

SUBSTITUTE FOR
HOUSE BILL NO. 4275

A bill to amend 1943 PA 240, entitled
"State employees' retirement act,"
by amending section 58 (MCL 38.58), as added by 1996 PA 487.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 58. **(1)** Each qualified participant, former qualified
2 participant, and refund beneficiary shall direct the investment of
3 the individual's accumulated employer and employee contributions
4 and earnings to 1 or more investment choices within available
5 categories of investment provided by the ~~state treasurer.~~
6 **investment board.** The limitations on the percentage of total assets
7 for investments provided in ~~Act No. 314 of the Public Acts of 1965,~~
8 ~~being sections 38.1132 to 38.1140i of the Michigan Compiled Laws,~~
9 **the public employee retirement system investment act, 1965 PA 314,**



1 MCL 38.1132 to 38.1141, do not apply to Tier 2.

2 (2) In addition to the categories of investments provided by
3 the investment board under subsection (1), the retirement system
4 shall offer access to 1 or more fixed annuity options and 1 or more
5 variable annuity options. While a qualified participant is employed
6 by the employer, the annuity options offered under this subsection
7 must allow a qualified participant the ability to purchase a fixed
8 rate annuity and the ability to purchase a variable rate annuity
9 with an available guaranteed lifetime income option. Subject to
10 subsection (4), the investment board shall select 2 or more annuity
11 providers based on a competitive proposal process. Subject to
12 subsection (4), the investment board shall contract with 2 or more
13 annuity providers to provide the annuity options under this
14 subsection. The investment board shall select and contract with an
15 annuity provider that meets all of the following conditions, as
16 determined by the investment board:

17 (a) The annuity provider and its subsidiaries and affiliates
18 have the appropriate financial strength and stability. In
19 determining the financial strength and stability under this
20 subdivision, the investment board shall obtain written
21 representation from the annuity provider of all of the following:

22 (i) That the annuity provider is an authorized insurer as that
23 term is defined in section 108 of the insurance code of 1956, 1956
24 PA 218, MCL 500.108.

25 (ii) That all of the following apply to the annuity provider,
26 at the time of selection and for each of the immediately preceding
27 7 years:

28 (A) The annuity provider operates under a certificate of
29 authority from the insurance commissioner of its domiciliary state



1 that has not been revoked or suspended.

2 (B) The annuity provider has filed audited financial
3 statements in accordance with the laws of its domiciliary state
4 under applicable statutory accounting principles.

5 (C) The annuity provider maintains and has maintained reserves
6 that satisfy the statutory requirements of each state where the
7 annuity provider does business.

8 (D) The annuity provider is not operating under an order of
9 rehabilitation or liquidation.

10 (iii) That the annuity provider undergoes, at least every 5
11 years, a financial examination, within the meaning of the law of
12 its domiciliary state, by the insurance commissioner of the
13 domiciliary state or representative, designee, or other party
14 approved by the insurance commissioner of the domiciliary state.

15 (iv) That the annuity provider will notify the retirement
16 system of any change in circumstances occurring after the
17 representations made in subparagraphs (i), (ii), and (iii) that would
18 preclude the annuity provider from making the representations at
19 the time the annuity provider issues the annuity.

20 (v) That the annuity provider has a rating of no less than B+
21 from at least 1 national rating service. As used in this
22 subparagraph, "national rating service" means national rating
23 services as that term is defined in section 12d of the public
24 employee retirement system investment act, 1965 PA 314, MCL
25 38.1132d.

26 (b) The annuity provider is able to provide contracted rights
27 and benefits to a qualified participant.

28 (c) The costs, including fees and commissions, of the annuity
29 options in relation to the benefits and product features of the



1 annuity option are reasonable.

2 (d) The administrative services to be provided under the
3 annuity option are appropriate. At a minimum, the administrative
4 services must include periodic reports to the investment board
5 about all of the following:

6 (i) The number of annuitants.

7 (ii) The types of annuities provided.

8 (iii) Any other information that the investment board may
9 require.

10 (e) The annuity provider is experienced in paying lifetime
11 retirement income through annuities offered to public employee
12 defined contribution retirement plans.

13 (f) The annuity provider offers annuity options that meet all
14 of the following conditions:

15 (i) The annuity options are suitable for qualified
16 participants, former qualified participants, and refund
17 beneficiaries.

18 (ii) The contract terms and income benefits are clearly stated,
19 based on reasonable assumptions.

20 (iii) The annuity options offer a range of lifetime income
21 options.

22 (iv) If the annuity is a variable annuity, the annuity offers a
23 fixed account option along with its variable options.

24 (g) The annuity provider is able to offer objective and
25 participant-specific education and tools that help participants
26 understand the appropriate use of annuities as a long-term
27 retirement savings vehicle.

28 (3) The office of retirement services shall verify the
29 information in a report submitted under subsection (2) (d). A report



1 submitted under subsection (2) (d) must be published on the office
2 of retirement services's website.

3 (4) After the competitive proposal process under subsection
4 (2) is complete, the investment board may select and contract with
5 only 1 annuity provider to provide annuity options to qualified
6 participants under subsection (2) if either of the following
7 applies:

8 (a) The investment board determines that selecting more than 1
9 annuity provider is not in the interests of qualified participants.

10 (b) Only 1 annuity provider meets the conditions under
11 subsection (2).

12 (5) If the investment board selects only 1 annuity provider to
13 provide annuity options under subsection (2) as provided in
14 subsection (4), the investment board shall notify the speaker of
15 the house of representatives, the minority leader of the house of
16 representatives, the senate majority leader, and the senate
17 minority leader within 30 days after selecting and contracting with
18 an annuity provider of the reasons for selecting only 1 annuity
19 provider.

20 (6) As used in this section, "investment board" means the
21 state of Michigan investment board within the department of
22 treasury created under Executive Reorganization Order No. 2018-5,
23 MCL 38.1176.

24 Enacting section 1. This amendatory act takes effect 120 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless House Bill No. 4274 of the 100th Legislature is enacted into
28 law.

