

NATIONAL ASSEMBLY

SECOND SESSION

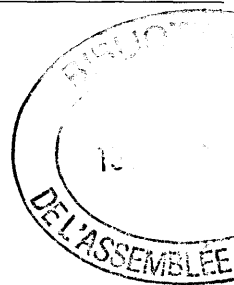
THIRTY-FIFTH LEGISLATURE

Bill 396

An Act respecting the Société de développement du cheval au Québec

Introduction

**Introduced by
Mr Gilles Baril
Member for Berthier**



**Québec Official Publisher
1998**

EXPLANATORY NOTES

The object of this bill is to establish a new administrative framework for the Société de promotion de l'industrie des courses de chevaux (SPICC) inc., whose name is to be replaced by "Société de développement du cheval au Québec".

The bill provides that the Société will be composed of members from the horseracing industry, namely the owners, breeders, trainers and drivers of racehorses.

The bill also proposes the establishment of a committee to be known as the members' committee which will elect the board of directors of the Société.

Lastly, the bill includes provisions of a transitional nature.

LEGISLATION AMENDED BY THIS BILL :

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

Bill 396

AN ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DU CHEVAL AU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The name of the Société de promotion de l'industrie des courses de chevaux (SPICC) inc., incorporated by letters patent issued on 10 December 1993 under Part III of the Companies Act (R.S.Q., chapter C-38), is changed to the name "Société de développement du cheval au Québec". The Inspector General of Financial Institutions shall deposit a notice of change of the Société's name in the register of sole proprietorships, partnerships and legal persons.

2. Subject to such admission formalities as may be prescribed in the by-laws of the Société, the following persons are members of the Société and shall elect the members of the committee established under section 4 who are to serve as elected members:

(1) every racehorse owner and every holder of shares representing at least one unit, provided that the person is the holder of an owner's licence issued pursuant to the Act respecting racing (R.S.Q., chapter C-72.1) and that at least one of the horses owned by the person has, in the year preceding the person's application for membership or renewal of membership, taken part in an official race authorized under that Act;

(2) every racehorse breeder, provided the breeder is the holder of an owner's licence issued pursuant to the Act respecting racing and that each mare or stallion owned by the breeder or in respect of which the breeder holds shares representing at least one unit is registered for breeding purposes with the Société or a body recognized by the Société for such purpose and has produced at least one descendant in the calendar year preceding the breeder's application for membership or renewal of membership;

(3) every racehorse trainer, provided the trainer is the holder of a trainer's licence issued pursuant to the Act respecting racing and has trained at least five racehorses in the course of the year preceding the trainer's application for membership or renewal of membership;

(4) every racehorse driver, provided the driver is the holder of a driver's licence issued pursuant to the Act respecting racing and has, in the course of the year preceding the driver's application for membership or renewal of membership, taken part in at least fifty official races authorized under that Act.

Conditions different from the conditions set out in subparagraphs 1 to 4 in respect of the owners, breeders, trainers and drivers of horses other than Thoroughbreds and Quarter Horses may be established by government regulation.

3. No person may be a member of the Société in more than one capacity.

4. A members' committee to be known as the "Comité des membres" is hereby established to elect the directors of the Société subject to the conditions provided in section 8.

The members' committee shall be composed of

(1) twenty-two members elected for a term of four years as follows:

(a) seven members shall be elected by and from among the members of the Société who are Standardbred owners, a total of at least four of whom shall be from each of the regions defined in the schedule to the Regulation respecting betting houses made by Order in Council 1209-93 (G.O. 2, 5124);

(b) nine members shall be elected by and from among the members of the Société who are Standardbred breeders, a total of at least four of whom shall be from each of the regions defined in the schedule to the regulation mentioned in subparagraph *a*;

(c) three members shall be elected by and from among the members of the Société who are racehorse trainers, at least one of whom shall be from outside the regions defined in paragraph 1 of the schedule to the regulation mentioned in subparagraph *a*;

(d) one member shall be elected by and from among the members of the Société who are racehorse drivers;

(e) one member shall be elected by and from among the members of the Société who are Thoroughbred owners or breeders;

(f) one member shall be elected by and from among the members of the Société who are Quarter Horse owners or breeders;

(2) the president of the Société des propriétaires et éleveurs de chevaux Standardbred du Québec inc., the president of the Association canadienne des conducteurs amateurs Standardbred inc., the president of the Association Trot et Amble du Québec, the president of the Circuit régional des courses de chevaux du Québec (C.R.C.C.Q.) and a person designated jointly by the associations of Thoroughbred and Quarter Horse owners and breeders;

(3) eight members, known as "associate members", chosen by reason of their expertise, of whom five shall be appointed by the Minister and the

remaining three by such five members. Of the three members so appointed, at least two must be chosen from among the members referred to in paragraph 1. The term of an associate member is not limited.

5. Where the members' committee is of the opinion that a body mentioned in subparagraph 2 of the second paragraph of section 4 is no longer representative of the community concerned, the members' committee may replace the body by any other body that, in its opinion, is representative of that community.

6. For the purposes of elections under subparagraph 1 of the second paragraph of section 4, the votes may be cast by mail.

The polling procedure shall be determined in a by-law by the Société. Failing a by-law, the procedure provided for in sections 67 to 74 of the Professional Code (R.S.Q., chapter C-26), adapted as required, shall apply to the poll.

7. Any vacancy in an elective position on the members' committee shall be filled, for the unexpired portion of the term, by the board of directors of the Société, subject to the requirements complied with for the election of the member concerned.

Any vacancy in the position of associate member shall be filled by the other associate members in accordance with the following rule: the first position to become vacant shall be filled from among the persons who are serving or have served as elected members of the members' committee; the next position that becomes vacant may be filled from among persons other than the abovementioned persons, and so forth for subsequent vacancies.

For the purposes of this section, a by-law of the Société may provide for the cases and circumstances in which a position becomes vacant.

8. The board of directors of the Société shall be composed of nine directors elected for a term of four years as follows:

(1) five directors, one of whom shall be a Thoroughbred or Quarter Horse owner or breeder, shall be elected by the members' committee from among its elected members;

(2) four directors shall be elected by and from among the associate members of the members' committee.

Any vacancy on the member's committee shall be filled, for the unexpired portion of the term, by the board of directors, subject to the requirements complied with for the election of the member concerned.

9. The Société may not alienate the immovable described in the deed of sale executed before André Auclair, notary, on 28 May 1998 under No. 26306

of his minutes and published on 2 June 1998 at the registry office of the registration division of Montréal under No. 5013802 or encumber it with rights, except with the authorization of the Government and in accordance with the terms and conditions determined by the Government.

10. If the Société is dissolved, its property shall, after payment of its debts, devolve to the State. The Government may, however, transfer all or part of the property to a legal person whose objectives coincide with those of the Société.

11. The first members' committee must be established before the 180th day preceding the expiry of the term of the directors referred to in section 12, and the term of the elected members mentioned hereinafter will be established as follows:

(1) of the seven members of the committee elected from among Standardbred owners, the three who receive the greatest number of votes shall serve for four years and the remaining four members shall serve for three years;

(2) of the nine members of the committee elected from among Standardbred breeders, the four who receive the greatest number of votes shall serve for four years and the remaining five members shall serve for two years;

(3) of the three members of the committee elected from among racehorse trainers, the two who receive the greatest number of votes shall serve for four years and the remaining member shall serve for two years.

12. For the first two years following the coming into force of this Act, the affairs of the Société shall be administered by a board of directors composed of

(1) the directors of the Société de promotion de l'industrie des courses de chevaux (SPICC) inc. in office on *(insert here the date of the day preceding the day on which this Act comes into force)*;

(2) six other directors appointed by the Minister.

The directors shall remain in office, notwithstanding the expiry of their term, until the first election held under section 8. Any vacancy on the board shall be filled by the Minister for the unexpired portion of the term of the director to be replaced.

13. The term of office of the directors elected at the first election held under section 8 shall be established as follows:

(1) of the five directors elected under subparagraph 1 of the first paragraph of section 8, the three directors who receive the greatest number of votes shall serve for four years and the remaining two directors shall serve for two years;

(2) of the four directors elected under subparagraph 2 of the first paragraph of section 8, the two directors who receive the greatest number of votes shall serve for four years and the remaining two directors shall serve for two years.

14. The provisions of this Act prevail over any incompatible provision of the Companies Act applicable to the Société and over any incompatible provision of its letters patent and by-laws.

15. The Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by replacing "Société de promotion de l'industrie des courses de chevaux (SPICC) inc." in sections 21.6 and 21.7 by "Société de développement du cheval au Québec".

16. The Government shall designate the minister responsible for the administration of this Act.

17. This Act comes into force on (*insert here the date of assent to this Act*).