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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FOURTH LEGISLATURE

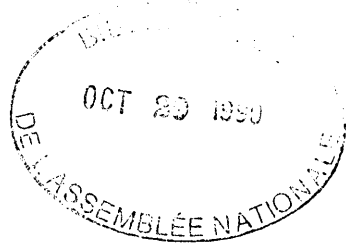
Bill 87

## **An Act respecting assistance for the development of cooperatives**

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### **Introduction**

**Introduced by  
Mr Gérald Tremblay  
Minister of Industry, Trade and Technology**



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## EXPLANATORY NOTES

*The object of this bill is to allow a reorganization of the assistance offered to cooperative undertakings. To that end, the bill provides that the mandate of the Société de développement des coopératives will be assumed by the Société de développement industriel du Québec and the Minister of Industry, Trade and Technology.*

*It also provides rules and procedures relating to the filing and examination of applications for and the authorization and payment of financial assistance.*

*Finally, the bill repeals the Act respecting the Société de développement des coopératives and proposes transitional provisions concerning, in particular, the management of the financial assistance already granted by the Société and the transfer of its personnel to the Société de développement industriel du Québec or to the Ministère de l'Industrie, du Commerce et de la Technologie.*

### ACT AMENDED BY THIS BILL:

– Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01)

### ACT REPEALED BY THIS BILL:

– Act respecting the Société de développement des coopératives (R.S.Q., chapter S-10.001)

# Bill 87

## **An Act respecting assistance for the development of cooperatives**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### SCOPE

**1.** The objective of this Act is to foster the creation, maintenance and development of cooperative undertakings by granting financial or technical assistance that fosters greater participation by the population in economic activities and the economic development of the regions.

**2.** For the purposes of this Act, “cooperative undertaking” means a cooperative or a federation or confederation of cooperatives governed by the Cooperatives Act (R.S.Q., chapter C-67.2).

### CHAPTER II

#### FINANCIAL AND TECHNICAL ASSISTANCE

**3.** The Government may establish any program of financial or technical assistance for the purposes of this Act.

**4.** Financial assistance may be in any of the following forms:

(1) a guarantee of repayment of all or a part of a financial commitment;

(2) a guarantee of redemption of all or some of the preferred shares of a cooperative undertaking;

(3) an assumption of liability for part or the whole of the interest on the loans or on the preferred shares of a cooperative undertaking;

(4) a loan;

(5) a partial exemption from repayment of a loan;

(6) an acquisition of preferred shares of a cooperative undertaking;

(7) any other form of assistance determined by the Government.

### CHAPTER III

#### ADMINISTRATION

**5.** Subject to section 12, the Société de développement industriel du Québec, incorporated under the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01), shall administer any program of financial assistance established pursuant to this Act. It shall advise undertakings on their financing.

It shall also carry out any other mandate entrusted to it by the Government.

**6.** The Minister may grant any technical assistance required by an undertaking to carry out its project.

**7.** Any cooperative undertaking wishing to obtain financial assistance must make an application therefor to the Corporation in the form determined by the Minister.

**8.** Applications for financial assistance must be accompanied with the required documents and the information prescribed by the Minister.

**9.** The Minister shall determine whether the application is eligible for the program of assistance and shall assess the advisability of granting assistance.

The Minister shall transmit to the Corporation the result of his examination and assessment.

**10.** The Corporation, after ascertaining that the undertaking has financial prospects allowing it to fulfill its commitments, and that its management has the competence required to achieve its objectives, and after verifying the financial viability of the project, shall determine the form and amount of assistance that may be granted.

The Corporation shall submit its recommendations to the Minister.

**11.** Financial assistance is granted by a decision of the Minister, with the prior authorization of and subject to the conditions determined by the Government.

However, the Minister may, subject to the conditions he determines, grant assistance without such authorization in such cases as may be determined by the Government.

**12.** Authorized financial assistance shall be paid to the undertaking by the Corporation. However, where the assistance is in the form of an assumption of liability for interest, the financial assistance shall be paid by the Minister.

## CHAPTER IV

### TRANSITIONAL AND FINAL PROVISIONS

**13.** The Société de développement industriel du Québec acquires the rights and shall assume the obligations of the Société de développement des coopératives.

**14.** The rights and obligations arising from assistance granted by the Société de développement des coopératives before (*insert here the date of coming into force of section 13*) in the form of assumption of liability for interest shall be assumed by the Minister.

**15.** The members of the personnel of the Société de développement des coopératives who, under the Règlement sur les effectifs ainsi que sur la nomination et la rémunération des employés de la Société de développement des coopératives (C.T. 158658, dated 8 October 1985, 117 G.O. 2, 6631) as amended, have permanent status and are in office on (*insert here the date preceding the date of the coming into force of this section*), become, in accordance with the terms and conditions determined by the Conseil du trésor, permanent members of the personnel of the Ministère de l'Industrie, du Commerce et de la Technologie or of the Société de développement industriel du Québec and are, from that date, deemed to be appointed and remunerated under the Public Service Act (R.S.Q., chapter F-3.1.1).

**16.** The immovable situated at 430, chemin Ste-Foy, Québec, described in Schedule I and belonging to the Société de

développement des coopératives, becomes the property of the Société immobilière du Québec, incorporated under the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1).

**17.** The Act to authorize municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39) does not apply to the transfer provided for by section 16.

**18.** The rights and obligations arising from the leases in force on immovables leased by the Société de développement des coopératives are transferred to the Société immobilière du Québec.

**19.** All movable property, records, documents and archives of the Société de développement des coopératives become the movable property, records, documents and archives of the Société de développement industriel du Québec or of the Ministère de l'Industrie, du Commerce et de la Technologie, as determined by the Minister.

**20.** Proceedings to which the Société de développement des coopératives is a party are continued without continuance of suit by the Société de développement industriel du Québec or by the Minister, according to the rights acquired and the obligations assumed by each.

**21.** From (*insert here the date of coming into force of section 13*), the Société de développement industriel du Québec shall reimburse to the Government and to the subscribing cooperators the advances made to the Société de développement coopératif incorporated pursuant to the Act respecting the Société de développement coopératif (R.S.Q., chapter S-10) in proportion to their claims and out of the reimbursements of financial assistance granted by the Société de développement coopératif before 6 June 1984.

**22.** The Act respecting the Société de développement des coopératives (R.S.Q., chapter S-10.001) is repealed.

**23.** Section 20 of the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01) is amended by adding, at the end, the words “, and one other shall be appointed from the cooperative sector”.

**24.** The Minister of Industry, Trade and Technology is responsible for the administration of this Act.

**25.** This Act will come into force on the date or dates to be fixed by the Government.

## SCHEDULE I

## DESIGNATION OF THE IMMOVABLE

*(Section 16)*

A. The eastern part of subdivision NINE of original lot TWENTY TWO (22-9 pt. E.) in the official plan and book of reference for the cadastre of the parish of Notre-Dame de Québec, Banlieue, registration division of Québec, measuring seventy eight feet (78') wide by an average depth of approximately one hundred and sixty three feet (163'); the said part being bounded to the south by the Chemin Ste-Foy, to the north by a lane, to the east by Avenue Désy and to the west by the remaining part of the said lot, belonging to François Morisset or his assigns, excepting that part ceded to the City of Québec for the widening of the Chemin Ste-Foy, mentioned in a deed of sale made before Mr Paul LaRue, notary, registered at the registry office of Québec on 30 August 1964 under registration number 550, 535, which latter part measures 22.5 feet in its north-east line, 22.4 feet in its south-west line, 78.5 feet in its north-west line and 78 feet in its south-east line, containing an area of 1756.7 feet, English measure.

With the house constructed thereon, bearing civic number 430 Chemin Ste-Foy, Québec and appurtenances.

B. A strip of land seven and a half feet (7.5') wide over the whole width of the part of lot 22-9 described above and presently sold, being the undivided half of subdivision TWENTY FOUR of original lot TWENTY TWO (22-24 pt.) in the official plan and book of reference for the cadastre of the parish of Notre-Dame de Québec, Banlieue, registration division of Québec, bounded to the north and to the west by the remaining part of the said lot 22-24, to the south by the eastern part of lot 22-9 described above and to the east by Avenue Désy, the said strip of land serving as a common passage for all the owners of land bounded by the said lane, including the Purchaser under this designation.