

1978 BILL 35

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 35

THE PENSION STATUTES AMENDMENT ACT, 1978

THE PROVINCIAL TREASURER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 35

1978

THE PENSION STATUTES AMENDMENT ACT, 1978

(Assented to , 1978)

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

The Public Service Management Pension Act

1(1) The Public Service Management Pension Act is amended by this section.

(2) Section 1(1) is repealed and the following is substituted:

(1) "spouse", with reference to a deceased employee, means

(i) a person who was dependent upon, and legally married to, the employee at the employee's date of death, or

(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who

(A) cohabited with the employee

(I) for the 5-year period immediately preceding the employee's death, or

(II) for the 2-year period immediately preceding the employee's death where there is a child born to that person and the deceased employee,

and

(B) was dependent upon the employee at the employee's date of death and was known in the community in which they lived as a consort of the deceased,

Explanatory Notes

The Public Service Management Pension Act

1(1) This section will amend chapter 81 of the Statutes of Alberta, 1972.

(2) Section 1(l) presently reads:

1 In this Act

(l) "spouse", with reference to a deceased employee, means a person who is legally married to the employee at the employee's date of death, or a person of the opposite sex who proves to the satisfaction of the Board that

(i) the deceased employee left no dependent spouse to whom he was married,

(ii) the deceased cohabited with that person

(A) for the 5-year period immediately preceding the employee's death, or

(B) for the 2-year period immediately preceding the employee's death where there is a child born to that person and the deceased employee,

and

(iii) the person had been a dependant of the employee and was known in the community in which they lived as a consort of the deceased.

or

(iii) if there is no person to whom subclause (i) or (ii) applies, a person who was legally married to the employee at the employee's date of death, or

(iv) if there is no person to whom subclause (i), (ii) or (iii) applies, a person of the opposite sex who

(A) cohabited with the employee

(I) for the 5-year period immediately preceding the employee's death, or

(II) for the 2-year period immediately preceding the employee's death where there is a child born to that person and the deceased employee,

and

(B) was known in the community as a consort of the deceased.

(3) Section 15(1)(a) is repealed and the following is substituted:

(a) any period of service in respect of which, under this Act, contributions have been made and a separate account maintained;

(4) Section 20(2)(b) is amended by repealing subclauses (i) and (ii) and substituting "leaving a surviving spouse to whom he was married or with whom he cohabited, as the case may be, for at least 5 years prior to his death,".

(3) This amendment will remove an overlap with another clause. Section 15(1)(a) presently reads:

15(1) For the purpose of this Act, pensionable service includes

(a) any period of service in respect of which contributions have been made in accordance with The Superannuation Act, The Public Service Pension Act or this Act;

(4) Section 20(2) presently reads:

20(2) Where an employee elects to receive a normal pension

(a) that pension shall be payable to him for his life, and

(b) if he dies after retirement

(i) leaving a surviving dependent spouse to whom he was married for at least 5 years prior to his death, or

(ii) if there is no surviving dependent spouse to whom subclause (1) applied, leaving a surviving dependent spouse with whom he cohabited for at least 5 years prior to his death,

the pension shall be payable to that spouse for life in an amount equal to 75% of the normal pension that was payable to him.

The Public Service Pension Act

2(1) The Public Service Pension Act is amended by this section.

(2) Section 2(g) is repealed and the following is substituted:

(g) “spouse”, with reference to a deceased employee, means

(i) a person who was dependent upon, and legally married to, the employee at the employee’s date of death, or

(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who

(A) cohabited with the employee

(I) for the 5-year period immediately preceding the employee’s death, or

(II) for the 2-year period immediately preceding the employee’s death where there is a child born to that person and the deceased employee,

and

(B) was dependent upon the employee at the employee’s date of death and was known in the community in which they lived as a consort of the deceased,

or

(iii) if there is no person to whom subclause (i) or (ii) applies, a person who was legally married to the employee at the employee’s date of death, or

(iv) if there is no person to whom subclause (i), (ii) or (iii) applies, a person of the opposite sex who

(A) cohabited with the employee

(I) for the 5-year period immediately preceding the employee’s death, or

(II) for the 2-year period immediately preceding the employee’s death where there is a child born to that person and the deceased employee,

and

The Public Service Pension Act

2(1) This section will amend chapter 299 of the Revised Statutes of Alberta 1970.

(2) Section 2(g) presently reads:

2 In this Act,

(g) "spouse", with reference to a deceased employee, means a person who is legally married to the employee at the employee's date of death, or a person of the opposite sex who proves to the satisfaction of the Board that

(i) the deceased employee left no dependent spouse to whom he was married,

(ii) the deceased cohabited with that person

(A) for the 5-year period immediately preceding the employee's death, or

(B) for the 2-year period immediately preceding the employee's death where there is a child born to that person and the deceased employee,

and

(iii) the person had been a dependant of the employee and was known in the community in which they lived as a consort of the deceased.

(B) was known in the community as a consort of the deceased.

(3) Section 14(1)(a) is repealed and the following is substituted:

(a) any period of service in respect of which, under this Act, contributions have been made and a separate account maintained;

(4) Section 25 is repealed and the following is substituted:

25 When an employee, before he becomes entitled to receive a pension under this Act, resigns or is dismissed and elects to receive a return of his contributions, the amount standing to his credit in the records of the Board, including the accrued interest credited on his contributions, shall be paid to him.

Commencement

3(1) This Act, except section 2(4), comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after January 1, 1978.

(2) Section 2(4) comes into force on July 1, 1978.

(3) Corresponds to section 1 (3) of the Bill.

(4) This amendment will remove the requirement to withhold interest on a refund of contributions of less than one year.