chapter 2 of the statutes of 1996, is repealed.

ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE

2. Division III of the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62) is repealed.

3. Section 12 of the said Act is amended by striking out the words "assisted by each of the committees, the Comité d'études musicales and the Comité d'études dramatiques," in the third and fourth lines.

4. Section 17 of the said Act is amended by striking out the words "upon the recommendation of the committee concerned," in the second and third lines.

ACT RESPECTING PIPING INSTALLATIONS

5. Section 2 of the Act respecting piping installations (R.S.Q., chapter I-12.1) is amended by replacing paragraph 4 by the following paragraph:

"(4) the word "Régie" designates the Régie du bâtiment du Québec, established by section 87 of the Building Act (R.S.Q., chapter B-1.1);".

6. The heading of Division II of the said Act is replaced by the following heading:

"RÉGIE DU BÂTIMENT".

7. Section 3 of the said Act is repealed.

8. Section 4 of the said Act is amended

(1) by replacing the first line by the following:

“4. The functions of the Régie du bâtiment shall, in particular, be”;

(2) by replacing the words “attend to the administrative details of the board of examiners” in the second line of paragraph 1 by the words “see to the administration of this Act”;

(3) by replacing the words “the activities of the board of examiners whenever they are required to do so by the Minister” in the first and second lines of paragraph 2 by the words “its activities pertaining to the application of this Act whenever required by the Minister”;

(4) by adding, at the end, the following paragraph:

“The Régie du bâtiment may delegate to a member of its board of directors or of its personnel or to a committee composed of members of its board of directors or of its personnel, in writing and to the extent specified, the functions assigned to the Régie by this Act.”

9. Section 12 of the said Act is replaced by the following section:

“12. The Régie du bâtiment may suspend the licence issued under the Building Act (chapter B-1.1) of any person who fails to make alterations to plumbing installations effected contrary to the regulations.”

10. Section 22 of the said Act is amended by replacing the words “Each member of the board of examiners” in the first line by the words “The Régie du bâtiment”, and by replacing the word “him” in the fifth line by the words “the Régie or the inspector”.

11. The said Act is amended by replacing the words “examiners” or “board of examiners” by the words “Régie du bâtiment”, with the necessary adaptations, wherever the words occur in paragraph *b* of paragraph 2 of section 2, section 13 as amended by section 15 of chapter 74 of the statutes of 1996, section 20, section 20.1 enacted by section 17 of chapter 74 of the statutes of 1996, section 20.2 enacted by section 17 of chapter 74 of the statutes of 1996, section 21 and paragraphs *d* and *e* of section 24.

ACT RESPECTING ELECTRICAL INSTALLATIONS

12. Section 2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 18 of chapter 74 of the statutes of 1996, is again amended by replacing paragraph 7 by the following paragraph:

“(7) the word “Régie” means the Régie du bâtiment du Québec, established by section 87 of the Building Act (chapter B-1.1);”.

13. Section 15 of the said Act is amended by striking out the word “examiners,” in the first line.

14. Section 16 of the said Act is amended by replacing the words “Every examiner” in the first line by the words “The Régie du bâtiment”, and by replacing the word “him” in the fourth line by the words “the Régie or the inspector”.

15. Section 17 of the said Act is amended

(1) by replacing the words “the examiners” in the second line by the words “the Régie du bâtiment, the members of the board of directors of the Régie du bâtiment”;

(2) by replacing the words “of the examiners” in the fifth line by the words “of the Régie”.

16. The heading of Division III of the said Act is replaced by the following heading:

“RÉGIE DU BÂTIMENT”.

17. Section 18 of the said Act is repealed.

18. Section 19 of the said Act, amended by section 23 of chapter 74 of the statutes of 1996, is again amended

(1) by replacing the first line by the following:

“**19.** The functions of the Régie du bâtiment shall, in particular, be”;

(2) by replacing the words “attend to the details of the administration of the board of examiners” in the third and fourth lines of subparagraph 4 of the first paragraph by the words “see to the administration of this Act”;

(3) by replacing the second paragraph by the following paragraph:

“The Régie shall keep in its archives a record in which an entry is made respecting each licence issued by the Régie, and draw up reports on its activities relating to the application of this Act whenever required by the Minister.”;

(4) by adding, at the end, the following paragraph:

“The Régie may delegate to a member of its board of directors or of its personnel or to a committee composed of members of its board of directors or of its personnel, in writing and to the extent specified, the functions assigned to the Régie by this Act.”

19. Section 35 of the said Act, amended by section 310 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing by the first paragraph by the following paragraph:

“35. The Régie du bâtiment may suspend the licence of any person who fails to make alterations to electrical installations effected contrary to the regulations.”;

(2) by replacing the words “The board of examiners may” in the first line of the second paragraph by the words “The Régie may also”;

(3) by replacing the words “The board of examiners” in the first line of the third paragraph by the words “The Régie”.

20. The said Act is amended by replacing the words “examiners”, “board of examiners” or “board of examining electricians” by the words “Régie du bâtiment”, with the necessary adaptations, wherever the words occur in section 3 as amended by section 19 of chapter 74 of the statutes of 1996, section 4 enacted by section 20 of chapter 74 of the statutes of 1996, sections 5, 6 and 7, section 9 as amended by section 22 of chapter 74 of the statutes of 1996 and by section 307 of chapter 43 of the statutes of 1997, sections 10.1, 13, 14, 24, 27, 29 and 30, section 34 as amended by section 27 of chapter 74 of the statutes of 1996 and by section 309 of chapter 43 of the statutes of 1997, section 35.1 as amended by section 311 of chapter 43 of the statutes of 1997, section 35.2 as amended by section 312 of chapter 43 of the statutes of 1997 and sections 38 and 41.

CULLERS ACT

21. The heading of Division III of the Cullers Act (R.S.Q., chapter M-12.1) is replaced by the following heading:

“FUNCTIONS OF MINISTER”.

22. Sections 6 to 15 of the said Act are repealed.

23. Sections 16, 17, 18 and 19 of the said Act, sections 20 and 22 of the said Act, as amended by sections 350 and 351 of chapter 43 of the statutes of 1997, and sections 23, 24, 26 and 27 of the said Act which will be repealed by the coming into force of section 352 of chapter 43 of the statutes of 1997, are amended by replacing the word “board”, with the necessary adaptations, wherever it occurs by the word “Minister”.

24. Section 31 of the said Act is repealed.

ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS

25. The Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01), amended by chapters 2 and 29 of the statutes of 1996 and by chapter 43 of the statutes of 1997, is repealed.

ACT RESPECTING THE SOCIÉTÉ DE LA MAISON DES SCIENCES ET DES TECHNIQUES

26. The Act respecting the Société de la Maison des sciences et des techniques (R.S.Q., chapter S-11.02) is repealed.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DES TRANSPORTS

27. The Act respecting the Société québécoise des transports (R.S.Q., chapter S-22.1) is repealed.

TRANSPORT ACT

28. Division IV of the Transport Act (R.S.Q., chapter T-12) is repealed.

DIVISION II

AMENDING PROVISIONS

BUILDING ACT

29. Section 230 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing paragraph 2 by the following paragraph:

“(2) by substituting “the Building Code referred to in section 13 of the Building Act (chapter B-1.1)” for “the electricity code, approved by the Régie du bâtiment du Québec” in subparagraph *a* of paragraph 6, amended by section 34 of chapter (*insert here the chapter number of this Act*) of the statutes of (*insert here the year of assent to this Act*)”.

30. Section 245 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) by substituting “the Building Code referred to in section 13 of the Building Act (chapter B-1.1)” for “the Plumbing Code applied by the Régie du bâtiment du Québec” in the second paragraph of paragraph 6, amended by section 35 of chapter (*insert here the chapter number of this Act*) of the statutes of (*insert here the year of assent to this Act*)”.

TELEGRAPH AND TELEPHONE COMPANIES ACT

31. Section 9 of the Telegraph and Telephone Companies Act (R.S.Q., chapter C-45) is amended by striking out the words “, with the approval of the Régie des télécommunications,” in the first line of the third paragraph.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

32. Section 68 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is repealed.

33. Section 72 of the said Act is amended

(1) by replacing the words “sections 67 and 68” in the third line by the words “section 67”;

(2) by striking out the words “and of the telephone services” in the fourth line;

(3) by striking out the words “or the telephone undertaking” in the sixth and seventh lines;

(4) by replacing the words “section 67 or 68” in the eighth line by the words “section 67”.

MASTER ELECTRICIANS ACT

34. Section 1 of the Master Electricians Act (R.S.Q., chapter M-3), amended by section 43 of chapter 29 of the statutes of 1996, is again amended

(1) by replacing the words “the Bureau des examinateurs électriciens du Québec” in the first and second lines of paragraph 2 by the words “the Régie du bâtiment”;

(2) by replacing the words “the Bureau des examinateurs” in the second and third lines of subparagraph *a* of paragraph 6 by the words “the Régie du bâtiment”.

MASTER PIPE-MECHANICS ACT

35. Section 1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4), amended by section 43 of chapter 29 of the statutes of 1996, is again amended by replacing the words “the board of examiners” in the second line of the second paragraph of paragraph 6 by the words “the Régie du bâtiment”.

36. Section 19 of the said Act is amended by replacing the words “, the Act respecting pressure vessels (chapter A-20.01) upon prosecution brought by the board of examiners set up under these acts” in the third, fourth and fifth

lines of paragraph 1 by the words “or of the Act respecting pressure vessels (chapter A-20.01)”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

37. The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by striking out the words “the Société québécoise des transports” in paragraph 1 of Schedule I as amended by Orders in Council 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, 1493-96 dated 4 December 1996, 1589-96 dated 18 December 1996, 629-97 dated 13 May 1997, 788-97 dated 18 June 1997 and 1105-97 dated 28 August 1997, by section 35 of chapter 26 of the statutes of 1997 and by section 13 of chapter 36 of the statutes of 1997;

(2) by striking out the words “the Office des autoroutes” and “the Société québécoise des transports” in Schedule III.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

38. The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended

(1) by striking out the words “the Régie des télécommunications” in paragraph 2 of Schedule I as amended by section 860 of chapter 2 of the statutes of 1996 and by section 14 of chapter 36 of the statutes of 1997;

(2) by striking out the words “the Office des autoroutes du Québec” in paragraph 3 of Schedule I;

(3) by striking out the words “the Office des autoroutes du Québec” in Schedule IV.

ACT RESPECTING ROADS

39. Section 7 of the Act respecting roads (R.S.Q., chapter V-9) is amended by replacing paragraph 1 by the following paragraph:

“(1) to autoroutes that are State property;”.

40. Section 8 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**8.** The Government may, by order, identify the autoroutes of the State. It may, in the same manner, declare that a road is an autoroute.”

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

41. Section 163 of the Act respecting the Régie de l'énergie (1996, chapter 61) is repealed.

OTHER LEGISLATIVE PROVISIONS

42. The words "Régie des télécommunications" are replaced by the words "Régie de l'énergie" wherever they appear in the following legislative provisions:

(1) paragraph 18 of section 415 of the Cities and Towns Act (R.S.Q., chapter C-19) as amended by section 155 of chapter 2 of the statutes of 1996;

(2) paragraph 7 of article 557 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) as amended by section 302 of chapter 2 of the statutes of 1996;

(3) section 2 of the Act respecting certain public utility installations (R.S.Q., chapter I-13).

The same applies, unless the context indicates otherwise, in any municipal charter.

43. All references to the Act respecting the Régie des télécommunications are struck out, with the necessary adaptations, in the following legislative provisions:

(1) section 42 of the James Bay Region Development Act (R.S.Q., chapter D-8);

(2) sections 39.8 and 48.1 of the Hydro-Québec Act (R.S.Q., chapter H-5);

(3) paragraph c of section 5 of the Consumer Protection Act (R.S.Q., chapter P-40.1).

DIVISION III

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

44. All assets of the Conseil de la recherche et du développement en transport, including all amounts contained in the research fund of the Conseil, shall become the property of the Association québécoise du transport et des routes. The Minister of Transport is authorized, without further formality, to perform any act required for the transfer of the assets of the Conseil to the Association.

45. As of (*insert here the date of assent to this Act*), the term of office of the members of the board of directors of the Société québécoise des transports

and of the board of directors of any legal person whose issued capital stock is controlled by the Société shall be revoked and the Minister of Transport or the person designated by the Minister of Transport shall be authorized to exercise alone :

(1) all the powers that those boards of directors may exercise in respect of such legal persons including, in particular, the powers necessary for their management, administration and dissolution ;

(2) all the powers of the meeting of the shareholders of any legal person whose issued capital stock is controlled by the Société québécoise des transports.

46. The Minister of Transport shall, as liquidator, pay into the consolidated revenue fund the proceeds of the liquidation of the Société québécoise des transports and of any legal person whose capital stock is controlled by the Société. The Minister shall, where applicable, transmit the notices required under articles 358, 359 and 364 of the Civil Code of Québec.

47. The Minister of Finance shall pay out of the consolidated revenue fund any obligation contracted by the Société québécoise des transports or by any legal person whose capital stock is controlled by the Société.

48. The following bodies shall become a party to proceedings, without continuance of suit :

(1) the Régie du bâtiment du Québec, in the case of proceedings to which the Bureau des examinateurs en tuyauterie, the Bureau des examinateurs électriciens or any of the examiners are parties ;

(2) the Attorney General, in the case of proceedings to which the Bureau d'examineurs des mesureurs de bois is a party ;

(3) the Régie de l'énergie, in the case of proceedings to which the Régie des télécommunications is a party.

49. Proceedings shall be continued

(1) before the Régie du bâtiment du Québec, in the case of proceedings commenced before the Bureau des examinateurs en tuyauterie or the Bureau des examinateurs électriciens ;

(2) before the Minister of Natural Resources, in the case of proceedings commenced before the Bureau d'examineurs des mesureurs de bois ;

(3) before the Régie de l'énergie, in the case of proceedings commenced before the Régie des télécommunications.

50. Paragraph 3 of section 230 and paragraphs 1 and 3 of section 245 of the Building Act (R.S.Q., chapter B-1.1) come into force on (*insert here the date of assent to this Act*).

51. The first paragraph of section 293 of the Building Act comes into force on (*insert here the date of assent to this Act*) to the extent that it applies to the Bureau des examinateurs électriciens and the Bureau des examinateurs en tuyauterie.

52. Any decision or regulation made or approved by the Bureau des examinateurs en tuyauterie or the Bureau des examinateurs électriciens shall continue to have effect until repealed, amended or replaced by a decision or regulation made under the Act respecting piping installations (R.S.Q., chapter I-12.1) or the Act respecting electrical installations (R.S.Q., chapter I-13.01), as the case may be.

53. Any holder of a licence issued by the Bureau d'examineurs des mesureurs de bois is deemed to be the holder of a licence issued by the Minister under the Cullers Act (R.S.Q., chapter M-12.1).

54. In any text, unless the context indicates otherwise,

(1) a reference to the Bureau des examinateurs en tuyauterie, the Bureau des examinateurs électriciens, the board of examining electricians, the Bureau des examinateurs or the board of examiners or to the examiners of such bodies shall be read as a reference to the Régie du bâtiment du Québec;

(2) a reference to the Bureau d'examineurs des mesureurs de bois or to the board of examiners for cullers shall be read as a reference to the Minister of Natural Resources.

55. The records and documents of

(1) the Bureau des examinateurs en tuyauterie and the Bureau des examinateurs électriciens shall become the records and documents of the Régie du bâtiment du Québec;

(2) the Bureau d'examineurs des mesureurs de bois shall become the records and documents of the Minister of Natural Resources;

(3) the Régie des télécommunications shall become the records and documents of the Régie de l'énergie;

(4) the Société québécoise des transports shall become the records and documents of the Minister of Transport;

(5) any legal person referred to in section 45 of this Act shall become the records and documents of the Minister of Transport from the date of liquidation;

(6) the Office des autoroutes du Québec shall become the records and documents of the Minister of Transport.

56. This Act comes into force on (*insert here the date of assent to this Act*), except section 27 and paragraph 4 of section 55 which come into force on 1 April 1998, sections 29 and 30 which come into force on the date or dates of coming into force of the provisions they amend.