



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 17

**An Act respecting the implementation
of certain provisions of the Budget
Speech of 25 March 2021 and
amending other provisions**

Introduction

**Introduced by
Mr. Eric Girard
Minister of Finance**

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EXPLANATORY NOTES

This bill amends or enacts legislative and regulatory provisions, in particular to implement certain measures contained in the Budget Speech delivered on 25 March 2021.

The conditions allowing a certified forest producer to obtain a reimbursement of part of the property taxes paid in respect of the immovables included in the assessment units, the forested area of which has been registered, are relaxed.

The name of the Cannabis Sales Revenue Fund is changed to Fund to Combat Addiction, and the determined amounts taken out of the dividends paid by the Société des alcools du Québec and the Société des loteries du Québec are allocated to the prevention of any form of addiction and to the fight against the harmful effects of such addiction.

The Act respecting municipal taxation is amended to put an end to the averaging of the variation in the taxable value of a unit of assessment resulting from a decrease in value that occurs when, after work is performed on a building, the adjusted value of the immovable becomes equal to or greater than the taxable value entered on the roll before the carrying out of the work.

The Balanced Budget Act is amended to suspend the prohibition to have an actual or estimated budgetary deficit and the obligation to offset budgetary overruns, from 25 March 2021 to the end of the fiscal year determined by the Minister of Finance at or before the time of the budget for the 2023–2024 fiscal year.

The Tax Administration Act is amended to allow the Institut de la statistique du Québec to communicate, for research purposes, to a researcher attached to a public body, information that is contained in a tax record it obtained from the Agence du revenu du Québec and that was designated by the Government.

The date of submission of the next report on the carrying out of the Money-Services Businesses Act and on the advisability of maintaining or amending that Act is postponed.

As regards the recovery and administration of certain unclaimed financial products, the bill proposes that

(1) the shares of public corporations that are not held by a securities intermediary be subject to the Unclaimed Property Act to ensure that they are considered as unclaimed property if no claim or transaction has been made and no instructions have been given in their respect for three consecutive years, and that the criteria applicable to other similar property becoming subject to that Act be standardized;

(2) certain procedures pertaining to the annual delivery of unclaimed property by the holders of such property are to be completed by using the electronic process provided for that purpose on Revenu Québec's website; and

(3) sums from unclaimed supplemental pension plans be allowed to be liquidated.

As regards Financement-Québec, the bill proposes that

(1) its corporate form be changed so that it no longer is a legal person with share capital;

(2) its governance structure be revised by providing that the management and administration of the financing authority are under the direct authority of a chief executive officer rather than that of a board of directors and by providing for the establishment, rights and obligations of a governance committee tasked, in particular, with ensuring that the financing authority provide proper financial services to public bodies; and

(3) the financing authority's power to acquire or establish a subsidiary for the purpose of pursuing its mission be withdrawn.

The Act respecting the Montréal Museum of Fine Arts is amended to require that the museum obtain authorization from the Minister of Culture and Communications and the Minister of Finance to contract short term or line of credit loans in order to finance a capital expenditure project for which it receives a subsidy.

The amount taken from the proceeds of the tobacco tax to finance the Québec Cultural Heritage Fund is increased.

As regards the disability pension and the rules applicable to the additional plan provided for under the Québec Pension Plan, the bill proposes, in particular, that

(1) the criteria to qualify for a disability pension from the age of 60 be relaxed and standardized;

(2) the rules that relate to the amount of authorized work income to qualify and remain qualified for disability benefits be relaxed;

(3) the amount of pension paid to disabled persons from the age of 60 be increased;

(4) better continuity in the payment of the retirement pension be ensured when the payment of the disability pension ends;

(5) the surviving spouse's pension for certain disabled persons be increased; and

(6) the method for computing the amount of the second contribution of a self-employed worker to the additional plan and that for computing unadjusted pensionable earnings in certain specific situations be adjusted.

Lastly, the bill contains transitional and consequential provisions required for its application.

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Sustainable Forest Development Act (chapter A-18.1);
- Unclaimed Property Act (chapter B-5.1);
- Balanced Budget Act (chapter E-12.000001);
- Money-Services Businesses Act (chapter E-12.0000001);
- Act respecting Financement-Québec (chapter F-2.01);
- Act respecting municipal taxation (chapter F-2.1);

- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Montréal Museum of Fine Arts (chapter M-42);
- Act respecting the Québec Pension Plan (chapter R-9);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Société des loteries du Québec (chapter S-13.1).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1);
- Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1);
- Regulation respecting benefits (chapter R-9, r. 5).

Bill 17

AN ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 25 MARCH 2021 AND AMENDING OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

REIMBURSEMENT OF PROPERTY TAXES TO FOREST PRODUCERS

DIVISION I

AMENDING PROVISIONS

SUSTAINABLE FOREST DEVELOPMENT ACT

1. Section 131 of the Sustainable Forest Development Act (chapter A-18.1) is amended

(1) by inserting “in a calendar year if the forest producer is a natural person, and in a fiscal year in any other case,” after “paid” in the introductory clause;

(2) by replacing paragraph 3 by the following paragraph:

“(3) has a report that was prepared by a forest engineer, stating the eligible protection or development expenses that are applicable to the calendar year or to the fiscal year, as the case may be; and”.

ACT RESPECTING MUNICIPAL TAXATION

2. Section 220.3 of the Act respecting municipal taxation (chapter F-2.1) is amended

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

“Every individual or legal person contemplated in this subdivision may, subject to section 131 of the Sustainable Forest Development Act (chapter A-18.1), receive a reimbursement of part of the property taxes paid in a calendar year in the case of an individual or, in any other case, in a fiscal period, within the meaning assigned to that expression by Part I of the Taxation Act (chapter I-3), in respect of the immovables included in an assessment unit, the forested area

of which has been registered under section 130 of the Sustainable Forest Development Act, if the individual or the legal person applies for it to the Minister of Revenue in the prescribed form containing prescribed information.”;

(2) by striking out “, within the meaning assigned by Part I of the said Act” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

“The reimbursement is equal to 85% of the lesser of

(1) the total of all amounts each of which is the product obtained by multiplying the aggregate of property taxes paid and not reimbursed otherwise than pursuant to this section, in respect of an assessment unit, by the ratio between the value of the land and the total value of the unit according to the entry of these values on the assessment roll; and

(2) the total of the producer’s eligible protection or development expenses, determined for the purposes of section 131 of the Sustainable Forest Development Act, that are applicable, where the producer is an individual, to the calendar year or, in any other case, to the producer’s fiscal year.”

3. Section 220.4 of the Act is repealed.

REGULATION RESPECTING THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

4. Section 1 of the Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1) is amended by replacing “paid in the last year” by “paid”.

5. Section 2 of the Regulation is amended by striking out paragraph 4.

6. Section 4 of the Regulation is amended by replacing the first paragraph by the following paragraphs:

“A certified forest producer that, in a particular calendar year ending before 1 January 2022 or a particular fiscal year ending before that date, as the case may be, has incurred expenses for an amount less than the amount of property taxes paid during that period may carry forward that amount over the five calendar years following the particular calendar year or the five fiscal years following the particular fiscal year.

A certified forest producer that, in a particular calendar year or a particular fiscal year, as the case may be, has incurred expenses for an amount greater than the amount of property taxes paid during that period may carry forward the excess amount over the 10 calendar years following the particular calendar year or the 10 fiscal years following the particular fiscal year. Accumulated surplus expenses are claimed according to the order in which they occur.”

- 7.** Schedule 2 to the Regulation is replaced by the following schedule:

“SCHEDULE 2
(Section 5)

REPORT PREPARED BY A FOREST ENGINEER CONTAINING A
STATEMENT OF EXPENSES FOR THE REIMBURSEMENT OF
PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS
(Sustainable Forest Development Act, chapter A-18.1, s. 131)

Part 1 – Forest producer (The information relating to the permanent code and the date of expiry of the forest development plan appears in the forest development plan.)									
Forest producer's name and address:			Permanent code:				Expiry date of the forest development plan:		
			Calendar year or fiscal year of the last statement of development expenses:				Calendar year or fiscal year in which the eligible development expenses entered in this report were incurred:		
Part 2 – Eligible development expenses (The development expenses must have been incurred in the calendar year or the fiscal year, as the case may be, indicated in this report.)									
Name of the municipality in which the development expense was incurred	Identification of eligible development expense	Number of units of measurement (Nbru)	Value of eligible development expense			Total {(Nbru x VaT) + (Nbru x VaE)}			
			Technical component (VaT)	Execution component (VaE)					
						\$			
						+			
						+			
						+			
						+			
						+			
TOTAL OF ELIGIBLE DEVELOPMENT EXPENSES			Σe {(Nbru x VaT) + (Nbru x VaE)}			=	\$		
Meaning of terms: Σe: the sum of the operation performed in the brace for each development expense indicated in Schedule 1. Nbru: the number of units of measurement corresponding to the development expense referred to in Schedule 1. VaT: the value of the development expense referred to in Schedule 1 for the technical component. VaE: the value of the development expense referred to in Schedule 1 for the execution component.									

Part 3 – Forest engineer's statement	Part 4 – Forest producer's statement
<p>I hereby certify that:</p> <ul style="list-style-type: none"> - each of the development expenses declared in this report was incurred in such a way as to have an impact on the establishment, maintenance or improvement of a forest stand and to fulfil the objective fixed in the Regulation respecting the reimbursement of property taxes of certified forest producers; - I have not observed any departure from municipal by-laws; - I am a member in good standing of the Ordre des ingénieurs forestiers du Québec. <p>Name: _____ Permit No.: _____</p> <p>Signature: _____ Date: _____</p> <p style="text-align: right;">Forest engineer</p>	<p>I hereby certify that:</p> <ul style="list-style-type: none"> - all the information in my valid forest development plan is up-to-date; - the development expenses declared in this report were incurred for a registered forest area for which a forest management plan is in force; - the municipal by-laws have been complied with; - those expenses have never been declared for the purposes of a reimbursement of property taxes with a department or public body. <p>In addition, I agree to provide any vouchers that the Minister of Revenue or the Minister of Natural Resources may require.</p> <p>Name: _____ Date: _____</p> <p>Signature: _____</p> <p style="text-align: right;">Forest producer or authorized representative</p>

Part 5 – Assistance program for the development of private forests
<p>In order to ensure complementarity between the reimbursement of property taxes of certified forest producers under this Regulation and the assistance program for the development of private forests, please indicate whether financial assistance under the assistance program for the development of private forests was provided for the development expenses declared in this report:</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Name: _____ Date: _____</p> <p>Signature: _____</p> <p style="text-align: right;">Forest producer or authorized representative</p>

”

DIVISION II

TRANSITIONAL PROVISION

8. The provisions of sections 1 to 3 apply from the calendar year 2022, in the case of an individual, and to a fiscal year that ends after 31 December 2021, in the case of a legal person.

CHAPTER II

FUND TO COMBAT ADDICTION

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

9. Section 23.30 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended

(1) by replacing “Cannabis Sales Revenue Fund” in the introductory clause by “Fund to Combat Addiction”;

(2) by inserting “, pathological gambling and other forms of addiction” after “substance use” in paragraph 3.

10. Section 23.31 of the Act is amended

(1) by replacing “Cannabis Sales Revenue Fund” in the introductory clause by “Fund”;

(2) by inserting the following paragraph after paragraph 1:

“(1.1) the amounts determined by the Government under section 58.1 of this Act and section 23.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1);”.

11. The Act is amended by inserting the following section after section 23.31:

“23.31.1. The sums referred to in paragraph 1.1 of section 23.31 may be appropriated only for the purposes set out in paragraph 3 of section 23.30.”

12. Section 23.32 of the Act is amended by replacing “Cannabis Sales Revenue Fund” in the first paragraph by “Fund”.

13. Section 23.33 of the Act is amended, in the first paragraph,

(1) by inserting “pathological gambling and other forms of addiction,” after “substance use,”;

(2) by replacing “Cannabis Sales Revenue Fund” by “Fund”.

14. Section 23.34 of the Act is amended by replacing “Cannabis Sales Revenue Fund” by “Fund, excluding the sums referred to in paragraph 1.1 of section 23.31”.

15. The Act is amended by inserting the following section after section 58:

“58.1. The Government shall determine the amount of the sums paid by the Société as dividends that is to be paid annually into the Fund to Combat Addiction.”

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

16. The Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by inserting the following section after section 23:

“23.1. The Government shall determine the amount of the sums paid by the company as dividends that is to be paid annually into the Fund to Combat Addiction established under the Act respecting the Société des alcools du Québec (chapter S-13).”

DIVISION II

TRANSITIONAL PROVISION

17. Unless the context indicates otherwise, in any Act, regulation, order in council or other document, a reference to the Cannabis Sales Revenue Fund is a reference to the Fund to Combat Addiction.

CHAPTER III

ASSISTANCE FOR HOMES DAMAGED BY PYRRHOTITE

ACT RESPECTING MUNICIPAL TAXATION

18. Section 253.31 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following paragraph after the sixth paragraph:

“The averaging of the variation in the taxable value resulting from a decrease in the value of the unit of assessment or business establishment ceases where, through the taking of effect of an alteration to the roll referred to in subparagraph 1 of the second paragraph whose object is to reflect the increase in value resulting from work performed on a building already comprised in the unit, the adjusted value is replaced by a new adjusted value that is equal to or greater than the taxable value entered on the roll in force on the day preceding the coming into force of the roll concerned.”

CHAPTER IV

BUDGETARY BALANCE

BALANCED BUDGET ACT

19. Section 7.1 of the Balanced Budget Act (chapter E-12.00001) is replaced by the following section:

“7.1. Sections 6 and 7, which prohibit an actual or estimated budgetary deficit, and sections 8 and 10 to 13, which provide measures to offset overruns, do not apply from 25 March 2021 to the end of the fiscal year determined by the Minister at or before the time of the budget for the 2023-2024 fiscal year.”

20. Section 7.5 of the Act is amended by striking out “or, if applicable, the sums lacking for the achievement of the objective established by section 7.1 for the 2014-2015 fiscal year” in the first paragraph.

CHAPTER V

COMMUNICATION OF INFORMATION

TAX ADMINISTRATION ACT

21. The Tax Administration Act (chapter A-6.002) is amended by inserting the following section after section 69.5:

“69.5.0.1. The Institut de la statistique du Québec may, without the consent of the person concerned, communicate, for research purposes, to a researcher attached to a public body, within the meaning of paragraph 2 of section 2.2 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011), information obtained under subparagraph *k* of the second paragraph of section 69.1 for the purposes of section 2.1 of the Act respecting the Institut de la statistique du Québec and designated for that purpose by the Government under section 13.1 of that Act.

For the purposes of the first paragraph, the Institut de la statistique du Québec shall, before communicating information to a researcher attached to a public body, ensure that

(1) the objective of the research project can only be achieved if that information is communicated;

(2) it is unreasonable to require that the researcher obtain the consent of the person concerned;

(3) the communication and use of information as part of the research project are not prejudicial to the person concerned and that the research project’s expected benefits are in the public interest;

(4) the information will be used in a manner that will ensure its confidentiality; and

(5) the information is necessary for the research project.”

CHAPTER VI

REPORT ON THE IMPLEMENTATION OF THE MONEY-SERVICES BUSINESSES ACT

DIVISION I

AMENDING PROVISION

MONEY-SERVICES BUSINESSES ACT

22. Section 83 of the Money-Services Businesses Act (chapter E-12.000001) is amended by replacing “1 April 2017” in the first paragraph by “13 September 2026”.

DIVISION II

TRANSITIONAL PROVISION

23. The Minister of Revenue is exempt from the obligation to submit to the Government, not later than 1 April 2022, the report referred to in the first paragraph of section 83 of the Money-Services Businesses Act (chapter E-12.000001).

CHAPTER VII

UNCLAIMED FINANCIAL PRODUCTS

DIVISION I

AMENDING PROVISIONS

UNCLAIMED PROPERTY ACT

24. Section 3 of the Unclaimed Property Act (chapter B-5.1) is amended, in the first paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) property, including a share or the right to such a share, to be distributed because of the conversion of a mutual insurance association into a joint-stock company, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years

following the date of the last claim, transaction or instruction in respect of the property, including the receipt of interest, dividends or other income produced by such property; the property is deemed to be held by the company;”;

(2) by replacing “the receipt by the adviser or broker” in subparagraph 5 by “the last claim, transaction or instruction in respect of the property, including the receipt of interest, dividends or other income produced by such property”;

(3) by inserting the following subparagraph after subparagraph 5:

“(5.1) shares and equity securities issued by a reporting issuer, within the meaning of the Securities Act (chapter V-1.1), that are traded on securities exchanges or financial markets and that do not give rise to security entitlements, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years following the date of the last claim, transaction or instruction in respect of the property, including the receipt of interest, dividends or other income produced by such property; the shares and equity securities are deemed to be held by the reporting issuer;”.

25. Section 6 of the Act is amended

(1) by striking out “, in the form prescribed by the Minister,” in the second paragraph;

(2) in the third paragraph,

(a) by striking out subparagraph 1;

(b) by replacing subparagraph 2 by the following subparagraph:

“(2) determine the form and manner in which the statement is to be sent; and”.

26. The Act is amended by inserting the following section after section 13:

“13.1. The Minister is not required to keep the amounts that derive from a pension plan governed by the Supplemental Pension Plans Act (chapter R-15.1) or from a pension plan established by an Act in force in Québec, and which are delivered to the Minister under subparagraph 10 of the first paragraph of section 3, in a retirement savings plan or retirement income fund that is accepted for registration by the Minister of National Revenue for the purposes of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), beyond the date of the 100th birthday of the annuitant or once the amounts making up such a retirement savings plan or retirement income fund have a value of less than 20% of the Maximum Pensionable Earnings established in accordance with the Act respecting the Québec Pension Plan (chapter R-9).

The first paragraph does not apply to amounts that may be the subject of the right to reinstatement provided for in section 147.0.6 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).”

REGULATION RESPECTING THE APPLICATION OF THE UNCLAIMED PROPERTY ACT

27. Section 5 of the Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1) is amended by replacing the second paragraph by the following paragraphs:

“The related statement is filed by means of the electronic process provided for that purpose on Revenu Québec’s website.

It may also be filed in the form prescribed by the Minister if the debtor or holder has, for a year, 10 properties or less to be delivered to the Minister under section 6 of the Act.

Despite the second paragraph, the related statement must be filed in the form prescribed by the Minister if the debtor or holder delivers a property referred to in subparagraph 7 of the first paragraph of section 3 of the Act to the Minister.”

DIVISION II

TRANSITIONAL PROVISION

28. For the purposes of sections 5, 6 and 8 of the Unclaimed Property Act (chapter B-5.1), a property referred to in subparagraph 5.1 of the first paragraph of section 3 of that Act, enacted by section 24, that qualifies as unclaimed property on (*insert the date of assent to this Act*) must be delivered to the Minister of Revenue not later than 18 months following that date.

CHAPTER VIII

FINANCEMENT-QUÉBEC

DIVISION I

REDEMPTION OF SHARES AND REPAYMENT OF THE CONTRIBUTED SURPLUS

29. Financement-Québec shall redeem the 1,000 shares of its share capital held by the Minister of Finance and pay \$100,000 to that Minister as consideration, according to the terms they agreed on.

30. Financement-Québec shall repay the Minister of Finance the sum of \$9,900,000 that the financing authority holds as contributed surplus under section 67 of the Act respecting Financement-Québec (chapter F-2.01).

31. Financement-Québec’s authorized share capital as well as all the issued shares are cancelled.

DIVISION II

AMENDING PROVISIONS

ACT RESPECTING FINANCEMENT-QUÉBEC

32. Section 1 of the Act respecting Financement-Québec (chapter F-2.01) is amended by replacing “legal person with share capital” in the second paragraph by “legal person established in the public interest”.

33. Sections 10 and 11 of the Act are repealed.

34. Section 12 of the Act is amended by striking out the second and third paragraphs.

35. The Act is amended by inserting the following sections after section 13:

“**13.1.** The affairs of the financing authority are administered by a chief executive officer designated by the Minister from among the person holding the position of deputy minister of the Ministère des Finances, those holding a position of associate deputy minister or assistant deputy minister within that department and any other member of that department’s executive staff.

“**13.2.** The chief executive officer is appointed for a term of up to five years.

At the end of the term, the chief executive officer remains in office until replaced or reappointed.

“**13.3.** The chief executive officer is responsible for the administration and direction of the financing authority within the scope of its by-laws and policies.

“**13.4.** The chief executive officer shall designate a member of the financing authority’s staff to act as a replacement when the chief executive officer is absent or unable to act.”

36. Sections 14 to 22 of the Act are repealed.

37. Section 23 of the Act is replaced by the following section:

“**23.** The documents and copies emanating from the financing authority or forming part of its records are authentic if they are approved and certified by the chief executive officer.”

38. Section 24 of the Act is amended by replacing “a person referred to in section 23” by “the chief executive officer”.

39. Section 25 of the Act is amended by striking out “, the chair or vice-chair of the board, the secretary” in the first paragraph.

40. Section 26 of the Act is amended by replacing “a person referred to in section 23” in the first paragraph by “the chief executive officer”.

41. Section 29 of the Act is amended by striking out the second paragraph.

42. Section 31 of the Act is repealed.

43. The Act is amended by inserting the following chapter after section 31:

“CHAPTER II.1

“GOVERNANCE COMMITTEE

“31.1. A governance committee made up of a maximum of nine members is established within the financing authority. The committee is composed of the following members, all appointed by the Minister:

- (1) at least two members of the personnel of the Ministère des Finances;
- (2) a member of the personnel of each of the departments under the authority, respectively, of the ministers responsible for the public bodies mentioned in section 4, unless none of those bodies under a minister’s authority receives services offered by the financing authority; and
- (3) at least one independent member.

The members referred to in subparagraph 2 of the first paragraph are appointed on the recommendation of the ministers to whom they are responsible.

The members of the committee are appointed for a term not exceeding three years. On the expiry of their term, the members remain in office until replaced or reappointed.

A member is independent if, in the Minister’s opinion, the member qualifies as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

The chair of the committee is designated by the Minister from among the members referred to in subparagraph 1 of the first paragraph.

The members of the governance committee receive no remuneration. They are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“31.2. The governance committee’s functions are

(1) to ensure that the financing authority provides financial and technical services to the public bodies in accordance with the criteria determined by the Government under section 7 and the directives and other decisions made regarding the financing authority by the Government or the Minister under the powers conferred on them; and

(2) to give the Minister its opinion on any matter referred to it by the Minister.

“31.3. The committee may, in the exercise of its functions, require that any document or information used by the financing authority be communicated to it.

The officers and employees of the financing authority shall, on request, communicate those documents or that information to, and facilitate their examination by, the committee.

“31.4. No document binds the committee unless it is signed by the chair or by any other committee member so authorized by the committee’s internal by-laws.

“31.5. The documents and copies emanating from the committee or forming part of its records are authentic if they are approved, signed or certified true by the chair of the committee.

“31.6. The chief executive officer shall render an account of the financing authority’s operations to the governance committee at least twice a year and whenever the committee so requires.

“31.7. Every year, on or before 30 September, the committee shall report to the Minister on its operations for the preceding fiscal year.”

44. Sections 32 to 35 of the Act are repealed.

45. Section 36 of the Act is amended by striking out “, including shares of the capital of the financing authority”.

46. Section 38 of the Act is amended, in the first paragraph,

(1) by replacing “or one of its subsidiaries referred to in section 11 and the performance of their obligations” in subparagraph 1 by “and the performance of its obligations”;

(2) by replacing “or one of such subsidiaries any amount considered necessary for the fulfilment of their obligations or the pursuit of their mission” in subparagraph 2 by “any amount considered necessary for the fulfilment of its obligations or the pursuit of its mission”.

47. Section 40 of the Act is repealed.

48. Section 44 of the Act is amended by striking out “that must include the operations of its subsidiaries”.

49. Section 46 of the Act is amended by striking out “and the operations of its subsidiaries”.

50. Section 67 of the Act is repealed.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

51. Despite any inconsistent provision, the members of Financement-Québec’s board of directors in office on the date preceding the date of coming into force of section 32, except the member exercising the functions of chief executive officer of Financement-Québec, become, without further formality and for the unexpired portion of their term, members of the financing authority’s governance committee as members referred to, as the case may be, in subparagraph 1 or 2 of the first paragraph of section 31.1 of the Act respecting Financement-Québec (chapter F-2.01), enacted by section 43.

For the purposes of the first paragraph, the member designated by the Minister as chair of the financing authority’s board of directors shall exercise the functions of chair of the governance committee.

52. The member of Financement-Québec’s board of directors designated by the Minister to exercise the functions of chief executive officer of the financing authority, in office on the date preceding the date of coming into force of section 32, continues in office on the same terms, for the unexpired portion of the term of office, until replaced or reappointed.

53. The by-laws, resolutions and other acts made or authorized by the board of directors of Financement-Québec in force on the date preceding the date of coming into force of section 32 continue to have effect, with the necessary modifications, until amended or replaced.

CHAPTER IX

MONTRÉAL MUSEUM OF FINE ARTS

ACT RESPECTING THE MONTRÉAL MUSEUM OF FINE ARTS

54. Section 29 of the Act respecting the Montréal Museum of Fine Arts (chapter M-42) is amended by replacing “of section 30” in paragraph 7 by “of sections 30 and 30.1”.

55. The Act is amended by inserting the following section after section 30:

“30.1. The Museum must obtain authorization from the Minister and the Minister of Finance to contract short term or line of credit loans in order to finance a capital expenditure project for which it receives a subsidy.”

CHAPTER X

CULTURAL HERITAGE FUND

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

56. Section 22.5 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by replacing “\$19,500,000 per year for the fiscal years 2019–2020 to 2022–2023 and \$23,500,000 for the fiscal year 2023–2024” by “\$24,800,000 for the fiscal years 2021–2022 and 2022–2023 and \$25,300,000 for the fiscal year 2023–2024”.

CHAPTER XI

DISABILITY PENSION

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE QUÉBEC PENSION PLAN

57. Section 41 of the Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, such maximum is equal to the amount obtained by multiplying that year’s Maximum Pensionable Earnings by the proportion that the number of months after the day preceding his eighteenth birthday, after such disability pension ceases or after the day preceding the beginning of the retirement pension bears to 12.”

58. Section 48 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, his pensionable self-employed earnings are equal to the amount obtained by multiplying the amount of such earnings by the proportion that the number of months after the day preceding his eighteenth birthday, after the disability pension ceases or after the day preceding the beginning of the retirement pension bears to 12.”

59. Section 48.1 of the Act is amended

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

“Nevertheless, for a year in which a worker reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, his pensionable earnings as a family-type resource or an intermediate resource are equal to the amount obtained by multiplying the amount of earnings as such a resource by the proportion that the number of months after the day preceding his eighteenth birthday, after the disability pension ceases or after the day preceding the beginning of the retirement pension bears to 12.”;

(2) by inserting “while no retirement pension was payable to him” after “a similar plan” in the third paragraph.

60. Section 53.2 of the Act is amended

(1) in the second paragraph,

(a) by replacing subparagraph *a* by the following subparagraph:

“(a) the amount by which the worker’s maximum pensionable earnings for the year is exceeded by the total of

i. the aggregate, for the year, of the worker’s pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource, and

ii. the lesser of

(1) the aggregate of all amounts each of which is the worker’s pensionable salary and wages for the year in respect of pensionable employment under this Act or a similar plan, and

(2) the total of the worker's personal exemption for the year, the worker's salary and wages on which a first additional contribution has been made for the year under this Act or a similar plan and the worker's salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan;";

(b) by adding the following subparagraph at the end:

"(c) the amount by which the aggregate, for the year, of the worker's pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource exceeds the amount determined in respect of the worker for the year under the third paragraph.";

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

"The amount to which subparagraph c of the second paragraph refers in respect of a self-employed worker, a family-type resource or an intermediate resource for the year is equal to the amount by which the worker's salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan exceeds the amount by which the aggregate of all amounts each of which is the worker's pensionable salary and wages for the year in respect of pensionable employment under this Act or a similar plan exceeds the worker's maximum pensionable earnings for the year."

61. Section 95 of the Act is amended

(1) by replacing "A person shall be considered to be disabled only if" in the first paragraph by "A person is considered to be disabled if";

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

"A disability is severe if by reason thereof the person is incapable regularly of pursuing any substantially gainful occupation and the person's functional limitations render him incapable of meeting, on a full-time basis, the usual requirements related to any type of work. For the purposes of this paragraph, only very severe functional limitations are considered. However, severe functional limitations may be considered if the person has unfavourable socio-professional characteristics despite schooling, rehabilitation and reintegration efforts.";

(3) by inserting "or if it forces him to reduce working time by reason of his disability, provided his income after reducing working time is less than the income from a substantially gainful occupation" at the end of the third paragraph.

62. Section 95.4 of the Act is amended by striking out "105.0.1," and "or an additional amount for disability after retirement".

63. Section 96 of the Act is amended

- (1) by striking out “or of the additional amount for disability after retirement” in the introductory clause of the second paragraph;
- (2) by striking out “105.0.1,” in subparagraph *e* of the second paragraph;
- (3) by replacing the third paragraph by the following paragraph:

“The beneficiary of a disability pension is deemed to have ceased to be disabled in a calendar year if his income for that year equals or exceeds the income from a substantially gainful occupation for the year concerned. In such a case, the disability end date is fixed by regulation.”

64. Section 98 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) the aggregate of the four following amounts:

- (1) the total of his salary and wages determined under section 98.1.1 on the basis of the base contributions made and the amount obtained by dividing his base contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the base contribution rate for the year,
- (2) the total, determined in prescribed manner, of his salary and wages determined under section 98.1.2 on the basis of the base contributions made under a similar plan and the amount obtained by dividing his base contribution under such a plan in respect of his self-employed earnings by the base contribution rate for the year for a self-employed worker determined under such a plan,
- (3) the amount obtained by dividing double the base contributions that are unused for the purpose of computing the salaries and wages referred to in subparagraphs 1 and 2 by the base contribution rate for the year determined under section 44.1 or the base contribution rate for the year for a self-employed worker determined under a similar plan, according to the plan under which the worker is required to make a contribution, and
- (4) the contributor’s personal exemption for the year, which is equal, for a year subsequent to 1997 but prior to 2012 in which the base contributory period of the contributor ends within the meaning of subparagraph *a* or *b* of the second paragraph of section 101, to the basic exemption reduced proportionately to the number of months in the year preceding, as the case may be, the month in which a retirement pension becomes payable to the contributor or preceding the month of the contributor’s seventieth birthday; and”.

65. Section 98.1 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) the aggregate of the four following amounts:

(1) the total of his salary and wages determined under section 98.1.1 on the basis of the first additional contributions made and the amount obtained by dividing his first additional contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the first additional contribution rate for the year,

(2) the total, determined in prescribed manner, of his salary and wages determined under section 98.1.2 on the basis of the first additional contributions made under a similar plan and the amount obtained by dividing his first additional contribution under such a plan in respect of his self-employed earnings by the first additional contribution rate for the year for a self-employed worker determined under such a plan,

(3) the amount obtained by dividing double the first additional contributions that are unused for the purpose of computing the salaries and wages referred to in subparagraphs 1 and 2 by the first additional contribution rate for the year determined under section 44.2 or the first additional contribution rate for the year for a self-employed worker determined under a similar plan, according to the plan under which the worker is required to make a contribution, and

(4) the contributor’s personal exemption for the year; and”.

66. The Act is amended by inserting the following sections after section 98.1:

“**98.1.1.** The contributor’s salary and wages determined on the basis of the base contributions and the first additional contributions made are the least of

(a) the amount by which the contributor’s pensionable salary and wages for the year in respect of pensionable employment exceed the amount that corresponds to the difference between his personal exemption for the year and the proportional share of his personal exemption for the year under the similar plan;

(b) the amount by which the contributor’s maximum contributory earnings for the year exceed the proportional share of his maximum contributory earnings for the year under the similar plan; and

(c) the amount obtained by dividing, by one-half of the base contribution rate for the year or one-half of the first additional contribution rate, as the case may be, the amount by which the amount determined under the second paragraph is exceeded by the total of

(1) the aggregate of the deductions at source made from the contributor’s salary and wages for the year under this Act or a similar plan on account of the base contribution or the first additional contribution, as the case may be, and

(2) any amount that an employer has not deducted at source from the contributor's salary and wages for the year on account of the base contribution or the first additional contribution, as the case may be, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year.

The amount to which subparagraph *c* of the first paragraph refers is equal to the aggregate of

(*a*) an amount equal to the product of the amount of the contributor's salary and wages determined under section 98.1.2 and on which a base contribution or a first additional contribution, as the case may be, has been made under a similar plan and the base contribution rate for employees or the first additional contribution rate for employees, as the case may be, for the year under the similar plan; and

(*b*) an amount equal to the amount by which the amount described in subparagraph 1 of subparagraph *c* of the first paragraph exceeds the aggregate of the amounts determined under subparagraphs *a* and *b* or *c* and *d* of the first paragraph of section 51, as the case may be.

“98.1.2. The contributor's salary and wages determined on the basis of the base contributions and the first additional contributions made under a similar plan are the least of

(*a*) the amount by which the aggregate of all amounts each of which is the contributor's pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of his personal exemption for the year under that plan;

(*b*) the proportional share of the contributor's maximum contributory earnings for the year under the similar plan; and

(*c*) the amount obtained by dividing, by, as the case may be, the base contribution rate or the first additional contribution rate for employees for the year under the similar plan, the amount by which the amount determined under subparagraph 1 exceeds the amount determined under subparagraph 2:

(1) the aggregate of the deductions at source made from the contributor's salary and wages for the year on account of the base contribution or the first additional contribution, as the case may be, under this Act or a similar plan and any amount an employer has not deducted at source from his salary and wages for the year on account of the base contribution or the first additional contribution, as the case may be, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year,

(2) the amount by which the aggregate of the deductions at source made from the contributor's salary and wages for the year under this Act or a similar plan on account of the base contribution or the first additional contribution, as the case may be, exceeds the aggregate of the amounts determined under subparagraphs *a* and *b* or *c* and *d* of the first paragraph of section 51, as the case may be.”

67. Section 98.2 of the Act is amended by replacing paragraph *b* by the following paragraph:

“(b) the aggregate of the three following amounts:

(1) the total of his salary and wages determined under section 98.2.1 on the basis of the second additional contributions made and the amount obtained by dividing his second additional contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the second additional contribution rate for the year,

(2) the total, determined in prescribed manner, of his salary and wages determined under section 98.2.2 on the basis of the second additional contributions made under a similar plan and the amount obtained by dividing his second additional contribution under such a plan in respect of his self-employed earnings by the second additional contribution rate for the year for a self-employed worker determined under such a plan, and

(3) the amount obtained by dividing double the second additional contributions that are unused for the purpose of computing the salaries and wages referred to in subparagraphs 1 and 2 by the second additional contribution rate for the year determined under section 44.3 or the second additional contribution rate for the year for a self-employed worker determined under a similar plan, according to the plan under which the worker is required to make a contribution; and”.

68. The Act is amended by inserting the following sections after section 98.2:

“**98.2.1.** The contributor's salary and wages determined on the basis of the second additional contributions made are the least of

(a) the amount by which the contributor's pensionable salary and wages for the year in respect of pensionable employment under this Act exceed the amount that corresponds to the difference between his maximum pensionable earnings for the year and the proportional share of his pensionable earnings for the year under the similar plan;

(b) the amount by which the amount determined under subparagraph 1 exceeds the amount determined under subparagraph 2:

(1) the amount by which his additional maximum pensionable earnings for the year exceed the proportional share of his additional maximum pensionable earnings for the year under the similar plan,

(2) the amount by which his maximum pensionable earnings for the year exceed the proportional share of his maximum pensionable earnings for the year under the similar plan; and

(c) the amount obtained by dividing, by one-half of the second additional contribution rate, the amount by which the amount determined under the second paragraph is exceeded by the total of

(1) the aggregate of the deductions at source made from the contributor's salary and wages for the year under this Act or a similar plan on account of the second additional contribution,

(2) any amount that an employer has not deducted at source from the contributor's salary and wages for the year on account of the second additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year, and

(3) an amount equal to the aggregate of the amounts established under subparagraph *b* of the second paragraph of section 56 and subparagraph *b* of the second paragraph of section 56.2.

The amount to which subparagraph *c* of the first paragraph refers is equal to the aggregate of

(a) an amount equal to the product of the second additional contribution rate for employees for the year under the similar plan and the amount of the contributor's salary and wages determined on the basis of the second additional contributions made under a similar plan, according to section 98.2.2; and

(b) the overpayment established under the first paragraph of section 51.

“98.2.2. The contributor's salary and wages determined on the basis of the second additional contributions made under a similar plan are the least of

(a) the amount by which the aggregate of all amounts each of which is the contributor's pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of his personal exemption for the year under that plan;

(b) the amount by which the proportional share of the contributor's additional maximum pensionable earnings for the year under the similar plan exceeds the proportional share of his maximum pensionable earnings for the year under that plan; and

(c) the amount obtained by dividing, by the second additional contribution rate for employees for the year under the similar plan, the amount by which the amount determined under subparagraph 1 exceeds the amount determined under subparagraph 2:

(1) the total of the aggregate of the deductions at source made from the contributor's salary and wages for the year on account of the second additional contribution under this Act or a similar plan and any amount an employer has not deducted at source from his salary and wages for the year on account of the second additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year,

(2) the amount equal to the aggregate of the amounts determined under subparagraph *b* of the second paragraph of section 56 and subparagraph *b* of the second paragraph of section 56.2.”

69. Section 99 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a contributor reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, each of the contributions referred to in the first paragraph is deemed to have been made for earnings relating to the months following the day preceding his eighteenth birthday, the cessation of the disability pension or the day preceding the beginning of the retirement pension.”

70. Section 101 of the Act is amended by inserting “while no retirement pension is payable to him” at the end of subparagraph *a* of the third paragraph.

71. Section 102.4 of the Act is amended by striking out “solely in respect of the base unadjusted pensionable earnings,” in subparagraph *d* of the first paragraph.

72. Section 105 of the Act is amended

(1) by striking out “and *an additional amount for disability after retirement* to the beneficiary of a retirement pension who becomes a qualified disabled contributor” in paragraph *a*;

(2) by striking out “if no retirement pension is payable to him under this Act or under a similar plan” in paragraph *e*;

(3) by replacing “each orphan of a deceased qualified contributor” in paragraph *f* by “each child of a deceased qualified contributor”.

73. Section 105.0.1 of the Act is repealed.

74. Section 106 of the Act is replaced by the following section:

“106. A contributor is qualified for a disability pension only if he is under 65 years of age, is disabled and has paid base contributions for one of the following groups of years:

- (1) if he is under 60 years of age,
 - (a) two of the last three years wholly or partly included in his base contributory period, or two years if his base contributory period comprises only two years,
 - (b) five of the last ten years wholly or partly included in his base contributory period, or
 - (c) half of the total number of years wholly or partly included in his base contributory period, but not less than two years; or
- (2) if he is 60 years of age or over, three of the last six years wholly or partly included in his base contributory period.

For the purposes of this section, the base contributory period of the contributor terminates at the end of the month in which he became disabled. However, no month included between the month prior to the beginning of the retirement pension and the month following the month in which he became disabled may be excluded under the third paragraph of section 101.”

75. Section 106.2 of the Act is amended by striking out “under this Act or”.

76. Section 106.3 of the Act is amended by striking out the second paragraph.

77. Section 120 of the Act is amended by replacing “sections 120.1 and 120.2” in the second paragraph by “section 120.1”.

78. Section 120.0.1 of the Act is repealed.

79. Section 120.1 of the Act is amended by inserting the following paragraphs after the first paragraph:

“In the case of a retirement pension which becomes payable from 1 January 2024 to a contributor who is qualified for a disability pension, the adjustment of 0.5% provided for in subparagraph 1 of the first paragraph is replaced by an adjustment of 0.3% for each month of the period that falls between the date, prior to the contributor’s sixty-fifth birthday, on which the retirement pension becomes payable and the date of the contributor’s sixty-fifth birthday. In addition, the amount of the contributor’s retirement pension is, where applicable, reduced by 0.3%, to which is added an adjustment factor of 0.1% multiplied by the ratio between 25% of the average base monthly pensionable earnings of the contributor, calculated as provided in sections 116.1

to 116.5, for the year in which the retirement pension becomes payable and the maximum base monthly retirement pension for the year, calculated as provided in section 116.6, for each month for which the contributor was entitled, between 60 and 65 years of age, to a disability pension under this Act pursuant to the provisions of this Act in force on 31 December 2023 or under a similar plan.

However, in the case of a retirement pension which becomes payable after 31 December 2021 but before 1 January 2024, the monthly amount is reduced by 0.3%, to which is added an adjustment factor of 0.1% multiplied by the ratio between 25% of the average base monthly pensionable earnings of the contributor, calculated as provided in sections 116.1 to 116.5, for the year in which the retirement pension becomes payable and the maximum base monthly retirement pension for the year, calculated as provided in section 116.6, for each month for which the contributor was entitled, between 60 and 65 years of age, to a disability pension under this Act or a similar plan.”

80. Section 120.2 of the Act is repealed.

81. Section 123 of the Act is amended

(1) by inserting “under 60 years of age” after “contributor” in the introductory clause;

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

“Where the beneficiary of a disability pension reaches 60 years of age, the beneficiary ceases to be entitled to the amount described in subparagraph *b* of the first paragraph.

The basic monthly amount of the disability pension payable to a contributor who is 60 years of age or over is the amount of the flat benefit established under section 124.”

82. Section 127 of the Act is amended by replacing “a disability pension, a” by “the disability pension of a contributor under 60 years of age, the”.

83. Section 135 of the Act is replaced by the following section:

“135. The basic monthly amount of the surviving spouse’s pension of a spouse to whom a disability pension is payable under this Act or under a similar plan and to whom no retirement pension is payable is equal to the aggregate of the following three amounts:

(a) the lesser of E and F, calculated as follows:

$$(a \times 37.5\%) + b = E$$

$$c - d = F;$$

- (b) 50% of the amount established in accordance with section 137.1; and
- (c) 50% of the amount established in accordance with section 137.2.

In the formulas in subparagraph *a* of the first paragraph,

“a” is the amount established in accordance with section 137;

“b” is the amount of the flat benefit included in the surviving spouse’s pension payable to the spouse for the month for which the basic monthly amount is established;

“c” is 75% of the maximum base monthly retirement pension, calculated in accordance with section 116.6, for the year that includes the month for which the basic monthly amount is established; and

“d” is the amount of the disability pension payable to the surviving spouse for the month for which the basic monthly amount is established, reduced by 75% of the amounts calculated under subparagraphs 2 and 3 of paragraph *b* of section 123, adjusted in accordance with section 119, and by the amount of the flat benefit included in the disability pension for that month.”

84. Section 136 of the Act is replaced by the following section:

“136. The basic monthly amount of the surviving spouse’s pension of a spouse under 65 years of age to whom a retirement pension is paid under this Act or under a similar plan is equal to the aggregate of the following three amounts:

(a) the lesser of G and H, calculated as follows:

$$(a \times 37.5\%) + b = G$$

$$[b + (c - d)] - e = H;$$

(b) 50% of the amount established in accordance with section 137.1; and

(c) 50% of the amount established in accordance with section 137.2;

where

“a” is the amount established in accordance with section 137;

“b” is the amount of the flat benefit included in the surviving spouse’s pension payable to the spouse for the month for which the basic monthly amount is established;

“c” is the maximum base monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1, but taking into account the fact that the ratio by which the adjustment factor is multiplied is equal to one;

“d” is the amount of the retirement pension, calculated as provided in subparagraph *a* of the first paragraph of section 120 and adjusted in accordance with section 119, which is payable to the surviving spouse for the month for which the basic monthly amount is established, calculated without taking account either of a partition, if any, of the retirement pension effected under sections 158.3 to 158.8 or a similar plan, or of an additional pension established under section 120.3; and

“e” is, where applicable, the amount of the disability pension payable under this Act or the benefit for disability after retirement payable under a similar plan to the surviving spouse for the month for which the basic monthly amount is established.

Nevertheless, if the basic monthly amount thus calculated is less than zero, the amount is deemed to be nil.”

85. The Act is amended by inserting the following section after section 136:

“136.1. The basic monthly amount of the surviving spouse’s pension of a spouse 65 years of age or over to whom a retirement pension is payable under this Act or under a similar plan is equal to the aggregate of the following three amounts:

(a) the lesser of

(1) $c - d$, and

(2) the greater of E and F, calculated as follows:

$$a \times 37.5\% = E$$

$$(a \times 60\%) - (d \times 40\%) = F;$$

(b) 50% of the amount established in accordance with section 137.1; and

(c) 50% of the amount established in accordance with section 137.2;

where

“a” is the amount established in accordance with section 137;

“c” is the maximum base monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1, but taking into account the fact that the ratio by which the adjustment factor is multiplied is equal to one; and

“d” is the amount of the retirement pension, calculated as provided in subparagraph *a* of the first paragraph of section 120 and adjusted in accordance with section 119, which is payable to the surviving spouse for the month for which the basic monthly amount is established, calculated without taking account either of a partition, if any, of the retirement pension effected under sections 158.3 to 158.8 or a similar plan, or of an additional pension established under section 120.3.

Nevertheless, if the basic monthly amount thus calculated is less than zero, the amount is deemed to be nil.”

86. Sections 137, 137.1 and 137.2 of the Act are amended by replacing all occurrences of “in sections 120.1 and 120.2” by “in section 120.1”.

87. Section 139 of the Act is amended by replacing the third paragraph by the following paragraphs:

“The beneficiary of a disability pension is presumed to have made an application for a retirement pension in the month preceding the beneficiary’s sixtieth birthday. In addition, the beneficiary of a disability pension or a replacement indemnity who is not the beneficiary of a retirement pension is presumed to have made an application for a retirement pension in the month preceding the beneficiary’s sixty-fifth birthday.

A contributor 59 years of age or over who makes an application for a disability pension is presumed to have made an application for a retirement pension in whichever of the following months occurs first:

- (a) the month in which an application for a disability pension is made; or
- (b) the earlier of the month of the contributor’s fifty-ninth birthday and the month preceding the month in which the disability pension becomes payable under section 165.”

88. Section 139.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“Where an application for a retirement pension is presumed to be made under the fourth paragraph of section 139, the beneficiary of that pension may cancel his application within two months of the date on which the beneficiary was informed that his application for a disability pension was refused.”

89. Section 139.2 of the Act is amended

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

“Retraite Québec may consider that an application for a disability pension, made by a contributor in respect of whom a claim for an employment injury has been made to the Commission des normes, de l'équité, de la santé et de la sécurité du travail, is made on the date of that claim, provided that the application for a disability pension is made within 36 months of the date of that claim, that the disability invoked can be connected to the subject of the claim to the Commission and that the contributor's entitlement to a replacement indemnity giving rise to exclusion from entitlement to a disability pension under section 105.2 has not been recognized.”;

(2) by replacing “who, while he was 59 years of age or over,” in the introductory clause of the fourth paragraph by “within six months of the date on which he”.

90. Section 145 of the Act is amended by striking out “, additional amounts for disability after retirement” in the first paragraph.

91. Section 148 of the Act is amended by replacing “a disability pension or a retirement pension” by “a retirement pension paid for months that precede 1 January 2024 or a disability pension”.

92. Section 157.2 of the Act is repealed.

93. Section 158 of the Act is amended by striking out the second paragraph.

94. Section 166 of the Act is amended by striking out “at the end of the month preceding that in which a retirement pension becomes payable to the beneficiary under this Act or under a similar plan, and” in the second paragraph.

95. Section 180.2 of the Act is amended by replacing “disability pension or retirement pension” in subparagraph *c* of the second paragraph by “a retirement pension paid for months that precede 1 January 2024 or a disability pension”.

96. Section 219 of the Act is amended

(1) by replacing “the second paragraph of section 95 and the third paragraph of section 96” in paragraph *h.1* by “the second and third paragraphs of section 95”;

(2) by inserting the following paragraph after paragraph *h.1*:

“(h.2) for the purposes of the third paragraph of section 96, fixing the disability end date;”.

97. Sections 229 and 230 of the Act are repealed.

REGULATION RESPECTING BENEFITS

98. Section 17 of the Regulation respecting benefits (chapter R-9, r. 5) is replaced by the following section:

“17. For the purposes of the second and third paragraphs of section 95 of the Act, an occupation is considered substantially gainful if the person concerned would have earned from that occupation, had the person not become disabled, an income which, established on a yearly basis, would not have been less than \$19,656 for the year 2022.

For subsequent years, the income considered to qualify an occupation as being substantially gainful under this section is adjusted yearly in such a manner that the income considered for a subsequent year is equal to the product obtained by multiplying the income considered for the year preceding it by the proportion that the Maximum Pensionable Earnings for the subsequent year is of the Maximum Pensionable Earnings for the year preceding it.

Where the result obtained is a number that includes one or more decimals, no decimal is retained and, if the first decimal is greater than 4, the number so modified is increased by one unit.”

99. Section 19.1 of the Regulation is replaced by the following section:

“19.1. For the purposes of the third paragraph of section 96 of the Act, the disability end date is fixed at the expiry of the first three-month period for which the average monthly income from an occupation, multiplied by 12, is equal to or greater than the substantially gainful occupation, defined in section 17.”

DIVISION II

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

100. From 1 January 2022 to 31 December 2023, the third paragraph of section 96 of the Act respecting the Québec Pension Plan (chapter R-9), replaced by section 63, is to be read as follows:

“The beneficiary of a disability pension or of an additional amount for disability after retirement is deemed to have ceased to be disabled in a calendar year if his income for that year equals or exceeds the income from a substantially gainful occupation for the year concerned. In such a case, the disability end date is fixed by regulation.”

101. From 1 January 2022 to 31 December 2023, subparagraph 4 of the first paragraph of section 105.0.1 of the Act respecting the Québec Pension Plan, repealed by section 73, is to be read as follows:

“(4) he paid base contributions for at least three of the last six years wholly or partly included in his base contributory period.”

That provision applies to an application for a disability pension made before 1 January 2023 where a contributor 60 years of age or over cannot, under the provisions of subparagraph 4 of the first paragraph of section 105.0.1 of the Act respecting the Québec Pension Plan, as they read on 31 December 2021, be eligible for an additional amount for disability after retirement. In such a case, the contributor’s disability date may not be set to be a date prior to 1 January 2022.

102. From 1 January 2022 to 31 December 2023, the second paragraph of section 106 of the Act respecting the Québec Pension Plan, replaced by section 74, is to be read as follows:

“However, a contributor 60 years of age or over referred to in the third paragraph of section 95 qualifies for a disability pension only if he paid base contributions for at least three of the last six years wholly or partly included in his base contributory period.”

That provision applies to an application for a disability pension made before 1 January 2023 where a contributor 60 years of age or over cannot, under the provisions of the second paragraph of section 106 of the Act respecting the Québec Pension Plan, as they read on 31 December 2021, be eligible for a disability pension. In such a case, the contributor’s disability date may not be set to be a date prior to 1 January 2022.

103. The provisions of section 106 of the Act respecting the Québec Pension Plan, replaced by section 74, apply to an application for a disability pension made before 1 January 2025 where the contributor 60 years of age or over cannot, under the provisions of section 106 of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, be eligible for a disability pension. In such a case, the contributor’s disability date may not be set to be a date prior to 1 January 2024.

104. The basic monthly amount of the retirement pension of a contributor that was adjusted in accordance with section 120.2 of the Act respecting the Québec Pension Plan, as it read on 31 December 2021, and that was payable on that same date is, from 1 January 2022, adjusted in accordance with section 120.1 of that Act, as amended by section 79.

105. From 1 January 2022 to 31 December 2023, the definition of “c” in the first paragraph of section 136 of the Act respecting the Québec Pension Plan, replaced by section 84, is to be read as follows:

““c” is the maximum base monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1, but taking into account the fact that the ratio by which the adjustment factor is multiplied is equal to one;”.

106. For the calculation of the base portion of the basic monthly amount of the surviving spouse’s pension, the provisions of paragraph 1 of section 137 and of subparagraph *a* of the first paragraph of section 137.1 of the Act respecting the Québec Pension Plan, amended by section 86, as they read on 31 December 2021, continue to apply where the contributor to whom a retirement pension was payable died before 1 January 2022.

107. The provisions of the third paragraph of section 96, paragraph *a* of section 105, sections 106.2, 145 and 157.2 and the second paragraph of section 158 of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, continue to apply to a person who is the beneficiary of an additional amount for disability after retirement on that same date.

108. The disability pension of a contributor 60 years of age or over who is, on 31 December 2023, the beneficiary of that pension is, from the month of January 2024, calculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024.

109. If a contributor is the beneficiary of a surviving spouse’s pension and of a disability pension on 31 December 2023, those pensions are, from the month of January 2024, recalculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024, provided the aggregate of those pensions so recalculated for that month is equal to or greater than the aggregate of the pensions to which the contributor would be entitled for that same month under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023.

However, if the aggregate of those pensions so recalculated for that month is less than the aggregate of the pensions to which the contributor would be entitled for that same month under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, the contributor’s surviving spouse’s pension and disability pension continue to be calculated as provided in the provisions of that Act until the contributor’s surviving spouse’s pension ceases under section 108.2 of that Act or until the contributor’s disability pension ceases under section 166 of that Act, as amended by section 94.

In such a case, the basic amount of the contributor’s surviving spouse’s pension is calculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024.

If the beneficiary of the disability pension is 60 years of age or over at the time the beneficiary's surviving spouse's pension ceases under section 108.2 of that Act, the beneficiary's disability pension is recalculated as provided in the provisions of that Act and the beneficiary is presumed to have applied for a retirement pension in the month in which the surviving spouse's pension ceased.

II0. The basic amount of the surviving spouse's pension of a contributor who continues to be the beneficiary of an additional amount for disability after retirement, under section 107, is, from 1 January 2024, calculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024, by replacing the amount of the disability pension referred to in the definition of "e" in the first paragraph of section 136 of that Act, as amended by section 84, by the additional amount for disability after retirement that continues to be paid to the contributor under section 107.

III. A contributor 60 years of age or over who becomes disabled before 1 January 2024 is presumed to have applied for a retirement pension on 31 December 2023.

As regards the applications for a disability pension made before 1 January 2025, the date of the presumed application for a retirement pension under the fourth paragraph of section 139 of the Act respecting the Québec Pension Plan, as amended by section 87, may not be fixed before 1 December 2023.

II2. Despite section 218.4 of the Act respecting the Québec Pension Plan, an increase in the cost of benefits under the pension plan resulting from the provisions of this chapter is not accompanied by an increase in the contribution rates.

CHAPTER XII

FINAL PROVISIONS

II3. Section 18 applies from the 2022 municipal and school fiscal years.

II4. Section 71 has effect from 1 January 2019.

Paragraphs 1 and 2 of section 61, paragraph 3 of section 72, sections 77, 79, 80, 86, 96 to 102, 104 to 106 and 112 have effect from 1 January 2022.

II5. The provisions of this Act come into force on *(insert the date of assent to this Act)*, except

- (1) sections 25 and 27, which come into force on 1 April 2023;

(2) sections 57 to 60, paragraph 3 of section 61, sections 62 to 70, paragraphs 1 and 2 of section 72, sections 73 to 76, 78, 81 to 85, 87 to 95, 103 and 107 to 111, which come into force on 1 January 2024; and

(3) the provisions of Chapter VIII, comprising sections 29 to 53, which come into force on the date or dates to be determined by the Government.

