

Act No. 304
Public Acts of 1998
Approved by the Governor
July 28, 1998

Filed with the Secretary of State
July 28, 1998

EFFECTIVE DATE: Pending—tie-barred to HBs 4366-4369, which have not been enacted

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Byrum, DeBeaussaert, Stille and Geake

ENROLLED SENATE BILL No. 38

AN ACT 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:

Sec. 1. This act shall be known and may be cited as the “regulation of early retirement benefits act”.

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

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

(2) “Disability retirement provisions” means the provisions in the retirement system that allow a participant to retire due to incapacity that renders that participant unable to perform his or her duties to his or her employer.

(3) “Elected public official” means an individual who holds a public office that is filled by an election. Elected public official includes an individual who is appointed to fill a vacancy in a public office that is normally filled by an election.

Sec. 4. (1) “Normal retirement provisions” means the provisions of the retirement system that establish requirements of age or service, or a combination of age and service, for a participant to be eligible for retirement under the retirement system. Normal retirement provisions do not include any provision of the retirement system established on a temporary or noncontinuous basis that alters the previously established requirements of age or service, or a combination of age and service, for a participant to be eligible for retirement under the retirement system or alters the normal benefits available under that retirement system.

(2) “Participant” means a member, deferred member, or vested former member of a retirement system.

(3) “Retirement system” means a public employee retirement system created and established by this state or any political subdivision of this state.

Sec. 5. Notwithstanding any other provision of law, rule, ordinance, or resolution to the contrary, beginning on the effective date of this act, an elected public official who is a participant of a retirement system by virtue of holding that elective office shall not retire under that retirement system before the date that the elected public official is eligible to retire under the normal retirement provisions or the disability retirement provisions of that retirement system.

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

- (a) House Bill No. 4366.
- (b) House Bill No. 4367.
- (c) House Bill No. 4368.
- (d) House Bill No. 4369.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary R. Buehler

Clerk of the House of Representatives.

Approved -----

Governor.