



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 138
(1997, chapter 54)

**An Act to amend the Act respecting lotteries,
publicity contests and amusement machines**

**Introduced 14 May 1997
Passage in principle 4 June 1997
Passage 12 June 1997
Assented to 19 June 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill amends the Act respecting lotteries, publicity contests and amusement machines to clarify the regulatory powers of the Régie des alcools, des courses et des jeux and those of the Government as regards bingo licences and bingo hall operator's licences.

The bill empowers the board to divide Québec into territories for the issue of licences, to cease issuing licences for a period not exceeding one year, and to determine the maximum number of licences it may issue in each territory. It also sets out the criteria to be considered by the board in issuing bingo licences.

Lastly, the bill authorizes the Government to vary the maximum number of video lottery machines authorized for certain race tracks, and also contains transitional provisions.

Bill 138

AN ACT TO AMEND THE ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by adding, after subparagraph *l* of the first paragraph, the following subparagraph :

“(m) “consultative committee” means a group of persons having an interest in the game of bingo in a given territory, in particular holders of bingo licences in that territory.”

2. Section 20 of the said Act is amended

(1) by replacing subparagraph *h* of the first paragraph by the following subparagraph :

“(h) the determination of criteria for the assignment or redistribution of a bingo licence or a bingo hall operator’s licence the board may issue in each territory subject to a quota;”;

(2) by inserting, after subparagraph *i.1* of the first paragraph, the following subparagraphs :

“(i.2) the determination of the minimum percentage of net profits and the maximum percentage of administrative expenses that the holder of a bingo licence must comply with, which may vary according to territories ;

“(i.3) the determination of the maximum percentage of net profits and the maximum percentage of gross revenues of a bingo that may be collected by the holder of a bingo hall operator’s licence;”;

(3) by inserting, after subparagraph *j* of the first paragraph, the following subparagraph :

“(j.1) the determination of the minimum price that players may be charged for a bingo board, booklet, sheet or card, which price may vary according to territories and according to criteria specified in the rules;”;

(4) by inserting the words “and promotion” after the word “advertising” in subparagraph *k* of the first paragraph ;

(5) by adding, at the end, the following paragraph :

“Any rules made by the board pursuant to subparagraphs *i.2*, *i.3* and *j.1* of the first paragraph are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., chapter R-18.1).”

3. Section 20.1.1 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph :

“The Government may, on the joint recommendation of the Minister of Industry, Trade, Science and Technology, the Minister of Finance and the Minister of Public Security, change the maximum number of video lottery machines authorized for each race track mentioned in the first paragraph.” ;

(2) by replacing the word “second” in the first line of the third paragraph by the word “third” ;

(3) by replacing the words “Agriculture, Fisheries and Food” in the third and fourth lines of the third paragraph by the words “Industry, Trade, Science and Technology”.

4. The said Act is amended by inserting, after section 49, the following section :

“49.0.1. Before issuing a bingo licence, the board must ensure that the charitable or religious purposes pursued by the applicant are consistent with those defined by regulation and that the activities for which a licence is applied for are compatible with the applicant’s constitutive charter or other documents evidencing its existence.

In order to ensure the orderly development of bingo, to maximize profitability for bingo licence holders and to enable the community to derive the greatest possible benefit from bingo proceeds, the board may consider, among other things,

(1) all documents or information establishing the applicant’s need for funds ;

(2) the other fund-raising methods available to the applicant ;

(3) the economic consequences of the issue of the licence applied for on existing licences in the territory concerned ;

(4) the characteristics and specific needs of the territory.

In addition, where a consultative committee has informed the board of its existence, the board must consult the consultative committee.”

5. The said Act is amended by inserting, after section 50, the following sections :

“50.0.1. The board may divide Québec into territories for the issue of bingo licences and bingo hall operator’s licences.

“50.0.2. The board may, to ensure orderly development in the bingo market in Québec or in a particular territory, suspend the issue of bingo licences or bingo hall operator’s licences for a period not exceeding one year, determined by the board. That period may be extended.

At the end of that period, the board may determine the maximum number of bingo licences or bingo hall operator’s licences it may issue in each territory and shall assign or redistribute such licences in accordance with the criteria set out in its rules.”

6. Section 55 of the said Act is amended by replacing the words “49 to 50.1” in the first line by the words “49, 49.1 to 50, 50.1”.

7. Section 119 of the said Act is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph :

“(c) determine the amount of duties for the issue, modification or renewal of a licence or the obtention of an authorization, the fees for the examination of an application for the issue, modification or renewal of a licence or the obtention of an authorization, the fees for the issue of a duplicate and the terms and conditions of payment or reimbursement, which may vary according to the category of licence or authorization, according to factors specified in the regulation or, in the case of a licence relating to video lotteries, according to the number of machines authorized under the licence ;”.

8. The first rule relating to the game of bingo as well as any rule amending the Lottery Scheme Rules made before (*insert here the date occurring 180 days after the date of coming into force of this section*) by the Régie des alcools, des courses et des jeux under section 20 of the Act respecting lotteries, publicity contests and amusement machines, as amended by section 2 of this Act, subject to paragraph 5 of the latter section, are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

The same applies in respect of the first regulation relating to the game of bingo as well as any regulation amending the Lottery Scheme Regulation made before (*insert here the date occurring 180 days after the date of coming into force of this section*) by the Government under section 119 of the said Act, as amended by section 7 of this Act.

9. Any operator of a bingo hall may continue to operate it if an application for the issue of a licence for the operation of a bingo hall is made to the Régie des alcools, des courses et des jeux within 90 days after the coming into force

of the regulation relating to the game of bingo made by the Government under section 119 of the Act respecting lotteries, publicity contests and amusement machines, as amended by section 7 of this Act, until the Régie des alcools, des courses et des jeux makes a decision on the application.

10. This Act comes into force on the date or dates to be fixed by the Government.