

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 38

(As amended March 18, 1998)

A bill to regulate benefits provided to certain public employee retirement system participants in this state; and to prescribe powers and duties of certain retirement systems, state departments, public officials, and public employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "regulation of [early] retirement benefits act".

3 Sec. 2. For the purposes of this act, the words and phrases
4 defined in sections 3 and 4 have the meanings ascribed to them in
5 those sections.

6 Sec. 3. (1) "Benefit" means an annuity, a pension, a
7 retirement allowance, or an optional benefit accrued or accruing
8 to a participant under a retirement system.

9 (2) "Disability retirement provisions" means the provisions
10 in the retirement system that allow a participant to retire due

SB0038, As Passed House, March 19, 1998

Senate Bill No. 38

2

1 to incapacity that renders that participant unable to perform his
2 or her duties to his or her employer.

3 (3) "Elected public official" means an individual who holds
4 a public office that is filled by an election. Elected public
5 official includes an individual who is appointed to fill a
6 vacancy in a public office that is normally filled by an
7 election.

8 Sec. 4. (1) "Normal retirement provisions" means the provi-
9 sions of the retirement system that establish requirements of age
10 or service, or a combination of age and service, for a partici-
11 pant to be eligible for retirement under the retirement system.
12 Normal retirement provisions do not include any provision of the
13 retirement system established on a temporary or noncontinuous
14 basis that alters the previously established requirements of age
15 or service, or a combination of age and service, for a partici-
16 pant to be eligible for retirement under the retirement system or
17 alters the normal benefits available under that retirement
18 system.

19 (2) "Participant" means a member, deferred member, or vested
20 former member of a retirement system.

21 (3) "Retirement system" means a public employee retirement
22 system created and established by this state or any political
23 subdivision of this state.

24 Sec. 5. Notwithstanding any other provision of law, rule,
25 ordinance, or resolution to the contrary, beginning on the effec-
26 tive date of this act, an elected public official who is a
27 participant of a retirement system by virtue of holding that

SB0038, As Passed House, March 19, 1998

Senate Bill No. 38

3

1 elective office shall not retire under that retirement system
2 before the date that the elected public official is eligible to
3 retire under the normal retirement provisions or the disability
4 retirement provisions of that retirement system.

5 Enacting section 1. This act does not take effect unless
6 all of the following bills of the 89th Legislature are enacted
7 into law:

8 (a) House Bill No. 4366.

9 (b) House Bill No. 4367.

10 (c) House Bill No. 4368.

11 (d) House Bill No. 4369.