

1984, chapter 34

**AN ACT RESPECTING THE BUDGETS FOR
RESEARCH AND OFFICE EXPENSES OF THE
MUNICIPAL POLITICAL PARTIES IN MONTRÉAL,
QUÉBEC AND LAVAL**

Bill 95

Introduced by Mr Alain Marcoux, Minister of Municipal Affairs

Introduced 19 June 1984

Passage in principle 19 June 1984

Passage 19 June 1984

Assented to 20 June 1984

Coming into force: 20 June 1984

Acts amended:

Charter of the City of Québec (1929, chapter 95)

Charter of the city of Montréal (1959-60, chapter 102)

Charter of the City of Laval (1965, 1st session, chapter 89)





CHAPTER 34

An Act respecting the budgets for research and office expenses of the municipal political parties in Montréal, Québec and Laval

[Assented to 20 June 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1929, c. 95,
ss.
286b-286f,
added

1. The Charter of the City of Québec (1929, chapter 95) is amended by inserting, after section 286a, the following sections:

Appropriation

“286b. The budget of the city shall include an appropriation for the payment to the authorized parties and to the councillors who are not members thereof, provided they are entitled thereto under sections 286c to 286e, of amounts set aside for the reimbursement of their research and office expenses.

Minimum amount

The appropriation shall be equal to or greater than one-fifteenth of one per cent of the aggregate of the other appropriations provided for in the budget.

“authorized parties”

For the purposes of this section and sections 286c to 286f, the words “authorized parties” have the same meaning as in the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1).

Apportionment

“286c. The amounts referred to in section 286b shall be apportioned as follows:

(1) fifty-one per cent of the amounts shall be set aside for the authorized party having the greatest number of councillors;

(2) ten per cent of the amounts shall be set aside for the authorized party having the second greatest number of councillors, provided the candidates of that party for the office of councillor received at least ten per cent of the votes and at least one of such candidates was elected at the last general election;

(3) five per cent of the amounts shall be set aside for each other authorized party, provided the candidates of that party for the office of councillor received at least ten per cent of the votes and at least one of such candidates was elected at the last general election;

(4) the balance of the amounts shall be set aside for the authorized parties other than the party referred to in paragraph 1 and for the councillors who are not members of any authorized party, in proportion to the ratio between the number of seats held by the members of all the authorized parties other than the party referred to in paragraph 1 and by the councillors who are not members of any authorized party, and the total number of seats, excluding the seats held by members of the party referred to in paragraph 1; the amounts computed under this paragraph in respect of all the councillors of a party are intended for that party and the amounts computed for a councillor who is not a member of any party are intended for that councillor.

Membership
on date of
election

“286d. For the purposes of the apportionment referred to in section 286c for the first full fiscal year following a general election, a councillor is deemed to be a member of the authorized party of which he was a member on the date he was declared elected.

Membership
on 1 January

For the purposes of the apportionment for any other fiscal year, the councillor is deemed to be a member of the party of which he was a member on 1 January of that year.

Reimbur-
sement

“286e. An authorized party, or a councillor who is not a member of such a party, is entitled to be reimbursed by the city, on filing accounts, for the expenses made or incurred by it, or by him, up to the amount of the sums set aside for it, or for him, for research and office purposes.

Approval

In the case of an authorized party, the accounts must be approved by the Leader of the party or, if the Leader is not a member of the council, by such member as he may have authorized in writing for that purpose.

Accounts

The council may determine the minimum content of accounts.

Applicability

“286f. Sections 286b to 286e apply only if there is an authorized party in the city on the date of adoption of the budget.”

1959-60,
c. 102, a.
661.1,
replaced, aa.
661.2-661.5,
added

2. Article 661.1 of the Charter of the city of Montréal (1959-60, chapter 102), enacted by section 9 of chapter 59 of the statutes of 1983, is replaced by the following articles:

Appro-
priation

“661.1 The budget of the city shall include an appropriation for the payment to the authorized parties and to the councillors who are

not members thereof, provided they are entitled thereto under articles 661.2 to 661.4, of amounts set aside for the reimbursement of research and office expenses.

Minimum
amount

The appropriation shall be equal to or greater than one-thirtieth of one per cent of the aggregate of the other appropriations provided for in the budget.

"authorized
parties"

For the purposes of this article and of articles 661.2 to 661.5, the words "authorized parties" have the same meaning as in the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1).

Appor-
tionment

"661.2 The amounts referred to in article 661.1 shall be apportioned as follows:

(1) fifty-one per cent of the amounts shall be set aside for the authorized party having the greatest number of councillors;

(2) ten per cent of the amounts shall be set aside for the authorized party having the second greatest number of councillors, provided the candidates of that party for the office of councillor received at least ten per cent of the votes and at least one of such candidates was elected at the last general election;

(3) five per cent of the amounts shall be set aside for each other authorized party, provided the candidates of that party for the office of councillor received at least ten per cent of the votes and at least one of such candidates was elected at the last general election;

(4) the balance of the amounts shall be set aside for the authorized parties other than the party referred to in paragraph 1 and for the councillors who are not members of any authorized party, in proportion to the ratio between the number of seats held by the members of all the authorized parties other than the party referred to in paragraph 1 and by the councillors who are not members of any authorized party, and the total number of seats, excluding the seats held by members of the party referred to in paragraph 1; the amounts computed under this paragraph in respect of all the councillors of a party are intended for that party and the amounts computed for a councillor who is not a member of any party are intended for that councillor.

Membership
on date of
election

"661.3 For the purposes of the apportionment referred to in article 661.2 for the first full fiscal year following a general election, a councillor is deemed to be a member of the authorized party of which he was a member on the date he was declared elected.

Membership
on 1 January

For the purposes of the apportionment for any other fiscal year, the councillor is deemed to be a member of the party of which he was a member on 1 January of that year.

Reimbursement

“661.4 An authorized party, or a councillor who is not a member of such a party, is entitled to be reimbursed by the city, on filing accounts, for the expenses made or incurred by it, or by him, up to the amount of the sums set aside for it, or for him, for research and office purposes.

Approval

In the case of an authorized party, the accounts shall be approved by the Leader of the party or, if the Leader is not a member of the council, by such member as he may have authorized in writing for that purpose.

Accounts

The council may determine the minimum content of accounts.

Applicability

“661.5 Articles 661.1 to 661.4 apply only if there is an authorized party in the city on the date of adoption of the budget.”

1965 (1st
sess.), c. 89,
s. 28a,
added

3. The Charter of the City of Laval (1965, 1st session, chapter 89) is amended by inserting, after section 28, the following section:

c. C-19, ss.
474.5-474.9,
added

“28a. The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by inserting, after section 474.4, the following sections:

Appropriation

“474.5 The budget of the city shall include an appropriation for the payment to the authorized parties and to the councillors who are not members thereof, provided they are entitled thereto under sections 474.6 to 474.8, of amounts set aside for the reimbursement of research and office expenses.

Minimum amount

The appropriation shall be equal to or greater than one-fifteenth of one per cent of the aggregate of the other appropriations provided for in the budget.

“authorized parties”

For the purposes of this section and of sections 474.6 to 474.9, the words “authorized parties” have the same meaning as in the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1).

Apportionment

“474.6 The amounts referred to in section 474.5 shall be apportioned as follows:

(1) fifty-one per cent of the amounts shall be set aside for the authorized party having the greatest number of councillors;

(2) ten per cent of the amounts shall be set aside for the authorized party having the second greatest number of councillors, provided the candidates of that party for the office of councillor received at least ten per cent of the votes and at least one of such candidates was elected at the last general election;

(3) five per cent of the amounts shall be set aside for each other authorized party, provided the candidates of that party for the office of councillor received at least ten per cent of the votes and at least one of such candidates was elected at the last general election;

(4) the balance of the amounts shall be set aside for the authorized parties other than the party referred to in paragraph 1 and for the councillors who are not members of any authorized party, in proportion to the ratio between the number of seats held by the members of all the authorized parties other than the party referred to in paragraph 1 and by the councillors who are not members of any authorized party, and the total number of seats, excluding the seats held by the members of the party referred to in paragraph 1; the amounts computed under this paragraph in respect of all the councillors of a party are intended for that party and the amounts computed for a councillor who is not a member of any party are intended for that councillor.

Membership
on date of
election

“474.7 For the purposes of the apportionment referred to in section 474.6 for the first full fiscal year following a general election, a councillor is deemed to be a member of the authorized party of which he was a member on the date he was declared elected.

Membership
on 1
January

For the purposes of the apportionment for any other fiscal year, the councillor is deemed to be a member of the party of which he was a member on 1 January of that year.

Reimbur-
sement

“474.8 An authorized party, or a councillor who is not a member of such a party, is entitled to be reimbursed by the city, on filing accounts, for the expenses made or incurred by it, or by him, up to the amount of the sums set aside for it, or for him, for research and office purposes.

Approval

In the case of an authorized party, the accounts must be approved by the Leader of the party or, if the Leader is not a member of the council, by such member as he may have authorized in writing for that purpose.

Accounts

The council may determine the minimum content of accounts.

Applicability

“474.9 Sections 474.5 to 474.8 apply only if there is an authorized party in the city on the date of adoption of the budget.”

Effect

4. This Act has effect from 1 July 1984.

Sums
required

For the purposes of the fiscal year 1984,

(1) the sums required for the application of the provisions added by this Act are taken out of the general fund of the city referred to in such provisions;

(2) the minimum total amount of the sums set aside for payment under such provisions is equal to one-half the minimum amount of the budget appropriations provided for by such provisions;

(3) the city council, not later than 1 September 1984, shall fix the total amount of the sums set aside for payment, failing which the council is deemed to have fixed an amount equal to the minimum amount computed in accordance with paragraph 2;

(4) for the purposes of the apportionment of the sums, a councillor is deemed to be a member of the authorized party of which he was a member on 1 July 1984.

Exception **5.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into force **6.** This Act comes into force on 20 June 1984.