

HOUSE BILL No. 5570

November 3, 2009, Introduced by Rep. Miller and referred to the Committee on Labor.

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

by amending sections 17 and 22 (MCL 45.567 and 45.572).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) The board of county commissioners shall continue,
2 without diminution of function or authority, any board previously
3 established to administer employee retirement and pension programs
4 or may create a retirement board if none exists. A retirement board
5 may invest or reinvest the ~~moneys thereof~~ **EMPLOYEE RETIREMENT AND**

1 PENSION PROGRAM MONEY.

2 (2) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE CONTRARY, NO
3 PENSION PAID UNDER THIS SECTION SHALL BE PAID WITH A PENSION AMOUNT
4 CALCULATED THAT IS BASED ON A SALARY THAT INCLUDES OVERTIME PAY AT
5 THE TIME THE PENSION IS CALCULATED. THIS SUBSECTION DOES NOT MODIFY
6 TERMS RELATING TO A PENSION GRANTED UNDER THE AUTHORITY OF THIS ACT
7 UNDER WHICH A RECIPIENT OF THE PENSION RETIRED BEFORE THE EFFECTIVE
8 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. IF A
9 COLLECTIVE BARGAINING AGREEMENT OR OTHER BINDING AGREEMENT IS IN
10 EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
11 SUBSECTION AND THE COLLECTIVE BARGAINING AGREEMENT OR OTHER BINDING
12 AGREEMENT AFFECTS A PENSION GRANTED UNDER THIS ACT, THE PENSION
13 SHALL BE ADMINISTERED IN ACCORDANCE WITH THE COLLECTIVE BARGAINING
14 AGREEMENT OR OTHER BINDING AGREEMENT UNTIL THE EXPIRATION OF THE
15 COLLECTIVE BARGAINING AGREEMENT OR OTHER BINDING AGREEMENT IF THERE
16 IS A CONFLICT BETWEEN THIS SUBSECTION AND THE COLLECTIVE BARGAINING
17 AGREEMENT OR OTHER BINDING AGREEMENT.

18 Sec. 22. (1) Under an optional unified form of county
19 government all retirement and pension rights of employees provided
20 by existing law remain in full force and effect.

21 (2) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE CONTRARY, NO
22 PENSION PAID UNDER THIS SECTION SHALL BE PAID WITH A PENSION AMOUNT
23 CALCULATED THAT IS BASED ON A SALARY THAT INCLUDES OVERTIME PAY AT
24 THE TIME THE PENSION IS CALCULATED. THIS SUBSECTION DOES NOT MODIFY
25 TERMS RELATING TO A PENSION GRANTED UNDER THE AUTHORITY OF THIS ACT
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8 IS A CONFLICT BETWEEN THIS SUBSECTION AND THE COLLECTIVE BARGAINING
9 AGREEMENT OR OTHER BINDING AGREEMENT.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. _____ or House Bill No. 5572 (request no.
12 04599'09) of the 95th Legislature is enacted into law.