

2004

CHAPTER 17

An Act to amend *The Municipal Employees' Pension Act*

(Assented to June 10, 2004)

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' Pension Amendment Act, 2004*.

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

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

Section 2 amended

3 Section 2 is amended:

(a) **by repealing clause (j);**

(b) **in clause (r):**

(i) **by repealing subclause (iii) and substituting the following:**

“(iii) the board of every regional library as defined in *The Public Libraries Act, 1996*”; **and**

(ii) **by repealing subclause (viii); and**

(c) **in subclause (z)(i) by striking out “firemen and policemen” and substituting “firefighters and police officers”.**

Section 2.1 amended

4 Subsection 2.1(3.1) is amended by adding “or part-time” after “full-time”.

Section 16 amended

5 Section 16 is amended by striking out “fireman” and substituting “firefighter”:

(a) **in subsection (2); and**

(b) **in subsection (2.1).**

Section 20 amended

6(1) Subsection 20(7) is amended by striking out “On making” and substituting “Subject to subsection (8), on making”.

(2) The following subsections are added after subsection 20(7):

“(8) If the amount that a member transfers pursuant to subsection (5) exceeds the amount that the member is permitted to transfer pursuant to subsection 147.3(4) of the *Income Tax Act* (Canada), the member may elect:

- (a) to have the amount of the excess paid to the member; or
- (b) subject to subsection (9), to receive an allowance, the commuted value of which is equal to the amount of the excess, until the earlier of:
 - (i) the last day of the month in which the member attains the age of 65 years; and
 - (ii) the expiry of 15 years after the date of the transfer.

“(9) No allowance shall be paid pursuant to clause (8)(b) if the amount of the allowance would be less than \$100 per month.

“(10) If a member who is receiving an allowance pursuant to clause (8)(b) dies before the entitlement to the allowance terminates:

- (a) if there is a beneficiary pursuant to section 20.1, the beneficiary may elect:
 - (i) to receive the allowance for the unexpired portion of the period in which the member would have been entitled to receive the allowance; or
 - (ii) to have an amount equal to the commuted value of the allowance described in subclause (i) paid to the beneficiary; or
- (b) if there is no beneficiary pursuant to section 20.1, the legal representative of the estate may elect:
 - (i) to receive on behalf of the estate the allowance for the unexpired portion of the period in which the member would have been entitled to receive the allowance; or
 - (ii) to have an amount equal to the commuted value of the allowance described in subclause (i) paid to the estate”.

Section 21 amended

7(1) Subsection 21(1) is amended by striking out “named beneficiary” and substituting “beneficiary pursuant to section 20.1”.

(2) Subsection 21(2) is repealed and the following substituted:

“(2) Subject to subsection (3), if an employee mentioned in subsection (1) has a beneficiary pursuant to section 20.1, the beneficiary is entitled to be paid the amount that would have been paid to the estate of the deceased employee pursuant to subsection (1)”.

(3) Subsections 21(2.1), (2.2), (2.3) and (2.4) are repealed.

(4) Subsection 21(3) is repealed and the following substituted:

“(3) If the beneficiary is the surviving spouse of a deceased employee, the beneficiary may elect to transfer the whole of the amount to which the beneficiary is entitled pursuant to subsection (2) to any plan or entity described in subsection 20(6) in the manner and to the extent prescribed for the purposes of subsection 20(5)”.

Section 30 amended

8 Section 30 is amended by striking out “workmen” and substituting “workers”.

Section 53 amended

9 Subsection 53(2) is amended by striking out “*The Enforcement of Maintenance Orders Act*” and substituting “*The Enforcement of Maintenance Orders Act, 1997*”.

Section 62 amended

10 Subsection 62(2) is repealed and the following substituted:

“(2) All employer and employee associations who have members participating in the plan are entitled to have access to the commission’s report”.

Coming into force

11(1) Subject to subsection (2), this Act comes into force on assent.

(2) Section 6 of this Act comes into force on January 1, 2005.

