



BILL NO. 66

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act Respecting the 2014 MLA Remuneration Review Panel Report

CHAPTER 36
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Michel P. Samson
Government House Leader

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting the 2014 MLA Remuneration Review Panel Report

Be it enacted by the Governor and Assembly as follows:

1 (1) Clause 2(1)(e) of Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the *House of Assembly Act*, is repealed and the following clauses substituted:

(e) “ordinarily resident” means ordinarily resident as provided in subsection (1A);

(ea) “outside member” means a member of the House who is ordinarily resident more than one hundred kilometres from the place where the House ordinarily sits;

(2) Section 2 of Chapter 1 is further amended by adding immediately after subsection (1) the following subsections:

(1A) Subject to the regulations made pursuant to the *House of Assembly Management Commission Act*, a member of the House is ordinarily resident at the principal place where the member is settled in and maintains an ordinary mode of living with its accessories, relationships and conveniences and where the member lives as an inhabitant and not as a visitor, and a member may only be ordinarily resident at one place for the purpose of this subsection.

(1B) In determining whether a member of the House is an outside member, the distance between the place where the member is ordinarily resident and the place where the House ordinarily sits is measured along the shortest normal route between the two places open to the travelling public.

2 (1) Subsection 40A(1) is repealed and the following subsection substituted:

(1) A person who confirms in writing that he or she will not seek re-election at the next general election may apply to the Speaker for approval to obtain retirement counselling, career counselling or career retraining services.

(2) Section 40A, as enacted by Chapter 39 of the Acts of 2011, is further amended by adding immediately after subsection (2) the following subsection:

(3) A member of the House re-elected after having received payment pursuant to subsection (2) shall immediately reimburse any such payment.

3 Notwithstanding the MLA Remuneration Panel Report dated April 9, 2014, members of the House of Assembly who have ceased to be outside members on November 1, 2013, because of the implementation of Report, may claim accommodation expenses up to and including July 31, 2014.

4 Subsection 27(1) of Chapter 5 of the Acts of 2010, the *House of Assembly Management Commission Act*, is amended by adding immediately after clause (c) the following clauses:

- (ca) prescribing factors to be considered in determining where a member of the House of Assembly is ordinarily resident for the purpose of determining whether a member is an outside member as defined in the *House of Assembly Act*;
- (cb) establishing an appeal process to resolve disputes respecting where a member of the House of Assembly is ordinarily resident for the purpose of determining whether a member is an outside member as defined in the *House of Assembly Act*;

5 Section 11 of Chapter 282 of the Revised Statutes, 1989, the *Members' Retiring Allowances Act*, as amended by Chapter 2 of the Acts of 2010 and Chapter 39 of the Acts of 2011, is further amended by adding immediately after subsection (3) the following subsections:

(3A) Subsection (3) does not apply to a person who is a member on the first day of November, 2013, or becomes a member subsequent to that date.

(3B) An allowance shall be paid in accordance with this Act to or in respect of a person who is a member on the first day of November, 2013, or becomes a member subsequent to that date, who has made payments into the General Revenue Fund of the Province pursuant to Section 6, 8, 9 or 10, who has served as a member for at least two years and who

- (a) has ceased to be a member and has attained either
 - (i) the age of sixty years, or
 - (ii) the age of fifty-five years and the aggregate of the person's age in years and years of service is equal to at least eighty;
- (b) has ceased to be a member and is totally and permanently disabled; or
- (c) has died.

6 Section 14 is amended by adding "(1)" immediately after the Section number and adding the following subsections:

(2) Subsection (1) does not apply to a person who is a member on the first day of November, 2013, or becomes a member subsequent to that date.

- (3) Where a person
 - (a) is a member;
 - (b) has made payments into the General Revenue Fund of the Province pursuant to Section 6, 8, 9 or 10;
 - (c) has served as a member for less than two years; and
 - (d) while a member becomes totally and permanently disabled and ceases to be a member or dies,

there shall be paid

- (e) to the person or, if deceased, to, subject to the limitation in the *Income Tax Act* (Canada), the spouse, children or dependants of the person who would be entitled if the person had served two years and upwards, an allowance calculated in accordance with Section 12 or 13 as if the person had served two years, provided that there shall be deducted from such allowance in each year for the time that the person has served less than two years an amount equal to the deductions that would have been made in such year if the person had continued to serve as a member and receive the same annual indemnity as the person was receiving at the time of the person's death or total disability; or
- (f) a refund of the contributions paid by the person, at the option of the person or, if deceased, the person's spouse or, where there is no spouse, the person's personal representative, in accordance with Section 16.

7 Chapter 282 is further amended by adding immediately after Section 22 the following Section:

22A (1) Effective the date of the next general election, an allowance earned after that election under the Registered Plan or the Supplementary Plan by a member or former member who participates in and has contributed to the *Canada Pension Plan* must be integrated with the pension benefits earned under the *Canada Pension Plan* and must, notwithstanding Sections 12, 14 and 21A, be calculated as prescribed by the regulations.

(2) Effective the date of the next general election, a survivor allowance payable under the Registered Plan or the Supplementary Plan to a spousal, child or dependant survivor of a member or former member who participated in and contributed to the *Canada Pension Plan* must be integrated with the pension benefits earned under the *Canada Pension Plan* and must, notwithstanding Sections 12, 14 and 21A, be calculated as prescribed by the regulations.

(3) For greater certainty, subsections (1) and (2) do not apply to an allowance or survivor allowance in pay before the next general election.

(4) For the purpose of subsection (1), a person who is not exempt from participation in the *Canada Pension Plan* is deemed to be entitled to commencement of a pension under the *Canada Pension Plan* at age sixty-five, regardless of whether the person applies for and receives a pension under the *Canada Pension Plan* at that time.

8 Subsection 25(1) of Chapter 282, as enacted by Chapter 39 of the Acts of 2011, is amended by adding immediately after clause (i) the following clause:

- (ia) integrating benefits earned under the Registered Plan and the Supplementary Plan with benefits earned under the *Canada Pension Plan*;
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