

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1995, chapter 5
AN ACT TO AMEND THE HYDRO-QUÉBEC ACT

Bill 53

Introduced by Mr François Gendron, Minister of Natural Resources
Introduced 21 December 1994
Passage in principle 26 January 1995
Passage 27 January 1995
Assented to 30 January 1995

Coming into force: on the date to be fixed by the Government

– 3 April 1995: ss. 1-9
G.O., 1995, Part 2, p. 1097

Legislation amended:

Hydro-Québec Act (R.S.Q., chapter H-5)



CHAPTER 5

An Act to amend the Hydro-Québec Act

[Assented to 30 January 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. H-5, s. 4,
am.

1. Section 4 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by replacing the first paragraph by the following paragraph:

Board of
directors

“4. The affairs of the Corporation shall be administered by a board of directors composed of not more than sixteen members appointed by the Government for a term not exceeding five years, and of the president and chief executive officer of the Corporation.”

c. H-5, s. 5,
replaced

2. Section 5 of the said Act is replaced by the following section:

Chairman

“5. The Government shall appoint a chairman from among the members of the board of directors.

Duties

The chairman of the board shall preside at meetings of the board and see to its operation. He shall be responsible for relations between the Corporation and the Government and shall assume such other responsibilities as are assigned to him by the board of directors.”

c. H-5, s. 8,
replaced

3. Section 8 of the said Act is replaced by the following section:

President
and chief
executive
officer

“8. The board of directors, with the approval of the Government, shall appoint for a term not exceeding five years a president and chief executive officer who shall hold that office on a full-time basis.

Duties

The president and chief executive officer shall be responsible for the administration and direction of the Corporation within the scope of its by-laws, and he shall assume such other responsibilities as are assigned to him by the board of directors.

President
and chief
executive
officer

If, six months after the expiry of the term of office being terminated, the board of directors has not proceeded with the appointment of the president and chief executive officer, the Government may, after notifying the board of directors, appoint a president and chief executive officer.”

c. H-5, s. 9,
am.

4. Section 9 of the said Act is amended by replacing the words “fix, as the case may be,” in the first line by the words “, where applicable, fix” and by replacing the words “and chief executive officer, the president and chief of operations and” in the third and fourth lines by the words “and of”.

c. H-5,
s. 11.2, am.

5. Section 11.2 of the said Act is amended

(1) by replacing the words “incapacity to act of the chairman and chief executive officer, the president and chief of operations” in the first and second lines of the first paragraph by the words “inability to act of the chairman of the board of directors”;

(2) by striking out the words “and chief executive officer or of the president and chief of operations” in the fourth line of the second paragraph.

Regulation
in force

6. Regulation number 462 respecting the *Règlement sur l'exercice du pouvoir du conseil d'administration d'Hydro-Québec et d'autres mesures administratives s'appliquant à l'entreprise*, approved by Order in Council 355-89 (1989, G.O. 2, 1845), remains in force to the extent that it is consistent with this Act, until it is replaced or repealed.

Term of
office

7. For the purposes of the third paragraph of section 8 of the Hydro-Québec Act, enacted by section 3 of this Act, the first six-month period shall be calculated from the date of coming into force of this Act.

Offices
abolished

8. The offices of chairman of the board of directors and chief executive officer and of president and chief of operations of Hydro-Québec are abolished and the term of office of the holders of those offices shall expire on 3 April 1995.

Severance
allowance

The Corporation may retain the services of either of the holders of those two offices as a member of its personnel. Otherwise it shall pay the severance allowance provided for in their conditions of employment.

Chairman
of the board
of directors

9. For the purposes of section 8 of the Hydro-Québec Act, enacted by section 3 of this Act, the board of directors may appoint the chairman of the board of directors and chief executive officer referred to in the first paragraph of section 8 to the office of president and chief executive officer for the unexpired portion of his term. In such a case, he shall continue to be governed by the conditions of employment that were applicable to him as chairman of the board of directors and chief executive officer.

Coming into
force

10. This Act will come into force on the date to be fixed by the Government.