

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1995, chapter 66

**AN ACT TO AMEND THE ACT RESPECTING
THE MINISTÈRE DU CONSEIL EXÉCUTIF AND
THE ACT RESPECTING THE SOCIÉTÉ DES LOTERIES
DU QUÉBEC**

Bill 111

Introduced by Madam Pauline Marois, Minister of Finance

Introduced 29 November 1995

Passage in principle 7 December 1995

Passage 15 December 1995

Assented to 15 December 1995

Coming into force: 15 December 1995

Legislation amended:

Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30)

Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1)



CHAPTER 66

An Act to amend the Act respecting the Ministère du Conseil exécutif and the Act respecting the Société des loteries du Québec

[Assented to 15 December 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-30, Di-
vision III.1,
added

1. The Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by inserting, after section 3.29, the following division:

“DIVISION III.1

“ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION

Establish-
ment

“3.30 A fund to be known as the assistance fund for independent community action is hereby established for the purpose of financing assistance for independent community action.

Assets and
liabilities

“3.31 The Government shall determine the date on which the fund begins to operate, its assets and liabilities and the nature of the expenses chargeable to it.

Administra-
tion

“3.32 The Prime Minister, or such other minister as the Government designates in accordance with section 9 of the Executive Power Act (chapter E-18), hereinafter referred to as the Minister, is responsible for the administration of this division.

Sums

“3.33 The fund shall be made up of the following sums, except interest:

(1) the sums paid into the fund by the Société des loteries du Québec under section 22.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1);

(2) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of this division;

(3) the advances paid into the fund by the Minister of Finance under the first paragraph of section 3.35;

(4) the sums paid into the fund by a minister out of the appropriations granted for that purpose by Parliament.

Manage-
ment

“3.34 The management of the sums constituting the fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions he designates.

Books of ac-
count

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the Minister shall keep the books of account for and record the financial commitments chargeable to the fund. The Minister shall also certify that such commitments and the payments arising therefrom do not exceed, and are consistent with, the available balances.

Consoli-
dated rev-
enue fund

“3.35 The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Consoli-
dated rev-
enue fund

The Minister of Finance may, conversely, advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any part of the sums constituting the assistance fund for independent community action that is not required for its operation.

Repayment

Any advance paid into a fund is repayable out of that fund.

Financial
assistance

“3.36 The Minister may, as manager of the fund, grant financial assistance directly to community action organizations or pay financial assistance on behalf of government departments to enable them to intensify their community assistance operations.

Financial
assistance

The Minister may also pay financial assistance for the purposes of international humanitarian assistance, to the extent determined by the Government, out of the sums referred to in paragraphs 2, 3 and 4 of section 3.33 and in the second paragraph of section 22.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1).

Sums paid
out of fund

“3.37 The sums required for the following purposes shall be paid out of the fund:

(1) the payment of the sums referred to in section 3.36;

(2) the payment of any expense incurred for the carrying out of the functions entrusted to the Minister by this division, including the payment of the remuneration and the expenses pertaining to the social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund.

Applicable
provisions

“3.38 The provisions of sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 49.6, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

Fiscal year

“3.39 The fiscal year of the fund ends on 31 March.

Sums paid
out of fund

“3.40 Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the assistance fund for independent community action the sums required for the execution of a judgment against the Crown that acquired the authority of *res judicata*.

Annual re-
port

“3.41 The Minister shall table in the National Assembly a report on the operations of the fund for each fiscal year.

Tabling

The Committee on the National Assembly shall designate the Committee that will study the report.”

c. S-13.1,
s. 22.1,
added

2. The Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1) is amended by inserting, after section 22, the following section:

Payment

“22.1 The company shall pay into the assistance fund for independent community action established under Division III.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30), out of the amount by which its consolidated revenue exceeds its consolidated expenditure, an amount equal to 5% of the net profit for the preceding fiscal year from the operation of the State casinos and the management of contributing businesses. The payments shall be made on the dates and to the extent determined by the Government.

Percentage The Government may, for the purposes of independent community action and international humanitarian action, fix, by order, a percentage in addition to the percentage fixed in the first paragraph.”

Effect **3.** Sections 1 and 2 have effect from 1 April 1995.

Coming into
force **4.** This Act comes into force on 15 December 1995.