

HOUSE BILL No. 5289

October 12, 2005, Introduced by Reps. Lemmons, III and Lemmons, Jr. and referred to the Committee on Judiciary.

A bill to amend 1992 PA 234, entitled
"The judges retirement act of 1992,"
by amending section 401 (MCL 38.2401).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401. (1) Each of the following is a member of the
2 retirement system:

3 (a) A person who is duly elected or appointed as a judge or
4 state official on or after the effective date of this act, unless
5 within 30 days from taking office the judge or state official files
6 a written notice not to participate in the retirement system with
7 the retirement system.

8 (b) A person who was a member of the former judges retirement
9 system or former probate judges retirement system on the day before
10 the effective date of this act and who remains a judge or state

1 official on and after the effective date of this act.

2 (c) A person, other than a retirant, who is authorized by the
3 supreme court to perform judicial duties for a limited period or a
4 specific assignment pursuant to section 23 of article VI of the
5 state constitution of 1963 and who performs at least 20 days of
6 service in a 30-consecutive day period.

7 (2) A judge or state official who becomes a member under
8 subsection (1)(a) shall complete a membership form furnished by the
9 retirement system and shall forward the form to the retirement
10 system within 30 days of taking office. A judge or state official,
11 upon becoming a member, is considered to have agreed that in the
12 event of adjudication of the member's mental incompetency, a
13 guardian, if appointed, has the power and authority to complete and
14 execute the necessary application forms to retire the member as
15 provided in section 507. In all cases of doubt, the retirement
16 board shall decide the membership status of a judge or state
17 official.

18 (3) The membership of a judge or state official in the
19 retirement system ceases when the member retires, when the members
20 forfeits his or her membership under the provisions of section 507,
21 at the end of the judicial term in which the member who is a judge
22 attains age ~~70~~ 75, or upon ceasing to be a judge or state
23 official unless the person is a vested former member.