



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 128
(2002, chapter 52)

**An Act to amend the Act respecting the
Québec Pension Plan and other
legislative provisions**

**Introduced 31 October 2002
Passage in principle 26 November 2002
Passage 12 December 2002
Assented to 17 December 2002**

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EXPLANATORY NOTES

This bill amends the Act respecting the Québec Pension Plan to give same sex spouses entitlement to the surviving spouse's pension in respect of deaths occurring between 4 April 1985 and 16 June 1999, provided that an application therefor is filed with the Régie des rentes du Québec after 1 March 2002, even where a previous application has been rejected on the ground that the spouses were of the same sex.

The bill authorizes the Régie des rentes du Québec to conduct research into any field governed by an Act it administers and to carry out, in fields related to its powers and jurisdiction, such mandates and functions as may be conferred on the Board by the Government or a minister, the costs related thereto being borne by the latter. With the Minister's authorization, the Board will be permitted to alienate its expertise and any products it develops in the exercise of its functions and to derive revenue from the transactions.

The bill removes a provision from the Act respecting the Québec Pension Plan which allows the Board to make a regulation establishing the conditions and circumstances permitting a person to be considered to be disabled within the meaning of that Act. The bill subjects the Board, however, to the requirement of publishing its directives that concern the medical evaluation of disability.

The bill also amends the Supplemental Pension Plans Act to provide that a regulation made by the Government under section 2 of that Act pertaining to a pension plan administered by the Commission de la construction du Québec may have retroactive effect.

Lastly, the bill amends the Act respecting family benefits and the Supplemental Pension Plans Act to strike out provisions that duplicate the new provisions introduced into the Act respecting the Québec Pension Plan that concern the powers and functions of the Board.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting family benefits (R.S.Q., chapter P-19.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

Bill 128

AN ACT TO AMEND THE ACT RESPECTING THE QUÉBEC PENSION PLAN AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE QUÉBEC PENSION PLAN

1. Section 12 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the third paragraph by the following paragraph:

“In particular, the Board may carry out or cause to be carried out research and studies in any field to which an Act administered by the Board applies, and make recommendations to the Minister responsible for the application of that Act. The Board may also, in any field related to its powers and jurisdiction, carry out any mandate and exercise any function conferred on it by the Government or a minister and the costs of which are borne by the latter.”

2. The said Act is amended by inserting the following section after section 12:

“**12.1.** With the authorization of the Minister responsible for the application of this Act, the Board may, by agreement with any government, a department or body of such a government, or with any person, association or partnership, transfer its expertise and the products it develops or causes to be developed in the exercise of its functions. The Board may also, with the same authorization, offer services related to its expertise or these products.

The Board may, within the framework of these agreements, incur expenses. The Board shall include in its revenues any amount collected in the carrying out of these agreements.”

3. The said Act is amended by inserting the following section after section 91.1:

“**91.2.** A person may qualify as a surviving spouse if, on or after 2 March 2002, the person makes an application for a surviving spouse’s pension following the death of a same-sex contributor that occurred between 4 April 1985 and 16 June 1999 whether or not such an application was made before 2 March 2002 and even where such pension was refused on the sole ground that the person was of the same sex as the contributor.

If the payment is authorized, the pension is payable from the twelfth month preceding the month following the month the application made on or after 2 March 2002 was received.”

4. Section 95 of the said Act is amended by replacing the fifth paragraph by the following paragraph :

“The Board shall periodically publish its directives on medical disability evaluation.”

5. Section 219 of the said Act, amended by section 173 of chapter 6 of the statutes of 2002, is again amended by striking out paragraph *j.1*.

ACT RESPECTING FAMILY BENEFITS

6. Section 30 of the Act respecting family benefits (R.S.Q., chapter P-19.1) is amended by striking out the second paragraph.

SUPPLEMENTAL PENSION PLANS ACT

7. Section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by adding the following paragraph after the second paragraph :

“A regulation made under the second paragraph in relation to a pension plan administered by the Commission de la construction du Québec or a mandatary of the Commission de la construction du Québec may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force.”

8. Section 246 of the said Act is amended by striking out paragraphs 1 and 7.

9. Section 3 of this Act has effect from 2 March 2002.

10. This Act comes into force on 17 December 2002.