

1995, chapter 68

**AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE
DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION
AND OTHER LEGISLATIVE PROVISIONS WITH RESPECT
TO THE HORSE RACING INDUSTRY**

Bill 114

Introduced by Mr Marcel Landry, Minister of Agriculture, Fisheries and Food

Introduced 30 November 1995

Passage in principle 6 December 1995

Passage 14 December 1995

Assented to 15 December 1995

Coming into force: 1 January 1996

Legislation amended:

Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6)

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

Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)





CHAPTER 68

An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and other legislative provisions with respect to the horse racing industry

[Assented to 15 December 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-14,
ss. 21.1-
21.12,
added

1. The Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by inserting, after section 21, the following division:

“DIVISION IV.1

“HORSE-RACING INDUSTRY FUND

Establish-
ment

“21.1 A fund called the “horse-racing industry fund” is hereby established for the purpose of providing support to the horse racing industry.

Operation

“21.2 The Government shall determine the date on which the fund begins to operate, its assets and liabilities and the nature of the costs that may be charged to the fund.

Sums

“21.3 The fund shall be made up of the following sums except interest:

(1) the sums paid by the Minister of Revenue pursuant to section 540.1 of the Act respecting the Québec sales tax (chapter T-0.1);

(2) the gifts, legacies and other contributions paid to further the achievement of the objects of this division;

(3) the advances paid by the Minister of Finance pursuant to the first paragraph of section 21.5;

(4) the sums paid by the Minister out of the appropriations allocated for that purpose by Parliament.

Management

“21.4 The management of the sums paid into 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 he designates.

Books of account

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the books of account for the fund and the records of the financial commitments chargeable to the fund shall be kept by the Minister. He shall also certify that such commitments and the payments arising therefrom do not exceed, and are consistent with, the available balances.

Consolidated revenue fund

“21.5 The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Consolidated revenue fund

The Minister may, conversely, advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any part of the sums constituting the horse-racing industry fund that is not required for its operation.

Advanced sums

Any advance paid into a fund shall be repayable out of that fund.

Payment

“21.6 The Minister shall pay sums out of the fund to the Société de promotion de l'industrie des courses de chevaux (SPICC) inc. , to the holders of a racing licence referred to in the Act respecting racing (chapter C-72.1) and, where applicable, to the holders of a race track licence referred to in that Act.

Government order

“21.7 The Government shall determine, by order,

(1) the rate of apportionment of the sums between the Société de promotion de l'industrie des courses de chevaux (SPICC) inc. and the holders of a licence;

(2) the dates and the terms of payment;

(3) the conditions subject to which the payments are made.

Payments

“21.8 The payments made to a licence holder are established by applying the rate determined for all holders of a racing licence to the amount of tax on the *pari mutuel* referred to in Title IV of the Act respecting the Québec sales tax collected by the holder of a racing licence.

Payments

Where the racing licence and the race track licence are not held by the same person, the payments may be made to the holder of the racing licence and to the holder of the race track licence, according to the proportion determined by the Minister. Before doing so, the Minister shall give each licence holder an opportunity to present his observations within the time he indicates.

Surpluses

“21.9 All surpluses accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

Provisions applicable

“21.10 Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 49.6, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

Fiscal year

“21.11 The fiscal year of the fund ends on 31 March.

Execution of judgment

“21.12 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 horse-racing industry fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.”

c. T-0.1,
s. 540.1,
added

2. The Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by inserting, after section 540, the following section:

Proceeds

“540.1 The Minister shall pay to the horse-racing industry fund established by Division IV.1 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) the proceeds of the tax on the *pari mutuel* collected under this title.

Payments

The payments shall be made on the dates and according to the terms and conditions determined by the Government.”

Proceeds

3. For the fiscal year 1995-96, the Minister of Revenue shall pay to the horse-racing industry fund the proceeds of the tax on the *pari mutuel* collected under Title IV of the Act respecting the Québec sales tax, up to the sum of

(1) an amount equal to 25% of the proceeds of the tax on the *pari mutuel* collected between 1 January 1996 and 31 March 1996; and

(2) an amount equal to the balance of the subsidy that may be paid for the fiscal year 1995-96 to the Société de promotion de l’industrie des courses de chevaux (SPICC) inc. under Order in Council 666-94 (1994, G.O. 2, 2764).

Payments The payments shall be made on the dates, to the extent and according to the terms and conditions determined by the Government.

c. L-6,
s. 20.1.1,
added **4.** The Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by inserting, after section 20.1, the following section:

Maximum
number of
video lot-
tery ma-
chines **“20.1.1** Notwithstanding the maximum number of video lottery machines determined by the board under its rules, the holders of a site operator’s licence who also hold a racing licence or a class “A” or class “B” race track licence issued under the Act respecting racing (chapter C-72.1) may be authorized to hold the following maximum number of video lottery machines:

- 125 machines at the Montréal race track;
- 100 machines at the Québec race track;
- 50 machines at the Trois-Rivières race track.

Class “A”
or class “B”
race tracks The board may designate other class “A” or class “B” race tracks and determine, for each one, the maximum number of video lottery machines that may be authorized.

Govern-
ment ap-
proval The exercise by the board of the powers referred to in the second paragraph is subject to government approval. The Government shall be seized of the matter on the joint recommendation of the Minister of Agriculture, Fisheries and Food, the Minister of Finance and the Minister of Public Security.

Location of
machines The machines must be placed in an area for which the holder of the racing licence or the race track licence holds a bar permit. The machines may be placed in several such areas. However, only one such area may contain a number of machines that is greater than the maximum number determined by the board under its rules.

Site
operator’s
licence A site operator’s licence for the Montréal, Québec or Trois-Rivières race track, or for any other race track designated under this section, may be issued only to the holder of a racing licence or race track licence.”

Coming into
force **5.** This Act comes into force on 1 January 1996.