

HOUSE BILL No. 5170

September 5, 2007, Introduced by Reps. Wenke and Nitz and referred to the Committee on Government Operations.

A bill to amend 1986 PA 182, entitled
"State police retirement act of 1986,"
by amending sections 7 and 24 (MCL 38.1607 and 38.1624).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) A member of the retirement board, upon
2 appointment, shall take an oath of office, which shall be filed
3 immediately in the office of the secretary of state.

4 (2) The business ~~which~~ the retirement board may ~~perform~~
5 **PERFORMS** shall be conducted at a public meeting of the retirement
6 board held in compliance with the open meetings act, ~~Act No. 267 of~~
7 ~~the Public Acts of 1976, being sections 15.261 to 15.275 of the~~
8 ~~Michigan Compiled Laws 1976 PA 267, MCL 15.261 TO 15.275.~~ Public
9 notice of the time, date, and place of the meeting shall be given
10 in the manner required by ~~Act No. 267 of the Public Acts of 1976~~

1 **THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.** A
2 majority of the retirement board constitutes a quorum for the
3 transaction of business at a meeting of the board. A member of the
4 retirement board who fails to attend 3 consecutive regularly
5 scheduled meetings of the board, without valid excuse, shall be
6 considered as having resigned from retirement board membership, and
7 the retirement board shall declare by resolution the member's
8 office vacated as of the date of adoption of the resolution.

9 (3) A writing prepared, owned, used, in the possession of, or
10 retained by the retirement board in the performance of an official
11 function shall be made available to the public in compliance with
12 the freedom of information act, ~~Act No. 442 of the Public Acts of~~
13 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws~~
14 **1976 PA 442, MCL 15.231 TO 15.246.**

15 (4) The retirement board may promulgate rules pursuant to the
16 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
17 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
18 ~~Compiled Laws 1969 PA 306, MCL 24.201 TO 24.328,~~ for the
19 implementation and administration of this act.

20 **(5) THE RETIREMENT BOARD SHALL CONDUCT A COST ANALYSIS OF THE**
21 **DEFINED BENEFIT RETIREMENT PROGRAM THAT SHALL BE COMPLETED ON OR**
22 **BEFORE JANUARY 2, 2008. THE RETIREMENT BOARD SHALL IMPLEMENT A**
23 **RETIREMENT BENEFIT PROGRAM FOR PARTIES HIRED ON AND AFTER JULY 1,**
24 **2008 THAT HAS A COST NO GREATER THAN A DEFINED CONTRIBUTION**
25 **RETIREMENT SYSTEM WOULD HAVE.**

26 Sec. 24. (1) ~~A-EXCEPT AS MAY OTHERWISE BE PROVIDED IN SECTION~~
27 **7(5), A** member who has 25 years or more of credited service under

1 this act or former ~~Act No. 251 of the Public Acts of 1935~~ **1935 PA**
2 **251**, or both, may retire upon his or her written application to the
3 retirement board, stating a date, not less than 30 nor more than 90
4 days after the execution and filing of the application, he or she
5 desires to retire. However, a member who becomes 56 years of age
6 shall retire. A member retiring under this subsection shall be
7 entitled to receive a retirement allowance equal to 60% of his or
8 her final average compensation.

9 (2) If a retirant receiving a retirement allowance under
10 subsection (1) dies, the retirement allowance shall continue to be
11 paid to the surviving spouse of the retirant for the rest of the
12 spouse's life. If there is not a surviving spouse or upon the
13 spouse's death, then the retirement allowance shall be paid to the
14 children under the age of 18 of the retirant, share and share
15 alike. If the surviving spouse dies and there are not eligible
16 children, there shall be paid to the retirant's estate or his or
17 her legal representative any residual accumulated contributions and
18 interest made by the retirant into the fund.

19 (3) If the director of the department of state police orders
20 the retirement of any member eligible to retire for reason or
21 reasons other than having become 56 years of age, and that member
22 is aggrieved by the order, the member so affected shall be entitled
23 to appeal to the retirement board. An appeal shall be in writing
24 and filed with the retirement board within 30 days after receipt of
25 the order of retirement. The retirement board shall set the appeal
26 for hearing within 30 days after the filing of the appeal and shall
27 review the facts as presented and determine whether the order of

1 retirement shall continue or be revoked.