



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 20
(2006, chapter 30)

**An Act to amend the Act respecting
the Ministère de la Culture et
des Communications**

**Introduced 10 May 2006
Passage in principle 26 May 2006
Passage 15 June 2006
Assented to 15 June 2006**

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EXPLANATORY NOTES

This bill establishes the Québec Cultural Heritage Fund, dedicated to providing financial support for measures promoting the conservation and enhancement of significant elements of the Québec's cultural heritage. The bill also includes measures governing the makeup and management of the Fund.

Bill 20

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère de la Culture et des Communications (R.S.Q., chapter M-17.1) is amended by inserting the following chapter after Chapter III:

“CHAPTER III.1

“QUÉBEC CULTURAL HERITAGE FUND

“22.1. A Québec Cultural Heritage Fund is established at the department.

The Fund is dedicated to providing financial support for measures promoting the conservation and enhancement of significant elements of Québec’s cultural heritage, including their restoration, repurposing, bringing up to standards and distribution.

“22.2. The Government sets the date on which the Fund is to begin to operate and determines its assets and liabilities. It also determines the nature of the activities to be financed by the Fund and the nature of the costs that may be charged to it.

“22.3. The Fund is made up of

(1) the sums paid into the Fund by the Minister of Revenue under section 22.5;

(2) the sums paid into the Fund by the Minister of Culture and Communications out of the appropriations granted for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the Fund to further the achievement of the objects of the Fund;

(4) the sums paid into the Fund by the Minister of Finance under sections 22.6 and 22.7; and

(5) the income generated by the investment of the sums making up the Fund.

“22.4. The management of the sums making up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of that Minister and deposited with the financial institutions designated by that Minister.

The Minister of Culture and Communications keeps the books of account of the Fund and records the financial commitments chargeable to it. The Minister also ensures that such commitments and the payments arising from them do not exceed and are consistent with the available balances.

The particulars of the management of the Fund are determined by the Conseil du trésor.

“22.5. On the dates and in the manner determined by the Government, the Minister of Revenue pays into the Fund part of the proceeds of the tobacco tax collected under the Tobacco Tax Act (chapter I-2) for a total amount of \$10,000,000 per year.

“22.6. 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.

Conversely, the Minister of Finance may, subject to the conditions determined by that Minister, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the Fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

“22.7. The Minister of Culture and Communications, as manager of the Fund, may borrow sums from the Minister of Finance out of the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

“22.8. The sums required for the remuneration and the expenses pertaining to employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to Fund-related activities are paid out of the Fund.

“22.9. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the Fund, with the necessary modifications.

“22.10. Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the Québec Cultural Heritage Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

“22.11. The fiscal year of the Fund ends on 31 March.

“22.12. The provisions of this chapter cease to have effect on the date or dates to be set by the Government, which must not precede 1 April 2020.

Any sum remaining in the Fund on the date section 22.1 ceases to have effect is paid into the consolidated revenue fund and is appropriated to the financing of such complementary measures consistent with the objects of the Fund as are determined by the Government, in the manner determined by the Government.”

2. For the fiscal year 2006-2007, the amount of \$10,000,000 in section 22.5 of the Act respecting the Ministère de la Culture et des Communications is replaced by that of \$5,000,000.

3. This Act comes into force on 15 June 2006.

