

## Draft Regulations

### Draft Regulation

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

#### Registration of agricultural operations and the payment of property taxes and compensations — Amendments

Notice is hereby given, in accordance with sections 10 to 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations, appearing below, may be made by the Gouvernement du Québec on the expiry of 30 days following this publication.

The draft Regulation introduces a new condition for the payment of property taxes and compensations of agricultural operations related to the compliance with sections 20, 20.1 and 35 of the Agricultural Operations Regulation (O.C. 695-2002 dated 12 June 2002) made under the Environment Quality Act (R.S.Q., c. Q-2).

The urgency of the situation imposes a shorter period than that in section 11 of the Regulations Act (R.S.Q., c. R-18.1), as permitted under section 12 of that Act. The new condition for the payment of property taxes and compensations is the result of amendments to the Agricultural Operations Regulation which came into force on 5 August 2010 and will apply as soon as the annual growing season begins in 2011. For consistency purposes in respect of sustainable development, this draft Regulation must apply for the municipal and school fiscal years starting on 1 January 2011.

Study of the draft Regulation reveals no financial impact especially negative on small and medium-sized businesses since the provisions of the Agricultural Operations Regulation related to the new condition imposed for the payment of property taxes and compensations provided for in this draft Regulation concern mainly agricultural operations having large areas or a substantial number of animals. In addition, the refusal by the Minister of Agriculture, Fisheries and Food to pay the taxes and compensations following the non-compliance with the new condition is non-recurrent. An operator may, for subsequent municipal and school fiscal years, receive a payment for property taxes and compensations by taking the appropriate measures to have available the areas required provided for in the related provisions of the Agricultural Operations Regulation.

Further information may be obtained by contacting Jean-François Leclerc, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 1<sup>er</sup> étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3901; fax: 418 380-2172.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to Jean-François Leclerc, at the above-mentioned address.

LAURENT LESSARD,  
*Minister of Agriculture,  
Fisheries and Food*

### Regulation to amend the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14, s. 36.12)

1. The Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations (c. M-14, r. 1) is amended in section 12 by replacing the second paragraph by the following:

“For the purposes of subparagraph 5 of the first paragraph of section 36.2 of the Act, an operator who does not operate a raising or spreading site within the meaning of the Agricultural Operations Regulation (O.C. 695-2002 dated 12 June 2002) must state that fact in the application. An operator who operates such a site but who is not required, under section 35 of that Regulation, to have a yearly phosphorus report drawn up for the fiscal year for which the application is made, must state it in the application. Lastly, the operator who is required to have a yearly phosphorus report drawn up for the fiscal year for which the application is made, must state, if applicable, that

(1) the operator sent, within the time period provided for in the eighth paragraph of section 35 of the Agricultural Operations Regulation, the yearly phosphorus report required for every raising or spreading site to which that Regulation applies, and that is part of the operator's agricultural operation;

(2) any yearly phosphorus report or any update shows that, on 15 May, the operator owns, for those sites, cultivated parcels that correspond to the total area required for spreading purposes, in accordance with section 20 or 20.1 of the Agricultural Operations Regulation.”.

**2.** Section 13 is amended by replacing the third paragraph by the following:

“The statement by the operator required by the second paragraph of section 12 must be corroborated by the Minister of Sustainable Development, Environment and Parks.”.

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.