

# *The Members of the Legislative Assembly Benefits Act*

*being*

Chapter M-11.12\* of the *Statutes of Saskatchewan, 2002* (effective September 1, 2002) as amended by the *Statutes of Saskatchewan, 2005, c.L-11.2*; and *2007, c.6*.

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER M-11.12

### An Act respecting Benefits for Members of the Legislative Assembly and making consequential amendments to certain Acts

#### Short title

1 This Act may be cited as *The Members of the Legislative Assembly Benefits Act*.

#### Interpretation

2 In this Act:

- (a) “**fund**” means the Members of the Legislative Assembly Superannuation Fund continued by section 3 of the superannuation Act;
- (b) “**member**” means a member of the Assembly;
- (c) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (d) “**Public Employees Pension Fund**” means the Public Employees Pension Fund continued by section 8 of *The Public Employees Pension Plan Act*;
- (e) “**superannuation Act**” means *The Members of the Legislative Assembly Superannuation Act, 1979*.

2002, c.M-11.12, s.2.

#### Plan disestablished

3 On the coming into force of this Act, the superannuation plan established pursuant to the superannuation Act is disestablished.

2002, c.M-11.12, s.3.

#### Assets, liabilities of fund

4(1) Subject to subsections (2) to (4), on the coming into force of this Act, all of the assets and liabilities of the fund are transferred to and become part of the general revenue fund.

(2) On the coming into force of this Act, an amount equal to the total of all amounts standing to the credit of members who contributed to the fund pursuant to section 29 of the superannuation Act, together with accrued interest, less the amount, if any, by which the total of the contributions with respect to members or former members exceeds the maximum amount permitted to be contributed with respect to the members or former members pursuant to the *Income Tax Act* (Canada) in any year after 1991, together with accrued interest, shall be transferred out of the fund and paid into the Public Employees Pension Fund.

(3) On the coming into force of this Act, an amount equal to the total liability of the fund with respect to annuities payable out of the fund pursuant to sections 32 and 33 of the superannuation Act, determined in accordance with generally accepted actuarial practice, shall be transferred out of the fund and paid into the Saskatchewan Pension Annuity Fund continued by section 5 of *The Saskatchewan Pension Annuity Fund Act*.

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(4) The balance of the fund remaining after the transfer of the amounts mentioned in subsections (2) and (3) shall be paid into the general revenue fund.

(5) The amount described in subsection (4) is forfeited to the Crown absolutely, and any right to part of that amount or to any benefit with respect to that amount, other than the right to a supplementary retirement benefit pursuant to section 9 calculated by reference to an amount that may be included in the forfeited amount, is extinguished.

2002, c.M-11.12, s.4.

**Allowances continued**

**5(1)** Every person who was receiving an annual allowance payable out of the fund immediately before the coming into force of this Act is entitled to receive:

(a) an allowance in an amount that is equal to the amount of the allowance that the person was receiving out of the fund; and

(b) a supplementary allowance calculated and paid in the same manner as a supplementary allowance payable after the coming into force of this Act to recipients of an allowance pursuant to *The Superannuation (Supplementary Provisions) Act* would be calculated and paid.

(2) The allowances and supplementary allowances mentioned in subsection (1) and the administrative costs incurred in paying those allowances are a charge on, and are payable out of, the general revenue fund.

2002, c.M-11.12, s.5.

**Division on spousal relationship breakdown**

**6** Part VI of *The Pension Benefits Act, 1992* applies to every allowance and supplementary allowance mentioned in subsection 5(1).

2002, c.M-11.12, s.6.

**Annuities continued**

**7** An annuity that would have been paid out of or charged to the fund pursuant to Part III of the superannuation Act is deemed to be an annuity purchased by a pensioner pursuant to *The Saskatchewan Pension Annuity Fund Act*.

2002, c.M-11.12, s.7.

**Public Employees Pension Plan Act applies**

**8(1)** On and after the coming into force of this Act, *The Public Employees Pension Plan Act* applies to members and former members with respect to whom an amount has been transferred out of the fund and paid into the Public Employees Pension Fund.

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(2) Each member or former member with respect to whom a transfer was made pursuant to subsection 4(2):

- (a) is deemed to have contributed to the Public Employees Pension Fund:
  - (i) an amount equal to the amount that was transferred with respect to the member or former member pursuant to that subsection; and
  - (ii) for a period equal to the period in which the member or former member contributed or is deemed to have contributed to the fund pursuant to Part III of the superannuation Act; and
- (b) is deemed to be a member of the Public Employees Pension Plan.

(3) The minister shall perform any duty or fulfil any obligation imposed on a participating employer pursuant to *The Public Employees Pension Plan Act* with respect to the membership in the Public Employees Pension Plan of members and former members.

(4) For the purposes of *The Public Employees Pension Plan Act*:

- (a) the salary of a Member of the Legislative Assembly is deemed to be the total of:
  - (i) the amount of the indemnity payable to the member pursuant to sections 47 and 48, subsection 49(2) and clause 49(3)(i) of *The Legislative Assembly and Executive Council Act, 2007* or the allowances substituted for those amounts by directives issued by the Board of Internal Economy pursuant to sections 49 and 66 of that Act; and
  - (ii) in the case of a Member of the Legislative Assembly with additional responsibilities, the amount of the salary or allowance paid to the member with respect to duties as a member with additional responsibilities, but not including any allowance or grant that is payable with respect to travelling expenses or the cost of staff, stationery or services;
- (b) notwithstanding subsection 11(3) of *The Public Employees Pension Plan Act* but subject to subsection 13(4) of that Act, a Member of the Legislative Assembly shall contribute an amount equal to 9% of the member's salary determined pursuant to clause (a);
- (c) the amount that is required to be contributed to the Public Employees Pension Fund by the minister as a participating employer with respect to a Member of the Legislative Assembly is the lesser of:
  - (i) an amount equal to the member's contributions determined pursuant to clause (b); and
  - (ii) the difference between the amount of the member's contributions determined pursuant to clause (b) and the maximum amount that may be contributed with respect to a member pursuant to *The Public Employees Pension Plan Act*; and

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(d) the amount that is required to be contributed to the Public Employees Pension Fund by the minister as a participating employer with respect to a Member of the Legislative Assembly is a charge on, and is payable out of, the general revenue fund.

(5) Subject to clause (4)(b), nothing in this section authorizes any payment into the Public Employees Pension Fund that contravenes any provision of *The Public Employees Pension Plan Act*.

2002, c.M-11.12, s.8; 2005, c.L-11.2, s.101; 2007,  
c.6, s.2.

**Supplementary retirement plan**

9(1) In this section, “**member’s accumulated value**” means a member’s accumulated value determined in accordance with subsection (5).

(2) A former member who is entitled to a pension pursuant to *The Public Employees Pension Plan Act* is entitled to receive a supplementary retirement benefit in accordance with subsection (3) or (4).

(3) A former member who is entitled to receive a supplementary retirement benefit may, at any time after becoming a former member, elect to receive a supplementary retirement benefit that is a lump sum payment in an amount equal to the member’s accumulated value on the date that the election is made.

(4) A former member who has not made an election pursuant to subsection (3) may, at any time after attaining the age of 50 years, elect to receive a supplementary retirement benefit that is:

- (a) payable to the former member for life; and
- (b) calculated in accordance with generally accepted actuarial practice as a series of equal monthly payments that are equivalent in value to the member’s accumulated value on the date of commencement of payment of the supplementary retirement benefit.

(5) A member’s accumulated value is the amount MAV calculated in accordance with the following formula:

$$\text{MAV} = A + (B - C) + D$$

where:

A is the amount, if any, by which the total of the contributions with respect to the member exceeds the maximum amount permitted to be contributed with respect to the member pursuant to the *Income Tax Act* (Canada) in any year after 1991, together with accrued interest;

B is the total of:

- (a) 18% of the amount that is the member’s salary for the purposes of *The Public Employees Pension Plan Act*; and
- (b) either:
  - (i) 2% of the amount that is the member’s salary for the purposes of *The Public Employees Pension Plan Act* if the member was over the age of 40 years and under the age of 50 years when first elected as a member; or

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- (ii) 4% of the amount that is the member's salary for the purposes of *The Public Employees Pension Plan Act* if the member was 50 years of age or more when first elected as a member;

C is the amount of contributions that are made with respect to the member into the Public Employees Pension Fund in accordance with subsection 8(4); and

D is the total of the interest on the amounts A and (B - C), calculated at the rates that would have been earned with respect to those amounts if they had been contributed to the Public Employees Pension Fund.

- (6) The amounts of supplementary retirement benefits and the costs of administering supplementary retirement benefits are a charge on, and are payable out of, the general revenue fund.

2002, c.M-11.12, s.9.

**Other benefits**

- 10(1)** Subject to the regulations, the employee benefits applicable to members of the public service of Saskatchewan continue to apply to members.

- (2) The cost of providing the benefits mentioned in subsection (1) is a charge on, and is payable out of, the general revenue fund.

2002, c.M-11.12, s.10.

**Regulations**

- 11(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting the calculation of supplementary retirement benefits pursuant to section 9;
- (c) prescribing the benefits to be provided pursuant to subsection 10(1) and governing the provision of those benefits;
- (d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transition of members' rights from the superannuation plan to the provisions of this Act;
- (e) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

- (2) Notwithstanding any other Act or law, a regulation made pursuant to subsection (1) may be made retroactive to a date not earlier than September 1, 2002.

2002, c.M-11.12, s.11.

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**Immunity**

**12** No person has a claim, and no action or proceeding lies or shall be commenced against the minister, the Government of Saskatchewan or any officer, employee or agent of the Government of Saskatchewan arising out of:

- (a) any obligation, right, interest or entitlement of any person with respect to the fund or pursuant to the superannuation Act;
- (b) the disestablishment of the superannuation plan established by the superannuation Act; or
- (c) the transfer of amounts out of the fund pursuant to section 4 or the forfeiture to the Crown pursuant to subsection 4(5) of the amount described in subsection 4(4).

2002, c.M-11.12, s.12.

**13 to 15** **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

**Coming into force**

**16** This Act comes into force on September 1, 2002.

2002, c.M-11.12, s.16.