



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 66
(1996, chapter 66)

An Act to establish a departure incentive management fund

Introduced 13 November 1996
Passage in principle 6 December 1996
Passage 20 December 1996
Assented to 23 December 1996

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EXPLANATORY NOTES

This bill establishes a departure incentive management fund for the financing of the cost of the departure incentive program in effect in the public service.

The bill also contains the rules governing the operation of the fund.

Bill 66

AN ACT TO ESTABLISH A DEPARTURE INCENTIVE MANAGEMENT FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. A departure incentive management fund is hereby established at the Conseil du trésor for the financing of the cost of the departure incentive program in effect in the public service.

2. The fund shall be made up of the following sums, except interest :

(1) the sums paid into the fund by the Minister of Finance pursuant to the first paragraph of section 6 or section 7 ;

(2) the sums paid into the fund by the Minister and taken out of the appropriations granted for that purpose by Parliament.

3. The sums required for the following purposes shall be taken out of the fund :

(1) the payment of departure incentives to public servants pursuant to the Cadre de gestion de la mesure de départ assisté dans la fonction publique, adopted by the Conseil du trésor ;

(2) the payment, to the extent determined by the Government, of the remuneration of and expenditures relating to the employment benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the operations of the fund.

4. The Government shall determine the nature of the costs that may be charged to the fund. It shall also determine the fund's expense averaging period, which may not extend beyond 1 April 2001 or beyond any later date fixed by the Government under section 12.

5. The management of the sums making up 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 designated by him.

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

6. The Minister of Finance may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions he determines, 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 advance paid to a fund is repayable out of that fund.

7. The Minister may, as manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

8. Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

9. The fiscal year of the fund shall end on 31 March.

10. 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 fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.

11. The Government shall designate the Minister who shall be responsible for the administration of this Act.

12. This Act shall have effect from 1 July 1996. It shall cease to have effect on 1 April 2001 or on any later date determined by the Government.

Any surpluses of the fund as of the date this Act ceases to have effect shall be paid into the consolidated revenue fund.

13. This Act comes into force on 23 December 1996.