



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 93
(2005, chapter 8)

**An Act to amend the Act respecting the
Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation and the Food
Products Act**

**Introduced 7 April 2005
Passage in principle 21 April 2005
Passage 4 May 2005
Assented to 24 May 2005**

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EXPLANATORY NOTES

This bill amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to allow the Minister to take into account requirements related to sustainable development in the exercise of the Minister's powers.

In addition, the bill provides for new rules and clarifies other rules with regard to the reimbursement of property taxes and compensations for municipal services available to agricultural operations. The bill adds an eligibility criterion concerning sustainable development and makes changes in the method of computing the reimbursement, the whole to have effect from 1 January 2005.

Finally, the bill amends the Food Products Act with regard to the issuance of permits for the transport of milk or cream.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);
- Food Products Act (R.S.Q., chapter P-29).

Bill 93

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION AND THE FOOD PRODUCTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by striking out “and see to the implementation of” in the first line of subparagraph 1 of the first paragraph and by adding “, in particular with a view to fostering sustainable development, and see to their implementation” at the end of that subparagraph.

2. Section 23 of the Act is amended by adding “, in particular with a view to fostering sustainable development” at the end.

3. Section 36.1 of the Act is amended by adding the following paragraph:

“(3) “fiscal year” means a municipal fiscal year and the school fiscal year that ends during that fiscal year; the school fiscal year is deemed to begin and end on the same dates as the municipal fiscal year.”

4. Section 36.2 of the Act is amended

(1) by replacing “person who is required to pay them in respect of an” in the fourth line of the first paragraph by “owner or lessee of an immovable that is part of that owner’s or lessee’s”;

(2) by replacing “the time the application for reimbursement is made” in the second line of subparagraph 1 of the first paragraph by “any time during the fiscal year for which an application for reimbursement is made, but only for the part of the fiscal year during which the agricultural operation is registered”;

(3) by replacing “from agricultural products of not less than \$150 per hectare included in the agricultural zone” in the first and second lines of subparagraph 3 of the first paragraph by “of not less than \$8 per \$100 of property assessment with regard to the immovables situated in the agricultural zone and forming part of the agricultural operation”;

(4) by inserting “in the calendar year that ended before the beginning of the fiscal year for which an application for reimbursement is made” after “\$5,000” in the first line of subparagraph 4 of the first paragraph;

(5) by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(5) that, according to the information and documents filed under a regulation made pursuant to section 36.12, is operated in accordance with the provisions of the Environment Quality Act (chapter Q-2) and the regulations thereunder.”;

(6) by replacing “municipal or school fiscal year, as the case may be,” in the second and third lines of the second paragraph by “fiscal year”;

(7) by replacing the third paragraph by the following paragraph:

“An application for a reimbursement of supplemental taxes, including an application for reimbursement of a tax supplement resulting from an alteration to the property assessment roll, must be made in writing and sent to the Minister not later than one year after the demand for the payment of those taxes was sent.”;

(8) by adding “with regard to the fiscal year for which the application is made” at the end of the fourth paragraph.

5. Section 36.3 of the Act is amended

(1) by inserting “for each unit of assessment” after “computed” in the first line of the second paragraph;

(2) by replacing “in respect” in the sixth line of the second paragraph by “for the pro rata computation”;

(3) by adding “, subject to the limit imposed by section 231.3 of the Act respecting municipal taxation (chapter F-2.1)” at the end of the second paragraph.

6. Section 36.4 of the Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following:

“(2) where the amount of property taxes and compensations qualified for reimbursement is greater than \$300 and the value per hectare of the land situated in the agricultural zone and forming a part of the agricultural operation does not exceed \$1,500, the Minister shall reimburse an amount corresponding to the result obtained by adding the following amounts:

(a) \$300;

(b) 70% of the amount of the property taxes and compensations qualified for reimbursement that exceeds \$300;

(2.1) where the amount of property taxes and compensations qualified for reimbursement is greater than \$300 and the value per hectare of the land referred to in subparagraph 2 is greater than \$1,500, the Minister shall reimburse an amount corresponding to the result obtained by adding the following amounts:

(a) \$300;

(b) 70% of the amount of the school property taxes, the municipal property taxes attributable to buildings and the compensations qualified for reimbursement;

(c) 70% of the amount obtained by multiplying the amount of the municipal property taxes qualified for reimbursement and attributable to the land that exceeds \$300 by the quotient obtained by dividing \$1,500 by the value per hectare of the land; and

(d) 85% of the amount obtained by multiplying the amount of the municipal property taxes qualified for reimbursement and attributable to the land that exceeds \$300 by the quotient obtained by dividing the value per hectare of the land that is greater than \$1,500 by the value per hectare of the land.

As of 1 January 2006, the amount of \$1,500 provided for in the first paragraph shall be indexed on 1 January of each year on the basis of the percentage increase, in relation to the previous year, in the Consumer Price Index for Canada as published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19). For that purpose, the Consumer Price Index for a year is the average index for the 12 months ending on 31 December of the preceding year.

Where the annual average or the percentage computed under the second paragraph or the result thus indexed has more than two decimal places, only the first two are kept. The second decimal place is rounded up if the third decimal place is equal to or greater than 5.

The Minister shall cause the applicable amount to be published in the *Gazette officielle du Québec*.”;

(2) by replacing “hectare” in the sixth line of the second paragraph by “\$100 of property assessment”.

7. Sections 36.8 to 36.11 of the Act are repealed.

8. Section 36.13 of the Act is amended by inserting “du premier alinéa” after “4” in the third line of the French text.

9. Section 10 of the Food Products Act (R.S.Q., chapter P-29) is amended by inserting “or a permit for the transport of milk or cream referred to in subparagraphs *k.1* and *k.2* respectively of the first paragraph of section 9” after “permit” in the first line of the fifth paragraph.

10. For the purposes of subparagraph 3 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, amended by section 4 of this Act, the minimum average gross revenue that an agricultural operation must produce during the calendar year ending before the beginning of the 2005 fiscal year is \$6 per \$100 of property assessment with regard to the immovables situated in the agricultural zone and forming part of the agricultural operation, provided it is demonstrated to the Minister that the necessary measures have been taken to develop the property so as to reach, during the calendar year ending before the beginning of the 2006 fiscal year, the minimum average gross revenue of \$8 per \$100 of property assessment.

11. For the purposes of the reimbursement of property taxes and compensations, and until the coming into force of the amendment to be made for the purposes of subparagraph 5 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations enacted by Order in Council 340-97 (1997, G.O. 2, 1275), the following persons are deemed to have satisfied the requirements of that subparagraph:

(1) a person that, upon filing the application for a reimbursement, has already submitted to the Minister of Sustainable Development, Environment and Parks, with regard to the person's agricultural operation, the phosphorus report provided for in the Agricultural Operations Regulation enacted by Order in Council 695-2002 (2002, G.O. 2, 2643), and has enclosed with the application a copy of the acknowledgement of receipt of the phosphorus report issued by the Minister of Sustainable Development, Environment and Parks or, failing this, another document proving that the report has been submitted;

(2) a person that was not subject to the obligation to file a phosphorus report under section 49 of the Agricultural Operations Regulation and has enclosed a statement to this effect with the application for reimbursement.

12. Sections 3 to 6, 10 and 11 have effect from 1 January 2005, and apply to every school fiscal year as of the 2004-2005 school fiscal year, and to every municipal fiscal year as of the 2005 municipal fiscal year.

13. This Act comes into force on 24 May 2005.

