

1982 BILL 38

Fourth Session, 19th Legislature, 31 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

**PENSION STATUTES
AMENDMENT ACT, 1982**

THE PROVINCIAL TREASURER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 38

BILL 38

1982

PENSION STATUTES AMENDMENT ACT, 1982

(Assented to _____, 1982)

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

Local Authorities Pension Act

1(1) The Local Authorities Pension Act is amended by this section.

(2) Section 2 is amended

(a) by repealing subsection (1)(a) and substituting the following:

(a) one member, who shall be chairman, appointed by the Lieutenant Governor in Council, and

(b) by adding the following after subsection (2):

(3) The Lieutenant Governor in Council may make an order fixing or governing the remuneration and expenses that shall be paid to members of the Board.

(3) The following is added after section 2:

2.1(1) In accordance with the *Public Service Act* there may be employed any persons required for the administration of this Act.

(2) The Board may obtain the services of persons having technical or professional knowledge required by the Board in connection with its affairs.

Explanatory Notes

Local Authorities Pension Act

1(1) This section will amend chapter L-28 of the Revised Statutes of Alberta 1980.

(2) Section 2(1) presently reads:

2(1) This Act shall be administered by a board to be known as the Local Authorities Pension Board which shall consist of

(a) the chief executive officer of the Public Service Pension Administration, who shall be chairman, and

(b) not less than 4 other members to be appointed by the Lieutenant Governor in Council,

(i) one or more of whom shall represent the employees,

(ii) one or more of whom shall represent the employers, and

(iii) one of whom shall be designated as vice-chairman.

(3) Staff.

(4) Section 3(4) is amended by adding “public” before “body” wherever it occurs.

(5) Section 5 is amended

(a) by repealing subsection (1) and substituting the following:

5(1) The normal pension payable on retirement to an employee under the plan shall be an annual amount equal to 2% of his average annual salary or wages for the 5 consecutive years of his service during which his salary or wages were the highest, multiplied by the lesser of

(a) the total number of complete years of his pensionable service and any fraction of a year of his pensionable service, or

(b) 35.

(b) in subsection (2) by striking out “pensions” and substituting “benefits and other amounts payable under this Act”;

(c) by adding the following after subsection (2):

(3) The payment of all benefits and other amounts payable under this Act is guaranteed by the Crown in right of Alberta.

(6) The following is added after section 13:

14 Any amount of

(a) overpayment with respect to a payment made by the Provincial Treasurer under this Act, or

(b) deficiency in a payment required to be made under this Act by an employee or former employee or his employer or former employer

is recoverable by the Board as a debt due to the Crown in right of Alberta.

15 If a claim in writing is made to the Board that a person paid money that is not required to be paid under this Act, the Board, if it finds that the money was so paid, may authorize the payment to the claimant of the amount determined by the Board to be the amount paid together with any amount determined by the Board to be compensation arising out of the payment.

(4) Section 3(4) presently reads:

(4) The Lieutenant Governor in Council may declare this Act to be applicable to any public board or commission, or other body established by or under an Act of the Legislature, and thereupon this Act applies in respect of that board, commission or other body, and its employees, as if it were a local authority within the meaning of this Act.

(5) Section 5 presently reads:

5(1) The normal pension payable on retirement to an employee under the plan shall be an annual amount equal to 2% of his average annual salary or wages for the 5 consecutive years of his service during which his salary or wages were the highest, multiplied by the total number of years of his pensionable service computed to the nearest complete month, or by 35, whichever is the less.

(2) All pensions shall be paid by the Provincial Treasurer on certificate of the Board.

(6) Overpayments and deficiencies.

M.L.A. Pension Act

2(1) The M.L.A. Pension Act is amended by this section.

(2) Sections 3(3)(a), 8(2)(a) and 13(4)(a) are amended by striking out “multiplied by the total number of years of his pensionable service computed to the nearest complete month” and substituting “multiplied by the total number of complete years of his pensionable service and any fraction of a year of his pensionable service”.

M.L.A. Pension Act

2(1) This section will amend chapter M-18 of the Revised Statutes of Alberta 1980.

(2) Sections 3(3)(a), 8(2) and 13(4)(a) presently read in part:

(3) After a period of pensionable service of not less than 5 years, a person who ceases to be a member of the Legislative Assembly is then entitled to receive

(a) if his age is then 55 years or more, a normal pension in an amount equal to 4% of

(i) the average annual allowance payable to him under the Legislative Assembly Act, if his years of service do not exceed 3 years, or

(ii) the average annual allowance payable to him under the Legislative Assembly Act for the 3 consecutive years of his service during which that allowance was highest, when his years of service exceed 3 years,

multiplied by the total number of years of his pensionable service computed to the nearest complete month, or by 20, whichever number is the lesser, or at his option, an alternative pension as prescribed by section 21 of the Public Service Management Pension Act, or

(2) After a total period of pensionable service of at least one year, a person who ceases to be a member of the Executive Council and who has acquired or subsequently acquires the pensionable service required for a pension under Part 1 is then entitled to receive

(a) if his age is then 55 years or more, a normal pension in an annual amount equal to 4% of

(i) his average annual salary under section 57 of the Legislative Assembly Act, if his years of service do not exceed 3 years, or

(ii) his average annual salary under section 57 of the Legislative Assembly Act for the 3 consecutive years of his service during which that salary was highest, when his years of service exceed 3 years,

multiplied by the total number of years of his pensionable service computed to the nearest complete month, or by 20, whichever number is the lesser, or at his option, an alternative pension as prescribed by section 21 of the Public Service Management Pension Act, or

(4) After a total period of pensionable service of at least one year, a person who ceases to be the Speaker, Deputy Speaker or leader of Her Majesty's loyal opposition and who has acquired or who subsequently acquires the pensionable service required for a pension under Part 1, is then entitled to receive

(a) if his age is then 55 years or more, a normal pension in an annual amount equal to 4% of

(i) in the case of the Speaker,

Public Service Management Pension Act

3(1) The Public Service Management Pension Act is amended by this section.

(2) Section 1(l) is amended

(a) by striking out “deceased employee” wherever it occurs and substituting “deceased employee or deceased former employee”;

(b) by adding “or former employee” after “the employee” wherever it occurs;

(c) by adding “or former employee’s” after “employee’s” wherever it occurs.

(A) his average annual salary under section 53(1) of the Legislative Assembly Act, if his years of service do not exceed 3 years, or

(B) his average annual salary under section 53(1) of the Legislative Assembly Act for the 3 consecutive years of his service during which his salary was highest, when his years of service exceed 3 years,

multiplied by the total number of years of his pensionable service computed to the nearest complete month, or by 20, whichever number is the lesser, or, at his option, an alternative pension as prescribed by section 21 of the Public Service Management Pension Act, or

Public Service Management Pension Act

3(1) This section will amend chapter P-34 of the Revised Statutes of Alberta 1980.

(2) Section 1(l) presently reads:

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

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

(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 if there is a child born to that person and the deceased employee,

and

(B) was dependent on 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,

(iii) if there is no person to whom subclause (i) or (ii) applies, a person who was 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 if there is a child born to that person and the deceased employee,

(3) Section 3 is amended

(a) by repealing subsection (1)(a) and substituting the following:

(a) one member, who shall be chairman, appointed by the Lieutenant Governor in Council, and

(b) by adding the following after subsection (2):

(3) The Lieutenant Governor in Council may make an order fixing or governing the remuneration and expenses that shall be paid to members of the Board.

(4) Section 14 is amended

(a) in subsection (1) by repealing clause (d) and substituting the following:

(d) any period

(i) of authorized leave of absence, with or without pay, or

(ii) subject to section 5(3), when an employee has received or is receiving benefits under a disability plan

approved by the Board if payment of contributions and interest is made in an amount and on terms set by the Board;

(b) by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), only service that is

(a) applied for by a person while he is an employee in respect of whom contributions are required to be deducted under section 6, and

(b) paid in full according to the terms set by the Board,

shall be included as pensionable service.

(5) Section 16 is amended by renumbering it as section 16(1) and adding the following after subsection (1):

(2) Notwithstanding subsection (1), an employee who retires

and

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

(3) Section 3(1) presently reads:

3(1) This Act shall be administered by a board called The Public Service Management Pension Board and consisting of

(a) the chief executive officer of the Public Service Pension Administration, who shall be chairman of the Board under this Act, and

(b) not less than 4 other members appointed by the Lieutenant Governor in Council, at least one of whom shall represent the employees and one of whom shall be designated as vice-chairman of the Board.

(4) Section 14(1) presently reads:

14(1) For the purposes of this Act, peservice includes

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

(b) any period of service that may be recognized as pensionable service under the terms of a reciprocal agreement made pursuant to section 35;

(c) any period of service with the Government when an employee was not a contributor under this Act, if there is paid to the Provincial Treasurer at the rate and on the terms that the Board directs, contributions on the salary paid to him during that service by the Government, together with interest at the rate fixed pursuant to section 7, to the date of completion of payment in full;

(d) any period of authorized leave of absence with or without pay or any period when an employee has received or is receiving benefits under a disability plan, if payment of contributions and interest is made in an amount that the Board by regulation may prescribe;

(e) any period of service referred to in section 1(k) which is not otherwise included as pensionable service pursuant to this subsection, if there is paid to the Provincial Treasurer within the time periods, at the rate and on the terms that the Board directs, contributions on the salary paid to the employee by the Government at the time the Board receives a written request from the employee as to the amount required to effect payment with respect to that service, calculated as if that salary were actually paid to him during the service, together with interest at a rate prescribed by the Board, and payable until the date of completion of payment in full.

(5) Section 16 presently reads:

16 Subject to sections 13, 17 and 18, an employee who retires pursuant to section 9 or 10 and whose pensionable service has not been less than 5

pursuant to section 9 or 10 and who is entitled to a pension pursuant to subsection (1) may defer his pension to any date up to his attaining the age of 70 years.

(3) A person who has deferred his pension pursuant to subsection (2) may at any time prior to commencement of pension payments, with the approval of the Board, change the date of commencement of the deferred pension to any date subsequent to the date of approval by the Board.

(4) A deferred pension payable pursuant to subsection (2) shall be in an amount that is the actuarial equivalent of the pension payable pursuant to subsection (1) as determined by the actuarial tables approved by the Board for the purpose.

(6) *Section 20(1)(a) is repealed and the following is substituted:*

(a) by the total number of complete years of his pensionable service and any fraction of a year of his pensionable service, or

(7) *Section 23 is amended*

(a) *by renumbering it as section 23(1);*

(b) *in subsection (1) by striking out “pensions” and substituting “benefits or other amounts payable under this Act”;*

(c) *by adding the following after subsection (1):*

(2) The payment of all benefits and other amounts payable under this Act is guaranteed by the Crown in right of Alberta.

(8) *Section 26 is amended*

(a) *in subsection (1) by striking out “When the service of an employee whose pensionable service is less than 5 years is terminated before that employee” and substituting “When a person whose pensionable service is less than 5 years ceases to be an employee before that person”;*

(b) *in subsection (2) by striking out “When the service of an employee whose pensionable service is not less than 5 years is terminated before that employee” and substituting “When a person whose pensionable service is not less than 5 years ceases to be an employee before that person”.*

years is entitled on his retirement to receive in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

(6) Section 20(1) presently reads:

20(1) The normal pension payable to an employee on his retirement shall be an annual amount equal to 2% of pensionable salary multiplied

(a) by the total number of years of his pensionable service computed to the nearest complete month, or

(b) by 35,

whichever is the less.

(7) Section 23 presently reads:

23 All pensions shall be paid by the Provincial Treasurer on the certificate of the Board.

(8) Section 26(1) and (2) presently read:

26(1) When the service of an employee whose pensionable service is less than 5 years is terminated before that employee becomes entitled to receive a pension under this Act, he may elect

(a) to be paid the amount of contributions by him, and the interest credited on that amount, standing to his credit in the records of the Board as provided by section 27,

(b) to have the amount specified in clause (a) transferred to a pension or retirement savings plan accepted for registration under the Income Tax Act (Canada), or to any other fund or plan satisfactory to the Board, or

(9) *The following is added after section 37.1:*

37.2 Any amount of

(a) overpayment with respect to a payment made by the Provincial Treasurer under this Act, or

(b) deficiency in a payment required to be made by an employee or former employee or by his employer or former employer under this Act

is recoverable as a debt due to the Crown in right of Alberta.

37.3 If a claim in writing is made to the Board that a person paid money that is not required to be paid under this Act, the Board, if it finds that the money was so paid, may authorize the payment to the claimant of the amount determined by the Board to be the amount paid together with any amount determined by the Board to be compensation arising out of the payment.

Public Service Pension Act

4(1) The Public Service Pension Act is amended by this section.

(2) Section 1(h) is amended

(a) by striking out “deceased employee” wherever it occurs and substituting “deceased employee or deceased former employee”;

(b) by adding “or former employee” after “the employee” wherever it occurs;

(c) by adding “or former employee’s” after “employee’s” wherever it occurs.

(c) to have the amount specified in clause (a), together with at least an equal amount contributed by the Government and the interest credited on that amount, to which that person is entitled under a reciprocal agreement entered into pursuant to section 34, transferred to a pension plan accepted for registration under the Income Tax Act (Canada) and operated by the reciprocating party.

(2) When the service of an employee whose pensionable service is not less than 5 years is terminated before that employee becomes entitled to receive a pension under this Act, he may elect

(a) to receive any of the benefits specified in subsection (1), or

(b) to receive a deferred pension as provided in this section after he attains the age of 55 years.

(9) Overpayments and deficiencies.

Public Service Pension Act

4(1) This section will amend chapter P-35 of the Revised Statutes of Alberta 1980.

(2) Section 1(h) presently reads:

1 In this Act,

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

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

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

(A) cohabited with the employee

(3) Section 3 is amended

(a) by repealing subsection (1)(a) and substituting the following:

(a) one member, who shall be chairman, appointed by the Lieutenant Governor in Council, and

(b) by adding the following after subsection (2):

(3) The Lieutenant Governor in Council may make an order fixing or governing the remuneration and expenses that shall be paid to members of the Board.

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

4(1) In accordance with the *Public Service Act* there may be employed any persons required for the administration of this Act.

(2) The Board may obtain the services of persons having technical or professional knowledge required by the Board in connection with its affairs.

(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 if there is a child born to that person and the deceased employee,

and

(B) was dependent on 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,

(iii) if there is no person to whom subclause (i) or (ii) applies, a person who was 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 if 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 3(1) presently reads:

3(1) This Act shall be administered by a board to be known as the Public Service Pension Board which shall consist of

(a) the chief executive officer of the Public Service Pension Administration, who shall be chairman, and

(b) not less than 4 other members to be appointed by the Lieutenant Governor in Council,

(i) one of whom shall be nominated by The Alberta Union of Provincial Employees, and

(ii) one of whom shall be designated as vice-chairman of the Board.

(4) Section 4 presently reads:

4(1) There shall be a division of the Public Service of the Province called the Public Service Pension Administration.

(2) In accordance with the Public Service Act there may be appointed a chief executive officer and any employees required for the purposes of carrying out the business and affairs of the Public Service Pension Administration.

(5) Section 14 is amended

(a) in subsection (1)

(i) by repealing clause (d) and substituting the following:

(d) any period

(i) of authorized leave of absence, with or without pay, or

(ii) subject to section 5(2)(d), when an employee has received or is receiving benefits under a disability plan

approved by the Board if payment of contributions and interest is made in an amount and on terms set by the Board;

(ii) in clause (e) by striking out “section 1(e) which” and substituting “section 1(g) which”;

(b) by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), only service that is

(a) applied for by a person while he is an employee, and

(b) paid in full according to the terms set by the Board,

shall be included as pensionable service.

(6) Section 16 is amended by renumbering it as section 16(1) and adding the following after subsection (1):

(2) Notwithstanding subsection (1), an employee who retires pursuant to section 10 or 11 and who is entitled to a pension pursuant to subsection (1) may defer his pension to any date up to his attaining the age of 70 years.

(3) A person who has deferred his pension pursuant to subsection (2) may at any time prior to commencement of pension payments, with the approval of the Board, change the date of commencement of the deferred pension to any date subsequent to the date of his application for approval by the Board.

(4) A deferred pension payable pursuant to subsection (2) shall be in an amount that is the actuarial equivalent of the pension payable pursuant to subsection (1) as determined by the actuarial tables approved by the Board for the purpose.

(5) Section 14(1) presently reads:

14(1) For the purposes of this Act, pensionable service includes

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

(b) any period of service that may be recognized as pensionable service under the terms of a reciprocal agreement made pursuant to section 35;

(c) any period of service with the Government when an employee was not a contributor under this Act, if there is paid to the Provincial Treasurer at the rate and on the terms that the Board directs, contributions on the salary paid to him during that service by the Government, together with interest at the rate fixed pursuant to section 7, to the date of completion of payment in full;

(d) any period of authorized leave of absence with or without pay or any period when an employee has received or is receiving benefits under a disability plan, if payment of contributions and interest is made in an amount that the Board by regulation may prescribe;

(e) any period of service referred to in section 1(e) which is not otherwise included as pensionable service pursuant to this subsection, if there is paid to the Provincial Treasurer within the time periods, at the rate and on the terms that the Board directs, contributions on the salary paid to the employee by the Government at the time the Board receives a written request from the employee as to the amount required to effect payment with respect to that service, calculated as if that salary were actually paid to him during the service, together with interest at a rate prescribed by the Board, and payable until the date of completion of payment in full.

(6) Section 16 presently reads:

16 Subject to sections 13, 17 and 19, an employee who retires pursuant to section 10, 11 or 12 and whose pensionable service has not been less than 5 years is entitled on his retirement to receive in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

(7) *Section 20(1) is repealed and the following is substituted:*

20(1) The normal pension payable to an employee on his retirement shall be an annual amount equal to 2% of his average annual salary for the 5 consecutive years of his service during which his salary was the highest, multiplied by the lesser of

(a) the total number of complete years of his pensionable service and any fraction of a year of his pensionable service, or

(b) 35.

(8) *Section 23 is amended*

(a) *by renumbering it as section 23(1);*

(b) *in subsection (1) by striking out “pensions” and substituting “benefits and other amounts payable under this Act”;*

(c) *by adding the following after subsection (1):*

(2) The payment of all benefits and other amounts payable under this Act are guaranteed by the Crown in right of Alberta.

(9) *Section 26 is amended*

(a) *in subsection (1) by striking out “When the service of an employee whose pensionable service is less than 5 years is terminated before the employee” and substituting “When a person whose pensionable service is less than 5 years ceases to be an employee before that person”;*

(b) *in subsection (2) by striking out “When the service of an employee whose pensionable service is not less than 5 years is terminated before that employee” and substituting “When a person whose pensionable service is not less than 5 years ceases to be an employee before that person”.*

(7) Section 20(1) presently reads:

20(1) The normal pension payable to an employee on his retirement shall be an annual amount equal to 2% of his average annual salary for the 5 consecutive years of his service during which his salary was the highest, multiplied by the total number of years of his pensionable service computed to the nearest complete month thereof, or by 35, whichever is the less.

(8) Section 23 presently reads:

23 All pensions shall be paid by the Provincial Treasurer on the certificate of the Board.

(9) Section 26(1) and (2) presently read:

26(1) When the service of an employee whose pensionable service is less than 5 years is terminated before the employee becomes entitled to receive a pension under this Act, he may elect

(a) to be paid the amount of contributions by him, and the interest credited on that amount, standing to his credit in the records of the Board as provided by section 25,

(b) to have the amount specified in clause (a) transferred to a pension or retirement savings plan accepted for registration under the Income Tax Act (Canada), or any other fund or plan satisfactory to the Board, or

(c) to have the amount specified in clause (a), together with at least an equal amount contributed by the Government and the interest credited on that amount, to which that person is entitled under a reciprocal agreement entered into pursuant to section 35, transferred to a pension plan accepted for registration under the Income Tax Act (Canada) and operated by the reciprocating party.

(2) When the service of an employee whose pensionable service is not less than 5 years is terminated before that employee becomes entitled to receive a pension under this Act, he may elect

(a) to receive the type of benefit specified in subsection (1), or

(10) Section 35(1)(c) is amended by striking out "General Revenue".

(11) The following is added after section 43:

44 Any amount of

(a) overpayment with respect to a payment made by the Provincial Treasurer under this Act, or

(b) deficiency in a payment required to be made under this Act by an employee or former employee or his employer or former employer

is recoverable by the Board as a debt due to the Crown in right of Alberta.

45 If a claim in writing is made to the Board that a person paid money that is not required to be paid under this Act, the Board, if it finds that the money was so paid, may authorize the payment to the claimant of the amount determined by the Board to be the amount paid together with any amount determined by the Board to be compensation arising out of the payment.

Special Forces Pension Act

5(1) *The Special Forces Pension Act is amended by this section.*

(2) *Section 1(m) is amended*

(a) *by striking out "deceased member" wherever it occurs and substituting "deceased member or deceased former member";*

(b) *by adding "or former member" after "the member" wherever it occurs;*

(c) *by adding "or former member's" after "member's" wherever it occurs.*

(b) to receive a deferred pension as provided in this section after he attains the age of 55 years.

(10) Corrects a cross-reference.

(11) Overpayments and deficiencies.

Special Forces Pension Act

5(1) This section will amend chapter S-21 of the Revised Statutes of Alberta 1980.

(2) Section 1(m) presently reads:

(m) "spouse", with reference to a deceased member, means

(i) a person who was dependent on, and married to, the member at the member'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 member

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

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

and

(3) *Section 2 is amended*

(a) *by repealing subsection (1)(a) and the substituting the following:*

(a) one member, who shall be chairman, appointed by the Lieutenant Governor in Council, and

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

(4) The Lieutenant Governor in Council may make an order fixing or governing the remuneration and expenses that shall be paid to members of the Board.

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

4(1) In accordance with the *Public Service Act* there may be employed any persons required for the administration of this Act.

(2) The Board may obtain the services of persons having technical or professional knowledge required by the Board in connection with its affairs.

(B) was dependent on the member at the member'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 married to the member at the member'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 member

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

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

and

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

(3) Section 2(1) presently reads:

2(1) There shall be a board called the Special Forces Pension Board consisting of

(a) the chief executive officer of the Public Service Pension Administration, who shall be chairman of the Board, and

(b) not less than 4 other members appointed by the Lieutenant Governor in Council,

(i) one or more of whom shall represent the police,

(ii) one or more of whom shall represent the local authorities, and

(iii) one or more of whom shall represent the Government.

(4) Staff and delegation of powers. Section 4 presently reads:

4 The Public Service Pension Administration may, in accordance with the Public Service Act, employ any persons required to carry out the business of the Board.

(5) Section 14 is amended

(a) in subsection (1) by repealing clause (d) and substituting the following:

(d) any period

(i) of authorized leave of absence, with or without pay,

(ii) when an employee has received or is receiving benefits under a disability plan, or

(iii) of potential service

approved by the Board if payment of contributions and interest is made, except for a period referred to in subclause (iii), in an amount and on terms set by the Board;

(b) by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), only service that is

(a) applied for by a person while he is a member in respect of whom contributions are required to be remitted under section 6, and

(b) paid in full according to the terms set by the Board,

shall be included as pensionable service.

(6) Section 16 is amended by renumbering it as section 16(1) and adding the following after subsection (1):

(2) Notwithstanding subsection (1), a member who retires pursuant to section 9 or 10 and who is entitled to a pension pursuant to subsection (1) may defer his pension to any date up to his attaining the age of 70 years.

(3) A person who has deferred his pension pursuant to subsection (2) may at any time prior to commencement of pension payments, with the approval of the Board, change the date of commencement of the deferred pension to any date subsequent to the date of his application for approval by the Board.

(4) A deferred pension payable pursuant to subsection (2) shall be in an amount that is the actuarial equivalent of the pension payable pursuant to subsection (1) as determined by the actuarial tables approved by the Board for the purpose.

(5) Section 14(1) presently reads:

14(1) For the purposes of this Act, pensionable service includes

(d) a period

(i) of authorized leave of absence with or without pay,

(ii) when a member has received or is receiving benefits under a disability plan, or

(iii) of potential service,

if payment of contributions and interest is made, except for a period referred to in subclause (iii), in an amount that the Board by regulation may prescribe;

(6) Section 16 presently reads:

16 Subject to sections 12 and 13, a member who retires pursuant to section 9 or 10 and whose pensionable service is not less than 5 years is entitled on his retirement to receive in monthly payments a normal pension referred to in section 19 or, at his option, an alternative pension of one of the types referred to in section 20.

(7) *Section 19 is amended*

(a) *by repealing subsection (1)(a) and substituting the following:*

(a) the total number of complete years of his pensionable service and any fraction of a year of his pensionable service, or

(b) *in subsection (3) by striking out “years of pensionable service after January 1, 1966 computed to the nearest complete month” and substituting “complete years of his pensionable service after January 1, 1966 and any fraction of a year of his pensionable service after that date”.*

(8) *Section 22 is amended*

(a) *by renumbering it as section 22(1);*

(b) *by striking out “pensions” and substituting “benefits and other amounts payable under this Act”;*

(c) *by adding the following after subsection (1):*

(2) The payment of all benefits and other amounts payable under this Act is guaranteed by the Crown in right of Alberta.

(9) *Section 26(5) and (6) are repealed and the following is substituted:*

(5) If the member's spouse remarries, the pension payments to the spouse pursuant to subsection (4) shall cease at the end of the month in which the remarriage occurs and the spouse shall then be entitled to receive a lump sum payment equivalent to 24 monthly pension payments as full settlement.

(6) If there is a surviving dependent child in addition to the surviving spouse at the date of death of the member, an additional pension in the amount of 10% of the normal pension of the deceased member shall be paid for the benefit of each surviving dependent child to a maximum of 3 children and the pension payments for a surviving dependent child shall cease at the end of the month in which that surviving dependent child dies or attains the age of 18 years, whichever event first occurs.

(6.1) If there is no surviving spouse at the date of death of the member but there is a surviving dependent child, there shall be paid for the benefit of each surviving dependent child, up to a maximum of 4 children, a pension equal to 15% of the amount

(7) Section 19(1) and (3) presently read:

19(1) The normal pension payable to a member on his retirement shall be an annual amount equal to 2% of his pensionable salary multiplied by the lesser of

(a) the total number of years of his pensionable service computed to the nearest complete month, or

(b) 35.

(3) Notwithstanding subsection (1), for the purposes of calculating a normal pension, on the first day of the month following the date a retired member becomes or would have become 65 years of age his pension shall be reduced by 0.6% of the average of the maximum pensionable earnings for the last 5 years under the Canada Pension Plan multiplied by the total number of years of pensionable service after January 1, 1966 computed to the nearest complete month.

(8) Section 23 presently reads:

23 All pensions shall be paid by the Provincial Treasurer on the certificate of the Board.

(9) Section 26(5) and (6) presently read:

(5) If there is a dependent child in addition to the surviving spouse

(a) an additional pension in the amount of 10% of the normal pension of the deceased member shall be paid to the spouse for each dependent child to a maximum of 3 children, and

(b) if the spouse remarries, the pension payments to the spouse shall cease at the end of the month in which the remarriage occurs, except where there is a dependent child in which case the pension payments shall cease at the end of the month in which the youngest child attains the age of 18 years, and the spouse is entitled to receive a lump sum payment equal to 24 monthly pension payments.

(6) If there is no surviving spouse at the date of the member's death but there is a dependent child, each dependent child, up to a maximum of 4, is entitled to receive a benefit equal to 15% of the amount of the normal pension of the deceased member.

of the normal pension of the deceased member, and the pension payments for a surviving dependent child shall cease at the end of the month in which that surviving dependent child dies or attains the age of 18 years, whichever event first occurs.

(10) *The following is added after section 35.1:*

35.2 Any amount of

(a) overpayment with respect to a payment made by the Provincial Treasurer under this Act, or

(b) deficiency in a payment required to be made under this Act by a member or former member or his employer or former employer

is recoverable as a debt due to the Crown in right of Alberta.

35.3 If a claim in writing is made to the Board that a person paid money that is not required to be paid under this Act, the Board, if it finds that the money was so paid, may authorize the payment to the claimant of the amount determined by the Board to be the amount paid together with any amount determined by the Board to be compensation arising out of the payment.

Universities Academic Pension Act

6(1) *The Universities Academic Pension Act is amended by this section.*

(2) *Section 2 is amended*

(a) *by repealing subsection (1)(a) and substituting the following:*

(a) one member, who shall be chairman, appointed by the Lieutenant Governor in Council,

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

(4) The Lieutenant Governor in Council may make an order fixing or governing the remuneration and expenses that shall be paid to members of the Board.

(3) *Section 3 is repealed and the following is substituted:*

3(1) In accordance with the *Public Service Act* there may be employed any persons required for the administration of this Act.

(10) Overpayments and deficiencies.

Universities Academic Pension Act

6(1) This section will amend chapter U-6 of the Revised Statutes of Alberta 1980.

(2) Section 2(1) presently reads:

2(1) There shall be a board called the Universities Academic Pension Board consisting of

(a) the chief executive officer of the Public Service Pension Administration, who shall be chairman of the Board,

(b) not less than 4 and not more than 10 other members appointed by the Lieutenant Governor in Council so as to provide equal representation from the governors of the Universities and the academic staff associations of the Universities, and

(c) one or more persons appointed by the Lieutenant Governor in Council who shall represent the Government of Alberta.

(3) Section 3 presently reads:

3 The Public Service Pension Administration may, in accordance with the Public Service Act, employ those persons required to carry out the business of the Board.

(2) The Board may obtain the services of persons having technical or professional knowledge required by the Board in connection with its affairs.

(4) Section 13 is amended

(a) in subsection (1)

(i) by repealing clause (b);

(ii) by repealing clause (d) and substituting the following:

(d) any period

(i) subject to section 4(1)(d), of authorized leave of absence, with or without pay, or

(ii) when an employee has received or is receiving benefits under a disability plan

approved by the Board if payment of contributions and interest is made in an amount and on terms set by the Board.

(b) by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), only service that is

(a) applied for by a person while he is a member with respect to whom contributions are required to be deducted under section 5, and

(b) paid in full according to the terms set by the Board,

shall be included as pensionable service.

(5) Section 15 is amended by renumbering it as section 15(1) and adding the following after subsection (1):

(2) Notwithstanding subsection (1), a person who retires pursuant to section 9 or 10 and who is entitled to a pension pursuant to subsection (1) may defer his pension to any date up to his attaining the age of 70 years.

(3) A person who has deferred his pension pursuant to subsection (2) may at any time prior to commencement of pension payments, with the approval of the Board, change the date of commencement of the deferred pension to any date subsequent to the date of approval by the Board.

(4) Section 13(1)(d) presently reads:

13(1) For the purposes of this Act, pensionable service includes

(d) a period of service during which a member received benefits from a disability plan,

(5) Section 15 presently reads:

15 Subject to sections 12 and 35, a member who

(a) retires pursuant to section 9 and whose pensionable service is not less than 5 years, or

(b) retires pursuant to section 10 and whose pensionable service is not less than 10 years

is entitled on his retirement to receive in monthly payments a normal pension referred to in section 17 or, at his option, an alternative pension of one of the types referred to in section 18.

(4) A deferred pension payable pursuant to subsection (2) shall be in an amount that is the actuarial equivalent of the pension payable pursuant to subsection (1) as determined by the actuarial tables approved by the Board for the purpose.

(6) *Section 17(1)(a) is repealed and the following is substituted:*

(a) the total number of complete years of his pensionable service and any fraction of a year of his pensionable service, or

(7) *Section 20 is amended*

(a) *by renumbering it as section 20(1);*

(b) *in subsection (1) by striking out “pensions” and substituting “benefits and other amounts payable under this Act”;*

(c) *by adding the following after subsection (1):*

(2) The payment of all benefits and other amounts payable under this Act is guaranteed by the Crown in right of Alberta.

(8) *Section 34 is amended*

(a) *in subsection (1) by adding “by a person who was a member on July 1, 1978” after “Lethbridge Plan”;*

(b) *in subsection (2) by striking out “member” and substituting “person who was a member on that date and”.*

(9) *The following is added after section 36.1:*

36.2 Any amount of

(a) overpayment with respect to a payment made by the Provincial Treasurer under this Act, or

(b) deficiency in a payment required to be made under this Act by a member or his employer or former employer

is recoverable by the Board as a debt due to the Crown in right of Alberta.

(6) Section 17(1) presently reads:

17(1) Subject to section 35, the normal pension payable to a member on his retirement shall be an annual amount equal to 2% of his pensionable salary multiplied by the lesser of

(a) the total number of years of his pensionable service computed to the nearest complete month, and

(b) 35.

(7) Section 20 presently reads:

20 All pensions shall be paid by the Provincial Treasurer on the certificate of the Board.

(8) Section 34 presently reads:

34(1) Any period established as pensionable service under the provisions of the University of Alberta Plan, the Retirement System or the Lethbridge Plan is pensionable service under this Act.

(2) Any pensionable service established prior to July 1, 1978 under the Public Service Pension Act or the Teachers' Retirement Fund Act by a member who transfers to the application of this Act within a period prescribed by the Board is pensionable service under this Act on the transfer of those contributions and any interest on them.

(9) Overpayments and deficiencies.

36.3 If a claim in writing is made to the Board that a person paid money that is not required to be paid under this Act, the Board, if it finds that the money was so paid, may authorize the payment to the claimant of the amount determined by the Board to be the amount paid together with any amount determined by the Board to be compensation arising out of the payment.

Coming into force

7(1) This Act, except section 4(5)(a)(ii) and (10), comes into force on Proclamation.

(2) Section 4(5)(a)(ii) and (10) shall be deemed to have come into force when the Revised Statutes of Alberta 1980 came into force.