

control, budget preparation, cash forecasts, accounts classification and coding, cost analysis, and accounting and payroll/leave procedures as they are applied to the Assembly. Responsibilities include continually evaluating the effectiveness of financial policies, systems and procedures.

A unique responsibility of the Comptroller is management of financial expenditures, payroll and leave not only for Assembly staff but also for Members and caucus and constituency staff. The Comptroller verifies that payments are legal charges against allotments approved by the Legislative Assembly Management Committee and/or Speaker, and are authorized in accordance with financial signing authorities. There are often differing views regarding allowances and expenditures, as Members may not accept the interpretation of regulations or guidelines. These differences are resolved by the Comptroller, who acts in an advisory role to all Members and advises the Speaker and the Clerk of the House of any situation that could adversely affect any Member of the Assembly.

INDEMNITIES AND ALLOWANCES

ANNUAL INDEMNITY

(Effective April 1, 2006, paid bi-weekly and if requested, by direct deposit.)

Basic Compensation per member \$76,100.00

Notes: (1) Members' basic compensation to be increased April 1 of each year utilizing the formula as described in the Connaghan Report (1992).

SPECIAL ALLOWANCES

Premier	\$45,000.00
Ministers with portfolio	39,000.00
Ministers without portfolio	25,000.00
Parliamentary Secretaries	6,000.00
Speaker	39,000.00

Deputy Speaker	19,500.00
Deputy Chairperson, Committee of the Whole	9,000.00
Leader of the Official Opposition	39,000.00
Leader of the Third Party	19,500.00
Government Whip	9,000.00
Deputy Government Whip	6,000.00
Official Opposition House Leader	9,000.00
Third Party House Leader	6,000.00
Official Opposition Whip	9,000.00
Third Party Whip	6,000.00
Government Caucus Chairperson	9,000.00
Official Opposition Caucus Chairperson	9,000.00
Third Party Caucus Chairperson	6,000.00
Chair of Select Standing or Special Committee	6,000.00
Deputy Chair of Select Standing or Special Committee	3,000.00
Government Caucus Committee Chair	6,000.00

COMMITTEE ALLOWANCES

Members of Select Standing and Special Committees of the Legislature, when authorized by the Legislative Assembly to sit during a period in which the House is adjourned, may claim for actual and reasonable expenses incurred in the discharge of their committee work. There is no salary for committee work. Contact the Clerk of Committees for details.

CAPITAL CITY ALLOWANCE

The Capital City Allowance is \$150.00 per sitting day of the House for members outside the Victoria Capital Regional District who are required to stay overnight in Victoria. Members who reside within the Victoria Capital Regional District and are conducting legislative business and members who return to their constituency overnight are eligible to receive \$51.50 per sitting day. During the legislative session, claims for the Capital City Allowance should be submitted to the Comptroller's office on a weekly basis. Members can make their claim

by a memorandum identifying the dates and amounts, or completion of the travel claim form.

Normally claims should be for sitting days only. When claiming additional in-session days, either of the following conditions must apply:

- (1) Members who are required to remain in Victoria overnight on the last sitting day of the week (normally a Thursday or Friday night) due to requirements of the House or by travel necessity may claim the \$150 allowance, rather than the \$51.50 allowance for the last sitting day; and/or

NOTE: Members do not claim Capital City Allowance on a travel day unless they are conducting legislative business for a substantial portion of that day.

- (2) Members who are required to arrive in Victoria on Sunday night due to requirements of the House or by travel necessity may apply for an additional \$150.

Members may claim Capital City Allowance when conducting legislative business in Vancouver during a legislative session. Vancouver is defined as any location within the Greater Vancouver Regional District.

The Capital City Allowance is available to members out-of-session who are conducting legislative business in either Victoria or Vancouver. Members must claim for these out-of-session days as outlined above. Members not staying overnight in Vancouver will claim \$51.50. Members staying overnight in Vancouver will claim \$51.50 for meals and gratuities, plus actual accommodation costs (supported by receipts). Accommodation costs do not include meals, in-room movies, bar charges or cleaning of clothing. If a member stays with friends, they may claim \$30 in lieu of accommodation charges.

CONSTITUENCY ASSISTANT AND OFFICE ALLOWANCE

Effective July 18, 2006, \$9,916.67 per month, or \$119,000.00 per fiscal year (plus the employer's share of compulsory payroll deductions) is made available to each member towards the actual operating costs, including staff salaries, of (a) constituency office(s). The allowance can be apportioned towards standard office expenses in a manner best suited to each member, and for office occupancy costs such as heat and light, if these are not included in the lease payments. Further guidance can be obtained from the Legislative Comptroller. The allowance is not to be used for political purposes, members' expenses, supplementing members' allowances, or acquiring an equity in real estate or in a motor vehicle.

Effective August 14, 1996, the Legislative Assembly will purchase and maintain furnishings and equipment for constituency offices. Please contact the Legislative Comptroller for details as to what is included in the standard inventory of furniture. Computers, telephones and printer/fax/photocopy equipment will be provided by the Legislative Assembly.

Leases for members' constituency office(s) should be submitted to the Legislative Comptroller for direct payment to the respective landlords. The full lease costs, including normal occupancy costs such as heat, apportioned amount of property taxes, common area expenses, parking, etc., provided these are stated in the lease, will be paid in addition to the above noted allowances.

The Legislative Assembly provides blanket insurance coverage for each constituency office. This policy will cover fire, theft, vandalism and personal liability (personal injuries sustained by persons visiting a constituency office). Any queries concerning this coverage should be directed to the Legislative Comptroller.

As a convenience to members, the payment of the salary, deductions and preparation of forms can be arranged through the Office of the Legislative Comptroller utilizing the Legislative Assembly payroll system. If a member chooses to pay an assistant directly from the constituency office allowance, the person in charge of administering the payment must submit both the employee's and employer's share of the appropriate payroll deductions (employment insurance, Canada Pension and income tax) to the Canada Customs and Revenue Agency and must prepare all necessary documents such as T4 slips. In either case, the constituency assistant is the direct employee of the member and is not an employee of the Legislative Assembly.

Constituency assistants may opt into the Public Service Pension Plan by completing an application form. The application form will be forwarded to the BC Pension Corporation and deductions will commence when it has been received. The constituency assistant must be on the government payroll system in order to make application. Please contact the Office of the Legislative Comptroller for details.

All members are required to register as employers with the Workers' Compensation Board and pay the established premiums for coverage for their constituency staff. Members must complete the necessary form, available from the Legislative Comptroller, and submit the form directly to the Board. Members will be advised by the Board as to the amount of premium to be paid and the due date for payment.

Following each general election or by-election, a new member will receive a \$2000.00 start up allowance for their constituency office. A returning member will receive \$1000.00.

Effective January 31, 1995 all equipment and furniture purchased in whole or in part with public funds by MLAs for use in their constituency office(s) remains the property of the Legislative Assembly. Departing members will be

40

Members' Handbook February 2007

responsible for disposing of all items on their inventory lists (e.g., private sale, auction, transfer to incoming member, etc.) with the proceeds being remitted to the Office of the Legislative Comptroller.

DEDUCTION FOR ABSENCE

A deduction of \$300.00 a day is made from a member's annual indemnity allowance for every day beyond ten that he or she is absent from a sitting of the assembly for reasons other than official business, illness, or another reason approved by the Speaker (See section 10 of the *Legislative Assembly Allowances and Pension Act*). It is also incumbent on the member to keep a record of his or her attendance and to submit this information to the Clerk of the House between the 1st and 15th of January and July of each year.

TRAVEL

TRAVEL CLAIM FORM

When claiming capital city allowance, travel expenses between capital and constituency and business travel, members should complete a Travel Claim Form. It would assist the Legislative Comptroller's office if these forms are fully completed. If expenses are charged on the member's Visa Corporate Travel Card, the details of the expenditure should be recorded in the appropriate portion of the Travel Claim Form. This will allow for easy reconciliation of monthly Visa statements. The itemized hotel bill, car rental agreement, air flight coupon, BC Ferry receipt, etc., along with a copy of the signed charge flimsy, should be attached to the monthly Visa statement.

Members' Handbook February 2007

41

Home > Documents and Proceedings > 3rd Session, 38th Parliament > Bills > Bill 37 — 2007: Legislative Assembly (Members' Remuneration and Pensions) Statutes Amendment Act, 2007

2007 Legislative Session: 3rd Session, 38th Parliament
THIRD READING

The following electronic version is for informational purposes only.
The printed version remains the official version.

Certified correct as passed Third Reading on the 31th day of May, 2007
Ian D. Izard, Q.C., Law Clerk

HONOURABLE MICHAEL DE JONG
MINISTER OF ABORIGINAL RELATIONS AND RECONCILIATION

BILL 37 — 2007
LEGISLATIVE ASSEMBLY
(MEMBERS' REMUNERATION AND PENSIONS)
STATUTES AMENDMENT ACT, 2007

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

Legislative Assembly Allowances and Pension Act

1 The title of the Legislative Assembly Allowances and Pension Act, R.S.B.C. 1996, c. 257, is repealed and the following substituted:

MEMBERS' REMUNERATION AND PENSIONS ACT .

2 Section 1 is amended

(a) by renumbering the section as section 1 (1),

(b) in subsection (1) by striking out "In this Act:" and substituting "Subject to subsection (2), in this Act:",

(c) in subsection (1) by adding the following definitions:

"basic compensation" means the amount of basic compensation payable to a member for a year, as determined under and in accordance with section 2;

"consumer price index" means the Consumer Price Index for British Columbia, as published by Statistics Canada under the authority

of the *Statistics Act* (Canada);

"recognized political party" has the same meaning as in the *Constitution Act*;

"salaried position" means a position referred to in column 1 of the Table following section 4; ,

(d) in subsection (1), in paragraph (c) of the definition of "legislative allowance", by striking out "section 3" and substituting "section 3 (1) (d.1)" and by adding ", before its amendment by the *Legislative Assembly (Members' Remuneration and Pensions) Statutes Amendment Act, 2007," after "Legislative Assembly Management Committee Act", and*

(e) by adding the following subsection:

(2) The following definitions set out in subsection (1) do not apply in Parts 1 and 3 and the Schedule:

(a) "service";

(b) both definitions of "years of service".

3 The heading to Part 1 is repealed and the following substituted:

Part 1 — Compensation and Salaries .

4 The following section is added to Part 1:

Basic compensation for members

- 2 (1) Subject to this section and section 10, effective April 1, 2007, the basic compensation for each member is \$98 000 per year.
- (2) The basic compensation referred to in subsection (1) must be adjusted every year on April 1, commencing April 1, 2008, by the percentage increase of the consumer price index, if any, for the 12-month period ending on December 31 of the previous year.
- (3) If a person is a member for only a portion of a year, the basic compensation payable to that person for the year equals the dollar amount set by this section multiplied by the number of days of service as a member in that year and divided by 365.
- (4) The amount of basic compensation payable to a member for the year ending March 31, 2008 and for each fiscal year subsequent must be posted on a publicly accessible website maintained by or on behalf of the Legislative Assembly.

(5) Despite subsection (1) but subject to section 10, if a member to whom section 4.1 applies gives the notice to the Speaker as described in that section, the member's basic compensation is the amount payable as basic compensation pursuant to section 3 (1) (d.1) of the *Legislative Assembly Management Committee Act*, as it read immediately before April 1, 2007, and, for certainty,

(a) subsection (2) of this section does not apply in respect of that member's basic compensation, and

(b) subsections (3) and (4) of this section apply in respect of that member's basic compensation.

5 Section 4 is repealed and the following substituted:

Annual salaries for certain positions

4 (1) Subject to this section, effective April 1, 2007, each person who holds a salaried position is entitled to and must be paid an annual salary the amount of which is to be determined for the year as the amount of basic compensation for that year multiplied by the value set out opposite that position in column 2 of the Table following this section.

(2) If the person holding the salaried position is a member, the salary payable to the person under this section is in addition to the basic compensation payable to the person as a member.

(3) If the person holds more than one salaried position at the same time, the person is only entitled to be paid for the position with the highest annual salary.

(4) If the person holds the salaried position for only a portion of a year, the salary payable to that person for the year equals the dollar amount set by this section multiplied by the number of days of service in that position in that year and divided by 365.

(5) The amount of annual salary payable in respect of a salaried position for the year ending March 31, 2008 and for each fiscal year subsequent must be posted on a publicly accessible website maintained by or on behalf of the Legislative Assembly.

(6) Despite subsection (1), if a member to whom section 4.1 applies gives the notice to the Speaker as described in that section and the member holds a salaried position, the member is not entitled to the salary for that position determined under subsection (1) of this section but must continue to be paid the salary payable for that position, if any, as determined pursuant to this section and section 3 (1.1) of the

Legislative Assembly Management Committee Act, as they read immediately before April 1, 2007, and, for certainty, subsections (3) to (5) of this section apply in respect of that member's salary.

Table

Item	Column 1 Position
1	Premier
2	A member of the Executive Council with portfolio
3	A member of the Executive Council without portfolio
4	A parliamentary secretary
5	The Speaker
6	The Deputy Speaker
7	The Assistant Deputy Speaker
8	The Deputy Chair, Committee of the Whole
9	The Leader of the Official Opposition
10	The Leader of a recognized political party other than the government or the Official Opposition
11	The Government Whip
12	The Deputy Government Whip
13	The Official Opposition House Leader
14	The House Leader of a recognized political party other than the government or the Official Opposition
15	The Official Opposition Whip
16	The Official Opposition Deputy Whip
17	The Party Whip of a recognized political party other than the government or the Official Opposition
18	The Caucus Chair of the Government
19	The Caucus Chair of the Official Opposition
20	The Caucus Chair of a recognized political party other than the government or the Official Opposition
21	The Chair of a select standing, select or special committee
22	The Deputy Chair of a select standing, select or special committee

6 The following section is added:

Option for members

4.1 (1) This section applies to every person who is a member on the day that the *Legislative Assembly (Members' Remuneration and Pensions)*

Statutes Amendment Act, 2007 receives First Reading in the Legislative Assembly.

(2) On or before the 7th day that follows the date on which the *Legislative Assembly (Members' Remuneration and Pensions) Statutes Amendment Act, 2007* receives Royal Assent, the member may notify the Speaker in writing that the member chooses both

(a) to continue to have his or her basic compensation and annual salary, if any, determined in accordance with the applicable provisions of this Act and the *Legislative Assembly Management Committee Act* as they read immediately before April 1, 2007, and

(b) to not participate in the pension plan established by Part 3.

(3) The notice must be given in the manner authorized or approved by the Speaker.

(4) A notice given in accordance with subsections (2) and (3) is permanent and irrevocable.

(5) A list of the names of the members who have given the notice described in this section must be posted on a publicly accessible website maintained by or on behalf of the Legislative Assembly.

(6) The terms of the voluntary group registered retirement savings plan established by the Legislative Assembly Management Committee under section 3 (1) (d.3) of the *Legislative Assembly Management Committee Act*, as it read immediately before April 1, 2007, continue to apply in respect of any member who gives the notice described in this section, including, without limitation, any terms requiring government contributions to be made under that plan in respect of the member's service.

7 Section 8 is amended

(a) in subsection (1) by striking out everything after "Constitution Act" and substituting "must be paid reasonable out of pocket, travelling and other expenses incurred by the member in the discharge of duties.", and

(b) in subsection (2) by striking out "The chair" and substituting "The chair and deputy chair".

8 Section 9 (1) is amended

(a) in paragraph (c) by striking out "a recognized political party and the

Deputy Speaker" **and substituting** "a recognized political party, the Deputy Speaker and the Assistant Deputy Speaker", **and**

(b) in paragraph (d) by striking out "Speaker or Deputy Speaker" **and substituting** "Speaker, Deputy Speaker or Assistant Deputy Speaker".

9 Section 11 is amended by striking out "direct that a partial or full annual indemnity, expense allowance and salary be paid" **and substituting** "direct that partial or full basic compensation and salary be paid".

10 Section 12 (2) (c) and (d) is amended by striking out "annual indemnity, expense allowance" **and substituting** "basic compensation".

11 Section 13 is repealed.

12 The heading to Part 2 is repealed and the following substituted:

Part 2 — Pension for Service Before June 19, 1996 .

13 Section 31 is amended

(a) by repealing subsection (1), and

(b) in subsection (2) by striking out "from the consolidated revenue fund." **and substituting** "by the government."

14 The following Parts are added:

Part 3 — 2007 Pension Plan

Interpretation

35 (1) In this Part:

"earnings" means both of the following types of compensation:

(a) the basic compensation or annual indemnity paid under this Act or the *Legislative Assembly Management Committee Act* to a person who is or was a member at any time on or after June 19, 1996;

(b) the salary paid under this Act or the *Legislative Assembly Management Committee Act* to a person on or after June 19, 1996;

"Part 3 pension plan" means the Public Service Pension Plan as that plan applies to a person in the person's capacity as a plan participant;

"plan participant" means the following persons:

- (a) a person who is or was a member at any time on or after June 19, 1996;
- (b) a person who holds or held a position on the Executive Council at any time on or after June 19, 1996,

but does not include a person who gives the notice to the Speaker as described in section 4.1;

"plan rules" means the rules of the Public Service Pension Plan as those rules apply to a person in the person's capacity as a plan participant;

"public service board" means the public service board as defined in section 1 (1) of the *Public Sector Pension Plans Act*;

"Schedule" means the Schedule to this Act;

"service" means service as a plan participant.

(2) A reference in this Part to "this Part" or "Part 3", other than a reference to "Part 3 pension plan", must be read as including a reference to the Schedule.

Application of the Part 3 pension plan

- 36** (1) Subject to this Part, the Part 3 pension plan applies to the government and all plan participants effective April 1, 2007.
- (2) The terms of the Part 3 pension plan must be based on the principles set out in the Schedule.
- (3) The plan rules are subject to this Part and apply with the necessary changes so far as they are applicable.
- (4) If there is a conflict between this Part and the plan rules, this Part prevails.
- (5) A decision of the plan administrative agent respecting the application of this Part and the plan rules may, by written notice, be appealed to the public service board in accordance with the practice and procedure for appeals to the public service board.
- (6) In subsection (5), **"plan administrative agent"** means the plan administrative agent as defined in Schedule C to the *Public Sector Pension Plans Act*.

Administration of the Part 3 pension plan

37 (1) The public service board must administer the Part 3 pension plan.

(2) The public service board may enter into agreements providing for the administration of the Part 3 pension plan, including actuarial, administrative and other professional services.

(3) The public service board must consult with the Legislative Assembly Management Committee before modifying the Part 3 pension plan, if the modification relates to or might affect the plan participants.

Contributions by plan participants and government

38 (1) The government must deduct, from each payment of earnings made to a plan participant on or after April 1, 2007, 11% of those earnings and pay the amount to the Public Service Pension Fund as a contribution from the plan participant.

(2) Each time the government deducts and pays a plan participant's contribution in accordance with subsection (1), the government must pay to the Public Service Pension Fund, as a contribution from the government, the percentage of earnings paid to the plan participant that the public service board determines is required to fund the pension benefits provided under this Act.

Purchase of service before April 1, 2007

39 (1) A plan participant may apply to the public service board

(a) to have service before April 1, 2007 recognized as service under the Part 3 pension plan in accordance with this section and the plan rules, and

(b) to purchase that service in accordance with this section and the plan rules.

(2) The public service board must determine the cost of the service that a plan participant applies to purchase under subsection (1) on the basis of the public service board's determination of the full actuarial cost of the pension benefit that results from the purchase of that service.

(3) Subject to subsection (6), for a plan participant to purchase his or her service that occurred at any time during the period that began on May 17, 2005 and ends at the end of the day on March 31, 2007, the plan participant must pay to the Public Service Pension Fund 50% of the cost, as determined under subsection (2), of the pension benefit that results from the purchase of that service.

(4) Subject to subsection (6), for a plan participant to purchase his or her service that occurred at any time during the period that began on June 19, 1996 and ended at the end of the day on May 16, 2005, the plan participant must pay to the Public Service Pension Fund 11% of the sum of the following amounts:

(a) the earnings the plan participant received for the period of service to be purchased;

(b) the amount of the government contributions to the voluntary group registered retirement savings plan described in section 4.1 (6) in respect of the plan participant for the period of service to be purchased.

(5) If a plan participant purchases service under subsection (3) or (4), the government must pay the amount that remains unpaid after deducting the amount paid by the plan participant under subsection (3) or (4), as the case may be, from the amount determined under subsection (2).

(6) A plan participant may not purchase his or her service under this section unless the plan participant pays the amount required before July 1, 2011.

Information

40 (1) The total cost incurred during a calendar year by the government for the purchase of service under section 39 (5) must be posted during the following calendar year on a publicly accessible website maintained by or on behalf of the Legislative Assembly.

(2) The government contribution rate under section 38, as determined by the public service board from time to time, must be posted on a publicly accessible website maintained by or on behalf of the Legislative Assembly as soon as possible after the rate is determined or modified by the public service board.

Payment of fees, expenses, and disbursements

41 The government must pay to the public service board

(a) fees, expenses and disbursements that are reasonably necessary for the establishment, administration and management of the Part 3 pension plan, and

(b) fees, expenses and disbursements that relate to agreements established under section 37 (2).

Application of *Pension Benefits Standards Act*

- 42 Despite section 1 (8) of the *Pension Benefits Standards Act* and section 3 of the *Public Sector Pension Plans Act*, sections 26 to 29 of the *Pension Benefits Standards Act* do not apply to the Part 3 pension plan.

Part 4 — General

Appropriation

- 43 If money is required under this Act to be provided or paid by the government, that money must be provided or paid from money appropriated for that purpose by the Legislative Assembly or, if an adequate appropriation is not available for that purpose, from the consolidated revenue fund.

Offence Act

- 44 Section 5 of the *Offence Act* does not apply to this Act.

15 The following Schedule is added:

Schedule

Principles of the Part 3 Pension Plan

(Section 36 (2))

- 1 In this Schedule:

"pensionable earnings" means earnings paid for periods that qualify as pensionable service;

"pensionable service" means service for which contributions have been made under section 38 or that has been purchased under section 39.

- 2 The Part 3 pension plan must be a defined benefit pension plan.
- 3 The formula for calculating the amount of a plan participant's pension under the Part 3 pension plan must be based on the following:

$$P = 3.5\% \times E \times S$$

where

P is the amount of the annual pension of a plan participant,

E is the highest 3-year average annual pensionable earnings of the plan participant, and

S is the number of years plus any portion of a year of pensionable service of the plan participant.

- 4 The maximum pension that a plan participant may receive under the Part 3 pension plan is 70% of the highest 3-year average pensionable earnings of the plan participant.
- 5 A person is not entitled to a pension under the Part 3 pension plan unless the person has at least 6 years of service.
- 6 A plan participant who meets the terms of the Part 3 pension plan is entitled to an unreduced pension at age 65.
- 7 A plan participant who is at least 60 years of age and is otherwise entitled to receive a pension under the Part 3 pension plan may receive a reduced pension in an amount that is calculated by subtracting, from the unreduced amount, 0.25% of that amount for each month by which the plan participant's age is less than 65 years.
- 8 (1) The normal form of pension for a plan participant with a spouse at retirement is "joint life and last survivor", payable for
 - (a) the life of the plan participant, and
 - (b) the life of the surviving spouse,but the pension payable to the surviving spouse is reduced, on the death of the plan participant, to 60% of the pension to which the plan participant was entitled.
 - (2) The normal form of pension for a plan participant who does not have a spouse at retirement is "single life guaranteed", payable for the longer of
 - (a) the life of the plan participant, and
 - (b) a term of 10 years.
 - (3) Despite subsections (1) and (2), a plan participant who is entitled to a pension payable in accordance with subsection (1) or (2) may elect to be paid his or her pension in another form, but the amount of the pension must be adjusted to the actuarial equivalent of the pension that is otherwise payable in accordance with subsection (1) or (2).
- 9 The government must pay the plan participant's and the government's contributions under section 38 to the pension plan for any period that

disability benefits are payable to the plan participant by the government.

Legislative Assembly Management Committee Act

16 Section 3 of the Legislative Assembly Management Committee Act, R.S.B.C. 1996, c. 258, is amended

(a) in subsection (1) (d.1) by striking out "basic compensation and",

(b) by repealing subsection (1) (d.2), (d.3) and (e) and substituting the following:

(d.3) the voluntary group registered retirement savings plan that was established by the committee for members of the Legislative Assembly,

(e) payments to members of the Legislative Assembly to defray expenses in the performance of their duties, including

(i) expenses for residence in the Capital Regional District during the legislative session and for any additional periods specified by the committee,

(ii) protocol expenses,

(iii) travel and associated expenses of the members and persons accompanying the members, and

(iv) expenses for service on legislative committees when the Legislative Assembly is not sitting, ,

(c) in subsection (1) by striking out "and" at the end of paragraph (f) and by adding the following paragraphs:

(f.1) a severance allowance for persons when they cease to be members of the Legislative Assembly, and for this purpose may establish a severance plan that sets out the circumstances in which such persons will be eligible for the allowance, the amounts of the allowance payments, and any other matter related to severance,

(f.2) when and how

(i) payments referred to in paragraphs (d.1), (e), (f) and (f.1) are required to be provided by the government, and

(ii) amounts required to be contributed by the government under the terms of the plan described in paragraph (d.3) are to be paid, and , **and**

(d) by repealing subsection (1.1).

Consequential Amendments

Balanced Budget and Ministerial Accountability Act

17 Section 3 (1) of the *Balanced Budget and Ministerial Accountability Act, S.B.C. 2001, c. 28, is amended by striking out "section 4 (6) to (8) of the *Legislative Assembly Allowances and Pension Act*" and substituting "section 4 of the *Members' Remuneration and Pensions Act*".*

Constitution Act

18 Section 26 (1) (a) of the *Constitution Act, R.S.B.C. 1996, c. 66, is repealed and the following substituted:*

(a) if the money accepted by a member of the Legislative Assembly is

(i) basic compensation, as defined in the *Members' Remuneration and Pensions Act*, or any salary payable under section 4 (1) or (6) of that Act, or

(ii) the Capital City allowance under section 3 (1) (d.1) of the *Legislative Assembly Management Committee Act* or any other payment that is authorized by the Legislative Assembly Management Committee and required to be provided or paid by the government pursuant to section 3 of that Act; .

Financial Administration Act

19 Section 1 of the *Financial Administration Act, R.S.B.C. 1996, c. 138, is amended in paragraph (a) of the definition of "pension fund" by striking out "under the *Legislative Assembly Allowances and Pension Act*" and substituting "under Part 2 or 3 of the *Members' Remuneration and Pensions Act*".*

Public Service Benefit Plan Act

20 Section 11 (1) (c) of the *Public Service Benefit Plan Act, R.S.B.C. 1996, c. 386, is amended by striking out "Legislative Assembly Allowances and Pension Act" and substituting "Members' Remuneration and Pensions Act".*

Transitional Provisions

Transition — appropriation

21 (1) If, for the fiscal year ending March 31, 2008,

(a) money is required to be provided by or paid on behalf of the government as a result of this Act, and

(b) the amount to be provided or paid is in excess of any available voted appropriation for that purpose,

the excess must be provided or paid from the consolidated revenue fund.

(2) Amounts of money required to be provided or paid under subsection (1) are not to be taken into account for the purposes of calculating the actual amounts of operating expenses under section 5 (1) of the *Balanced Budget and Ministerial Accountability Act*.

Transition — RRSP contributions

22 (1) In this section:

"overpayment" means any government contribution to the voluntary group registered retirement savings plan described in section 4.1 (6) of the *Members' Remuneration and Pensions Act* that is made in relation to any service during the period April 1, 2007 to July 1, 2007, inclusive, on behalf of a relevant member;

"relevant member" means a member described in section 4.1 (1) of the *Members' Remuneration and Pensions Act* who does not give the notice described in that section on or before the 7th day that follows the date on which this Act receives Royal Assent.

(2) Despite any provision of the *Members' Remuneration and Pensions Act* or the *Legislative Assembly Management Committee Act*, government contributions to the voluntary group registered retirement savings plan described in section 4.1 (6) of the *Members' Remuneration and Pensions Act* are not permitted or required on or after June 1, 2007 in respect of any person other than a member who gives the notice to the Speaker as described in section 4.1 of the *Members' Remuneration and Pensions Act*.

(3) A relevant member must, as soon as reasonably practicable but not later than August 31, 2007, pay to the government an amount equal to

the sum of all overpayments made in relation to that member.

(4) The amount referred to in subsection (3) is a debt due to and recoverable by the government from the relevant member.

Transition — pension contributions

23 Despite section 38 of the *Members' Remuneration and Pensions Act*, for the period starting on April 1, 2007 and ending on July 1, 2007, the deductions and payments required by section 38 need not be made at the times required by that section, so long as the deductions and payments are made as soon as reasonably practicable after the times required by that section and in any event no later than August 31, 2007.

Commencement

24 This Act comes into force on April 1, 2007.

Copyright (c) 2007: Queen's Printer, Victoria, British Columbia, Canada