



---

# NATIONAL ASSEMBLY OF QUÉBEC

---

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 48

**An Act mainly to control the cost of  
the farm property tax and to simplify  
access to the farm property tax credit**

---

**Introduction**

**Introduced by  
Mr. André Lamontagne  
Minister of Agriculture, Fisheries and Food**

---

**Québec Official Publisher  
2019**

## **EXPLANATORY NOTES**

*This bill amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to replace the terms governing the registration of agricultural operations as well as those regarding the payment of property taxes. It also amends that Act to, among other things, authorize the delegation of the powers and functions of the Minister.*

*The bill amends the Act respecting municipal taxation to empower the Government to determine by regulation the maximum taxable value of the land of an agricultural operation that is registered and that is included in an agricultural zone, and to introduce a new category of forest immovables.*

*Lastly, the bill amends the Act respecting La Financière agricole du Québec to facilitate the exchange of the information, including personal information, necessary for the purposes of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and its regulations or the Act respecting La Financière agricole du Québec.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Highway Safety Code (chapter C-24.2);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting La Financière agricole du Québec (chapter L-0.1);
- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14).

## **Bill 48**

### **AN ACT MAINLY TO CONTROL THE COST OF THE FARM PROPERTY TAX AND TO SIMPLIFY ACCESS TO THE FARM PROPERTY TAX CREDIT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES  
PÊCHERIES ET DE L'ALIMENTATION

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

**“1.1.** The Minister may delegate the exercise of the powers conferred on him by this Act or by another Act under his administration to a person employed by the Minister's department.

The Minister may, in writing, authorize the subdelegation of specified powers.

The Minister may also delegate the exercise of such powers to a senior officer of a public agency or to a person employed by that agency, after consulting with its chief executive officer.”

**2.** The heading of Division II before section 7 of the Act is amended by replacing “STAFF” by “ORGANIZATION”.

**3.** Section 8 of the Act is amended

(1) by replacing “deputy minister shall have the supervision of the other officers and employees of the department; he shall manage its current business and exercise such other powers as are assigned to him by the Government” by “Deputy Minister shall administer the department”;

(2) by adding the following paragraph at the end:

“The Deputy Minister shall also exercise any other function assigned to him by the Minister or the Government.”

**4.** Section 12 of the Act is replaced by the following section:

**“12.** No deed, document or writing is binding on or attributable to the Minister unless it is signed by the Minister, the Deputy Minister or any other person determined by regulation of the Minister.”

**5.** Section 13 of the Act is amended by replacing “in the first paragraph of” by “in”.

**6.** The Act is amended by inserting the following section after section 17:

**“17.1.** The Minister may enter into any agreement to establish the terms and conditions relating to the payment of any amount the Minister is owed.

In the absence of such an agreement, any debt owed to the Minister bears interest at the rate for a debt owed to the State set under section 28 of the Tax Administration Act (chapter A-6.002) from the 30th day following the notification to the debtor of a notice of claim.

The Minister may, after the notification of the notice of claim, offset any amount owed to the Minister against any amount the Minister owes to the debtor.”

**7.** Section 36 of the Act is repealed.

**8.** The Act is amended by inserting the following division after section 36:

**“DIVISION VII.0.1**

**“REGISTRATION OF AGRICULTURAL OPERATIONS AND PAYMENT OF PROPERTY TAXES**

**“36.0.1.** An enterprise comprising capital and basic inputs, including at least one immovable used for an agricultural purpose, in a single economic and accounting unit may, in accordance with the terms determined by government regulation, register with the Minister as an agricultural operation.

The main object of registration is to facilitate agricultural operations’ access to measures, programs and services that may be implemented under this Act or under any other Act that is under the Minister’s administration.

A further object of registration is to collect from agricultural operations the information required for the purposes of this Act, including

(1) to evaluate and formulate the Government’s agricultural policy;

(2) to analyze policies, programs or projects, to develop, process or validate economic, statistical or financial reference data or to achieve the integrated management of financial interventions; and

(3) to ascertain eligibility or continued eligibility for a benefit or right granted under this Act or under a program.

**“36.0.2.** Registration of an agricultural operation must be made using the registration statement prescribed by the Minister, indicating the prescribed information in the statement.

**“36.0.3.** A registered agricultural operation must, at the intervals and according to the terms determined by government regulation, update its registration in the statement prescribed by the Minister.

**“36.0.4.** The Minister may revoke the registration of an agricultural operation that applies for revocation or that fails to file an update statement in accordance with a regulation referred to in section 36.0.3.

The Minister may also revoke the registration of an agricultural operation that no longer meets the conditions required to be registered.

The revocation becomes effective on the agricultural operation’s failure to meet any of the conditions required to be registered or failure to file an update statement, or on the receipt of the application for revocation.

**“36.0.5.** The Minister may, on the application of an agricultural operation, cancel the revocation of its registration for failure to file an update statement provided the application is accompanied by any update statement the agricultural operation failed to file and provided the agricultural operation has, since the revocation, met the other conditions for registration.

The registration is then deemed never to have been revoked.

**“36.0.6.** A decision of the Minister to refuse an application for registration or to revoke the registration of an agricultural operation that no longer meets the conditions required to be registered other than those pertaining to a failure to file an update statement must be in writing, include reasons, and be notified promptly to the agricultural operation.

**“36.0.7.** A decision rendered in accordance with section 36.0.6 may, within 60 days of its notification, be the subject of an application for review according to the terms determined by government regulation.

**“36.0.8.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for reviewing the decision renders a decision on the record, unless the person considers it necessary to proceed in some other manner. The person may confirm, quash or vary the decision under review.

The decision must be in writing, include reasons and be notified promptly to the applicant.

**“36.0.9.** A decision rendered under section 36.0.8 may, within 30 days of its notification, be contested before the Administrative Tribunal of Québec.

**“36.0.10.** A registered agricultural operation may, according to the terms determined by government regulation, apply to the Minister for payment, for a municipal fiscal year and for the school fiscal year ending in that municipal fiscal year, of an amount equal to the portion, determined in accordance with sections 36.0.13 and 36.0.14, of a municipal and school property tax, of compensations for municipal services or of a tariff relating to an immovable used for an agricultural purpose that is included in a unit of assessment forming part of the agricultural operation and that is situated in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

Where the agricultural operation is a producer within the meaning of the Farm Producers Act (chapter P-28), it must have paid, for the year preceding the year for which the application is made, the annual assessment exigible under Division VIII of that Act.

“Immovable” and “property tax” have the meaning assigned by section 1 of the Act respecting municipal taxation (chapter F-2.1) and the compensation for municipal services and tariff relating to an immovable referred to in the first paragraph are those established by a municipal by-law made under section 205 or 244.1 of that Act.

The Government may, by regulation, determine other terms relating to the payment provided for in the first paragraph.

**“36.0.11.** The right to a payment may, in the cases determined by government regulation, be refused or cancelled where, in the Minister’s opinion, the agricultural operation that filed the application is not operated in compliance with the Environment Quality Act (chapter Q-2).

**“36.0.12.** An application for payment must be made using the form prescribed by the Minister, indicating the prescribed information in the form.

**“36.0.13.** For each immovable used for an agricultural purpose that is included in a unit of assessment for which an application may be made, the amount qualified for payment corresponds to 70% of the amount of the municipal and school property tax, of the compensation for municipal services and of the tariff applicable to the immovable, multiplied by the qualification rate of the immovable and by the inclusion rate of the taxable value of the unit of assessment.

The qualification rate corresponds to the fraction of the immovable which, in the year preceding the year for which the application is made, formed part of an agricultural operation for which the right to a payment was recognized by the Minister and which was situated in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The inclusion rate of the taxable value of the unit of assessment corresponds to the product obtained by multiplying the taxable value of the immovable that, in the year for which the application is made, forms part of a registered agricultural operation and is situated in an agricultural zone by the proportion that the number of days for which the unit of assessment formed part of the agricultural operation and agricultural zone in that year is of the number of days in the year.

For the purposes of the second and third paragraphs, despite the provisions of section 244.36.0.1 of the Act respecting municipal taxation (chapter F-2.1), where all or part of a unit of assessment is composed both of immovables belonging to the category of agricultural immovables and of land belonging to the category of forest immovables within the meaning of sections 244.36.0.1 and 244.36.1 of that Act, the two parts are considered to be a unit of assessment consisting entirely of immovables belonging to the category of agricultural immovables.

**“36.0.14.** In the case of land whose value per hectare exceeds the value per hectare set by government regulation, the Minister shall pay, in addition to the amount computed under the first paragraph of section 36.0.13, an amount corresponding to 15% of the amount of municipal property tax based on the value and applicable to the land, multiplied by the fraction of the value per hectare of the land that exceeds the value per hectare of land set by regulation, by the qualification rate of the land and by the inclusion rate of the taxable value of the unit of assessment that are referred to in section 36.0.13.

**“36.0.15.** A decision concerning the right to a payment must be in writing, include reasons and be notified promptly to the applicant.

The decision may, within 60 days of its notification, be the subject of an application for review according to the terms determined by government regulation.

**“36.0.16.** The Minister shall, without delay, send the local municipality concerned the information necessary for it to compute, for each unit of assessment, the amount qualified for payment under sections 36.0.13 and 36.0.14.

An amount equivalent to the qualified amount is credited by the municipality to the tax account relating to the unit of assessment concerned.

The Minister shall reimburse, on the application of the local municipality, the sum of the amounts credited to all tax accounts.

**“36.0.17.** If the municipality cannot credit a qualified amount to a tax account, the Minister may pay it directly to the applicant.

If the Minister considers that an amount has been credited to a tax account without entitlement, he may claim a reimbursement of the amount directly from the applicant.

**“36.0.18.** The Government may, by regulation, determine any other necessary measure for the purposes of this division or any exceptional measure for the purposes of sections 36.0.1 to 36.0.3, the first paragraph of section 36.0.10 and sections 36.0.11, 36.0.13 and 36.0.14.

**“36.0.19.** The Minister shall send the minister responsible for the administration of the Environment Quality Act (chapter Q-2) and the minister responsible for the administration of the Sustainable Forest Development Act (chapter A-18.1), and obtain from them, any information, including personal information, necessary for the purposes of this division.

**“36.0.20.** The Minister may, by notification of a notice, require any person to communicate to him, within a reasonable time he determines, any information or document relating to the application of this division.”

**9.** Divisions VII.1 and VII.2 of the Act, comprising sections 36.1 to 36.16, are repealed.

#### HIGHWAY SAFETY CODE

**10.** Section 611.2 of the Highway Safety Code (chapter C-24.2) is amended by replacing “holder of an agricultural operation registration card issued” in the first paragraph by “registered agricultural operation”.

#### ACT RESPECTING MUNICIPAL TAXATION

**11.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 56:

**“56.1.** The roll shall identify every unit of assessment the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1).”

**12.** Section 79 of the Act is amended by replacing “In addition to the local municipality and the municipal body responsible for assessment” in the third paragraph by “In addition to the local municipality, the municipal body responsible for assessment and, in the cases and according to the terms and conditions prescribed by regulation of the Minister, any other municipal body responsible for assessment”.

**13.** Section 174 of the Act is amended by inserting the following paragraph after paragraph 14:

“(14.1) to take account of the fact that a unit of assessment becomes or ceases to be subject to section 244.36.0.1, or, for the purposes of section 56.1, to add an entry that was unduly omitted or strike out an entry that was unduly included;”.



**14.** Section 179 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(5) to the minister responsible for the administration of the Sustainable Forest Development Act (chapter A-18.1), if the alteration concerns a unit of assessment the forest area of which is registered in accordance with section 130 of that Act.”

**15.** The Act is amended by inserting the following section after section 231.3:

**“231.3.1.** For the purpose of computing any municipal property tax imposed on the whole territory of a municipality, the Government may, on the recommendation of the Minister of Agriculture, Fisheries and Food, determine by regulation, for the duration of a property assessment roll, the terms to establish the maximum taxable value of the land of any agricultural operation that is registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and that is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The provisions of the first paragraph do not apply to parts of land that are forest areas or that are uncultivated, except parts that are used for the harvesting of non-timber forest products or that are intended for that purpose.”

**16.** Section 244.30 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.0.1) the category of forest immovables; and”.

**17.** Section 244.32 of the Act is amended

(1) by inserting “or other than land the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1)” after “l’Alimentation (chapter M-14)” in subparagraph 1 of the second paragraph;

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

“For the purposes of the first paragraph, if the unit of assessment includes immovables included in a registered agricultural operation to which subparagraph 1 of the second paragraph applies or, as the case may be, includes land the forest area of which is referred to in that subparagraph, the portion of the taxable value of the unit that remains after subtracting the taxable value of those immovables and of that land must be taken into consideration rather than the total taxable value of the unit.”

**18.** The Act is amended by inserting the following section after section 244.36:

**“244.36.0.1.** Every unit of assessment composed exclusively of land the forest area of which is registered in accordance with section 130 of the Sustainable Forest Development Act (chapter A-18.1) belongs to the category of forest immovables, except the part of such land that is used or intended for purpose of harvesting non-timber forest products and is included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14).

If such land forms only a part of a unit of assessment, that part belongs to the category of forest immovables. For the purposes of any provision of an Act or statutory instrument that applies to a unit belonging specifically to the category of forest immovables or generally to any category provided for in this subdivision, that part is considered to be a whole unit, unless the context indicates otherwise.”

**19.** Section 244.36.1 of the Act is amended by inserting “, except any land that belongs to the category of forest immovables,” after “l’Alimentation (chapter M-14)” in the first paragraph.

**20.** Section 244.37 of the Act is amended by replacing “agricultural immovables exists, any part of a unit referred to” in the second paragraph by “forest immovables or, as the case may be, to the category of agricultural immovables exists, any part of a unit referred to in the second paragraph of section 244.36.0.1 or, as the case may be,”.

**21.** The Act is amended by inserting the following subdivision after section 244.49.0.4:

*“E.2.—Rate specific to the category of forest immovables*

**“244.49.0.5.** The rate specific to the category of forest immovables must be equal to or lower than the basic rate.

It may not be lower than 66.6% of that rate.”

**22.** Section 244.49.1 of the Act is amended by replacing “E.1” in the first paragraph by “E.2”.

**23.** Section 244.50 of the Act is amended by replacing “section 244.36.1 or” in the second paragraph by “any of sections 244.36.0.1, 244.36.1 and”.

**24.** Section 244.64.7 of the Act is amended by replacing “244.36.1” in the first paragraph by “244.36.0.1, the second paragraph of section 244.36.1”.

**25.** Section 253.54.1 of the Act is amended by inserting “, no rate specific to the category of forest immovables provided for in section 244.36.0.1” after “244.35” in the second paragraph.

**26.** Section 261.1 of the Act is amended by inserting the following paragraph after paragraph 3:

“(3.1) that part of the standardized non-taxable values of the immovables in respect of which a sum must be paid under an assistance program of the Government or of any of its ministers or bodies;”.

**27.** Section 261.5 of the Act is amended by replacing “included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14)” in the third paragraph by “that are referred to in section 244.36.0.1 or 244.36.1”.

**28.** Section 261.5.17 of the Act is amended by replacing “included in an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14)” in the second paragraph by “that are referred to in section 244.36.0.1 or 244.36.1”.

**29.** Section 262 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(16) for the purposes of section 231.3.1, determine the terms to establish the maximum taxable value of the land of any agricultural operation that is registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and that is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).”

**30.** Section 263 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(12) determine the cases and manner in which a document referred to in the second paragraph of section 78 may be examined by a municipal body responsible for assessment other than the body that draws up the roll of the local municipality concerned by the document.”

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**31.** Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by replacing paragraph 13 by the following paragraph:

“(13) section 36.0.8 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);”.

## ACT RESPECTING LA FINANCIÈRE AGRICOLE DU QUÉBEC

**32.** Section 25 of the Act respecting La Financière agricole du Québec (chapter L-0.1) is amended

- (1) by replacing “may exercise” by “shall exercise”;
- (2) by replacing “may carry out” by “shall carry out”.

**33.** Section 27 of the Act is amended

(1) by replacing “The Minister may make an agreement with the agency to gather and communicate personal information required” in the introductory clause of the first paragraph by “The agency shall, at the Minister’s request, communicate to the Minister any information, including personal information, required”;

(2) by inserting “in particular” after “this Act,” in the introductory clause of the first paragraph;

(3) by replacing the second and third paragraphs by the following paragraph:

“The Minister shall prescribe in writing the terms according to which the information is to be communicated, specifying in particular the type of information communicated, the steps taken to ensure confidentiality and the security measures involved, and shall send them to the Commission d’accès à l’information at least 30 days before the information is communicated.”

## TRANSITIONAL AND FINAL PROVISIONS

**34.** Until the date of coming into force of the first regulation made by the Government under section 36.0.14 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14), enacted by section 8, the maximum value per hectare referred to in the first paragraph of that section is set at \$1,975.

**35.** Until the date of coming into force of the first regulation made by the Government under section 231.3.1 of the Act respecting municipal taxation (chapter F-2.1), enacted by section 15, for the purpose of computing any municipal property tax imposed on the whole territory of a municipality, the maximum taxable value that must be taken into account in any new property assessment roll drawn up after equilibration under the first paragraph of section 46.1 of the Act respecting municipal taxation is set at \$32,100 per hectare.

When a new roll is drawn up without the equilibration referred to in the first paragraph whereas the preceding roll was drawn up after such equilibration, the maximum taxable value that must be taken into account in the new roll is set at

(1) \$23,300 per hectare, if the preceding assessment roll came into force in 2018;

(2) \$27,600 per hectare, if the preceding assessment roll came into force in 2019; and

(3) \$29,800 per hectare, if the preceding assessment roll came into force in 2020.

**36.** The Government may, on the recommendation of the Minister of Agriculture, Fisheries and Food and the Minister of Municipal Affairs and Housing, according to the terms it determines, provide for a transitional financial assistance program for municipalities to reduce the tax impact resulting directly from the determination, pursuant to section 231.3.1 of the Act respecting municipal taxation, enacted by section 15, of a maximum taxable value entered on a property assessment roll.

The program is administered by the Minister of Agriculture, Fisheries and Food.

**37.** Unless the context indicates otherwise, in any Act and in any other document,

(1) a reference to a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation is replaced by a reference to section 36.0.1 of that Act; and

(2) a reference to a provision of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation that is amended by this Act is replaced by a reference to the corresponding provision, as enacted by this Act.

**38.** Sections 11 and 13 to 29 apply for the purposes of any property assessment roll that comes into force after 31 December 2020.

**39.** The provisions of this Act come into force on *(insert the date of assent to this Act)*, except

(1) section 8, insofar as it enacts sections 36.0.1 to 36.0.9 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, section 9, insofar as it repeals Division VII.2 of that Act, sections 10 and 31 and paragraph 1 of section 37, which come into force on the date of coming into force of the first regulation made by the Government for the purposes of section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, enacted by section 8;

(2) section 8, insofar as it enacts sections 36.0.10 to 36.0.18 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, section 9, insofar as it repeals the provisions of Division VII.1 of that Act other

than subparagraphs 3 and 4 of the first paragraph of section 36.2 and section 36.4.1, and sections 11 and 13 to 29, which come into force on 1 January 2021;

(3) section 9, insofar as it repeals subparagraphs 3 and 4 of the first paragraph of section 36.2 and section 36.4.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, which comes into force on 1 January 2020.



