

# HOUSE BILL No. 4052

January 8, 1997, Introduced by Rep. Anthony and referred to the Committee on Public Retirement.

A bill to amend 1943 PA 240, entitled  
"State employees' retirement act,"  
by amending section 27 (MCL 38.27), as amended by 1987 PA 241,  
and by adding sections 48a and 48b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 27. (1) If a member dies as a result of a personal  
2 injury or disease arising out of and in the course of his or her  
3 employment with ~~the~~ THIS state, or a disability retirant who  
4 retired under section 21 dies ~~prior to~~ BEFORE becoming age 60  
5 and within 3 years after the member's disability retirement from  
6 the same causes for which he or she was retired, and such death  
7 or illness or injuries resulting in death are found by the  
8 retirement board to have been the sole and exclusive result of  
9 employment with the state, the applicable benefits provided in

1 subsections (2), (3), (4), and (5) shall be paid, subject to  
2 subsection (6).

3       (2) The accumulated contributions standing to the member's  
4 account in the employees' savings fund shall be paid to such  
5 person or persons as the member has nominated by written designa-  
6 tion duly executed and filed with the retirement board, or if  
7 there are no such designated person or persons surviving, then to  
8 the member's legal representative.

9       (3) A retirement allowance of  $\frac{1}{3}$  of the final compensation  
10 of the deceased person shall be paid to the surviving spouse to  
11 whom the deceased person was married at the time he or she last  
12 terminated employment with ~~the~~ THIS state. If a child or chil-  
13 dren under the age of 18 years also survives the deceased person,  
14 each such child shall receive an allowance of an equal share of  
15  $\frac{1}{4}$  of the deceased person's final compensation. Upon the mar-  
16 riage, death, or attainment of age 18 years of any such child,  
17 there shall be a redistribution by the retirement board to the  
18 deceased person's remaining children under age 18 years.

19       (4) If there is no surviving spouse or if the surviving  
20 spouse dies before the youngest surviving child of the deceased  
21 person reaches the age of 18 years, then each such child under  
22 age 18 shall each receive an allowance equal to  $\frac{1}{4}$  of the  
23 deceased person's final compensation, but the total so paid in  
24 any year to the children of a deceased person shall not exceed  
25  $\frac{1}{2}$  of his or her final compensation. If there are more than 2  
26 such surviving children under age 18 years, each such child shall  
27 receive an allowance of an equal share of  $\frac{1}{2}$  of the deceased

1 person's final compensation. Upon the marriage, death, or  
2 attainment of age 18 years of any such child, the child's allow-  
3 ance shall terminate and there shall be a redistribution by the  
4 retirement board to any remaining eligible children of the  
5 deceased under age 18, but a child shall not receive an allowance  
6 more than 1/4 of the deceased person's final compensation.

7 (5) If there is neither a spouse nor a child under age 18  
8 years surviving the deceased person, then there shall be paid to  
9 each parent of the deceased person whom the retirement board  
10 after investigation determines to have been actually dependent  
11 upon the deceased person through absence of earning power due to  
12 disability, an allowance of 1/6 of the deceased person's final  
13 compensation.

14 (6) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,  
15 THE total of the retirement allowances payable under subsections  
16 (3), (4), and (5) on account of the death of a member or retirant  
17 shall not exceed \$2,400.00 per annum, nor an amount which, when  
18 added to the statutory worker's compensation benefit to which the  
19 dependents of the member or retirant are entitled, exceeds his or  
20 her final compensation. IF THE RETIREMENT ALLOWANCE PAYABLE  
21 UNDER THIS SECTION IS TO SURVIVORS OF A CONSERVATION OFFICER  
22 WHOSE DEATH WAS A RESULT OF A PERSONAL INJURY OR DISEASE ARISING  
23 OUT OF AND IN THE COURSE OF HIS OR HER EMPLOYMENT AS A CONSERVA-  
24 TION OFFICER WITH THIS STATE, THE TOTAL OF THE RETIREMENT ALLOW-  
25 ANCES PAYABLE UNDER SUBSECTION (3), (4), OR (5) SHALL NOT EXCEED  
26 \$5,000.00 PER ANNUM, NOR AN AMOUNT WHICH, WHEN ADDED TO THE  
27 STATUTORY WORKER'S COMPENSATION BENEFIT TO WHICH THE DEPENDENTS

1 OF THE MEMBER OR RETIRANT ARE ENTITLED, EXCEEDS HIS OR HER FINAL  
2 COMPENSATION.

3 SEC. 48A. (1) EFFECTIVE OCTOBER 1, 1997, THE MONTHLY  
4 RETIREMENT ALLOWANCE PAYABLE TO A RETIRANT OR RETIREMENT ALLOW-  
5 ANCE BENEFICIARY WHO MEETS THE REQUIREMENTS OF SUBSECTION (2) IS  
6 INCREASED AS FOLLOWS:

7	EFFECTIVE DATE OF RETIREMENT	PERCENT OF INCREASE
8	OCTOBER 1, 1987 TO MARCH 30, 1991	10
9	OCTOBER 1, 1986 TO SEPTEMBER 30, 1987	12
10	OCTOBER 1, 1985 TO SEPTEMBER 30, 1986	14
11	OCTOBER 1, 1984 TO SEPTEMBER 30, 1985	16
12	OCTOBER 1, 1983 TO SEPTEMBER 30, 1984	18
13	OCTOBER 1, 1982 TO SEPTEMBER 30, 1983	20
14	OCTOBER 1, 1981 TO SEPTEMBER 30, 1982	22
15	OCTOBER 1, 1980 TO SEPTEMBER 30, 1981	24
16	OCTOBER 1, 1979 TO SEPTEMBER 30, 1980	26
17	OCTOBER 1, 1978 TO SEPTEMBER 30, 1979	28
18	OCTOBER 1, 1977 TO SEPTEMBER 30, 1978	30
19	OCTOBER 1, 1976 TO SEPTEMBER 30, 1977	32
20	OCTOBER 1, 1975 TO SEPTEMBER 30, 1976	34
21	OCTOBER 1, 1974 TO SEPTEMBER 30, 1975	36
22	OCTOBER 1, 1973 TO SEPTEMBER 30, 1974	38
23	BEFORE OCTOBER 1, 1973	40

1       (2) THIS SECTION ONLY APPLIES TO A RETIRANT OR RETIREMENT  
2 ALLOWANCE BENEFICIARY OF A DECEASED RETIRANT WHO MEETS ALL OF THE  
3 FOLLOWING REQUIREMENTS:

4       (A) THE RETIRANT OR DECEASED RETIRANT RETIRED AFTER 25 YEARS  
5 OR MORE OF SERVICE AS A CONSERVATION OFFICER OR BECAUSE OF  
6 DUTY-INCURRED TOTAL DISABILITY AS A CONSERVATION OFFICER UNDER  
7 SECTION 21.

8       (B) THE RETIRANT OR RETIREMENT ALLOWANCE BENEFICIARY WAS IN  
9 PAYMENT STATUS ON OCTOBER 1, 1997.

10       (3) THE INCREASED RETIREMENT ALLOWANCE UNDER THIS SECTION  
11 SHALL BE THE BASIS UPON WHICH FUTURE ADJUSTMENTS TO THE RETIRE-  
12 MENT ALLOWANCE, INCLUDING THE INCREASE UNDER SECTION 48B, IF  
13 APPLICABLE, ARE CALCULATED.

14       (4) THE SUPPLEMENT PROVIDED BY THIS SECTION SHALL BE CALCU-  
15 LATED PURSUANT TO SUBSECTION (1), SHALL BE BASED ON THE AMOUNT OF  
16 RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN PAID WITHOUT APPLICA-  
17 TION OF SECTION 20(2) IF THE MEMBER MADE THE ELECTION PERMITTED  
18 UNDER SECTION 20(2), AND SHALL BE PAID BY JANUARY 1, 1998. THE  
19 RETIREMENT ALLOWANCE OF A RETIRANT WHO DIES BEFORE JANUARY 1,  
20 1998 AND WHO HAS NOT NOMINATED A RETIREMENT ALLOWANCE BENEFICIARY  
21 PURSUANT TO SECTION 31 SHALL NOT BE SUPPLEMENTED PURSUANT TO THIS  
22 SECTION.

23       SEC. 48B. (1) EFFECTIVE OCTOBER 1, 1997, AFTER THE  
24 RETIRANT'S RETIREMENT ALLOWANCE IS INCREASED UNDER SECTION 48A,  
25 IF APPLICABLE, A RETIRANT WHO MEETS THE REQUIREMENTS OF SECTION  
26 48A(2) SHALL RECEIVE A TOTAL RETIREMENT ALLOWANCE OF NOT LESS  
27 THAN \$10,800.00 PER ANNUM. EFFECTIVE OCTOBER 1, 1997, AFTER THE

1 RETIREMENT ALLOWANCE BENEFICIARY'S RETIREMENT ALLOWANCE IS  
2 INCREASED UNDER SECTION 48A, IF APPLICABLE, A RETIREMENT ALLOW-  
3 ANCE BENEFICIARY OF A DECEASED RETIRANT WHO MEETS THE REQUIRE-  
4 MENTS OF SECTION 48A(2) SHALL RECEIVE A TOTAL RETIREMENT ALLOW-  
5 ANCE OF NOT LESS THAN \$5,400.00 PER ANNUM.

6 (2) THE INCREASED RETIREMENT ALLOWANCE UNDER THIS SECTION  
7 SHALL BE THE BASIS UPON WHICH FUTURE ADJUSTMENTS TO THE RETIRE-  
8 MENT ALLOWANCE ARE CALCULATED.