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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

## Bill 70

(2009, chapter 56)

### **An Act to amend various pension plans in the public sector**

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**Introduced 10 November 2009**  
**Passed in principle 17 November 2009**  
**Passed 26 November 2009**  
**Assented to 4 December 2009**

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## EXPLANATORY NOTES

*This Act amends various Acts establishing pension plans for public sector employees, in particular in response to certain technical recommendations made by the retirement committees. The Act also amends the Pension plan for federal employees transferred to employment with the gouvernement du Québec and empowers the Government to amend that plan to harmonize it with the other public sector pension plans.*

*In addition, the Act maintains the provisions that override section 15 of the Constitution Act, 1982, found in the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

## Bill 70

### AN ACT TO AMEND VARIOUS PENSION PLANS IN THE PUBLIC SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1), amended by section 33 of chapter 25 of the statutes of 2008, is again amended by replacing “this chapter” in paragraph 1 by “Chapter VI.1”.

**2.** The second paragraph of section 62 of the Act is again enacted and therefore reads as follows:

“The provisions of this Act have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**3.** Section 47.2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 41 of chapter 25 of the statutes of 2008, is amended by replacing “by section 14.1” in the second paragraph by “by the first paragraph of section 14.1”.

**4.** Section 74 of the Act is amended by replacing the last sentence of the first paragraph by the following sentences: “Following the death of a beneficiary of a pension, the balance of the contributions and of any accrued interest bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) in force on the first day of the month following the death and computed from that date. In addition, for every period during which no benefit was paid, the balance of the contributions and of any accrued interest, established on the first day of the period, bears interest, compounded annually, at the rates determined in Schedule VI to that Act.”

**5.** Section 36.1.2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), enacted by section 10 of chapter 25 of the statutes of 2008, is amended by replacing “by section 18.1” in the second paragraph by “by the first paragraph of section 18.1”.

**6.** Section 58 of the Act is amended by replacing the last sentence of the first paragraph by the following sentences: “Following the death of a beneficiary of a pension, the balance of the contributions and of any accrued

interest bears interest, compounded annually, at the rate determined in Schedule VII in force on the first day of the month following the death and computed from that date. In addition, for every period during which no benefit was paid, the balance of the contributions and of any accrued interest, established on the first day of the period, bears interest, compounded annually, at the rates determined in Schedule VI.”

**7.** Section 59 of the Act is amended

(1) by adding the following sentences at the end of the second paragraph: “The excess amount bears interest, compounded annually, at the rate determined in Schedule VII in force on the first day of the month following the death and computed from that date until the date of the refund. In addition, for every period during which no amount was paid as pension credit, the excess amount, established on the first day of the period, bears interest, compounded annually, at the rates determined in Schedule VI.”;

(2) by striking out the third and fourth paragraphs.

**8.** Section 91 of the Act is amended by replacing the second paragraph by the following paragraph:

“The pension credit is paid to the pensioner until the first day of the month following the pensioner’s death.”

**9.** Section 215.17 of the Act is amended by replacing “in sections 164 and 173.1” in the first paragraph by “in section 163 of this Act and section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1)”.

**10.** The second paragraph of section 223.1 of the Act is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**11.** Section 35.1.2 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), enacted by section 61 of chapter 25 of the statutes of 2008, is amended by replacing “by section 15.1” in the second paragraph by “by the first paragraph of section 15.1”.

**12.** Section 73 of the Act, amended by section 67 of chapter 25 of the statutes of 2008, is again amended by inserting “the annualized pensionable salary,” after “pensionable salary,” in paragraph 4.3.

**13.** The second paragraph of section 78.1 of the Act is again enacted and therefore reads as follows:

“Sections 28, 32 and 51 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**14.** Section 62.7 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), enacted by section 71 of chapter 25 of the statutes of 2008, is amended by replacing “by section 62.1” in the second paragraph by “by the first paragraph of section 62.1”.

**15.** Section 99.9.4 of the Act is amended by inserting “the annualized pensionable salary,” after “pensionable salary,” in the first paragraph.

**16.** Section 109 of the Act, amended by section 76 of chapter 25 of the statutes of 2008, is again amended by inserting “the annualized pensionable salary,” after “pensionable salary,” in paragraph 8.1.2.

**17.** The second paragraph of section 114.1 of the Act is again enacted and therefore reads as follows:

“Sections 56 and 84 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**18.** Section 53.2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), enacted by section 87 of chapter 25 of the statutes of 2008, is amended by replacing “by section 30” in the second paragraph by “by the first paragraph of section 30”.

**19.** Section 53.6 of the Act, enacted by section 87 of chapter 25 of the statutes of 2008, is amended by replacing “50.2” in the introductory clause by “50.3”.

**20.** Section 79 of the Act is amended by replacing the last sentence of the first paragraph by the following sentences: “Following the death of a beneficiary of a pension, the balance of the contributions and of any accrued interest bears interest, compounded annually, at the rate determined in Schedule VIII in force on the first day of the month following the death and computed from that date. In addition, for every period during which no amount was paid as pension, the balance of the contributions and of any accrued interest, established on the first day of the period, bears interest, compounded annually, at the rates determined in Schedule VII.”

**21.** Section 143 of the Act is repealed.

**22.** Section 196 of the Act, amended by section 159 of chapter 43 of the statutes of 2007 and by section 95 of chapter 25 of the statutes of 2008, is again amended by inserting “the annualized pensionable salary,” after “pensionable salary,” in subparagraph 11 of the first paragraph.

**23.** The second paragraph of section 211 of the Act is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**24.** Section 55.1 of the Pension plan for federal employees transferred to employment with the gouvernement du Québec (Order in Council 430-93 dated 31 March 1993 (1993, G.O. 2, 2389)), enacted by Order in Council 735-96 dated 19 June 1996 (1996, G.O. 2, 2878), is amended by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, despite sections 14.1 and 16 of the provincial Act, the salary paid after 31 December 2007 for which no service is credited is part of the pensionable salary of the last year during which service is credited and which is prior to the year during which the salary is paid.”

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**25.** The first amendment to section 3.0.1 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services (Order in Council 1842-88 dated 14 December 1988 (1988, G.O. 2, 4149)) enacted after this Act has been assented to may have effect from a date not prior to 1 January 2006.

**26.** The first order in council amending the Pension plan for federal employees transferred to employment with the gouvernement du Québec (Order in Council 430-93 dated 31 March 1993 (1993, G.O. 2, 2389)) enacted after this Act has been assented to may have effect from a date not prior to 1 January 2008.

**27.** The listing of the Association québécoise d'établissements de santé et de services sociaux in Schedules I and III to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and in Schedules II and V to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) has effect from 1 June 2005.

**28.** Section 21 has effect from 1 January 2005.

**29.** Sections 4, 6, 7 and 20 have effect from 1 June 2005.

**30.** Section 24 has effect from 1 January 2008.

**31.** Section 8 has effect from 7 May 2008.

**32.** This Act comes into force on 4 December 2009, except sections 2, 3, 5, 10 to 19, 22 and 23, which come into force on 1 January 2010.