



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 134

(1995, chapter 73)

An Act to amend the Act respecting municipal taxation

Introduced 15 December 1995
Passage in principle 15 December 1995
Passage 15 December 1995
Assented to 15 December 1995

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EXPLANATORY NOTES

This bill proposes to amend the Act respecting municipal taxation to change, from the 1997 municipal fiscal year, the taxation rules applicable to operators of gas distribution systems. First, any conduit forming part of such a system and designed for pressures of 7 000 kilopascals or more will be entered on the real estate assessment roll and will therefore become taxable for municipal and school purposes, as will the accessories and site of the conduit. Secondly, the rate of the tax collected from the operator of a system by the Minister of Revenue, which applies to that portion of his taxable revenue that exceeds \$5 000 000, will be reduced from 5% to 4%.

The bill also proposes to amend the Act respecting municipal taxation to allow a local municipality and the owner of an immovable exempt from taxation, for instance an intermunicipal board that owns a water treatment work, to enter into an agreement under which the owner will pay to the municipality a compensation for municipal services benefitting the owner's immovable. The bill proposes to repeal the current requirement for such an agreement that the owner already owe a compensation imposed unilaterally by the municipality.

Lastly, the bill proposes to amend the Act respecting municipal taxation to change, from the 1997 municipal fiscal year, the taxation rules applying to cooperatives and non-profit bodies holding a home day care agency permit. First, the immovable of the holder of such a permit will become exempt from taxation but it may give rise to a compensation in lieu of taxes where it forms part of the social services system provided that the permit indicates that the immovable is the address of the agency and provided the immovable is used mainly for the exercise of functions appropriate to such an agency. Secondly, the exercise of such functions will cease to give rise to the payment of the business tax by the permit holder.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 66 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the words “a conduit and its accessories, or to” in the first line of the third paragraph;

(2) by adding, at the end of the third paragraph, the words “It does not apply, either, to a conduit and its accessories, except a conduit designed for pressures of 7 000 kilopascals or more.”

2. Section 204 of the said Act, amended by section 75 of chapter 2 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994 and by section 1 of chapter 7 of the statutes of 1995, is again amended by inserting, after subparagraph *c* of paragraph 14, the following subparagraph:

“(d) an immovable that belongs to a cooperative or a non-profit body holding a home day care agency permit issued under the Act respecting child day care, that is indicated in the permit as being the address of the agency and that is used mainly for the exercise of the functions appropriate to such an agency;”.

3. Section 204.0.1 of the said Act, amended by section 2 of chapter 7 of the statutes of 1995, is again amended by adding the words “and is exempt from real estate tax” after the word “permit” in the eighth line of the third paragraph.

4. Section 206 of the said Act is amended

(1) by replacing the words “to which section 205 applies and that is situated in its territory” in the first and second lines by the words “referred to in any of paragraphs 4, 5 or 10 to 12 of section 204 and situated in the territory of the local municipality”;

(2) by striking out the words “in addition to the compensation exigible under section 205,” in the fourth line.

5. Section 221 of the said Act is amended by replacing the percentage “5 %” in the second line of paragraph 1 by the percentage “4%”.

6. Section 236 of the said Act, amended by section 76 of chapter 2 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994 and by section 3 of chapter 7 of the statutes of 1995, is again amended by replacing the words “or stop-over centre permit” in the second line of subparagraph *g* of paragraph 1 by the words “, stop-over centre permit or home day care agency permit”.

7. Sections 1, 2, 5 and 6 have effect for the purposes of every municipal fiscal year from the 1997 fiscal year.

8. This Act comes into force on 15 December 1995.