

1971 Bill 42

Fourth Session, 16th Legislature, 2011

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

An Act to amend The Public Service Pension Act

THE HONOURABLE MR. AALBORG

First Reading

Second Reading

Third Reading

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1971

AN ACT TO AMEND THE PUBLIC SERVICE PENSION ACT

(Assented to _____, 1971)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Public Service Pension Act is hereby amended.*

2. *Section 2, clause (b), subclause (iii) is amended by striking out the words "Lieutenant Governor in Council" and by substituting the word "Board".*

3. *The following section is added after section 8:*

S.1 (1) Where there is a delay beyond 30 days in processing the pension of a person who has retired from the service of the Government or Legislative Assembly he may be advanced money by the Provincial Treasurer out of any appropriation available for the purpose.

(2) Every advance shall be fully accounted for with proper vouchers for all disbursements made before a pension payment to which the person is entitled is made.

4. *Section 9 is amended*

(a) *as to subsection (3) by striking out the words "the employee attained the age of 65 years" and by substituting the words "of termination of employment",*

(b) *by adding the following subsection after subsection (3):*

(4) Where arrangements are made for the continuation of the employment of any employee after he has attained the age of 65 years, the pension to be paid shall be in an amount that is the actuarial equivalent at his age upon the termination of his employment of the normal pension that would have been payable to him were his age then 65 as determined by the actuarial tables approved by the Board for that purpose.

Explanatory Notes

1. This Bill will amend chapter 299 of the Revised Statutes of Alberta 1970.

2. Section 2 (b) (iii) presently reads:

(b) "employee" means

(iii) any person employed each year by the Government on a seasonal basis and included in the operation of this Act by order of the Lieutenant Governor in Council, who was less than 55 years of age at the commencement of his service;

3. Advances on forthcoming pensions.

4. Section 9 (3) presently reads:

(3) Where arrangements are made for the continuation of the employment of any employee after he has attained the age of 65 years and that employee has elected for a pension payable for life or for a term of years certain, whichever is the longer, the term of years certain commences and shall be calculated from the date the employee attained the age of 65 years.

5. Section 10 is amended by renumbering the section as subsection (1) and by adding the following subsection after the renumbered subsection (1):

(2) An employee whose service is not less than 40 years may retire at any time after he has attained the age of 55 years.

6. Section 11 is amended by striking out subsection (1) and by substituting the following:

11. (1) The Board may authorize the retirement of an employee whose pensionable service has not been less than 10 years, and

- (a) who has attained the age of 55 years, or
- (b) who from mental or physical disability or other cause has become incapable of effectively performing his regular duties.

7. Section 14 is amended

(a) as to subsection (1), clause (j) by adding after the words "Legislative Assembly at the commencement of employment" the words "upon last becoming a contributor under this Act,"

(b) by adding the following subsection after subsection (6):

(7) Notwithstanding subsection (1) and subject to the approval of the Board, any period of service that is recognized for pension purposes under any other pension plan may be deemed to be pensionable service upon such terms and conditions as the Board may direct.

8. Section 18, subsection (1) is amended by striking out the words "by the Lieutenant Governor in Council".

9. Section 34 is amended by striking out the words "Subject to the approval of the Lieutenant Governor in Council,".

10. Section 35, subsection (1) is amended

(a) by adding after the words "The Local Authorities Pension Act," the words "or any private body which has assumed any of the duties and functions of the Government,"

(b) as to clause (a) by striking out the words "government or public body" and by substituting the words "government, public or private body".

5. Section 10 reads:

10. An employee whose pensionable service is not less than 25 years may retire at any time after he has attained the age of 60 years.

6. Section 11 (1) presently reads:

11. (1) The Lieutenant Governor in Council may, upon the recommendation of the Board, authorize the retirement of

- (a) any employee who has attained the age of 55 years, or
- (b) any employee at any age whose pensionable service has been not less than 10 years and who from mental or physical disability or other cause has become incapable of effectively performing his regular duties.

7. Section 14 (1) (j) presently reads:

14. (1) For the purposes of this Act, pensionable service shall be deemed to include

- (j) any period of service with any public body approved by the Board, if the employee pays at the rate and on the terms that the Board directs, contributions on the rate of salary paid to him by the Government or the Legislative Assembly at the commencement of employment calculated as if that rate of salary were actually paid to him during his service with that body, together with interest at a rate prescribed by the Board that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full, and

8. Section 18 (1) reads in part:

18. (1) Where a retirement is authorized by the Lieutenant Governor in Council under section 11, subsection (1), clause (a), the Board may determine on its judgment of the merits of the case whether in the circumstances the pension to be paid to the employee is to be

- (a) in an amount determined in accordance with the provisions of section 20, or

9. Section 34 reads in part:

34. Subject to the approval of the Lieutenant Governor in Council, the Board may

- (a) prescribe forms for its use in connection with the administration of this Act,

10. Section 35 (1) (a) presently reads:

35. (1) The Board may enter into reciprocal agreements with any government or public body or local authority as defined in The Local Authorities Pension Act, whose employees are subject to a retirement pension plan or superannuation plan involving employee contributions, and with any person who administers the pension plan on its behalf, for the purpose of transferring any benefits

- (a) to which a person who transfers from or to the employment of or service with the Government or Legislative Assembly to or from the employment of such government or public body or local authority, is entitled, or

11. The following section is added after section 35:

35.1 Notwithstanding section 35, the Board may enter into a reciprocal agreement with any party named in section 35 in respect of any person or his beneficiary for the purpose of transferring any pension benefits to which that person or his beneficiary is entitled under the Act, subject to the approval of the Lieutenant Governor in Council, and such an agreement may be retroactive in effect.

12. This Act comes into force on the day upon which it is assented to and upon so coming into force

- (a) section 4 of this Act shall be deemed to have been in force at all times on and after January 1, 1971 and accordingly a corresponding amendment shall be deemed to have been made to the equivalent enactment in force on that date, and*
- (b) the remainder of this Act shall be deemed to have been in force at all times on and after April 1, 1971.*

11. Reciprocal arrangements.