

SENATE BILL No. 1189

June 14, 2012, Introduced by Senators JANSEN, NOFS, PAVLOV, YOUNG, COLBECK, BOOHER, ANDERSON, KAHN, HANSEN and PAPPAGEORGE and referred to the Committee on Appropriations.

A bill to amend 2002 PA 100, entitled "Public employee retirement benefit protection act," (MCL 38.1681 to 38.1689) by amending the title and by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to protect certain rights that public employees have in retirement benefits under certain circumstances; to provide for the establishment of certain funds and arrangements; **TO PROTECT THE RIGHTS OF CERTAIN MEMBERS OF THE GOVERNING BOARDS OF RETIREMENT SYSTEMS;** and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

SEC. 8A. (1) A RETIREMENT SYSTEM THAT HAS BOTH MEMBERS AND RETIRANTS OF ITS RETIREMENT SYSTEM ELIGIBLE TO BE ELECTED TO THE

1
2
3
4
5
6
7
8
9
10

1 POSITION OF MEMBER OF THE GOVERNING BOARD SHALL COMPLY WITH THIS
2 SECTION.

3 (2) THE RETIREMENT SYSTEM AND THE POLITICAL SUBDIVISION
4 SPONSORING THE RETIREMENT SYSTEM SHALL ENSURE EQUAL TREATMENT OF
5 ALL INDIVIDUALS WHO ARE ELECTED OR SEEK TO BE ELECTED TO THE
6 POSITION OF MEMBER OF THE GOVERNING BOARD. THE RETIREMENT SYSTEM OR
7 THE POLITICAL SUBDIVISION SPONSORING THE RETIREMENT SYSTEM SHALL
8 NOT REQUIRE A RETIRANT WHO IS ELECTED OR SEEKS TO BE ELECTED TO THE
9 POSITION OF MEMBER OF THE GOVERNING BOARD TO MEET MORE STRINGENT OR
10 ADDITIONAL REQUIREMENTS TO SERVE, BE ELECTED, OR PARTICIPATE IN THE
11 ELECTION PROCESS THAN A MEMBER WHO IS ELECTED OR SEEKS TO BE
12 ELECTED TO THE POSITION OF MEMBER OF THE GOVERNING BOARD.

13 (3) IF THE RETIREMENT SYSTEM OR THE POLITICAL SUBDIVISION
14 SPONSORING THE RETIREMENT SYSTEM COMPENSATES A MEMBER WHO IS
15 ELECTED TO THE POSITION OF MEMBER OF THE GOVERNING BOARD, THE
16 RETIREMENT SYSTEM OR THE POLITICAL SUBDIVISION SPONSORING THE
17 RETIREMENT SYSTEM SHALL COMPENSATE A RETIRANT WHO IS ELECTED TO THE
18 POSITION OF MEMBER OF THE GOVERNING BOARD AT NO LESS THAN THE LEAST
19 AMOUNT OF COMPENSATION GIVEN TO A MEMBER WHO IS ELECTED TO THE
20 POSITION OF MEMBER OF THE GOVERNING BOARD.

21 (4) AS USED IN THIS SECTION:

22 (A) "COMPENSATE" OR "COMPENSATION" MEAN ANY FORM OF
23 REMUNERATION FOR PERFORMING DUTIES AS A MEMBER OF THE GOVERNING
24 BOARD INCLUDING STIPEND PAY BY THE RETIREMENT SYSTEM OR WORKING AT
25 TAXPAYER EXPENSE AS AN EMPLOYEE OF OR UNDER CONTRACT WITH THE
26 POLITICAL SUBDIVISION SPONSORING THE SYSTEM.

27 (B) "MEMBER OF THE GOVERNING BOARD" MEANS A TRUSTEE,

1 COMMISSIONER, OR OTHER OFFICIAL MEMBER OF THE GOVERNING BOARD
2 VESTED WITH THE GENERAL ADMINISTRATION, MANAGEMENT, AND OPERATION
3 OF THE RETIREMENT SYSTEM OR OTHER DECISION-MAKING BODY THAT IS
4 RESPONSIBLE FOR IMPLEMENTATION AND SUPERVISION OF A RETIREMENT
5 SYSTEM.