

1989, chapter 75

**AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS  
CONCERNING THE PENSION PLAN OF  
ELECTED MUNICIPAL OFFICERS**

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**Bill 20**

Introduced by Mr Yvon Picotte, Minister of Municipal Affairs

Introduced 15 December 1989

Passage in principle 18 December 1989

Passage 20 December 1989

**Assented to 20 December 1989**

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**Coming into force: 20 December 1989**

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**Acts amended:**

Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter 85)





## CHAPTER 75

### **An Act to amend various legislative provisions concerning the Pension Plan of Elected Municipal Officers**

*[Assented to 20 December 1989]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1988, c. 85,  
s. 9, am.

**1.** Section 9 of the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter 85) is amended by adding, at the end, the following paragraph:

Conditions

“However, a person who becomes a member of the council of a municipality when he is 69 years of age or over or who is 69 years of age or over when the municipality adheres to the plan does not participate in the plan, except if one of the following conditions applies:

(1) he is receiving a pension under the plan and is under 71 years of age;

(2) it is possible for him to be credited with two years of service before attaining 71 years of age, by exercising a right provided for in sections 55 to 62.”

1988, c. 85,  
s. 20,  
replaced  
Obligations

**2.** Section 20 of the said Act is replaced by the following section:

**“20.** The obligations imposed on a municipality apply to a mandatory body of the municipality and to a supramunicipal body in respect of that part of a participant’s pensionable salary which is paid by such body.”

1988, c. 85,  
s. 23, am.

**3.** Section 23 of the said Act is amended by inserting the words “a mandatory body of the municipality or” after the word “by” in the second line of the third paragraph.

1988, c. 85,  
s. 29, am.

**4.** Section 29 of the said Act is amended by replacing the words “the pensionable salary paid” in the second line of the third paragraph by the words “that part of the pensionable salary paid by the municipality”.

1988, c. 85,  
s. 43, am.

**5.** Section 43 of the said Act is amended

(1) by replacing the figure “55” in the third and fifth lines of the first paragraph by the figure “60”;

(2) by striking out the words “, taking into account, where applicable, the reduction provided for in section 27” in the sixth and seventh lines of the first paragraph.

1988, c. 85,  
s. 44, am.

**6.** Section 44 of the said Act is amended by replacing the word “division” in the first line by the word “Act”.

1988, c. 85,  
s. 45, am.

**7.** Section 45 of the said Act is amended by striking out the words “and in arrears” in the first paragraph.

1988, c. 85,  
Chap. V,  
Div. II,  
sub. 2,  
heading, am.

**8.** The heading of subdivision 2 of Division II of Chapter V of the said Act is amended by inserting the words “*the spouse and*” after the word “*to*”.

1988, c. 85,  
ss. 48 and  
49,  
replaced

**9.** Sections 48 and 49 of the said Act are replaced by the following sections:

Refund of  
contributions

**“48.** If the participant dies before having two years of service to his credit, the contributions paid by him to participate in the plan shall be refunded to his spouse or, if he has no spouse, to his assigns, with interest computed in accordance with section 34.

Payment of  
actuarial  
value of  
deferred  
annuity

**“49.** If the participant dies before attaining the age of 60 and has at least two years of service to his credit, his spouse or, if he has no spouse, his assigns are entitled to receive the actuarial value of the deferred annuity vested in the participant at the time of his death and which would have been payable to him at the age of 60.”

1988, c. 85,  
s. 55, am.

**10.** Section 55 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The by-law also applies to persons who cease to be members of the council between 1 January 1989 and the effective date of the by-law.”

1988, c. 85,  
s. 56, am.

**11.** Section 56 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Extension      “A municipality may, by by-law, extend the application of the right provided for in the first paragraph to persons mentioned therein even if they are receiving a pension.”

1988, c. 85,  
s. 56.1,  
added      **12.** The said Act is amended by inserting, after section 56, the following section:

By-law      **“56.1** A by-law adopted under section 55 or 56 cannot be repealed and no amendment thereto may limit a right already granted.”

1988, c. 85,  
s. 57, am.      **13.** Section 57 of the said Act is amended by replacing the word and figure “January 1990” in the sixth line of the first paragraph by the word and figure “July 1992”.

1988, c. 85,  
s. 59, am.      **14.** Section 59 of the said Act is amended by adding, after the second paragraph, the following paragraphs:

Amounts  
accumulated      “For the purposes of the second paragraph, amounts accumulated in the general retirement plan referred to in section 4 do not include the additional contributions paid into that plan or the interest accrued thereon. Also for the purposes of the second paragraph, amounts accumulated in a pension plan shall be reduced by the sums paid as a pension under the plan in respect of the years concerned and by the interest which would have accrued thereon if the sums had not been paid, excluding, in the case of the general retirement plan referred to in section 4, that part of those sums which relates to the additional contributions and the interest accrued on the additional contributions.

Additional  
contributions      The additional contributions referred to in the third paragraph and the interest accrued thereon shall be refunded to the person if he is not receiving a pension under the general retirement plan concerned. If the person is receiving such a pension, he shall continue to receive that part of it which relates to such additional contributions and to the interest accrued thereon.”

1988, c. 85,  
ss. 59.1 and  
59.2, added      **15.** The said Act is amended by inserting, after section 59, the following sections:

Presumption      **“59.1** Every person who avails himself of section 59 must pay the contributions prescribed in the first paragraph of section 57 in respect of that part of his pensionable salary for which he did not pay contributions to a pension plan referred to in the first paragraph of section 59 and contributions paid under this section are deemed, for the purposes of the second paragraph of section 59, to form part of the accumulated amounts.

- Conditions      **“59.2** No person to whom the second paragraph of section 56 applies may receive a pension in respect of pension credits acquired pursuant to this chapter unless he is entitled to the pension under section 27.
- Payment of pension      The pension is payable from the first day of the month following receipt of the notice provided for in section 57 if the person is entitled thereto on that date, or otherwise from the day the person becomes entitled.”
- 1988, c. 85,  
s. 60,  
replaced      **16.** Section 60 of the said Act is replaced by the following section:
- Obligations      **“60.** The obligations imposed on a municipality under this chapter apply to a mandatory body of a municipality and to a supramunicipal body in respect of pension credits based on that part of the pensionable salary paid by such body.”
- 1988, c. 85,  
s. 78,  
replaced      **17.** Section 78 of the said Act is replaced by the following section:
- Refund      **“78.** Any person who was a member of the council of a municipality on 31 December 1988 or who became a member after that date may, by applying therefor to the Commission, obtain the refund of that part of the amounts accumulated to his credit under the general retirement plan referred to in section 4 in respect of years of service not credited pursuant to sections 55 to 62.
- Restriction      No person who is receiving a pension under the general retirement plan referred to in section 4 may avail himself of the first paragraph.”
- c. V-6.1,  
s. 280.2,  
added      **18.** The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting, after section 280.1, the following section:
- Notice      **“280.2** The chairman of the executive committee may, despite his resignation as member of the council of a northern village corporation, continue to participate in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (1988, chapter 85) by sending, within 30 days after his resignation, a written notice to that effect to the Regional Government and to the Commission administrative des régimes de retraite et d’assurances. The notice shall maintain the chairman’s participation in the plan from his resignation. If the chairman was not participating in the plan, he may become a participant by sending a

notice to that effect within 30 days after his resignation and his participation in the plan is effective from the first day of the month following receipt of the notice by the Commission.

Chairman  
of the  
executive  
committee

The Act respecting the Pension Plan of Elected Municipal Officers, adapted as required, shall then apply in respect of the chairman of the executive committee, as if the Regional Government were a municipality having adhered to the plan in respect of the chairman. The chairman of the executive committee is deemed, for the purposes of Chapter VI of the said Act, to be a member of the council of the northern village corporation from which he resigned, in respect of his years of service on the council of that municipality."

c. V-6.1,  
s. 281, am.

**19.** Section 281 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Applicability

"The pension fixed under the first paragraph does not apply to a person participating in the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers."

Effect

**20.** Sections 1 to 4, 6, 7, 10, 12, 14 and 16 have effect from 1 January 1989.

Effect

Section 59.1 of the Act respecting the Pension Plan of Elected Municipal Officers, enacted by section 15, has effect from 15 December 1989.

Coming into  
force

**21.** This Act comes into force on 20 December 1989.