

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 109

**AN ACT TO AMEND THE PENSION PLAN
AND OTHER CONDITIONS OF EMPLOYMENT
OF THE MEMBERS OF THE NATIONAL ASSEMBLY**

Bill 113

Introduced by Mr Michel Gratton, Government House Leader and Minister for Electoral Reform

Introduced 14 December 1987

Passage in principle 14 December 1987

Passage 18 December 1987

Assented to 18 December 1987

Coming into force: 18 December 1987

Acts amended:

Act respecting the conditions of employment and the pension plan of the Members of the National Assembly
(R.S.Q., chapter C-52.1)

Legislature Act (R.S.Q., chapter L-1)

Executive Power Act (R.S.Q., chapter E-18)



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CHAPTER 109

An Act to amend the pension plan and other conditions of employment of the Members of the National Assembly

[Assented to 18 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PROVISIONS RELATING TO PENSIONS

c. C-52.1,
s. 20, am. **1.** Section 20 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by replacing the definition of the word "Member" by the following definition:

"Member" "Member" means a person who is a Member of the National Assembly after 31 December 1982 and before 1 January 1988, except a person included under section 103.21 of the Legislature Act, and any person who is a Member of the National Assembly thereafter;"

c. C-52.1,
s. 24.1,
added **2.** The said Act is amended by inserting, after section 24, the following section:

Withdrawal
of contribu-
tions **"24.1** Every person who ceases to be a Member after having been a Member for 20 years on 1 January 1983 and who is entitled to a pension under the Legislature Act is entitled to apply for the withdrawal of the total amount of his contributions paid from 1 January 1983 with interest compounded for each year during which he contributed, at the rate established pursuant to the Act respecting the Government and Public Employees Retirement Plan.

Effect of withdrawal The withdrawal of contributions extinguishes the right to the years of service for the purposes of qualifying for a pension or computing the pension."

c. C-52.1, s. 25, replaced **3.** Section 25 of the said Act is replaced by the following section:

Presumption **"25.** The contributions paid after 31 December 1982 and before 1 January 1988 under section 103.4 of the Legislature Act are deemed to have been paid under section 22."

c. C-52.1, s. 26, repealed **4.** Section 26 of the said Act is repealed.

c. C-52.1, s. 27, am. **5.** Section 27 of the said Act is amended by replacing the sixth line by the following: "section 33 or subparagraph 1 of the first paragraph of section 33.1 from the annual indemnity paid to a Member under".

c. C-52.1, s. 29, am. **6.** Section 29 of the said Act is amended by replacing the third paragraph by the following paragraph:

Pension credit "For each year of service so redeemed, he is granted a pension credit computed on the basis of the indemnity he receives at the time of the application for redemption at the percentage rate provided for the year in which the pension credit is granted; the pension credit is reduced in the manner provided in section 37."

c. C-52.1, s. 33, replaced **7.** Section 33 of the said Act is replaced by the following sections:

Qualifying conditions **"33.** A pension is granted in respect of the years of service performed after 31 December 1982 but before 1 January 1988 to a person who has ceased to be a Member, makes an application therefor and meets the conditions provided in subparagraph 1 or 2:

(1) his age and years of service, including those for which a pension credit has been granted to him following a redemption, add up to 65 or more and he is at least 60 years of age;

(2) he is 50 years of age or more or is receiving a pension under the Legislature Act.

Reduced pension In the case contemplated in subparagraph 2, the pension shall be reduced, for its term, by one-third of one per cent for each month falling between the date on which the pension is granted and the date on which the person would qualify for the pension under subparagraph 1, taking into account only recognized years of service at the time he ceases to be a Member of the Assembly.

Qualifying
conditions

“33.1 A pension is granted in respect of the years of service performed after 31 December 1987 to a person who has ceased to be a Member, makes an application therefor and meets the conditions provided in subparagraph 1 or 2:

(1) his age and years of service, including those for which a pension credit has been granted to him following a redemption, add up to 65 or more and he is at least 50 years of age;

(2) he is 50 years of age or more or is receiving a pension under the Legislature Act.

Reduced
pension

In the case contemplated in subparagraph 2, the pension shall be reduced, for its term, by one-third of one per cent for each month falling between the date on which the pension is granted and the date on which the person would qualify for the pension under subparagraph 1, taking into account only recognized years of service at the time he ceases to be a Member of the Assembly.

Maximum
reduction

“33.2 Where a person was a Member before 1 January 1983 and is a Member on 1 January 1988, the pension cannot be reduced pursuant to paragraph 2 of sections 33 and 33.1 by over 33¹/₃%.”

c. C-52.1,
s. 35,
repealed

8. Section 35 of the said Act is repealed.

c. C-52.1,
s. 36,
replaced

9. Section 36 of the said Act is replaced by the following section:

Pension
credit

“36. In addition to the pension credit provided for in sections 29 and 32, a pension credit equal to

(1) 4% of the indemnity received by the Member is granted to him for each year, after 31 December 1982 and before 1 January 1988, in which a contribution has been withheld from him;

(2) 3.5% of the indemnity received by the Member is granted to him for each year, after 31 December 1987, in which a contribution has been withheld from him.

Amount
payable

The amount of annual pension payable is equal to the total of pension credits.”

c. C-52.1,
s. 39, am.

10. Section 39 of the said Act is amended

(1) by replacing the first two lines of the first paragraph by the following:

Termination
of office **“39.** On the date a person ceases to be a Member, the amount of the pension credits must not exceed 70% of the average indemnity received by the”;

(2) by striking out the fifth paragraph.

c. C-52.1,
s. 39.1,
added **11.** The said Act is amended by inserting, after section 39, the following section:

Maximum
amount of
pension **“39.1** If a beneficiary is also receiving a pension under the Legislature Act, the total amount of that pension and the pension credits granted under this Act must not exceed the highest indemnity he received during all his terms of office as a Member of the National Assembly.”

c. C-52.1,
s. 41, am. **12.** Section 41 of the said Act is amended by inserting the words “, before 1 January 1988,” after the word “subject” in the second line of the first paragraph.

c. C-52.1,
s. 42,
repealed **13.** Section 42 of the said Act is repealed.

c. C-52.1,
s. 44,
replaced **14.** Section 44 of the said Act is replaced by the following section:

Periodical
payments **“44.** A pension granted under this plan is paid to the beneficiary periodically and at the time prescribed under the Act respecting the Government and Public Employees Retirement Plan until the date on which he ceases to be entitled to it.”

c. C-52.1,
s. 45,
replaced **15.** Section 45 of the said Act is replaced by the following section:

Period of
payment **“45.** The pension becomes payable at the end of the period corresponding to the number of months’ salary, within the meaning of section 13, represented by the transition allowance granted and not later than the time the person entitled to it reaches 71 years of age.”

c. C-52.1,
s. 46,
replaced **16.** Section 46 of the said Act is replaced by the following section:

Retroactive
payment **“46.** Subject to section 45, a pension may be paid to a person entitled to it retroactively to the date that the pension would have become payable under paragraph 1 of section 33 or under paragraph 1 of section 33.1, if the application is made after that date.”

c. C-52.1,
s. 48, am. **17.** Section 48 of the said Act is amended by adding the words “, as though the pension had never been paid” at the end of the second paragraph.

c. C-52.1,
s. 49,
repealed

18. Section 49 of the said Act is repealed.

c. C-52.1,
s. 52, am.

19. Section 52 of the said Act is amended

(1) by striking out the words “and if the payment of his pension has not begun” in the third line of the second paragraph;

(2) by adding the words “even if there is no surviving spouse at the time of death of the Member or former Member” after the word “begun” in the second line of the third paragraph.

c. C-52.1,
ss. 55, 56,
replaced

20. Sections 55 and 56 of the said Act are replaced by the following sections:

Surviving
spouse's
pension

“55. A surviving spouse's pension is granted only on application by the surviving spouse to the Office and after it has assured itself of the applicant's entitlement.

Entitlement

“55.1 The spouse or, as the case may be, the assigns of a deceased pensioner is or are entitled to receive, up to the first day of the month following the death of the pensioner, the pension he would have received.

Commence-
ment

“56. Entitlement to a surviving spouse's pension begins on the day on which, owing to death, the payment of the pension of the pensioner, the payment of the Member's indemnity or, as the case may be, the payment of the transition allowance under Division II of Chapter I ceases.

Duration

The surviving spouse's pension runs until the first day of the month following the death.”

c. C-52.1,
s. 59, am.

21. Section 59 of the said Act is amended by striking out paragraphs 3 and 6.

c. L-1,
s. 103.1,
replaced

22. Section 103.1 of the Legislature Act (R.S.Q., chapter L-1) is replaced by the following section:

Applicability

“103.1 This subdivision applies to Members who have contributed to the plan established under subdivision 5 and have not applied for a refund of their contributions.

Exception

This subdivision does not apply to former Members contemplated in section 41 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly.”

c. L-1,
s. 103.2,
repealed

23. Section 103.2 of the said Act is repealed.

c. L-1,
s. 103.4,
repealed

24. Section 103.4 of the said Act is repealed.

c. L-1,
s. 103.5,
replaced

25. Section 103.5 of the said Act is replaced by the following section:

Computation
of contribu-
tions

“103.5 The total amount of contributions of a Member that serves as the basis for computing his pension in accordance with section 89 is equal to the total contributions that he has provided before 1 January 1983 adjusted annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), according to the rate of increase of the Pension Index determined by the said Act from 1984 until the time the pension becomes payable.”

c. L-1,
s. 103.11,
am.

26. Section 103.11 of the said Act is amended by striking out the second paragraph.

c. L-1,
s. 103.12.1,
added

27. The said Act is amended by inserting, after section 103.12, the following section:

Indexing

“103.12.1 Notwithstanding section 100, the pension payable to a Member who has not received pension benefits before 1 January 1988 and is entitled to a pension under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly shall be adjusted annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, at the rate by which the rate of increase of the Pension Index determined under the said Act exceeds 3%.”

c. L-1,
s. 103.13,
am.

28. Section 103.13 of the said Act is amended by replacing the first paragraph by the following paragraph:

Period of
payment

“103.13 A pension becomes payable at the end of the period corresponding to the number of months' salary within the meaning of section 13 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) and not later than the time the person entitled to it reaches 71 years of age.”

c. L-1,
s. 103.18,
replaced

29. Section 103.18 of the said Act is replaced by the following section:

Option

“103.18 Every person who ceased to be a Member after 31 December 1982 but before 1 January 1988 may elect, from 1 January 1988, for the pension plan established under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly by transmitting a written notice to the Office.

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Notice The notice must be given not later than 1 July 1988."

c. L-1,
s. 103.19,
replaced **30.** Section 103.19 of the said Act is replaced by the following sections:

Period of
payment **"103.19** The pension granted following an election made under section 103.18 after 31 December 1987 shall be payable from 1 January 1988.

Indexing **"103.20** Notwithstanding section 100, a pension payable to a Member under subdivision 5.1 following an election made under section 103.18 after 31 December 1987 shall be adjusted annually, from 1 January 1989, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan at the rate by which the rate of increase of the Pension Index determined under the said Act exceeds 3%.

Presumption **"103.21** Every person who ceased to be a Member after 31 December 1982 but before 1 January 1988 and who has not made the election provided for in section 103.18 within the prescribed time is deemed to have always contributed to this plan."

Provision
applicable **31.** Paragraph 2 of section 33 and of section 33.1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) shall, in respect of a person who is a Member on 1 January 1988 and has received a refund of his contributions to the pension plan established under the Legislature Act (R.S.Q., chapter L-1), be read as follows:

"(2) he was a Member before 1 January 1983 and is a Member on 1 January 1988."

Effect of Di-
vision I **32.** This division has effect from 1 January 1988, except sections 1 and 6 to 11, which have effect from 1 January 1983.

Payment of
additional
benefits Notwithstanding the foregoing, any additional benefit resulting from section 33 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly, as replaced by section 7, is applicable and payable only from 1 January 1988.

DIVISION II

PROVISIONS RELATING TO OTHER CONDITIONS OF EMPLOYMENT

c. C-52.1,
s. 1,
replaced **33.** Section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is replaced by the following section:

Annual indemnity

“1. Every Member shall receive an annual indemnity based, on 1 January of each year, on the average of the highest and lowest amounts on the salary scale applicable to the group of positions of senior executive officers of the public service, class IV.”

c. C-52.1,
ss. 3-5,
repealed

34. Sections 3, 4 and 5 of the said Act are repealed.

c. C-52.1,
s. 7, am.

35. Section 7 of the said Act is amended

(1) by replacing the figure “90” in subparagraphs 1 and 4 of the first paragraph by the figure “75”;

(2) by replacing the figure “40” in subparagraph 2 of the first paragraph by the figure “35”;

(3) by replacing the figure “5” in subparagraph 14 of the first paragraph by the figure “10”.

c. C-52.1,
s. 8,
repealed

36. Section 8 of the said Act is repealed.

c. C-52.1,
s. 16,
replaced

37. Section 16 of the said Act is replaced by the following section:

Payment of allowance

“16. The allowance is paid to the Member at the end of his term and upon his application in a single payment or over a period of up to 36 months.

Unpaid balance

The unpaid balance of the allowance may be paid in a single payment if the beneficiary applies therefor.”

c. C-52.1,
s. 20, am.

38. Section 20 of the said Act is amended by replacing the definition of the word “indemnity” by the following definition:

“indemnity”

““indemnity” means the annual indemnity provided for in section 1 and, in the case of holders of office who receive such indemnity, the additional indemnity provided for in section 7 of this Act and in section 7 of the Executive Power Act;”.

c. C-52.1,
s. 27, am.

39. Section 27 of the said Act is amended by replacing the words and figures “sections 1 to 5” in the seventh line by the word and figure “section 1”.

c. E-18, s. 7,
am.

40. Section 7 of the Executive Power Act (R.S.Q., chapter E-18) is amended

(1) by replacing subparagraphs 1 to 3 of the first paragraph by the following subparagraphs:

“(1) the Prime Minister shall receive an annual indemnity equal to 105 % of the annual indemnity contemplated in section 1 of the said Act;

“(2) each other member of the Conseil exécutif shall receive an annual indemnity equal to 75 % of the annual indemnity contemplated in section 1 of the said Act.”;

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

Travel and
living ex-
penses

“The Government shall establish, by regulation, the conditions, scales and terms of payment, to members of the Conseil exécutif, of a lump sum allowance for their official expenses and an allowance to cover their travel and living expenses and any other expenses related to their duties.”

Regulations

41. Regulations passed under section 7 of the Executive Power Act may, if they so provide, apply to a period prior to their passage but not prior to 1 January 1988.

Effect

This section ceases to have effect on 1 July 1988.

Effect of Di-
vision II

42. This division has effect from 1 January 1988.

Coming into
force

43. This Act comes into force on 18 December 1987.