

2007

CHAPTER 31

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

(Assented to May 17, 2007)

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, 2007*.

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 7 amended

3 Subsection 7(9) is repealed and the following substituted:

“(9) Subject to subsection (10), the commission shall, before December 31 in 2007 and in each subsequent year, elect a chairperson and a vice-chairperson for a term of one year commencing on January 1 of the following year”.

Section 16.4 amended

4(1) Subsections 16.4(4), (5) and (6) are repealed.

(2) Subsection 16.4(7) is amended:

(a) in the portion preceding clause (a) by striking out “subsections (3) and (6)” and substituting “subsection (3)”; and

(b) in clause (b) by striking out “NAR, PDAR, DAR, EAR and OAR” and substituting “NAR, PDAR and DAR”.

(3) Subsection 16.4(8) is amended:

(a) in the portion preceding clause (a) by striking out “or (4)”; and

(b) in clause (a) by striking out “or (6), as the case may be,”.

Section 39 amended

5 Subsection 39(1) is amended by striking out “If” and substituting “Subject to section 39.1, if”.

New section 39.1

6 The following section is added after section 39:**“New spouse****39.1(1)** In this section:

(a) **‘former spouse’** means, in relation to a retired member, a person who was a spouse of the retired member on the date of his or her retirement;

(b) **‘new spouse’** means, in relation to a retired member, a person who becomes a spouse of the retired member after:

(i) the retired member is predeceased by a spouse;

(ii) the retired member commences receiving an allowance, having no spouse at that date; or

(iii) the retired member commences receiving an allowance, having a former spouse who has waived entitlement to an allowance in a form acceptable to the commission.

(2) On acceptance by the commission of a waiver mentioned in subclause (1)(b)(iii):

(a) the waiver is irrevocable; and

(b) the former spouse is deemed not to be the spouse of the retired member.

(3) A retired member with a new spouse may apply in writing to the commission to recalculate, in accordance with this section, the allowance to which the retired member would otherwise be entitled, so as to provide for:

(a) an allowance for the retired member; and

(b) an allowance to which the new spouse would become entitled on the death of the retired member in lieu of all other allowances that are or may become payable pursuant to this Act.

(4) A retired member who makes an application pursuant to subsection (3) shall submit with the application a deposit, in an amount estimated by the commission to be sufficient to pay the actual and reasonable costs incurred by the commission to recalculate the allowance.

(5) If there is a portion of the deposit remaining after the costs described in subsection (4) have been paid, the commission shall refund that amount to the applicant.

(6) If the amount of the deposit is insufficient to pay in full the costs described in subsection (4), the commission may require the applicant to pay the amount of the shortfall before disclosing the results of the recalculation to the applicant.

- (7) The commission may approve an application pursuant to subsection (4) if the retired member satisfies the commission that the retired member does not have a medical condition that is likely to considerably shorten the retired member's life expectancy.
- (8) An allowance recalculated pursuant to this section:
- (a) must be calculated in accordance with generally accepted actuarial principles;
 - (b) must be equivalent in value to the allowance otherwise payable to the retired member, including the entitlement to an allowance on the death of the retired member of the person who, but for this section, would be the surviving spouse of the retired member; and
 - (c) at the option of the retired member, must be either:
 - (i) an allowance that includes an allowance payable to the new spouse in the amount that would be payable to a surviving spouse in accordance with subsection 39(1); or
 - (ii) an allowance that, if elected pursuant to section 23.1, would be a prescribed pension benefit.
- (9) If the retired member elects to receive an allowance recalculated in accordance with this section, the recalculated allowance is payable in lieu of all other allowances that are or may become payable pursuant to this Act”.

New section 51

7 Section 51 is repealed and the following substituted:

“Lump sum payment for small allowance

51 The commission shall pay to a person entitled to an allowance an amount equal to the commuted value of the allowance if the commuted value of the allowance does not exceed the maximum amount determined pursuant to subsection 39(1) of *The Pension Benefits Act, 1992*”.

Section 58 repealed

8 Section 58 is repealed.

Transitional

9 The terms of office of the persons elected in 2006 as chairperson and vice-chairperson pursuant to subsection 7(9) as it existed immediately before the coming into force of this Act are continued until December 31, 2007.

Coming into force

10 This Act comes into force on assent.

