

HOUSE BILL No. 5446

February 6, 1990, Introduced by Reps. Stupak, Perry Bullard, Palamara, Ciaramitaro, Gubow, Power, Stabenow and Gagliardi and referred to the Committee on Judiciary.

A bill to amend section 16 of Act No. 198 of the Public Acts of 1951, entitled as amended

"Judges retirement act,"

as amended by Act No. 102 of the Public Acts of 1987, being section 38.816 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16 of Act No. 198 of the Public Acts of
2 1951, as amended by Act No. 102 of the Public Acts of 1987, being
3 section 38.816 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 16. (1) Upon written application of a member, or the
6 written application of the chair of the judicial tenure commis-
7 sion or the chief justice of the supreme court, filed with the
8 board and the governor, a member who has 8 or more years of
9 service credit, or who is 65 years of age or older and who has 6

1 or more years, but less than 8 years, of service credit, who
2 becomes physically or mentally totally and permanently incapac-
3 tated to perform his or her judicial duties, shall be retired by
4 the board if, after a medical examination of the member ~~—~~ made
5 by or under the direction of the medical director, the medical
6 director certifies in writing to the board that the member is
7 physically or mentally totally incapacitated to perform his or
8 her judicial duties, ~~—~~ THAT the incapacity is likely to be per-
9 manent, ~~—~~ and THAT the member should be retired.

10 (2) For the period beginning ~~July 1, 1987 through June 30,~~
11 ~~1988~~ APRIL 1, 1990 AND ENDING SEPTEMBER 30, 1990 only, upon
12 written application of a member, or the written application of
13 the chair of the judicial tenure commission or the chief justice
14 of the supreme court, filed with the board and the governor, a
15 member who has 7 or more years of service credit ~~—~~ and becomes
16 physically or mentally totally and permanently incapacitated to
17 perform his or her judicial duties ~~—~~ shall be retired BY THE
18 BOARD, with a pension or survivor's benefit reduced by
19 ~~one-eighth~~ 1/8 of the amount that would otherwise apply, ~~by~~
20 ~~the board~~ if, after a medical examination of the member ~~—~~ made
21 by or under the direction of the medical director, the medical
22 director certifies in writing to the board that the member is
23 physically or mentally totally incapacitated to perform his or
24 her judicial duties, ~~—~~ THAT the incapacity is likely to be per-
25 manent, ~~—~~ and THAT the member should be retired. Upon retire-
26 ment under this subsection, a member shall be paid an annuity
27 computed according to section 14.

1 (3) A member, by agreeing to become a member of the
2 retirement system, agrees to submit to a medical examination to
3 be made by or under the direction of the medical director. Due
4 notice of the board's decision under subsection (1) or (2) shall
5 be given to the member and the governor. The member, within 30
6 days following the giving of the notice, ~~shall have the right~~
7 ~~of~~ MAY appeal to a medical committee consisting of 3 physicians,
8 1 designated by the board, 1 by the member, and 1 by the first 2
9 physicians designated. After a medical examination of the member
10 ~~made~~ made by or under the direction of the medical committee, the
11 medical committee shall report its findings to the board. The
12 majority opinion of the medical committee, filed in writing with
13 the board, shall be binding on the board and the member. If the
14 member refuses to submit to medical examinations as required ~~or~~
15 and the refusal continues for 90 days, ~~or~~ or ~~or~~ if the decision
16 of the board or the medical committee, if a medical committee is
17 requested, is that the member should retire and he or she fails
18 to retire within 60 days following the date of notification of
19 the decision by registered mail sent to the member's last known
20 residence address, he or she shall forfeit for the member and his
21 or her heirs all rights in and to benefits, except the refund of
22 accumulated contributions, accrued or accruing under this act,
23 and the member shall not again become a member or beneficiary of
24 the retirement system.

25 (4) Upon retirement under subsection (1), a member, other
26 than a member who qualifies under this section because he or she
27 is 65 years of age or older and has 6 or more years', but less

1 than 8 years, of service credit, shall be paid an annuity
2 computed according to section 14. Upon retirement under
3 subsection (1), a member who qualifies under this section
4 because he or she is 65 years of age or older and has 6 or more
5 years, but less than 8 years, of service credit shall be paid an
6 annuity equal to 50% of the member's final salary multiplied by a
7 fraction the numerator of which is equal to the member's number
8 of years and fraction of a year of service and the denominator of
9 which is 8.

10 (5) Payment of annuities under this section ~~shall be~~ IS
11 subject to section 15.