

# 1995

## CHAPTER 25

### An Act to amend *The Municipal Employees' Superannuation Act*

(Assented to May 18, 1995)

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

#### Short title

1 This Act may be cited as *The Municipal Employees' Superannuation Amendment Act, 1995*.

#### R.S.S. 1978, c.M-26 amended

2 *The Municipal Employees' Superannuation Act* is amended in the manner set forth in this Act.

#### Long title amended

3 The long title is amended by striking out "the Superannuation of" and substituting "Pensions for".

#### Short title amended

4 Section 1 is amended by striking out "*Superannuation*" and substituting "*Pension*".

#### Section 2 amended

5 Section 2 is amended:

(a) in clause (d) by striking out "Superannuation" and substituting "Pension";

(b) by repealing clause (e) and substituting the following:

"(e) '**continuous service**' means service that is provided by a person as an employee to one or more employers where that service is not interrupted by any period during which the person:

(i) was issued a refund pursuant to section 20 or 37; or

(ii) was not an employee of an employer for more than two years;

and includes:

(iii) periods of authorized vacations;

(iv) periods of service with the Canadian Armed Forces during a period of national emergency, but only if the employee had at least one year of service immediately prior to that service and returned to the service of an employer within six months following his or her date of discharge;

(v) periods of authorized leaves of absence;

(vi) periods of service prior to the effective date;

(vii) periods of leave due to illness"; and

(c) in clause (w) by striking out "Superannuation" and substituting "Pension".

**Section 7 amended**

**6 Subsection 7(1) is repealed and the following substituted:**

"(1) The Municipal Employees' Superannuation Commission is continued as the Municipal Employees' Pension Commission.

"(1.1) The commission shall administer this Act".

**Section 10 amended**

**7 Subsection 10(2) is amended by striking out "Municipal Employees' Superannuation Fund" and substituting "fund".**

**New section 11**

**8 Section 11 is repealed and the following substituted:**

**"Fund continued**

**11(1)** The Municipal Employees' Superannuation Fund is continued as the Municipal Employees' Pension Fund.

(2) The fund shall consist of:

- (a) all moneys, investments and other assets of the fund including any reserve or other accounts and all moneys receivable from employers and employees as at June 30, 1973;
- (b) all contributions to be made by employers and employees pursuant to this Act;
- (c) all interest and other revenue from time to time accruing to the fund from investments made of the moneys of the fund; and
- (d) all assets transferred into the fund in accordance with sections 47 and 48".

**Section 19 amended**

**9 The following subsections are added after subsection 19(6):**

"(7) A member may elect to count as contributory service the period of service with respect to which the member contributed to the equity account, as calculated pursuant to subsection (8), if the member:

- (a) has an amount standing to his or her credit in the equity account;
- (b) has not retired; and
- (c) gives written notice to the commission of his or her election not later than December 31, 1995.

"(8) A member who makes an election pursuant to subsection (7) may count as contributory service the period that is the lesser of:

- (a) the period with respect to which the amount standing to the credit of the member in the equity account would be the actuarial reserve, calculated by the commission in accordance with generally accepted actuarial principles, required by the fund for the purpose of providing an allowance with

respect to the period of service; and

(b) all of the member's service.

“(9) Where a member makes an election pursuant to subsection (7), the commission shall reduce the amount standing to the credit of the member in the equity account by an amount equal to the actuarial reserve described in clause (8)(a).

“(10) An election by a member pursuant to subsection (7) is irrevocable”.

**Section 23.1 amended**

**10 The following subsection is added after subsection 23.1(2):**

“(3) If a member has retired and has a medical condition that, in the opinion of the commission, is likely to shorten the member's life considerably, the member may elect to receive a payment or series of payments for a fixed term, calculated in accordance with generally accepted actuarial principles, that is equal in value to the benefit to which the member would otherwise have been entitled pursuant to this Act”.

**Section 39 amended**

**11 Section 39 is amended:**

**(a) by repealing subclause (1)(c)(i) and substituting the following:**

“(i) 100% of the allowance to which the retired member was entitled shall be paid to the named beneficiary or the estate of the deceased member for the period, if any, remaining in the period of:

(A) in the case of a member who retires prior to July 1, 1995, five years from the day of the retired member's retirement;

(B) in the case of a member who retires on or after July 1, 1995 and who had a spouse on the day of the retired member's retirement, five years from the day of the retired member's retirement; or

(C) in the case of a member who retires on or after July 1, 1995 and who did not have a spouse on the day of the retired member's retirement, 15 years from the day of the retired member's retirement”; **and**

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

“(2.1) If there is no named beneficiary to which an amount payable pursuant to clause (1)(c) may be paid, the commission, on application by the personal representative of the member, may pay the commuted value of the amount to the member's estate”.

**Coming into force**

**12** This Act comes into force on assent.