

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 43

An Act to amend the Agriculture Department Act

First reading
Second reading
Third reading



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Ministre de l'agriculture

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill establishes a programme of assistance to tourist development. The object of the programme is to increase revenues from tourism in Québec by improving the product and enhancing its specific cultural content.

Financial assistance will be given, in the order of priority established by regulation, to businesses that have as their main function the provision of tourist services for consumption in Québec, situated at, or within or along, resorts, centres of attraction, zones, tours, tourist routes and stopover towns determined by regulation.

Financial assistance is granted by the Société de développement industriel du Québec either as a guarantee to pay all or part of a financial commitment of a company, as a loan to a company that cannot otherwise obtain a loan or as the assumption of part of the borrowing costs of a business.

Where a loan is granted to a business by the Corporation or security for a loan is granted to a business by a savings and credit union or a chartered bank, the repayment of any losses entailed is ensured to the lender by a tourist loan insurance scheme.

EXPLANATORY NOTES

The main object of this bill is to enable the Ministre de l'agriculture to establish an arable land bank, for the purpose of alienating or leasing such land so as to promote the succession of the younger generation in agriculture, the enlargement or consolidation of family farms and the operation of unused or underused arable land.

The bill provides that the Government, on the conditions it determines, will be able to entrust the administration of the arable land bank to a public agency designated by it. This bill entitles that agency to raise loans with the prior authorization of the Government.

It also provides that the Government may authorize the Ministre des finances to advance the amounts necessary for the acquisition of immoveables and the carrying out of improvement and development works on such immoveables. It also authorizes the Ministre des finances to pay the sums required to cover losses resulting from operations under the proposed new division.

Sec. 1. *The amendments proposed by this section introduce entirely new law.*

Sec. 2. *Sections 32 to 41 proposed by section 2 of the bill introduce entirely new law.*

Bill 43

An Act to amend the Agriculture Department Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 29 of the Agriculture Department Act (Revised Statutes, 1964, chapter 101), replaced by section 12 of chapter 16 of the statutes of 1969, is amended by adding at the end the following paragraphs:

“For such purposes, the Minister may, in particular, acquire any immovable held pursuant to a location ticket issued under the authority of the Colonization Land Sales Act (Revised Statutes, 1964, chapter 102), and, from such acquisition, that location ticket is cancelled of right and the cancellation has the same effect as if it had been made by the Minister under Division IV of that act. From that acquisition, such an immovable is no longer subject to that act. This paragraph has effect from 22 December 1969.

He may also, by a notice, exempt from the regime of the Colonization Land Sales Act a lot not held under a location ticket or an occupation licence, to bring it under a programme adopted pursuant to this division or place it in the arable land bank established under Division VII. He may also, where he deems it appropriate, exempt a lot from such a programme to place it in the arable land bank, or exempt a lot from the arable land bank to bring it under such a programme.”

2. The said act is amended by adding at the end the following division, heading and sections:

“DIVISION VII

“ESTABLISHMENT OF AN ARABLE LAND BANK

“32. The Minister, without restriction to his powers under Division VI, may establish an arable land bank for the purpose of alienating or leasing arable land so as to promote the succession of the younger generation in agriculture, the enlargement or consolidation of family farms and the operation of unused or underused arable land.

For these purposes, the Minister may

(1) acquire any immovable at such price and on such conditions as are fixed in accordance with the regulations;

(2) carry out or cause the carrying out of maintenance, improvement or development works on any such immovable;

(3) lease, sell or otherwise alienate by onerous title such an immovable at such price and on such conditions as are fixed in accordance with the regulations;

(4) enter into agreement with any government or agency and with any person, association, partnership or corporation.

Notwithstanding the second paragraph, the Minister may, in the cases provided for by regulation, alienate the whole or part of an immovable contemplated in the said paragraph for purposes other than those listed in the first paragraph, at such price and on such conditions as are fixed in accordance with the regulations.

The third paragraph of section 29 applies to this division.

“33. The Lieutenant-Governor in Council may, on the conditions he determines, entrust the administration of this division to a public agency designated by him. For that purpose, the designated agency exercises, on behalf of the Minister, the powers conferred on him under subparagraphs 1, 2 and 3 of the second paragraph of section 32, and under the second and third paragraphs of that section.

Notwithstanding any contrary provision in the constituent act of the designated agency, it may, for the purposes of this division and with the prior approval of the Lieutenant-Governor in Council raise loans by way of promissory notes, bonds or other securities, on the terms and conditions determined by the Lieutenant-Governor in Council.

For the purposes of this division, “public agency” means an agency to which the Government or a minister, appoints the

majority of the members to which, by law, the staff is appointed and remunerated in accordance with the Civil Service Act (1978, chapter 15), or over half of whose capital stock is derived from the consolidated revenue fund.

“34. Property that the designated agency acquires or owns on behalf of the Minister under this division forms part of the public domain, but the performance of the obligations the designated agency contracts for those purposes may be levied against that property.

The designated agency binds none but itself when it acts in its own name.

[**“35.** The Lieutenant-Governor in Council, under such terms and conditions as he determines, may authorize the Ministre des finances to constitute, for the benefit of the agency designated under section 33, a working fund not exceeding two hundred thousand dollars for the disbursements necessary for the administration, protection and maintenance of any immoveable acquired or owned by the designated agency on behalf of the Minister under this division, and for the disbursements necessary for the protection of any debt resulting from a sale or a lease made in accordance with this division.

The amounts necessary for the establishment of the working fund are taken out of the consolidated revenue fund.

Notwithstanding section 38, the sums received as recovery of disbursements made for the purposes provided for in the first paragraph are paid into the working fund.]]

“36. The Lieutenant-Governor in Council may, by regulation, prescribe

(1) the general bases of assessment of the immoveables to be acquired or alienated under this division;

(2) the criteria enabling the fixing of the price of acquisition or alienation, or the cost of the rent of such immoveables;

(3) the conditions that must be included in deeds of acquisition or alienation and in leases;

(4) the documents, reports and information to be produced or furnished for the purposes of this division and the period within which they must be produced or furnished;

(5) the cases where an immoveable may be alienated, in whole or in part, in accordance with the third paragraph of section 32, and the criteria enabling the fixing of the price of alienation of such an immoveable.

“37. The Lieutenant-Governor in Council, for the period of time and under any other conditions he determines, may authorize the Ministre des finances to advance to the agency designated under section 33 any amount deemed necessary for

(1) the acquisition of an immovable contemplated in subparagraph 1 of the second paragraph of section 32;

(2) the carrying out of improvement and development works on such an immovable.

The sums that the Ministre des finances may be called on to advance under the first paragraph are taken out of the consolidated revenue fund.

[[**“38.** The interest, rents or charges received in the application of this division are allocated first to the payment of the interest due on any loan made in the private market, then to any advance made by the Ministre des finances under section 37 and, finally, to the purposes provided for in the second paragraph.

The principal sums received in the application of this division are allocated, first, to the repayment of any loan made in the private market for the purposes of section 37, secondly, to the constitution of a sinking fund authorized by the Lieutenant-Governor in Council, who shall fix the conditions thereof, then, to the repayment of any advance made by the Ministre des finances under section 37 and, finally, to the payment of interest in the order provided in the first paragraph.

Any remainder of the whole amount is paid into the consolidated revenue fund.]]

“39. The Ministre des finances is authorized to make up, for each fiscal period, out of the consolidated revenue fund, the deficit representing the net result of the aggregate of

(a) the difference between the sums due as interest on any loan made in the private market or as an advance received from the Ministre des finances for the purposes of section 37, and the sums received as revenues from interest, rents or charges in conformity with the first paragraph of section 38;

(b) the sums required to cover the net loss for each fiscal period resulting from operations effected under this division.

“40. The agency designated under section 33 must, each year, have a plan approved by the Lieutenant-Governor in Council respecting the acquisition, improvement, development and financing of the immovables contemplated in this division.

The Lieutenant-Governor in Council shall determine the form and content of such plan and the time when it must be presented.

[[**41.** The sums required for the carrying out of this division are taken, for the fiscal period 1979/1980, out of the consolidated revenue fund.]]

3. This act comes into force on the day of its sanction.

(p) determine the expenses the repayment of which is insured pursuant to section 16 and the method of computing the net loss contemplated in the said section and prescribe the conditions that must be complied with by a lender other than the Corporation for the filing of a claim under section 27.

The regulations made pursuant to this section shall come into force on the date of their publication in the *Gazette officielle du Québec* or any other date fixed therein.

DIVISION VII

FINAL PROVISIONS

[[**38.** The sums necessary for the application of this act, with the exception of those required under sections 16 to 36, are paid, for the fiscal period 1979/1980, out of the consolidated revenue fund and for subsequent fiscal periods, out of the moneys voted each year by the Legislature for that purpose.]]

39. The Ministre du tourisme, de la chasse et de la pêche is entrusted with the carrying out of this act.

40. This act will come into force on the date to be fixed by proclamation of the Government, except the sections excluded by such proclamation, which will come into force, in whole or in part, on any later date to be fixed by proclamation of the Government.