



**House
Legislative
Analysis
Section**

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EARLY RETIREMENT FOR CONSERVATION OFFICERS

House Bill 4430

Sponsor: Rep. Thomas Scott
Committee: Senior Citizens and Retirement
Complete to 11-7-89

A SUMMARY OF HOUSE BILL 4430 AS INTRODUCED 3-14-89

The bill would amend the State Employees' Retirement Act to make the following provisions for conservation officers (defined under the bill as employees of the Department of Natural Resources or its predecessor or successor agency, who had sworn to the prescribed oath of office and who had been designated as peace officers):

Service Retirement Allowance. A conservation officer could retire if he or she had 25 or more years of credited service, of which the last 15 years had been served as a conservation officer. Further, the bill would establish mandatory retirement for conservation officers at age 56, beginning January 1, 1990. (Currently employed officers could file for an exemption from this provision within 60 days after the bill took effect.) Members who retired under these provisions would receive a retirement allowance equal to 60 percent of their average annual compensation for the last two years of service.

A member who retired under the bill's provisions before age 65 could elect to have his or her regular retirement allowance equated on an actuarial basis to provide an increased retirement allowance payable to age 65, and a reduced retirement allowance payable after age 65. The retirant's increased retirement allowance payable to age 65 would be equal to the sum of the reduced retirement allowance payable after age 65, together with the estimated social security primary insurance amount.

The retirement allowance or disability retirement allowance of a member who died would continue to be paid to the surviving spouse of a retirant for the rest of the spouse's life. If there were no surviving spouse, or upon the spouse's death, the allowance would be paid in equal portions to the retirant's minor children. If the surviving spouse died and there were no eligible children, and the aggregate amount of the retirement allowance was less than the accumulated contributions credited to the retirant in the employees' savings fund at the time of his or her retirement, the difference between the retirant's accumulated contributions and the aggregate amount of the allowance paid would be paid to the deceased retirant's legal representative or estate.

Membership upon Separation from Service A conservation officer with ten or more years of credited service who was separated from service with the state for a reason other than retirement or death could remain a member during the period of absence from service in order to receive a retirement allowance. If the member withdrew all or part of his or her accumulated contributions, then he or she would cease to be a member. At 50 years of age or older, the member could retire with an allowance equal to the sum of the following:

— The member's years of credited service as a conservation officer, not to exceed 25, multiplied by two

percent of the member's average annual salary for the last two years of service as a conservation officer.

— The member's years of credited service in a capacity other than as a conservation officer multiplied by one and one-half percent of the member's final average compensation for those years of credited service.

Duty Disability before age 60 Conservation officers under 60 years of age would receive the following benefits upon retirement for disability:

— A retirement allowance equal to sixty percent of the member's average annual compensation for his or her last two years of service as a conservation officer, but not more than an amount which when added to the retirant's statutory worker's compensation benefits exceeded the retirants' final compensation. The allowance would begin as of the date of the disability, but not more than six months before the date the disability retirement applicant was filed with the board, and not before the date the retirant's name last appeared on a state payroll with pay, whichever was later, and would continue until age 60, recovery, or death, whichever occurred first. During the period the disability retirant received the allowance, his or her contributions to the employees' savings fund would be suspended and the balance in the fund standing to his or her credit as of the date the retirement allowance began would remain in the fund and be accumulated at regular interest. At 60 years of age, the retirant's accumulated contributions would be transferred from that fund to the pension reserve fund.

— At 60 years of age, the disability retirant would receive the same allowance, which would be computed to give membership service credit for the period the retirant received the above allowance.

Non-duty Disability Retirement. A conservation officer who retired because of a non-duty disability would receive an allowance equal to sixty percent of the member's average annual compensation for his or her last two years of service as a conservation officer.

Death Proximately Caused by State Employment. A conservation officer who died as a result of a personal injury or disease arising out of and in the course of his or her employment with the state, and whose death was ruled by the retirement board to have been the sole and exclusive result of that state employment would receive the following benefits:

— The member's accumulated employees' savings fund contributions would be paid to the person or persons the member had nominated by written designation, or to the member's legal representative or estate if no one were nominated.

— A retirement allowance of one-third of the deceased's final compensation would be paid to the surviving spouse to whom the deceased had been married at the time state employment was terminated. Each surviving child under 18 would receive an equal share of one-quarter of the

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deceased's final compensation. If a child married, died, or reached age 18, the share would be redistributed to the deceased's remaining children under age 18.

— If there were no surviving spouse, or if the surviving spouse died before the youngest surviving child reached age 18, then each such child under 18 would receive an allowance equal to one-quarter of the deceased's final compensation, but the total so paid in any year could not exceed one-half of his or her final compensation. If there were more than two such surviving children under age 18, each child would receive an allowance of an equal share of one-half of the deceased's final compensation until his or her marriage, death, or attainment of age 18, when there would be a redistribution by the retirement board to any remaining eligible children under age 18, with each child receiving an allowance of no more than one-quarter of the deceased's final compensation.

— If neither a spouse nor a child under age 18 survived the deceased, then each of the deceased's parents whom the retirement board had determined to have been dependent upon the deceased through absence of earning power due to disability would receive an allowance of one-sixth of the deceased's final compensation. [epThe total of the above retirement allowances on account of the death of a conservation officer whose death was caused by state employment, when added to the deceased's statutory worker's compensation benefits, could not exceed the member's average annual compensation of the the last two years as a conservation officer.

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