



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 499

An Act respecting dynamic land occupancy and decentralization

Introduction

**Introduced by
Mr. André Villeneuve
Member for Berthier**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

The object of this bill is to establish a new framework for relations between the municipalities and the Administration to ensure that their powers are exercised in the pursuit of dynamic land occupancy and greater decentralization.

Dynamic land occupancy must be carried out in accordance with principles such as the right of inhabitants and ratepayers of rural municipalities to accessible basic services, the adaptation of the Administration's programs and policies to specific regional and local characteristics to promote equity among the regions and among the municipalities, the promotion of regional and local identities and of a stronger sense of territorial attachment, and the rights of aboriginal nations. In addition, decentralization must be carried out in accordance with the principles of subsidiarity, full and exclusive devolution of municipal powers within the limits provided by law and fiscal autonomy. When powers are transferred, they must come with resources equivalent to those dedicated to their exercise before they were transferred or the fiscal equivalent of those resources.

The Government must adopt a dynamic land occupancy and decentralization policy that includes indicators relating to its two thrusts. The policy must be reviewed every five years.

In addition, every government department, agency and enterprise in the Administration is required to identify and make public its objectives for contributing to the implementation of the policy, as well as the activities or interventions it plans on carrying out to that end, and to include an account of its progress toward those objectives in its annual report.

Bill 499

AN ACT RESPECTING DYNAMIC LAND OCCUPANCY AND DECENTRALIZATION

AS the territory of Québec is vast and as it constitutes an invaluable public asset for Quebecers;

AS the permanent presence of residents in the regions fosters sustainable development in sectors essential to dynamic land occupancy, such as agriculture, natural resources and tourism;

AS the State must contribute to dynamic land occupancy and decentralization;

AS decentralization fosters democracy, citizen and community commitment and participation, as well as ownership by the regions of their own destiny;

AS the municipalities must have the necessary tools to contribute to dynamic land occupancy;

AS the municipalities possess expertise in dynamic land occupancy;

AS it is advisable to establish a new framework for relations between the State and the municipalities so the municipalities will have the necessary latitude and support to fully contribute to dynamic land occupancy and respond to various changing municipal needs in the interest of their citizens;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GOVERNANCE FOSTERING DYNAMIC LAND OCCUPANCY AND DECENTRALIZATION

DIVISION I

PRELIMINARY PROVISIONS

1. The object of this Act is to establish a new framework for relations between the municipalities and the Administration to ensure that their powers are exercised in the pursuit of dynamic land occupancy and greater decentralization.

2. Within the scope of the proposed measures, “dynamic land occupancy” means the development, management and permanent habitation of land by individuals so as to maintain or increase economic, social and cultural vitality.

3. Within the scope of the proposed measures, “decentralization” means the devolution of powers and the allocation of resources to the municipalities, and the exercise by the municipalities of a regulatory power.

4. In this Act, unless otherwise indicated by the context, “municipality” means any local municipality or regional county municipality.

5. In this Act, unless otherwise indicated by the context, “Administration” means the Government, the Conseil exécutif, the Conseil du trésor, all government departments, the Agence métropolitaine de transport, the Centre de services partagés du Québec, Hydro-Québec, Investissement Québec, Loto-Québec, the Société de l’assurance automobile du Québec, the Société des alcools du Québec, the Société des Traversiers du Québec, the Société des établissements de plein air du Québec, the Société d’habitation du Québec, any other government agency or enterprise governed by the Auditor General Act (R.S.Q., chapter V-5.01) and any other government agency or enterprise designated by government regulation.

The Administration does not include courts of justice within the meaning of the Courts of Justice Act (R.S.Q., chapter T-16), bodies whose membership is wholly made up of judges of the Court of Québec, the Conseil de la magistrature, the committee on the remuneration of the judges of the Court of Québec or the municipal courts, or administrative bodies established to exercise adjudicative functions, when exercising those functions.

DIVISION II

PRINCIPLES RELATED MAINLY TO DYNAMIC LAND OCCUPANCY

§1. — Right of inhabitants and ratepayers of rural municipalities to accessible basic services

6. The inhabitants and ratepayers of a rural municipality, whether a local municipality governed by the Municipal Code of Québec (R.S.Q., chapter C-27.1) or any other local municipality designated as such by government regulation, have a right to accessible basic services, namely education, health, public security, educational childcare, transportation, housing, sports, leisure, cultural, savings, food, gas, cellular telephony and high-speed Internet services or any other services designated by government regulation.

7. The last facility to offer a service referred to in section 6 in the territory of a rural municipality cannot discontinue or move that service or otherwise make it permanently inaccessible unless the municipality is duly notified at least 30 days beforehand by the owner or by the authority concerned.

8. Within the limits of its powers, a rural municipality notified under section 7 may take steps to ensure that the service to be discontinued, moved or otherwise made permanently inaccessible is maintained or that an equivalent service is accessible.

§2. — *Adaptation of programs and policies*

9. To promote equity among the regions and among the municipalities, any program or policy of the Administration that may have an impact on dynamic land occupancy or decentralization must be adapted to specific regional and local characteristics. To that end,

(1) any brief submitted to the Conseil exécutif on a proposed program or policy that may have a substantial impact on dynamic land occupancy or decentralization must contain a section describing that impact and the elements that have been adapted to specific regional and local characteristics; and

(2) the Minister of Municipal Affairs, Regions and Land Occupancy may submit any proposed program or policy that may have an impact on dynamic land occupancy or decentralization to the Table Québec-régions or the Table Québec-municipalités for an evaluation of the degree to which the program or policy is adapted to specific regional and local characteristics.

§3. — *Regional and local identities*

10. The regional conferences of elected officers, the municipalities and the Administration may encourage the promotion of regional or local identities and a stronger sense of territorial attachment, taking into account the cultural, economic, environmental and social interests of the citizens and communities concerned.

§4. — *Rights of aboriginal nations*

11. Dynamic land occupancy and decentralization are to be carried out in a manner consistent with the existing aboriginal and treaty rights of the aboriginal nations of Québec.

DIVISION III

PRINCIPLES RELATED MAINLY TO DECENTRALIZATION

§1. — *Subsidiarity*

12. In accordance with the principle of subsidiarity, powers, particularly those related to dynamic land occupancy, must be entrusted to the appropriate level of authority. Decision-making centres should be adequately distributed and as close as possible to the citizens and communities concerned, taking into account the capacity and will of the municipalities concerned.

§2.— *Full devolution of powers within the limits provided by law*

13. A power devolved to a municipality must normally be full and exclusive. It may not be subject to the approval of the Administration except in the forms and cases prescribed by an Act or a regulation.

Any provision of an Act or a regulation requiring such approval must be interpreted in a restrictive manner.

§3.— *Fiscal autonomy and financial or fiscal transfers*

14. Revenue from independent local sources represents a significant proportion of all the resources of a municipality.

15. Any transfer of powers between the Administration and a municipality entails the allocation of resources equivalent to those dedicated to the exercise of the powers before the transfer or the fiscal equivalent of those resources.

CHAPTER II

DYNAMIC LAND OCCUPANCY AND DECENTRALIZATION POLICY AND MEASURES TAKEN BY THE ADMINISTRATION

DIVISION I

DYNAMIC LAND OCCUPANCY AND DECENTRALIZATION POLICY

16. The implementation of dynamic land occupancy and decentralization must be based on a policy adopted by the Government before (*insert the date that is 12 months after the date of assent to this Act*) and must be carried out in a manner consistent with this Act.

In addition, the policy and any review of the policy must be submitted to public consultation in the form of parliamentary committee hearings.

17. The dynamic land occupancy and decentralization policy must in particular deal with the right of inhabitants and ratepayers of rural municipalities to accessible basic services, the adaptation of the Administration's programs and policies to specific regional and local characteristics to promote equity among the regions and among the municipalities, the promotion of regional and local identities and of a stronger sense of territorial attachment, the rights of aboriginal nations, subsidiarity, full devolution of municipal powers within the limits provided by law, fiscal autonomy and financial or fiscal transfers.

18. The dynamic land occupancy and decentralization policy must include dynamic land occupancy indicators and decentralization indicators.

19. The dynamic land occupancy and decentralization policy must be reviewed every five years.

DIVISION II

IMPLEMENTATION OF THE POLICY AND ACCOUNTABILITY

20. In order to focus its priorities and plan its actions in a way that will foster dynamic land occupancy and decentralization in keeping with the dynamic land occupancy and decentralization policy of the Government, every government department, agency and enterprise in the Administration must

(1) identify, in a document to be made public, the specific objectives it intends to pursue in order to contribute to a progressive and compliant implementation of the policy, as well as the activities or interventions it plans on carrying out to that end, alone or in collaboration with a municipality; and

(2) state in a special section of its annual report its activities aimed at achieving its specific objectives, in keeping with those of the policy, in order to contribute to dynamic land occupancy, decentralization and the progressive implementation of the policy.

CHAPTER III

FINAL PROVISIONS

21. This Act does not apply in the territories situated north of the 55th parallel or 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 (R.S.Q., chapter D-8.2).

22. The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act.

23. At the latest on 1 February 2016 and every 10 years after that, the Minister must report to the Government on the carrying out of this Act.

The report must be tabled in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

24. This Act comes into force on *(insert the date of assent to this Act)*.

