



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 42

**An Act establishing the Eeyou Istchee
James Bay Regional Government and
introducing certain legislative
amendments concerning the Cree Nation
Government**

Introduction

**Introduced by
Mr. Gaétan Lelièvre
Minister for Regions**

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EXPLANATORY NOTES

This bill establishes the Eeyou Istchee James Bay Regional Government in the stead of Municipalité de Baie-James, as of 1 January 2014.

It provides that the Eeyou Istchee James Bay Regional Government is a municipal body governed by the Cities and Towns Act, subject to the special provisions it sets out, and that the Regional Government has jurisdiction over the territory of Municipalité de Baie-James as it existed on 31 December 2013, except for the Category II lands.

Rules governing the Regional Government's council, in particular, rules concerning the council's composition, the manner in which its members are designated and the distribution of votes among them are set out, as well as special rules regarding the manner in which council meetings are held and how decisions are made on certain subjects that are clearly identified.

The Regional Government maintains essentially the powers currently exercised by Municipalité de Baie-James and may, in addition, affirm its jurisdiction regarding fields of jurisdiction belonging to a regional county municipality. The Regional Government may also, when requested to do so by the Cree community or the municipality concerned, affirm its jurisdiction regarding any municipal, local or regional jurisdiction on the territory of the Cree communities or the territory of Ville de Chibougamau, Ville de Chapais, Ville de Lebel-sur-Quévillon or Ville de Matagami, which are designated as the enclosed municipalities.

The Regional Government is deemed to act as a regional conference of elected officers for its territory and, where the functions exercised by a regional land and natural resource commission are concerned, it also acts in that capacity for the territory of the four enclosed municipalities.

In cases where the Regional Government affirms its jurisdiction regarding land use, specific government policy directions must be established by the Gouvernement du Québec in consultation with the Regional Government.

The Act respecting the Cree Regional Authority is amended so that the Regional Authority will be known, from now on, as the Cree Nation Government.

Certain powers with respect to Category II lands are assigned to the Cree Nation Government. In particular, it is provided that the Cree Nation Government may affirm its jurisdiction over all or part of Category II lands, with respect to any field of jurisdiction attributed by an Act to a local municipality or a regional county municipality.

If the Cree Nation Government affirms its jurisdiction with respect to the strategic vision statement and the land use planning and development plan mentioned in the Act respecting land use planning and development, these documents must be consistent with the policy directions, principles and objectives the Cree Nation Government determines, in consultation with the Cree communities and with the approval of the Gouvernement du Québec. The documents must be approved by the Minister of Municipal Affairs, Regions and Land Occupancy.

The Cree Nation Government is deemed to act as a regional conference of elected officers for the Cree and with respect to Category I and Category II lands. In that capacity, it establishes the Eeyou Planning Commission in lieu of the regional land and natural resource commission provided for in the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire. The Commission's function is to prepare a regional land and resource use plan for Category II lands, which replaces the regional plan for integrated land and resource development provided for in that Act. A specific process by which this plan is submitted to the approval of the Minister of Natural Resources is set out.

The Cree Nation Government is invited to take part in the development of the public land use plan for Category II lands and a specific procedure is established for that purpose.

With regard to local development, the regional conference of elected officers for James Bay and the Cree Nation Government may enter into agreements with the minister responsible for agreements concerning local development centres, the regional conference of elected officers may provide for the financing of its local development centre through contributions made by the Regional Government and the four enclosed municipalities, and the Cree Nation Government may exercise jurisdiction over local development, instead of entrusting it to a centre. In doing so, the Cree Nation Government must take

into account the policy directions, strategies and objectives it determines in consultation with the Cree communities.

The James Bay Region Development and Municipal Organization Act is amended to, among other things, encourage the Regional Government and the Cree Nation Government to participate in the activities of the Société de développement de la Baie James.

Lastly, various consequential, transitional and final provisions are introduced.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Cree Regional Authority (chapter A-6.1);
- Act respecting land use planning and development (chapter A-19.1);
- Act respecting the conservation and development of wildlife (chapter C-61.1);
- James Bay Region Development and Municipal Organization Act (chapter D-8.2);
- Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01);
- Act respecting municipal territorial organization (chapter O-9);
- Police Act (chapter P-13.1);
- Environment Quality Act (chapter Q-2);
- Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);
- Act respecting the lands in the domain of the State (chapter T-8.1);
- Cree Villages and the Naskapi Village Act (chapter V-5.1).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the James Bay Regional Zone Council (chapter C-59.1).

Bill 42

AN ACT ESTABLISHING THE EYYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT AND INTRODUCING CERTAIN LEGISLATIVE AMENDMENTS CONCERNING THE CREE NATION GOVERNMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PRELIMINARY PROVISIONS

1. In this Act, unless the context indicates otherwise,

(1) “Agreement” means the Agreement referred to in the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67);

(2) “Cree Communities” means any collectivity of Crees to whom Category I lands have been transferred under the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), as well as the Crees of Oujé-Bougoumou;

(3) “Crees” means the persons eligible under Chapter 3 of the Agreement;

(4) “Crees of Oujé-Bougoumou” means the collectivity composed of persons identified as affiliated to the community known as Oujé-Bougoumou, and including persons enrolled or entitled to be enrolled as Cree beneficiaries under the Agreement, and acting through the Oujé-Bougoumou Eenuch Association until such time as the Oujé-Bougoumou Band is constituted as a corporation under the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18) and, thereafter, the Oujé-Bougoumou Band;

(5) “enclosed municipalities” designates Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami;

(6) “Category I lands”, “Category II lands” and “Category III lands” mean lands, within the meaning of Title III of the Act respecting the land regime in the James Bay and New Québec territories, located south of the 55th parallel north, and the Category I lands transferred to the Cree community of Whapmagoostui.

2. The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act, in which “Minister” designates that minister, unless the context indicates otherwise.

CHAPTER II

ESTABLISHMENT OF THE EYYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT

3. A legal person is established in the public interest under the name “Gouvernement régional d’Eeyou Istchee Baie-James” for the territory described in section 5.

The Regional Government may also be designated under the name “Eenou Chishaauchimaau” in Cree, and the name “Eeyou Istchee James Bay Regional Government” in English.

4. The Regional Government is a municipal body governed by the Cities and Towns Act (chapter C-19), subject to the special provisions of this Act. As such, it has the powers of a municipality governed by that Act and is subject to the Acts applicable to such a municipality; the Regional Government also has any other powers otherwise conferred on it by law.

However, the Gouvernement du Québec may declare any provision of an Act inapplicable, in whole or in part, to the Regional Government or to all or part of its territory. The order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date set in the order.

CHAPTER III

TERRITORY OF THE REGIONAL GOVERNMENT

5. The Regional Government’s territory is comprised of the territory of Municipalité de Baie-James as it existed on 31 December 2013, with the exception of the Category II lands.

CHAPTER IV

ORGANIZATION OF THE REGIONAL GOVERNMENT

DIVISION I

COUNCIL

§1. — Composition

6. The following persons are members of the Regional Government’s council:

- (1) the chair of the Cree Nation Government;

(2) 10 persons designated by the council of the Cree Nation Government from among its members;

(3) 11 persons designated by the Minister from among the members of the councils of the enclosed municipalities and the persons, other than the Crees, residing within the Regional Government's territory.

7. The chair of the Cree Nation Government and a member of the group referred to in paragraph 3 of section 6 act, in alternation, as chair and vice-chair of the council for two-year terms.

To that end, the members of the group referred to in paragraph 3 of section 6 designate the member mentioned in the first paragraph, from among their number, by secret ballot held at a meeting of the council. For the purposes of that designation, and despite section 8, each of the members has one vote.

For the purposes of any Act, the chair and vice-chair are considered to be, respectively, the mayor and acting mayor.

§2.—*Distribution of votes*

8. The council members belonging to the group referred to in paragraphs 1 and 2 of section 6 each have two votes.

Each of the council members belonging to the group referred to in paragraph 3 of section 6 has the number of votes determined by the Minister, for a total of 22 votes among them. To that end, the Minister takes into account, in particular, the relative demographic weight of the population represented by each of the members of the group.

§3.—*Decisions*

9. Any matter which, pursuant to an Act, requires approval by a two-thirds majority of the council members of a municipality, requires a two-thirds majority of the votes of

(1) the members of the group referred to in paragraphs 1 and 2 of section 6, including the votes cast by representatives of at least three Cree communities; and

(2) the members of the group referred to in paragraph 3 of section 6, including the votes cast by representatives of at least three communities included in the enclosed municipalities and the community of persons, besides the Crees, residing on the territory of the Regional Government.

10. The double majority provided for in section 9 also applies to any decision concerning

(1) the change of location of the Regional Government's head office;

- (2) the establishment or abolition of a locality;
- (3) the constitution or abolition of a local council;
- (4) the Regional Government's position regarding any constitution, amalgamation or annexation of a municipality on the territory of the Regional Government;
- (5) agreements referred to in section 35, including any modifications to them that affect the level of services provided under such agreements;
- (6) the adoption of the budget or the use of budgetary surpluses;
- (7) any affirmation of jurisdiction made under section 20 or 24;
- (8) the adoption, amendment or revision of a strategic vision statement or land use planning and development plan in accordance with an affirmation of jurisdiction made under section 20 or 24;
- (9) the adoption, amendment or revision, in its capacity as a regional conference of elected officers under section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), of the five-year development plan required under section 21.7 of that Act and the approval of the regional plan for integrated land and resource development required under section 21.17.2 of that Act; and
- (10) an opinion given under section 24 of the Act respecting the lands in the domain of the State (chapter T-8.1) with regard to a proposed land use plan.

The Gouvernement du Québec may, at the request of the Regional Government, amend the first paragraph to add or strike out elements for which a decision requires a double majority vote as set out in section 9. The amending order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date set in the order.

The double majority provided for in section 9 applies to the adoption of a resolution by which the Regional Government formulates a request under the second paragraph.

§4.—*Meetings*

11. The council holds regular meetings at least once a month, except if otherwise provided in the schedule of its meetings.

12. A member of the council may take part in deliberations and vote at a meeting of the council from a separate location, by telephone or other means of communication, provided that the council chair, or the person replacing the chair, and the clerk are present at the same location and that the means of

communication enables all persons participating in or present at the meeting to hear one another.

The minutes of the meeting must mention the names of the members who participate in such a manner and the means of communication used; these members are deemed to be present at the meeting.

13. The quorum for a meeting is twelve members, including at least six members of the group described in paragraphs 1 and 2 of section 6 and six members of the group described in paragraph 3 of section 6.

14. For the purpose of determining where the council will hold its meetings, the Regional Government's territory is deemed to comprise the territory of the Cree communities and the territory of the enclosed municipalities.

If the council fails to determine the location of its meetings, the meetings are held at the location determined by the Minister for the first meeting, under section 92.

15. A person who attends a council meeting from a separate location, by telephone or other means of communication, may address oral questions to members of the council during the question period.

16. A notice of convocation to a special meeting of the council must be served on every member of the council not later than 48 hours before the time set for the beginning of the meeting.

17. The minimum number of members required to call a special meeting of the council is ten, including at least five members of the group described in paragraphs 1 and 2 of section 6 and five members of the group described in paragraph 3 of section 6.

DIVISION II

EXECUTIVE COMMITTEE

18. The Regional Government has an executive committee.

The members of the executive committee are appointed for a two-year term.

DIVISION III

EMPLOYEES

19. The Regional Government must appoint a director general and an assistant director general, and, to the extent possible, ensure a balance in the representation of Crees and non-Crees in filling these positions.

CHAPTER V

SPECIAL JURISDICTIONS OF THE REGIONAL GOVERNMENT

DIVISION I

AFFIRMATION OF INTRATERRITORIAL JURISDICTION

20. The Regional Government may affirm its jurisdiction, on all or part of its territory, with respect to any field of jurisdiction assigned by an Act to a regional county municipality.

21. The resolution by which the Regional Government affirms its jurisdiction identifies the field of jurisdiction concerned and, if the affirmation of jurisdiction affects only a part of its territory, describes the part of the territory to which the affirmation applies.

An authenticated copy of the affirmation is sent to the Minister and to any other minister responsible for the administration of the Act that confers the jurisdiction concerned.

22. The affirmation of jurisdiction takes effect on the date on which the Minister publishes a notice to that effect in the *Gazette officielle du Québec* or on any later date set in the notice.

23. The exercise by the Regional Government of a jurisdiction referred to in section 20 may be the object of an agreement between the Regional Government and the Gouvernement du Québec providing for any adaptations required to take into account the specific character of the Regional Government and its territory. Such an agreement may derogate from any legislative provision.

The agreement mentions the date of its coming into force.

The Minister publishes the agreement in the *Gazette officielle du Québec*, together with a notice specifying the date of its coming into force.

DIVISION II

AFFIRMATION OF EXTRATERRITORIAL JURISDICTION

24. The Regional Government may affirm its jurisdiction over all or part of any Category I land or over all or part of the territory of any of the enclosed municipalities with respect to any field of jurisdiction belonging to a regional county municipality or a local municipality.

For an affirmation of jurisdiction to be applicable to Category I land or to the territory of an enclosed municipality, it must be made at the request of the Cree community or enclosed municipality concerned, by a unanimous resolution of all of the members of its council.

25. The resolution by which the Regional Government affirms its jurisdiction must identify any Cree communities or enclosed municipalities to which the affirmation of jurisdiction applies. Where applicable, it mentions that the affirmation of jurisdiction applies to only a part of the Cree community's or the enclosed municipality's territory and contains a description of the territory concerned.

An authenticated copy of the resolution is sent to the Minister and, if applicable, to any other minister responsible for the administration of the Act that confers the jurisdiction concerned.

Sections 22 and 23 apply, with the necessary modifications.

DIVISION III

LOCALITIES

26. The Regional Government may constitute any part of its territory as a locality and determines the name of any locality so constituted.

27. A locality is administered by a local council consisting of the number of members determined by the Regional Government, which, however, must not exceed five.

28. The members of a local council are elected for four years, at the time prescribed by the Regional Government and in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2).

Every natural person who would be qualified to vote at a referendum if the date of reference, within the meaning of the Act respecting elections and referendums in municipalities, were that of the poll, is eligible for the office of member of the local council and entitled to vote at the election of its members.

29. The local council exercises, with respect to the territory constituted as a locality, the powers delegated to it by the Regional Government, to the extent and on the conditions determined by regulation.

30. In a case of irresistible force that might endanger the life or health of the population or seriously damage the equipment of the locality, the chair of the local council may order such expenditure as the chair considers necessary and award any contract necessary to remedy the situation. In such a case, the chair must make a report with reasons to the council having jurisdiction with respect to the matter, at that council's next meeting.

DIVISION IV

MISCELLANEOUS PROVISIONS

31. The Regional Government has the powers required to fulfill the obligations stipulated in an agreement to which it is party with the Gouvernement du Québec or one of its ministers or bodies, with a mandatary of the State or, if the agreement is excluded from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30) or for the conclusion of which prior authorization was obtained under that Act, with the Government of Canada or one of its ministers, bodies or mandataries.

32. Where the Regional Government affirms its jurisdiction with respect to the land use planning and development plan provided for in the Act respecting land use planning and development (chapter A-19.1), the minister responsible for the administration of that Act establishes, in collaboration with the Regional Government, government policy directions specific to the Regional Government's territory. These policy directions must take into account the specific character of the territory concerned, the participation, where applicable, of any person to whom part of the management of the territory has been conferred by law, and the specific issues related to the development of its resources in keeping with the principle of sustainable development.

CHAPTER VI

FINANCE AND TAXATION

33. The Regional Government may pay sums into a fund created to achieve a fiscal and financial balance between the Regional Government, the enclosed municipalities and the localities. A by-law of the council sets out the method of financing the fund and the manner in which it is to be managed.

If the fund is abolished, the sums are returned to the Regional Government's general fund.

34. In addition to imposing a general property tax at different rates based on the categories to which the units of assessment belong under section 244.30 of the Act respecting municipal taxation (chapter F-2.1), the Regional Government may impose the tax at different rates based on the parts of the territory it determines.

35. The Regional Government may enter into a fiscal equity agreement with an enclosed municipality or the council of a locality for the provision of municipal services by the enclosed municipality or the locality to a service area as defined in the second paragraph.

“Service area” means an inhabited part of the Regional Government's territory that, on 1 January 2014, receives certain municipal services from Ville de Chapais, Ville de Lebel-sur-Quévillon, Ville de Matagami or the locality of

Radisson under an agreement of the same nature as that mentioned in the first paragraph.

CHAPTER VII

MISCELLANEOUS PROVISIONS

36. The Regional Government must, where applicable, take the necessary measures to have any text intended to be understood by a Cree translated into either Cree or English.

Nothing in the first paragraph must be interpreted as authorizing an infringement of the right to work in French in the Regional Government, in keeping with the provisions of the Charter of the French language (chapter C-11).

37. Before 1 January 2023, and every 10 years after that, the Gouvernement du Québec and the Cree Nation Government must reassess the composition of the Regional Government's council and the distribution of votes among its members and may, where applicable, determine by agreement a new formula in that respect.

The formula mentioned in the first paragraph is intended to ensure that the representation on the council of the populations concerned is consistent with democratic principles and reflects the demographic realities of the Regional Government's territory. To that end, the members of those populations who are absent from the territory for reasons related to health, education or work within a Cree Entity, as defined in paragraph *p* of section 1 of the Agreement on Governance in the Eeyou Istchee James Bay Territory entered into between the Gouvernement du Québec and the Eeyou Istchee Cree on 24 July 2012, are also taken into consideration.

As soon as possible after an agreement is entered into under the first paragraph, the Gouvernement du Québec submits to the National Assembly the legislative amendments necessary to give it effect. Until such an agreement has been entered into and the amendments required to give it effect come into force, sections 6 and 8 continue to apply.

38. The Regional Government may carry on any agricultural activity mentioned in section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) on any part of its territory that it determines.

It may establish with a cooperative governed by the Cooperatives Act (chapter C-67.2) a mixed enterprise company whose jurisdiction is that mentioned in the first paragraph.

The Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) applies to a mixed enterprise company established under the second paragraph, except for the second paragraph of section 14, section 15 and the second paragraph of section 22 of that Act.

39. For the purpose of applying sections 303 to 306 and 357 to 362 of the Act respecting elections and referendums in municipalities and the other provisions of that Act related to those sections to the Regional Government council members who are also members of the council of one of the enclosed municipalities, the Regional Government is considered to be a municipal body within the meaning of section 307 of that Act.

Any other member of the council who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the Regional Government must, on pain of forfeiture of office, disclose the interest in writing to the council and abstain from participating in any discussion or decision involving the enterprise in which the member has an interest or in any part of a meeting of the council during which the interest is discussed.

40. The Regional Government is considered to be a supramunicipal body for the purpose of applying the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) and sections 21 to 23, 30.1 and 31 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) to the members of the Regional Government's council who are also members of the council of one of the enclosed municipalities.

It may also, with respect to the other members of the council, adhere to the pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers.

The Regional Government may exercise, with respect to all of the members of its council, the powers conferred on a regional county municipality by section 30.0.3 of the Act respecting the remuneration of elected municipal officers.

41. The Regional Government adopts an employment, hiring, training and professional development policy; this policy provides, among other things, for measures aimed specifically at Cree workers with a view to facilitating their access to the job opportunities within the Regional Government, as well as to training and professional development activities.

CHAPTER VIII

AMENDING PROVISIONS

ACT RESPECTING THE CREE REGIONAL AUTHORITY

42. The title of the Act respecting the Cree Regional Authority (chapter A-6.1) is replaced by the following title:

“ACT RESPECTING THE CREE NATION GOVERNMENT”.

43. Section 1 of the Act is amended

(1) by striking out paragraph *e*;

(2) by replacing paragraph *j* by the following paragraph:

“(j) “Category I lands” and “Category II lands” mean the lands, within the meaning of Title III of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), located south of the 55th parallel north, and the Category I lands transferred to the Cree community of Whapmagoostui;”.

44. Section 2 of the Act is replaced by the following section:

“2. A legal person is established in the public interest under the name “Gouvernement de la nation crie”.

This legal person may also be designated under the name “Eeyou Tapayatachesoo” in Cree, and the name “Cree Nation Government” in English.”

45. The heading of Division III of the Act is amended by adding “, POWERS AND JURISDICTIONS”.

46. Section 6 of the Act is amended

(1) by replacing “James Bay Regional Zone Council” in subparagraph *c* of the first paragraph by “Eeyou Istchee James Bay Regional Government”;

(2) by inserting “, in particular, those conferred on it by law with respect to municipal, local and regional management, natural resource management and land management” after “the Agreement” in the second paragraph.

47. The Act is amended by inserting the following sections after section 6:

“6.1. The Cree Nation Government may affirm its jurisdiction, on all or part of the Category II lands, with respect to any field of jurisdiction assigned by an Act to a local municipality or a regional county municipality.

For the purposes of the exercise of any jurisdiction so affirmed, the Cree Nation Government acts as a local municipality governed by the Cities and Towns Act or as a regional county municipality, as the case may be, and is governed by the Acts applicable to such a municipality, subject to this Act.

“6.2. The resolution by which the Cree Nation Government affirms its jurisdiction identifies the field of jurisdiction concerned and describes the part of the territory to which the affirmation applies.

An authenticated copy of the affirmation is sent to the Minister of Municipal Affairs, Regions and Land Occupancy and to any other minister responsible for the administration of the Act that confers the jurisdiction concerned.

The affirmation of jurisdiction takes effect on the date on which the Minister of Municipal Affairs, Regions and Land Occupancy publishes a notice to that

effect in the *Gazette officielle du Québec* or on any later date agreed upon with the Cree Nation Government and mentioned in the notice.

“6.3. The exercise by the Cree Nation Government of a jurisdiction referred to in section 6.1 may be the object of an agreement with the Gouvernement du Québec providing for any adaptations required to take into account the specific character of the Cree Nation Government and its territory. Such an agreement may derogate from any legislative provision.

“6.4. If the Cree Nation Government affirms its jurisdiction with respect to the strategic vision statement or the land use planning and development plan provided for in the Act respecting land use planning and development (chapter A-19.1), the process described in sections 79.2 to 79.14 applies, with the necessary modifications, to the drafting, amendment and revision of the statement or the plan, in the stead of the processes provided for in that Act.

However, the provision, in section 79.3, requiring the consultation of the regional land and natural resource commission established by the Eeyou Istchee James Bay Regional Government does not apply and any reference in those provisions to the Minister of Natural Resources is a reference to the Minister of Municipal Affairs, Regions and Land Occupancy.

The strategic vision statement and the land use planning and development plan of the Cree Nation Government must be consistent with the policy directions, principles and objectives that that Government determines in consultation with the Cree communities and with the approval of the Gouvernement du Québec.

“6.5. The Cree Nation Government has the powers required to fulfill the obligations stipulated in an agreement to which it was party with the Gouvernement du Québec or any of its ministers or bodies, with a mandatary of the State or, in the case of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30) or an agreement entered into with the prior authorization required under that Act, with the Government of Canada or any of its ministers, bodies or mandataries. ”

48. The Act is amended by inserting the following after section 79:

“DIVISION VIII.1

“EEYOU PLANNING COMMISSION

“79.1. The Cree Nation Government, deemed to act as a regional conference of elected officers under subparagraph 3 of the third paragraph of section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1), establishes the Eeyou Planning Commission and designates its members from among the members of the Cree communities.

The Commission acts, for the Cree Nation Government, as the regional land and natural resource commission provided for in section 21.17.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire.

“79.2. The Eeyou Planning Commission prepares a draft regional land and resource use plan for Category II lands, in accordance with this division.

For the Cree Nation Government, the regional land and resource use plan constitutes the regional plan for integrated land and resource development provided for in section 21.17.2 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1).

“79.3. In preparing the draft plan or an amended draft plan, the Commission consults the Cree Nation Government and the Cree communities as well as any other person it deems necessary.

It also consults the regional land and natural resource commission established by the Eeyou Istchee James Bay Regional Government in order to harmonize the draft plan, to the extent possible, with that commission's regional plan for integrated land and resource development.

“79.4. The Commission holds at least one public consultation meeting on the draft plan.

The Commission must take the necessary measures to make public all the information on the matter submitted to consultation and any information allowing an interested person to participate in the public consultation.

“79.5. Once the public consultation has been held, the Commission, if necessary, amends the draft plan in order to take account of the public consultation and takes the necessary measures to make it public.

“79.6. The Commission submits the draft plan to the council of the Cree Nation Government.

After examining the draft plan, the council accepts it or asks the Commission, with reasons and in writing, to amend it.

The Commission, if applicable, amends the draft plan at the request of the Cree Nation Government and submits it to the council again for acceptance.

“79.7. Once the draft plan has been accepted by the council of the Cree Nation Government, the council makes the plan public and sends it to the Minister of Natural Resources, together with the relevant documents concerning the process and the results of the consultations. The Minister may then approve the draft plan.

“79.8. If the Minister fails to approve the draft plan submitted, a representative of the Cree Nation Government and a representative of the Minister of Natural Resources, designated by the deputy minister from among the members of the department’s management staff, meet and review the draft plan together in order to arrive at a mutually satisfactory solution.

If a mutually satisfactory solution is arrived at, the Minister may approve the revised draft plan.

“79.9. If the representatives fail to agree on the contents of the draft plan by the 90th day following the day the draft plan is sent to the Minister under section 79.7, the draft plan is sent to the Standing Liaison Committee established under Chapter 11 of the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec signed on 7 February 2002, approved by Order in Council 289-2002 dated 20 March 2002 and published in the *Gazette officielle du Québec* on 22 May 2002, in order to obtain a mutually satisfactory solution.

“79.10. The Standing Liaison Committee makes its recommendations, whether unanimous or not, to the Cree Nation Government and the Minister of Natural Resources by the 90th day following the day the draft plan is sent to it under section 79.9.

“79.11. After having informed the Minister of Natural Resources, the Cree Nation Government may have the draft plan amended in order to give effect to the recommendations of the Standing Liaison Committee.

The Cree Nation Government sends the amended draft plan to the Minister of Natural Resources for approval.

“79.12. As soon as possible after receiving the recommendations of the Standing Liaison Committee in accordance with section 79.10, or, if applicable, after receiving the amended draft plan prepared in accordance with section 79.11, the Minister approves the draft plan or returns it to the Cree Nation Government so that it may be reviewed by the Eeyou Planning Commission.

If the draft plan is returned for review, the Minister’s request must include the reasons, in writing, relating to health or public safety, the conservation or protection of the environment, or what are considered, by the Minister, to be unreasonable restrictions to public access to or to the development of land and resources.

“79.13. If necessary, the Commission reviews the draft plan in light of the reasons expressed by the Minister under section 79.12, and submits a new draft plan to the council of the Cree Nation Government, which sends it to the Minister for approval.

“79.14. The Minister of Natural Resources approves the draft plan or refuses to approve it, in which case the Minister must meet with the Cree Nation

Government to explain and discuss the Minister's position before making a final decision.

“79.15. The Cree Nation Government and the Minister of Natural Resources may enter into an agreement of the same nature as the agreement described in the third paragraph of section 21.17.2 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) in order to ensure the plan's implementation and adapt the actions of the Gouvernement du Québec to the characteristics of the lands as defined by the plan.

The Cree Nation Government makes public the regional land and resource use plan approved by the Minister, as well as any other agreement referred to in the first paragraph.

“DIVISION VIII.2

“LAND USE FOR CATEGORY II LANDS

“79.16. Despite any provision to the contrary under Division III of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1), the following provisions apply to Category II lands included in a land use plan.

“79.17. The Cree Nation Government is invited to take part in the development of any proposed land use plan which pertains to Category II lands.

“79.18. As soon as a proposed land use plan is drawn up, the Minister of Natural Resources sends the proposed plan to the Cree Nation Government for its opinion.

“79.19. The proposed plan may be submitted to the Gouvernement du Québec for approval after the expiry of 90 days from the date the proposed plan is sent to the Cree Nation Government. However, if the latter submits observations or proposed amendments to the Minister of Natural Resources within that time period, the proposed plan may not be submitted to the Gouvernement du Québec for approval until the expiry of the process provided for in sections 79.20 to 79.26 or until the Cree Nation Government gives notice in writing of its approval of the proposed plan.

“79.20. The observations or proposed amendments submitted to the Minister of Natural Resources by the Cree Nation Government with respect to the proposed plan may, among others, take into account

(1) the policy directions, principles and objectives determined by the Cree Nation Government in consultation with the Cree communities, and approved by the Gouvernement du Québec;

(2) the special vocation of Category II lands for the Crees under the Agreement; and

(3) the status of Category II lands as lands in the domain of the State, in accordance with the Agreement, concerning, in particular, public access to lands in the domain of the State and free circulation, having due regard to Cree harvesting rights and the use and occupancy of Category II lands.

“79.21. The representative of the Cree Nation Government and the representative of the Minister of Natural Resources, designated by the deputy minister from among the members of the department’s management staff, meet in order to review the observations or proposed amendments submitted by the Cree Nation Government and endeavor to arrive at a mutually satisfactory solution.

“79.22. If, after 90 days from the date the Cree Nation Government submits its observations or proposed amendments, the representatives are unable to arrive at a mutually satisfactory solution, the matter is referred, in order to reach such a solution, to the Standing Liaison Committee established under Chapter 11 of the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec signed on 7 February 2002, approved by Order in Council 289-2002 dated 20 March 2002 and published in the *Gazette officielle du Québec* on 22 May 2002.

“79.23. The Standing Liaison Committee makes its recommendations, whether unanimous or not, to the Cree Nation Government and the Minister of Natural Resources by the 90th day following the day the matter was referred to it under section 79.22.

“79.24. Upon receipt of the Standing Liaison Committee’s recommendations, the Minister of Natural Resources must, as soon as possible,

(1) apply all of the recommendations and submit the plan to the Gouvernement du Québec for approval; or

(2) failing that, send the Cree Nation Government and the Standing Liaison Committee the Minister’s conclusions on the recommendations, together with written reasons, that may take into account, among other things, health or public safety, the conservation or protection of the environment, or what are considered, by the Minister, to be unreasonable restrictions to public access to or the development of land and resources.

“79.25. Within 30 days after the conclusions of the Minister of Natural Resources are sent under paragraph 2 of section 79.24, the Cree Nation Government re-examines its observations and proposed amendments regarding the plan in light of the reasons expressed in writing by the Minister of Natural Resources and may send the Minister its final observations.

“79.26. If the Minister of Natural Resources does not give effect to the final observations of the Cree Nation Government, the Minister must, within 30 days of the expiry of the 30-day period mentioned in section 79.25 and before making a final decision, meet with the Cree Nation Government to explain and discuss the Minister’s position. At the expiry of the 30-day period, the Minister may submit the plan to the Gouvernement du Québec for approval.”

49. The Act is amended by replacing “Cree Regional Authority” wherever it appears in sections 1, 3 to 9, 11, 12, 15, 16, 20 to 23, 32, 36, 38, 39, 45, 47, 49 to 53, 55 to 57, 59, 61, 62, 64, 68, 69, 71 to 73, 76 to 80, 83, 86 to 91, 93 to 95, 97, 107, 108, 110 and 111, as well as in the title of Division II and in the schedule, by “Cree Nation Government”.

50. Sections 98 to 105, 106 and 109 of the Act are repealed.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

51. Section 266 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing “nor in the lands excluded from the territory of Municipalité de Baie-James by paragraph 2 of section 40 of the James Bay Region Development and Municipal Organization Act (chapter D-8.2)” by “nor in the Category I lands situated south of the 55th parallel north, described in Chapter I of Title III of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1)”.

ACT RESPECTING THE JAMES BAY REGIONAL ZONE COUNCIL

52. The Act respecting the James Bay Regional Zone Council (chapter C-59.1) is repealed.

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

53. Section 15.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) is amended by replacing paragraph 2 by the following paragraph:

“(2) the territory of the Eeyou Istchee James Bay Regional Government not forming part of the territory of a locality constituted under section 26 of the Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government (*insert the year and chapter number of this Act*);”.

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

54. The title of the James Bay Region Development and Municipal Organization Act (chapter D-8.2) is amended by striking out “and Municipal Organization”.

55. Section 4 of the Act is amended by inserting “falling within Hydro-Québec’s mandate” after “hydro-electric resources” in the first paragraph.

56. Section 4.2 of the Act is amended by adding the following paragraph after the first paragraph:

“The Cree Nation Government may, with respect to Category II lands in the Territory, propose mandates to the Government that could be entrusted to the Société in any field related to the latter’s objects, and the Eeyou Istchee James Bay Regional Government may do the same with respect to Category III lands in the Territory. If such a mandate is given, the costs may be borne, in whole or in part, by the Cree Nation Government or the Regional Government, as the case may be.”

57. The Act is amended by inserting the following section after section 4.3:

“4.3.1. The Cree Nation Government may, with respect to Category II lands in the Territory, propose draft directives to the Minister concerning the Société’s objectives and general policy, and the Eeyou Istchee James Bay Regional Government may do the same with respect to Category III lands in the Territory.”

58. Section 8 of the Act is replaced by the following section:

“8. The affairs of the Société shall be administered by a board of directors composed of seven members, including the chief executive officer, appointed by the Government, taking into account the recommendations of the Cree Nation Government with respect to the appointment of three of the members and the chief executive officer.”

59. Section 29 of the Act is amended by adding the following paragraph after the first paragraph:

“However, the Société must, before any expropriation, consult the Cree Nation Government if the immovable concerned is located on Category II lands in the Territory, or the Eeyou Istchee James Bay Regional Government if the immovable concerned is located on Category III lands in the Territory.”

60. Part II of the Act is repealed.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

61. Section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by replacing the third paragraph by the following paragraphs:

“For the Nord-du-Québec administrative region, the powers of a regional conference of elected officers are shared among:

(1) a regional conference of elected officers established to act, subject to subparagraph 2, on behalf of the persons, other than the Crees, who reside on the territory of the Eeyou Istchee James Bay Regional Government and the territory of Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami;

(2) the Eeyou Istchee James Bay Regional Government, which is deemed to act as a regional conference of elected officers for its territory and, for the purposes of sections 21.17.1 to 21.17.3, for the territory of Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami;

(3) the Cree Nation Government, which is deemed to act as a regional conference of elected officers for the Crees and with respect to Category I lands and Category II lands; and

(4) the Kativik Regional Government, which is deemed to act as a regional conference of elected officers for its community.

For the purposes of this division, “Category I lands” and “Category II lands” are those defined in section 1 of the Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government (*insert the year and chapter number of this Act*).”

62. The Act is amended by inserting the following section after section 21.7:

“21.7.1. In addition to the considerations mentioned in the second and third paragraphs of section 21.7, the Eeyou Istchee James Bay Regional Government, deemed to act as a regional conference of elected officers under subparagraph 2 of the third paragraph of section 21.5, takes into account the policy directions, principles and objectives that it determines in consultation with the Cree communities, Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami and with the approval of the Gouvernement du Québec.

In addition to the considerations mentioned in the second and third paragraphs of section 21.7, the Cree Nation Government, deemed to act as a regional conference of elected officers under subparagraph 3 of the third paragraph of section 21.5, takes into account

(1) the policy directions, principles and objectives it determines in consultation with the Cree communities and with the approval of the Gouvernement du Québec;

(2) the special vocation, under the Agreement, of the Category II lands for the Cree; and

(3) the status of the Category II lands as lands in the domain of the State, in accordance with the Agreement, concerning, in particular, public access to

lands in the domain of the State and free circulation, having due regard to Cree harvesting rights and the use and occupancy of Category II lands.”

63. Section 21.8 of the Act is amended

(1) by replacing the seventh paragraph by the following paragraph:

“The board of directors of the regional conference of elected officers described in subparagraph 1 of the third paragraph of section 21.5 is composed of the following persons:

(1) the mayors of Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami;

(2) the chairs of the local councils of each of the localities of Radisson, Valcanton and Villebois; and

(3) one person designated by the members referred to in subparagraphs 1 and 2 from among the residents of the territory of the Eeyou Istchee James Bay Regional Government, except the residents of the localities.”;

(2) by adding the following sentence at the end of the eighth paragraph: “This paragraph does not apply to the regional conference of elected officers described in subparagraph 1 of the third paragraph of section 21.5.”

64. Section 21.13 of the Act is amended by adding the following paragraph after the second paragraph:

“However, the Cree Nation Government, deemed to act as a regional conference of elected officers under subparagraph 3 of the third paragraph of section 21.5, and the Minister may agree on specific rules concerning the frequency, date and manner of filing the annual activity report and financial statements, as well as concerning the information that may be required by the Minister under the second paragraph, in order to take into account the specific character and the institutional capacity of the Cree Nation Government.”

65. Section 21.17 of the Act is amended by replacing “and the Cree Regional Authority acting as a regional conference of elected officers and the regional conference of elected officers established for the territory of the Municipalité de Baie-James and the territories of the cities of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami” by “, the Cree Nation Government and the Eeyou Istchee James Bay Regional Government, all deemed to be acting as regional conferences of elected officers, and the regional conference of elected officers established under subparagraph 1 of the third paragraph of section 21.5”.

66. Section 21.17.1 of the Act is amended by adding the following paragraph after the third paragraph:

“The first and second paragraphs apply, subject to Division VIII.1 of the Act respecting the Cree Nation Government (chapter A-6.1).”

67. Section 21.17.2 of the Act is amended by adding the following sentence at the end of the second paragraph: “In preparing the draft regional plan for integrated land and resource development, the regional land and natural resource commission of the Eeyou Istchee James Bay Regional Government

(1) takes into account the policy directions, principles and objectives determined by the Regional Government in consultation with the Cree communities, Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami and with the approval of the Gouvernement du Québec; and

(2) consults the Eeyou Planning Commission established under section 79.1 of the Act respecting the Cree Nation Government (chapter A-6.1) in order to harmonize the plan, to the extent possible, with the Cree Nation Government’s regional land and resource use plan.”

68. Section 21.30 of the Act is amended

(1) by inserting “, the regional conference of elected officers described in subparagraph 1 of the third paragraph of section 21.5 or the Cree Nation Government, deemed to act as a regional conference of elected officers under subparagraph 3 of the third paragraph of section 21.5,” after “with a municipality”;

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

““Municipality” in sections 21.31 to 21.33 also refers to the regional conference of elected officers mentioned in the first paragraph and the Cree Nation Government.”

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE, DE L’INNOVATION ET DE L’EXPORTATION

69. Section 96 of the Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01) is amended

(1) by striking out “; the same is true of the Cree Regional Authority established under the Act respecting the Cree Regional Authority (chapter A-6.1)”;

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

“The same is true for

(1) the regional conference of elected officers described in subparagraph 1 of the third paragraph of section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire

(chapter M-22.1), which is also considered to be a regional county municipality for the purpose of adopting a by-law under section 12 of the Municipal Powers Act (chapter C-47.1), prescribing the amount that the Eeyou Istchee James Bay Regional Government, Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami are required to pay in support of the local development centre; and

(2) the Cree Nation Government constituted by the Act respecting the Cree Nation Government (chapter A-6.1), with respect to Category I lands, Category II lands and the persons residing on those lands, as defined in that Act, except that the Cree Nation Government may itself exercise the powers described in section 90, taking into account the policy directions, strategies and objectives it determines in consultation with the Cree communities defined in the Act.

The local development centre of the regional conference of elected officers mentioned in subparagraph 1 of the second paragraph and the Cree Nation Government may cooperate in order to support contractors in carrying out projects on Category III lands, within the meaning of the Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government (*insert the year and chapter number of this Act*), subject to the approval of these projects by the Eeyou Istchee James Bay Regional Government.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

70. Section 37 of the Act respecting municipal territorial organization (chapter O-9) is amended by adding the following paragraph at the end:

“Likewise, the Government shall not constitute an unorganized territory into a local municipality if part of the territory is situated on Category II lands as defined in the Act respecting the Cree Nation Government (chapter A-6.1) without having obtained the Cree Nation Government’s prior written consent.”

POLICE ACT

71. Section 102.7 of the Police Act (chapter P-13.1) is amended by replacing “of Municipalité de Baie-James” in the second paragraph by “of the Eeyou Istchee James Bay Regional Government”.

ENVIRONMENT QUALITY ACT

72. Section 131 of the Environment Quality Act (chapter Q-2) is amended by striking out paragraph 5.

73. Section 140 of the Act is amended by striking out “, the Regional Zone Council” in the first paragraph.

74. Section 145 of the Act is amended by striking out “, to the Regional Zone Council”.

75. Section 152 of the Act is amended by striking out “, the Regional Zone Council” in the introductory part.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

76. The heading of Chapter VI.0.3 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is amended by replacing “OF MUNICIPALITÉ DE BAIE-JAMES” by “OF THE EYYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT”.

77. Section 63.0.11 of the Act is amended

(1) by replacing “referred to in the first paragraph of section 36 of the James Bay Region Development and Municipal Organization Act (chapter D-8.2) who participates” in the first paragraph by “who is a member of the council of the Eeyou Istchee James Bay Regional Government participating”;

(2) by inserting “or of the Regional Government” after “council of Municipalité de Baie-James” in the first paragraph;

(3) by replacing “the municipality” in the first paragraph by “Municipalité de Baie-James or by the Regional Government”;

(4) by replacing the second paragraph by the following paragraph:

“However, the period redeemed by a person designated as a member of the council of an enclosed municipality under paragraph 3 of section 6 of the Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government (*insert the year and chapter number of this Act*) may not be before the date the person began to participate in the pension plan as a member of the council of the enclosed municipality.”

78. Section 63.0.12 of the Act is amended

(1) by replacing “to Municipalité de Baie-James” in the first paragraph by “to the Regional Government”;

(2) by replacing “of the municipality” in the second paragraph by “of the Regional Government”.

79. Section 63.0.13 of the Act is amended by replacing “The municipality” in the third paragraph by “The Regional Government”.

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

80. Section 24 of the Act respecting the lands in the domain of the State (chapter T-8.1) is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) for the territory of the Eeyou Istchee James Bay Regional Government: the Eeyou Istchee James Bay Regional Government, the Cree Nation Government, Ville de Chibougamau, Ville de Chapais, Ville de Lebel-sur-Quévillon and Ville de Matagami;”;

(2) by replacing “Cree Regional Authority” in subparagraphs 2 and 3 of the first paragraph by “Cree Nation Government”;

(3) by replacing “to the Regional Authority, Regional Government or” in the second paragraph by “to the Eeyou Istchee James Bay Regional Government, the Cree Nation Government, the Kativik Regional Government or the”;

(4) by replacing “until the Regional Authority, Regional Government or” in the second paragraph by “until the Eeyou Istchee James Bay Regional Government, the Cree Nation Government, the Kativik Regional Government or the”.

81. Section 25 of the Act is amended

(1) by replacing “to the Regional Authority, Regional Government or” in the second paragraph by “to the Eeyou Istchee James Bay Regional Government, the Cree Nation Government, the Kativik Regional Government or the”;

(2) by replacing “once the Regional Authority, Regional Government or” in the second paragraph by “once the Eeyou Istchee James Bay Regional Government, the Cree National Government, the Kativik Regional Government or the”.

CREE VILLAGES AND THE NASKAPI VILLAGE ACT

82. Section 1 of the Cree Villages and the Naskapi Village Act (chapter V-5.1) is amended by replacing paragraph 15 by the following paragraph:

“(15) “Eeyou Istchee James Bay Regional Government” means the Eeyou Istchee James Bay Regional Government established by the Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government (*insert the year and chapter number of this Act*);”.

83. Section 11 of the Act is amended by replacing “of Municipalité de Baie-James” by “of the Eeyou Istchee James Bay Regional Government”.

84. Section 18 of the Act is amended by replacing “the James Bay Regional Zone Council established by the Act respecting the James Bay Regional Zone Council (chapter C-59.1)” in the first paragraph by “the Cree Nation Government”.

CHAPTER IX

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

85. Subject to sections 86 and 87, the Regional Government succeeds to the rights, obligations and charges of Municipalité de Baie-James and becomes, without continuance of suit, a party to all proceedings, in its place.

The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of Municipalité de Baie-James that are consistent with the provisions of this Act remain in force, on the Regional Government's territory, until their objects are attained or until they are replaced or repealed in accordance with this Act. They are deemed to be acts of the Regional Government.

A fiscal equity agreement, of the kind provided for in section 35, which is in force on 1 January 2014, is, at the end of its term, renewed for three years. This renewal also applies at the end of the first renewal period and at the end of each subsequent renewal period unless notice to the contrary is given by one of the parties to the agreement to the other party to the agreement no later than the first day of the twelfth month before the current term expires.

86. The following assets are transferred to the regional conference of elected officers described in subparagraph 1 of the third paragraph of section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), amended by section 61:

(1) the fund consisting of the sums paid by Hydro-Québec to Municipalité de Baie-James, described as the "Fonds de développement régional" in the municipality's annual financial report;

(2) the fund described as the "Fonds CLD" in that municipality's annual financial report; and

(3) any unexpended sums allocated under the Agreement entered into pursuant to Québec's National Policy on Rurality.

The regional conference of elected officers mentioned in the first paragraph succeeds Municipality de Baie-James with regard to the rights, obligations and charges resulting from an agreement, a contract or any other act establishing the existence of the funds referred to in the first paragraph.

87. The regional conference of elected officers described in subparagraph 1 of the third paragraph of section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, amended by section 61, succeeds to Municipalité de Baie-James with regard to the rights, obligations and charges resulting from an agreement entered into under section 21.30 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire or under section 89 or 96 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01).

88. In any Act, regulation, order, contract or other document, a reference to Municipalité de Baie-James is a reference to the Eeyou Istchee James Bay Regional Government and a reference to the Cree Regional Authority is a reference to the Cree Nation Government, unless the context indicates otherwise.

The first paragraph applies, subject to the second paragraph of section 86 and to section 87.

89. During the first five years following the coming into force of this Act, the Regional Government ensures the maintenance in the localities of the municipal services provided by Municipalité de Baie-James as they existed on 24 July 2012; it also ensures that the localities receive administrative and financial support at least equivalent to that provided by Municipalité de Baie-James at that date.

For the purposes of the first paragraph, the level of services or support required is established in reference, if necessary, to the budgetary estimates of Municipalité de Baie-James for the 2012 fiscal year.

90. The employees of Municipalité de Baie-James become, without reduction in salary, employees of the Regional Government and retain their seniority and employee benefits; they cannot be laid off or dismissed solely by reason of the constitution of the Regional Government. No decision of the council affecting their place of work may come into effect, solely by reason of the constitution of the Regional Government, before the day occurring five years after the date of the coming into force of this Act, subject to the employer's natural right to transfer employees to satisfy operational needs.

The first paragraph also applies to those among the employees of the regional conference of elected officers constituted for the territory of Municipalité de Baie-James and the territory of Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami by the third paragraph of section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, as it read before the amendment enacted by section 61 of this Act, who work for the regional land and natural resource commission or the local integrated land and resource management panel within the scope of sections 21.17.1 to 21.17.3 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire.

91. No decision of the council concerning the location of the Regional Government's head office or its main offices may come into effect before the day occurring five years after the date of the coming into force of this Act.

The first paragraph does not prevent the Regional Government from establishing other offices either inside or outside its territory, in particular, on the territory of the Cree communities, or from taking any measure aimed at promoting access to employment opportunities for Cree workers, including telework, sub-contracts and service contracts.

92. The Minister determines the location in which the first meeting of the Regional Government's council is to be held.

93. In addition to the persons who are members of the Regional Government's council under section 6, a person designated by the deputy minister of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire from among the department's management staff is also a member, but is not entitled to vote.

From 1 January 2019, the Regional Government and the Gouvernement du Québec shall jointly reassess that member's presence within the Regional Government's council. If it is deemed irrelevant, that person ceases to be a member of the council from the date of the joint signing, by the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister responsible for Division III.2 of the Act respecting the Ministère du Conseil exécutif (chapter M-30), of an agreement to that effect with the Regional Government.

94. For the purposes of the alternation provided for in section 7, a random draw determines the groups mentioned in that section from which the first chair and vice-chair of the council will be chosen.

95. Until 1 January 2023,

(1) two members of the Regional Government's executive committee are chosen by and from among the members of the group referred to in paragraphs 1 and 2 of section 6; and

(2) two members of the Regional Government's executive committee are chosen by and from among the members of the group referred to in paragraph 3 of section 6.

The term of a member of the executive committee that is under way on the date set in the first paragraph ends on that date.

96. The budget of each of the first five fiscal years of the Regional Government must be approved by the Minister before it is adopted.

The time extension provided for in the third paragraph of subsection 3 of section 474 of the Cities and Towns Act (chapter C-19) may specifically apply to the Regional Government to take into account the time inherent in the application of the first paragraph.

For the purposes of the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act as it applies to the Regional Government's budget for the fiscal year 2014, "budget of the preceding fiscal year" designates the budget of Municipalité de Baie-James for the fiscal year 2013.

97. The Gouvernement du Québec may, by regulation and with the consent of the Regional Government or the Cree Nation Government, enact any

provision providing for the manner in which a legislative provision of the Regional Government or the Cree Nation Government or any consequential or transitional provision ensuring the administration of the Act is to be applied.

A regulation referred to in the first paragraph is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1) and may apply, after publication and if the regulation so provides, from a date not prior to 1 January 2014.

CHAPTER X

COMING INTO FORCE

98. This Act comes into force on 1 January 2014, except for section 97, which comes into force on (*insert the date of assent to this Act*).

