

NATIONAL ASSEMBLY

FIRST SESSION

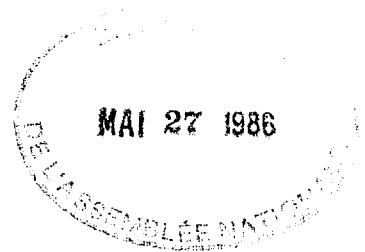
THIRTY-THIRD LEGISLATURE

Bill 65

An Act to amend the Act respecting the Société d'habitation du Québec

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**



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EXPLANATORY NOTES

This bill amends the Act respecting the Société d'habitation du Québec to provide for the administration of the Corporation by a board of directors composed of seven members including the chairman, who is at the same time president and chief executive officer of the Corporation.

Members of the board of directors will be appointed by the Government for not over five years, although the term of a member may be renewed. Only the chairman and vice-chairman will hold office on a full-time basis.

Bill 65

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is replaced by the following section:

“4. The Société d'habitation du Québec is a corporation.

The Corporation enjoys the rights and privileges of a mandatary of the Government.

The property of the Corporation forms part of the public domain, but the performance of its obligations may be levied against its property.

The Corporation binds only itself when it acts in its own name.”

2. Sections 6 and 7 of the said Act are replaced by the following sections:

“6. The affairs of the Corporation are administered by a board of directors composed of seven members appointed by the Government for a term of not over five years.

The Government shall appoint a chairman and a vice-chairman from among the members.

“6.1 Each member of the board of directors remains in office at the expiry of his term until he is replaced or reappointed.

“6.2 The chairman and the vice-chairman shall devote their full time to their official duties.

“6.3 The Government shall fix the salary and the other conditions of employment of the chairman and the vice-chairman.

“7. The members of the board of directors other than the chairman and the vice-chairman receive no remuneration.

Notwithstanding the first paragraph, the Government may fix an expense allowance for the members described there for such purposes as the reimbursement of travel and other expenses incurred to attend sittings of the board of directors and compensation for any loss of salary as a result of attending such sittings.”

3. Section 8 of the said Act is amended by replacing the word “Corporation” in the first line of the first paragraph by the words “board of directors”.

4. Sections 9 to 11 of the said Act are replaced by the following sections:

“9. A majority of the members of the board of directors, including the chairman and the vice-chairman, forms a quorum.

“10. The vice-chairman shall replace the chairman if he is absent, is unable to act or refuses to act.

“11. Any member of the board of directors, other than the chairman, who is absent or unable to act may be replaced by another person designated by the Government to perform the member's duties in his absence or during his inability to act. The person designated to replace the member is entitled to the allowance fixed under section 7 or, if he replaces the vice-chairman, to the salary and allowance determined by the Government.”

5. Section 12 of the said Act is amended by replacing the word “Corporation” in the second line by the words “board of directors”.

6. Section 13 of the said Act is replaced by the following section:

“13. The chairman of the board of directors holds the functions of president and chief executive officer of the Corporation. He shall see that the decisions of the board of directors are carried out and he is responsible for the administration and direction of the Corporation within the scope of its by-laws and policies.”

7. Section 15 of the said Act is amended by replacing the word “Corporation” in the first line by the words “board of directors”.

8. The said Act is amended by inserting, after section 15, the following section:

“**15.1** No deed, document or writing is binding on the Corporation nor may it be attributed to the Corporation unless it is signed by the chairman, the secretary or, in the cases determined by by-law of the Corporation, an employee of the Corporation.

The Corporation may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines.

The Corporation may similarly allow a facsimile of a signature to be engraved, lithographed or printed on documents it determines.

The facsimile must be authenticated by the countersignature of a person authorized by the chairman.”

9. Section 16 of the said Act is amended by inserting, after the word “members” in the first line, the words “of the board of directors”.

10. Section 17 of the said Act is amended by replacing the words “its members” in the third line by the words “the members of the board of directors”.

11. Section 20 of the said Act is amended by replacing the word “Corporation” in the first line by the words “board of directors”.

12. For the purposes of sections 13 to 15,

(1) “Act” means the Act respecting the Société d’habitation du Québec as amended by this Act;

(2) “former Act” means the Act respecting the Société d’habitation du Québec as it existed before (*insert here the date of assent to this Act*).

13. The vice-president of the Société d’habitation du Québec in office on (*insert here the date of assent to this Act*) becomes the vice-chairman of the board of directors of the Corporation under the same conditions of employment until the expiry of the term for which he was appointed under section 6 of the former Act or until he ceases to hold that office, if he does so before the expiry of his term.

14. Every member of the Société d'habitation du Québec appointed under the second paragraph of section 6 of the former Act in office on (*insert here the date of assent to this Act*) becomes a member of the board of directors of the Corporation under the same terms of engagement.

Notwithstanding the foregoing, the Government may appoint a member contemplated in the first paragraph to another office and a person so appointed shall continue to be governed by his terms of engagement as a member of the Société d'habitation du Québec until the expiry of the term for which he was appointed or until he ceases to hold that office, if he does so before the expiry of his term.

The first and second paragraphs apply subject to any agreement entered into between the Government and a person contemplated in the first paragraph.

15. Every member of the Société d'habitation du Québec appointed for an unspecified term under the third paragraph of section 6 of the former Act in office on (*insert here the date of assent to this Act*) becomes a member of the board of directors of the Corporation until he is replaced by a member appointed under section 6 of the Act or until such term as the Government may fix.

Section 7 of the Act applies to a member contemplated in the first paragraph from (*insert here the date of assent to this Act*).

16. This Act comes into force on (*insert here the date of assent to this Act*).