

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1040

(As amended August 15, 2012)

<<A bill to amend 1980 PA 300, entitled
"The public school employees retirement act of 1979,"
by amending the title and sections 5, 6, 8, 25, 28, 41, 41a, 42, 43a,
43e, 81b, 84, 91, 108, 124, and 131 (MCL 38.1305, 38.1306,
38.1308, 38.1325, 38.1328, 38.1341, 38.1341a, 38.1342, 38.1343a,
38.1343e, 38.1381b, 38.1384, 38.1391, 38.1408, 38.1424, and 38.1431),
the title as amended by 1996 PA 488, section 5 as amended by 2001 PA
180, section 6 as amended by 1995 PA 272, section 8 as amended by
1997 PA 143, sections 25, 41, 42, and 91 as amended and sections
43e, 81b, 124, and 131 as added by 2010 PA 75, sections 28 and 84 as
amended by 1989 PA 194, section 41a as amended by 2007 PA 15,
section 43a as amended by 2007 PA 111, and section 108 as amended
by 2008 PA 354, and by adding sections 43g, 59, 81d, 84b, 91a,

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

92b, 93, and 131a; and to repeal acts and parts of acts.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide a retirement system for the public school
3 employees of this state; to create certain funds for this
4 retirement system; to provide for the creation of a retirement
5 board; ~~within the department of management and budget;~~ to
6 prescribe the powers and duties of the retirement board; to
7 prescribe the powers and duties of certain state departments,
8 agencies, officials, and employees; **TO AUTHORIZE AND MAKE**
9 **APPROPRIATIONS FOR THE [RETIREMENT] SYSTEM;** to prescribe penalties
10 and provide remedies; and to repeal acts and parts of acts.

11 Sec. 5. (1) "Member" means a public school employee, except
12 that member does not include any of the following:

13 (a) A person enrolled in a neighborhood youth corps program
14 operated with funds from the federal office of economic
15 opportunity or a person enrolled in a comparable youth training
16 program designed to prevent high school dropouts and rehabilitate
17 high school dropouts operated by an intermediate school district.

18 (b) A person enrolled in a transitional public employment
19 program and employed by a reporting unit.

20 (c) A person employed by a reporting unit while enrolled as
21 a full-time student in that same reporting unit.

22 (d) A person who elects to participate in the optional
23 retirement program under the optional retirement act of 1967,
24 1967 PA 156, MCL 38.381 to 38.388.

25 (e) A retirant of this retirement system.



(f) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through a summer youth employment program established pursuant to the Michigan youth corps act, 1983 PA 69, MCL 409.221 to 409.229.

(g) A person, not regularly employed by a reporting unit, who is employed by a reporting unit to administer a program described in subdivision (f), (h), (i), (j), or (k).

(h) After September 30, 1983, a person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the former job training partnership act, Public Law 97-300, 96 Stat. 1322 or beginning July 1, 2000, the workforce investment act of 1998, Public Law 105-220, 112 Stat. 936.

(i) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the work first program under section 57f of the social welfare act, 1939 PA 280, MCL 400.57f.

(j) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the Michigan community service corps program, first established under sections 25 to 35 of 1983 PA 259.

(k) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the older American community service employment program under the older American community service employment act, title V of the older Americans act of

1 1965, Public Law 89-73, 42 ~~U.S.C.~~ **USC** 3056 to 3056i.

2 (l) A person, not regularly employed by a reporting unit, who
3 is employed by a reporting unit in a temporary, intermittent, or
4 irregular seasonal or athletic position and who is under the age
5 of 19 years.

6 (m) A person, not regularly employed by a reporting unit,
7 who is employed by a reporting unit only in a temporary position
8 to assist in the conduct of a school election.

9 **(N) A QUALIFIED PARTICIPANT WHO MAKES A VALID ELECTION UNDER**
10 **SECTION 81D TO NOT BECOME A MEMBER OF TIER 1.**

11 (2) "Membership service" means service performed after June
12 30, 1945.

13 (3) "Noncontributory plan" means the plan which began
14 between July 1, 1974 and July 1, 1977, in which the reporting
15 unit elected to discontinue withholding contributions from
16 employees' compensation.

17 (4) "Noncontributory service" means credited service
18 rendered under the noncontributory plan.

19 (5) "Nonteacher" means a person employed by a reporting unit
20 who is not a teacher as defined in section 8(4).

21 Sec. 6. (1) "Original member" means a member employed in
22 Michigan public schools before July 1, 1945.

23 (2) "Out of system public education service" means service
24 performed in public education meeting 1 or more of the following
25 requirements:

26 (a) Performed in other states in the United States or its
27 territorial possessions.



(b) Performed at the university of Michigan, Michigan state university, Wayne state university, Grand Valley state university, Oakland university, or Saginaw Valley university.

(c) Service purchased before January 31, 1991 and performed in a juvenile training school operated by a county in this state.

(d) Service purchased before January 31, 1991 and performed in a community mental health service program operated under former ~~Act No. 54 of the Public Acts of 1963~~ **1963 PA 54** for the severely mentally retarded in day care programs, day training programs, or day care training programs that were transferred to an intermediate school district by direction of the department of education.

(e) Service purchased before January 31, 1991 and performed as an elementary or secondary teacher at a United States armed forces military base in the United States or a foreign country.

(f) Service purchased before January 31, 1991 and performed as a teacher or administrator of American nationals in overseas public elementary or secondary schools operated by the United States department of defense.

(g) Performed by ~~a person~~ **AN INDIVIDUAL** who first becomes employed by an institution of higher education described in section 4, 5, or 6 of article VIII of the state constitution of 1963 on or after January 1, 1996.

(3) "Prior service" means service performed before July 1, 1945.

(4) **"PUBLIC LOCAL SCHOOL DISTRICT" MEANS A GENERAL POWERS SCHOOL DISTRICT ORGANIZED UNDER THE REVISED SCHOOL CODE, 1976 PA**



1 451, MCL 380.1 TO 380.1852, REGARDLESS OF PREVIOUS
 2 CLASSIFICATION, OR A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE
 3 REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852.

4 (5) ~~(4)~~—Except as otherwise provided in this subsection,
 5 "public school academy" means a public school academy established
 6 under part 6a ~~or 6b~~ of the **REVISED** school code, ~~of 1976, Act No.~~
 7 ~~451 of the Public Acts of 1976, being sections 380.501 to 380.507~~
 8 ~~and 380.511 to 380.518 of the Michigan Compiled Laws 1976 PA 451,~~
 9 **MCL 380.501 TO 380.507; AN URBAN HIGH SCHOOL ACADEMY ESTABLISHED**
 10 **UNDER PART 6C OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL**
 11 **380.521 TO 380.529; A SCHOOL OF EXCELLENCE ESTABLISHED UNDER PART**
 12 **6E OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.551 TO**
 13 **380.561; OR A STRICT DISCIPLINE ACADEMY ESTABLISHED UNDER**
 14 **SECTIONS 1311B TO 1311M OF THE REVISED SCHOOL CODE, 1976 PA 451,**
 15 **MCL 380.1311B TO 380.1311M.** Public school academy does not
 16 include any of the following:

17 (a) A public school academy operated by a state public
 18 university that is not subject to the optional retirement act of
 19 1967, ~~Act No. 156 of the Public Acts of 1967, being sections~~
 20 ~~38.381 to 38.388 of the Michigan Compiled Laws 1967 PA 156, MCL~~
 21 **38.381 TO 38.388.**

22 (b) A public school academy corporation formed by a state
 23 public university that is not subject to ~~Act No. 156 of the~~
 24 ~~Public Acts of 1967~~ **THE OPTIONAL RETIREMENT ACT OF 1967, 1967 PA**
 25 **156, MCL 38.381 TO 38.388.**

26 (6) ~~(5)~~—Except as otherwise provided in this subsection,
 27 "public school employee" means an employee of a public local



1 school district, intermediate school district, public school
2 academy, tax supported community or junior college, eastern
3 Michigan university, central Michigan university, northern
4 Michigan university, western Michigan university, Ferris state
5 university, Michigan technological university, Lake Superior
6 state university, or district library as defined in section 69g
7 if the conditions in section 69g(1) are met for that employee.
8 Service at Michigan technological university shall be creditable
9 only if the amount of the accumulated contributions in the state
10 employees' retirement system created by the state employees'
11 retirement act, ~~Act No. 240 of the Public Acts of 1943, being~~
12 ~~sections 38.1 to 38.48 of the Michigan Compiled Laws 1943 PA 240,~~
13 **MCL 38.1 TO 38.69**, for service is paid to the retirement system.
14 Service at Ferris state university shall be creditable as prior
15 service or membership service only if the employee was employed
16 at Ferris state university on a full-time basis for 2 or more
17 years after May 17, 1949. Until January 1, 1988, public school
18 employee also includes ~~a person~~ **AN INDIVIDUAL** holding a Michigan
19 teacher certificate and serving as an employee of the Michigan
20 high school athletic association, other than a person whose
21 effective date of employment with the Michigan high school
22 athletic association is on or after December 31, 1986. Public
23 school employee includes a public school employee on an approved
24 leave of absence **THAT DOES NOT EXCEED 2 YEARS FROM THE DATE THE**
25 **EMPLOYEE CEASES TO ACCUMULATE SERVICE CREDIT**. Public school
26 employee does not include ~~a person~~ **AN INDIVIDUAL** who first
27 becomes employed by a university described in this subsection on



Senate Bill No. 1040 as amended August 15, 2012

1 or after January 1, 1996, OR AN EMPLOYEE WHO IS HIRED BUT HAS NOT
2 YET PERFORMED SERVICES FOR REMUNERATION UNDER AN EXPRESS OR
3 IMPLIED CONTRACT WITH A REPORTING UNIT.

4 Sec. 8. (1) "Service" means personal service performed as a
5 public school employee or creditable under this act.

6 (2) "Simple interest" means interest at 1 or more rates per
7 annum determined by the retirement board.

8 (3) "State of Michigan service" means service performed as a
9 state employee in the classified or unclassified service under
10 the state employees' retirement act, 1943 PA 240, MCL 38.1 to
11 38.69.

12 (4) "Teacher" means a person employed by a reporting unit
13 who is engaged in teaching, who is engaged in administering and
14 supervising teaching, or who is under a teacher's contract with a
15 reporting unit.

16 (5) "TIER 1" MEANS THE RETIREMENT PLAN AVAILABLE TO A MEMBER
17 UNDER THIS ACT.

18 (6) "TIER 2" MEANS THE STATE OF MICHIGAN 457 PLAN
19 ESTABLISHED UNDER SECTION 457 OF THE INTERNAL REVENUE CODE, 26
20 USC 457, FOR ELECTIVE EMPLOYEE CONTRIBUTIONS AND THE STATE OF
21 MICHIGAN 401(K) PLAN ESTABLISHED UNDER SECTION 401(K) OF THE
22 INTERNAL REVENUE CODE, 26 USC 401, FOR EMPLOYER CONTRIBUTIONS.

<<(7) "TRANSITION DATE" MEANS THE FIRST DAY OF THE PAY PERIOD
THAT BEGINS ON OR AFTER DECEMBER 1, 2012 FOR THE APPLICABLE MEMBER.
THE RETIREMENT SYSTEM SHALL DETERMINE A METHOD OF DETERMINING SERVICE
CREDIT, COMPENSATION, AND ANY APPLICABLE CONTRIBUTIONS FOR PURPOSES OF
IMPLEMENTING PROVISIONS OF THIS ACT THAT REFER TO THE TRANSITION DATE.

23 (8)>> ~~(5)~~—"Transitional public employment program" means
24 participation in public service employment programs in the areas
25 of environmental quality, health care, education, public safety,
26 crime prevention and control, prison rehabilitation,
27 transportation, recreation, maintenance of parks, streets, and



Senate Bill No. 1040 as amended August 15, 2012

1 other public facilities, solid waste removal, pollution control,
2 housing and neighborhood improvements, rural development,
3 conservation, beautification, veterans' outreach, and other
4 fields of human betterment and community improvement as part of a
5 program of comprehensive manpower services authorized,
6 undertaken, and financed under the comprehensive employment and
7 training act of 1973, former Public Law 93-203, 87 Stat. 839.

8 Sec. 25. (1) The board shall have only the rights,
9 authority, and discretion in the proper discharge of its duties
10 provided in this act and former 1945 PA 136.

11 (2) The retirement board may promulgate rules pursuant to
12 the administrative procedures act of 1969, 1969 PA 306, MCL
13 24.201 to 24.328, for the implementation and administration of
14 this act. The retirement board shall not promulgate rules for the
15 establishment, implementation, administration, operation,
16 investment, or distribution of a Tier 2 retirement plan.

17 (3) BEGINNING <<SEPTEMBER>> 1, 2012, THE RETIREMENT SYSTEM SHALL
18 COMMENCE A 12-MONTH STUDY PERIOD UNDER THIS SUBSECTION. AS SOON
19 AS POSSIBLE DURING THE STUDY PERIOD, THE RETIREMENT SYSTEM SHALL
20 PROVIDE TO CENTRAL MICHIGAN UNIVERSITY, FERRIS STATE UNIVERSITY,
21 LAKE SUPERIOR STATE UNIVERSITY, MICHIGAN TECHNOLOGICAL
22 UNIVERSITY, NORTHERN MICHIGAN UNIVERSITY, WESTERN MICHIGAN
23 UNIVERSITY, AND EASTERN MICHIGAN UNIVERSITY INFORMATION AND
24 COOPERATION REQUESTED BY THE UNIVERSITIES FOR THE PURPOSE OF
25 ALLOWING THE UNIVERSITIES TO STUDY AND PREPARE FOR THE
26 IMPLEMENTATION OF NEW RETIREE HEALTH CARE COVERAGE BENEFIT DESIGN
27 OPTIONS FOR MEMBERS WHO RETIRE FROM THE UNIVERSITIES. THE



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 INFORMATION TO BE PROVIDED BY THE RETIREMENT SYSTEM TO THE
2 UNIVERSITIES SHALL ALSO INCLUDE INFORMATION SUFFICIENT TO ALLOW
3 THE UNIVERSITIES TO DO ALL OF THE FOLLOWING:

4 (A) REVIEW THE ANNUAL COST TO THE RETIREMENT SYSTEM OVER
5 EACH OF THE PAST 5 YEARS OF THE HEALTH CARE COVERAGE BENEFITS
6 PROVIDED BY THE RETIREMENT SYSTEM TO THE [] RETIRED
7 MEMBERS [OF THE UNIVERSITIES], CALCULATED ON A CASH DISBURSEMENT METHOD.

8 (B) COMPARE THE [COST TO THE UNIVERSITIES] UNDER SUBDIVISION (A)
WITH

9 THAT OF THE AGGREGATE COST OF ALL REPORTING UNITS DURING THE PAST
10 5 YEARS, CALCULATED ON A CASH DISBURSEMENT BASIS.

11 (C) PREPARE AND SUBMIT THE RESULTS OF THE STUDY UNDER THIS
12 SUBSECTION TO THE RETIREMENT SYSTEM, ALONG WITH ANY PROPOSED
13 RECOMMENDATIONS ON POSSIBLE CHANGES TO THE SCOPE AND DESIGN OF
14 THE HEALTH BENEFITS AVAILABLE THROUGH THE RETIREMENT SYSTEM TO
15 MEMBERS WHO RETIRE FROM THE UNIVERSITIES IDENTIFIED IN THIS
16 SUBSECTION. THE RETIREMENT SYSTEM SHALL SUBMIT WRITTEN
17 CONFIRMATION TO THE UNIVERSITIES WITHIN 180 DAYS THAT THE
18 RETIREMENT SYSTEM HAS RECEIVED THE RESULTS OF THE STUDY AND ANY
19 RECOMMENDATIONS UNDER THIS SUBDIVISION, HAS REVIEWED AND
20 RESPONDED TO THE STUDY AND ANY RECOMMENDATIONS, AND HAS SUBMITTED
21 A COPY OF THE STUDY AND ANY RECOMMENDATIONS TO THE RETIREMENT
22 BOARD FOR A DISCUSSION OF THE IMPLEMENTATION OF ANY
23 RECOMMENDATIONS.

<<Sec. 28. (1) By April 15 of each year, the department shall
furnish to the governor, the legislature, each retirement allowance
recipient, and each member ~~upon request~~ a summary of the fiscal
transactions of the retirement system for the last completed fiscal
year. The summary shall contain at least the following information from
the financial and actuarial statements:

- (a) A statement of assets and liabilities.
- (b) A statement of investments by, and amount earned in, each category.
- (c) A statement of revenues and expenditures.
- (D) IN ADDITION TO OTHER DISCLOSURES REQUIRED UNDER THIS ACT THAT ARE



24 Sec. 41. (1) The annual level percentage of payroll
25 contribution rate <<
26 >> to finance benefits being provided
27 and to be provided by the retirement system shall be determined

Senate Bill No. 1040 as amended August 15, 2012

1 by actuarial valuation pursuant to subsection (2) upon the basis
 2 of the risk assumptions that the retirement board and the
 3 department adopt after consultation with the state treasurer and
 4 an actuary. An annual actuarial valuation shall be made of the
 5 retirement system in order to determine the actuarial condition
 6 of the retirement system and the required contribution to the
 7 retirement system. An annual actuarial gain-loss experience study
 8 of the retirement system shall be made in order to determine the
 9 financial effect of variations of actual retirement system
 10 experience from projected experience.

11 (2) Except as otherwise provided in this subsection, the
 12 contribution rate for benefits shall be computed using an
 13 individual projected benefit entry age normal cost method of
 14 valuation. Except as otherwise provided in this section, for the
 15 1995-96 state fiscal year and for each subsequent fiscal year
 16 **BEFORE THE 2012-2013 STATE FISCAL YEAR**, the contribution rate for
 17 health benefits provided under section 91 shall be computed using

18 a cash disbursement method. **<<BEGINNING IN THE 2012-2013 STATE FISCAL
 YEAR AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE CONTRIBUTIONS DESCRIBED
 IN SECTION 43E ARE DETERMINED BY A FINAL ORDER OF A COURT OF COMPETENT
 JURISDICTION FOR WHICH ALL RIGHTS OF APPEAL HAVE BEEN EXHAUSTED TO BE
 UNCONSTITUTIONAL AND THE CONTRIBUTIONS ARE NOT DEPOSITED INTO THE
 APPROPRIATE FUNDING ACCOUNT REFERENCED IN SECTION 43E, THE CONTRIBUTION
 RATE FOR HEALTH BENEFITS PROVIDED UNDER SECTION 91 SHALL BE COMPUTED
 USING A CASH DISBURSEMENT METHOD.>>**~~For each fiscal year after the fiscal~~

19 ~~year in which the actuarial accrued liability for health benefits~~
 20 ~~under section 91 is at least 100% funded by the health advance~~
 21 ~~funding subaccount created under section 34(2), the contribution~~
 22 ~~rate for health benefits provided under section 91 shall be~~
 23 ~~computed using an individual projected benefit entry age normal~~
 24 ~~cost method of valuation. The contribution rate for service~~
 25 ~~likely to be rendered in the current year, the normal cost~~

26 contribution rate, shall be equal to the aggregate amount of
 27 individual projected benefit entry age normal costs divided by 1%



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 of the aggregate amount of active members' valuation
2 compensation. Except as otherwise provided under this subsection,
3 the contribution rate for unfunded service rendered before the
4 valuation date, the unfunded actuarial accrued liability
5 contribution rate, shall be the aggregate amount of unfunded
6 actuarial accrued liabilities divided by 1% of the actuarial
7 present value over a period not to exceed 50 years of projected
8 valuation compensation<<

9
10 >>, where
11 unfunded actuarial accrued liabilities are equal to the actuarial
12 present value of benefits, reduced by the actuarial present value
13 of future normal cost contributions and the actuarial value of
14 assets on the valuation date. <<

15

16

17

18

19

20

21

22

23

24

25 >> BEGINNING WITH THE

26 2012-2013 STATE FISCAL YEAR AND FOR EACH SUBSEQUENT FISCAL YEAR,

27 THE <<



Senate Bill No. 1040 as amended August 15, 2012

1

2

>>UNFUNDED ACTUARIAL ACCRUED LIABILITY

3 CONTRIBUTION RATE APPLIED TO PAYROLL SHALL NOT EXCEED 20.96%. ANY

4 ADDITIONAL UNFUNDED ACTUARIAL ACCRUED LIABILITY CONTRIBUTIONS AS

5 DETERMINED UNDER THIS SECTION FOR EACH FISCAL YEAR ARE TO BE PAID

6 BY APPROPRIATION FROM THE SCHOOL AID FUND ESTABLISHED BY SECTION

7 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963. EXCEPT AS

8 OTHERWISE PROVIDED IN SECTION 41A, THE UNFUNDED ACTUARIAL ACCRUED

9 LIABILITY CONTRIBUTION RATE SHALL BE BASED UPON AND APPLIED TO

10 THE COMBINED PAYROLLS OF THE EMPLOYEES WHO ARE MEMBERS AND

11 QUALIFIED PARTICIPANTS.

12 (3) Before November 1 of each year, the executive secretary
13 of the retirement board shall certify to the director of the
14 department the aggregate compensation estimated to be paid public
15 school employees for the current state fiscal year<<.

16

17 >>

18 (4) On the basis of the estimate under subsection (3), the
19 annual actuarial valuation, and any adjustment required under
20 subsection (6), the director of the department shall compute the
21 sum due and payable to the retirement system and shall certify
22 this amount to the reporting units.

23 (5) The reporting units shall make payment of the amount
24 certified under subsection (4) to the director of the department
25 in ~~12 equal monthly~~ **PAYROLL CYCLE** installments **FOR UNFUNDED**
26 **ACTUARIAL ACCRUED LIABILITY CONTRIBUTIONS AND PAYROLL CYCLE**
27 **INSTALLMENTS FOR NORMAL COST CONTRIBUTIONS.**



(6) Not later than 90 days after termination of each state fiscal year, the executive secretary of the retirement board shall certify to the director of the department and each reporting unit the actual aggregate compensation paid to public school employees during the preceding state fiscal year. Upon receipt of that certification, the director of the department ~~shall~~ **MAY** compute any adjustment required to the amount due to a difference between the estimated and the actual aggregate compensation and the estimated and the actual actuarial employer contribution rate. The difference, if any, shall be paid as provided in subsection (9). This subsection does not apply in a fiscal year in which a deposit occurs pursuant to subsection (14).

(7) The director of the department may require evidence of correctness and may conduct an audit of the aggregate compensation that the director of the department considers necessary to establish its correctness.

(8) A reporting unit shall forward employee and employer social security contributions and reports as required by the federal old-age, survivors, disability, and hospital insurance provisions of title II of the social security act, ~~chapter 531, 49 Stat. 620, 42 USC 401 to 405, 406 to 418, 420 to 423, 424a to 426-1, and 427 to 433.~~ **42 USC 401 TO 434.**

(9) For an employer of an employee of a local public school district or an intermediate school district, for differences occurring in fiscal years beginning on or after October 1, 1993, a minimum of 20% of the difference between the estimated and the

1 actual aggregate compensation and the estimated and the actual
2 actuarial employer contribution rate described in subsection (6),
3 if any, shall be paid by that employer in the next succeeding
4 state fiscal year and a minimum of 25% of the remaining
5 difference shall be paid by that employer in each of the
6 following 4 state fiscal years, or until 100% of the remaining
7 difference is submitted, whichever first occurs. For an employer
8 of other public school employees, for differences occurring in
9 fiscal years beginning on or after October 1, 1991, a minimum of
10 20% of the difference between the estimated and the actual
11 aggregate compensation and the estimated and the actual actuarial
12 employer contribution rate described in subsection (6), if any,
13 shall be paid by that employer in the next succeeding state
14 fiscal year and a minimum of 25% of the remaining difference
15 shall be paid by that employer in each of the following 4 state
16 fiscal years, or until 100% of the remaining difference is
17 submitted, whichever first occurs. In addition, interest shall be
18 included for each year that a portion of the remaining difference
19 is carried forward. The interest rate shall equal the actuarially
20 assumed rate of investment return for the state fiscal year in
21 which payment is made. This subsection does not apply in a fiscal
22 year in which a deposit occurs pursuant to subsection (14).

23 (10) Beginning on the designated date, all assets held by
24 the retirement system shall be reassigned their fair market
25 value, as determined by the state treasurer, as of the designated
26 date, and in calculating any unfunded actuarial accrued
27 liabilities, any market gains or losses incurred before the

1 designated date shall not be considered by the retirement
2 system's actuaries.

3 (11) Except as otherwise provided in this subsection,
4 beginning on the designated date, the actuary used by the
5 retirement board shall assume a rate of return on investments of
6 8.00% per annum, as of the designated date, which rate may only
7 be changed with the approval of the retirement board and the
8 director of the department. Beginning on July 1, 2010, the
9 actuary used by the retirement board shall assume a rate of
10 return on investments of 7.00% per annum for investments
11 associated with members who first became members on and after
12 July 1, 2010, which rate may only be changed with the approval of
13 the retirement board and the director of the department.

14 (12) Beginning on the designated date, the value of assets
15 used shall be based on a method that spreads over a 5-year period
16 the difference between actual and expected return occurring in
17 each year after the designated date and such methodology may only
18 be changed with the approval of the retirement board and the
19 director of the department.

20 (13) Beginning on the designated date, the actuary used by
21 the retirement board shall use a salary increase assumption that
22 projects annual salary increases of 4%. In addition to the 4%,
23 the retirement board shall use an additional percentage based
24 upon an age-related scale to reflect merit, longevity, and
25 promotional salary increase. The actuary shall use this
26 assumption until a change in the assumption is approved in
27 writing by the retirement board and the director of the

Senate Bill No. 1040 as amended August 15, 2012

1 department.

2 (14) For fiscal years that begin on or after October 1,
3 2001, if the actuarial valuation prepared pursuant to this
4 section demonstrates that as of the beginning of a fiscal year,
5 and after all credits and transfers required by this act for the
6 previous fiscal year have been made, the sum of the actuarial
7 value of assets and the actuarial present value of future normal
8 cost contributions exceeds the actuarial present value of
9 benefits, the amount based on the annual level percent of payroll
10 contribution rate <<

11 >>pursuant to subsections (1) and (2)
12 may be deposited into the health advance funding subaccount
13 created by section 34.

14 (15) Notwithstanding any other provision of this act, if the
15 retirement board establishes an arrangement and fund as described
16 in section 6 of the public employee retirement benefit protection
17 act, 2002 PA 100, MCL 38.1686, the benefits that are required to
18 be paid from that fund shall be paid from a portion of the
19 employer contributions described in this section or other
20 eligible funds. The retirement board shall determine the amount
21 of the employer contributions or other eligible funds that shall
22 be allocated to that fund and deposit that amount in that fund
23 before it deposits any remaining employer contributions or other
24 eligible funds in the pension fund.

25 <<



Senate Bill No. 1040 as amended August 15, 2012

1
2 (16)>> AS USED IN THIS SECTION, "CURRENT OPERATING
3 EXPENDITURES" FOR A PUBLIC LOCAL SCHOOL DISTRICT INCLUDES
4 FUNCTIONS 1XX, 2XX, 45X, AND ALL OBJECT CODES EXCEPT 6XXX, AS
5 DEFINED IN THE MICHIGAN PUBLIC SCHOOL ACCOUNTING MANUAL BULLETIN
6 1022, AND IS EQUAL TO THE TOTAL OF INSTRUCTIONAL AND SUPPORT
7 SERVICES EXPENDITURES, INCLUDING THE TOTAL GENERAL FUND CHARGES
8 INCURRED IN THE GENERAL, SPECIAL EDUCATION, AND VOCATIONAL
9 EDUCATION FUNDS FOR THE BENEFIT OF THE CURRENT FISCAL YEAR,
10 WHETHER PAID OR UNPAID, AND ALL EXPENDITURES OF THE INSTRUCTIONAL
11 PROGRAMS PLUS APPLICABLE SUPPORTING SERVICE COSTS REDUCED BY
12 CAPITAL OUTLAY, DEBT SERVICE, COMMUNITY SERVICES, AND OUTGOING
13 TRANSFERS AND OTHER TRANSACTIONS. CURRENT OPERATING EXPENDITURES
14 FOR A PUBLIC LOCAL SCHOOL DISTRICT ALSO INCLUDE OPERATING FUNDS
15 FOR ANY PUBLIC SCHOOL OR OTHER PUBLIC EDUCATIONAL ENTITY FIRST
16 AUTHORIZED OR ESTABLISHED BY THE PUBLIC LOCAL SCHOOL DISTRICT ON
17 OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
18 SUBSECTION.

19 Sec. 41a. For fiscal years that begin on or after March 28,
20 1996, the retirement system shall determine a separate
21 contribution rate for a reporting unit that is a university
22 listed in **THE DEFINITION OF PUBLIC SCHOOL EMPLOYEE UNDER** section
23 ~~6(5)~~—6. The retirement system shall determine the separate
24 contribution rate in the manner prescribed in section 41, except
25 that the unfunded actuarial accrued liability shall be amortized
26 over 40 years beginning October 1, 1996 and ending on September
27 30, 2036, with the payment schedule for universities being based



1 on and applied to the combined payrolls of the universities'
 2 employees who are members and who were hired before January 1,
 3 1996 and the universities' employees who would have been members
 4 on or after January 1, 1996, but for the enactment of 1995 PA
 5 272. The amount of the unfunded accrued liability on which the
 6 separate contribution rate is determined shall be that amount
 7 which a reporting unit that is a university listed in **THE**
 8 **DEFINITION OF PUBLIC SCHOOL EMPLOYEE UNDER** section ~~6(5)-6~~ is
 9 legally responsible for and is calculated by actuarial analysis.
 10 Any reduction in the unfunded liability of the system pursuant to
 11 governmental action affecting the entire system will be allocated
 12 to all reporting units including universities as determined by
 13 the system's actuary. For the 2006-2007 state fiscal year, the
 14 contribution for unfunded actuarial accrued liability shall be
 15 equal to 4.5% of the unfunded actuarial accrued liability.

16 Sec. 42. (1) Beginning with the 1994-95 state fiscal year, a
 17 reporting unit shall contribute the entire ~~percentage,~~ **AMOUNT**
 18 determined under section ~~41(2), of the aggregate annual~~
 19 ~~compensation of all employees who are members under the~~
 20 ~~noncontributory plan as provided by section 63-41~~ to the reserve
 21 for employer contributions and to the reserve for health
 22 benefits. The reporting unit contribution under this subsection
 23 is the exclusive obligation of the reporting unit payable out of
 24 general budget resources of the reporting unit, including funds
 25 available under local millage and other local resources and from
 26 the state school aid allocation to the reporting unit, and shall
 27 not be a separate obligation by specific reimbursement or

1 otherwise of this state.

2 (2) As authorized by resolution or other enabling act of its
3 governing body, the employer shall pick up all contributions of a
4 member made pursuant to section 43a for all compensation paid on
5 or after January 1, 1987 and reported to the retirement system.
6 Although considered contributions of a member for certain
7 purposes under this act, all contributions picked up shall be
8 treated as paid by the employer in lieu of contributions by the
9 employee. Contributions picked up as provided in this subsection
10 shall be paid from the same source of funds that is used for
11 paying compensation to the member. The employer may pick up these
12 contributions by either a reduction to the member's cash salary,
13 an offset against a future salary increase, or a combination of a
14 reduction in salary and offset against a future salary increase.
15 This subsection does not apply, and the employer shall not
16 deduct, offset, or remit contributions, until the department
17 receives notification from the United States internal revenue
18 service that contributions picked up shall not be included as
19 gross income of the member until they are distributed or made
20 available to the member, retirant, retirement allowance
21 beneficiary, or refund beneficiary.

22 (3) The employer shall deduct from a member's compensation
23 the contributions for social security provided in 1951 PA 205,
24 MCL 38.851 to 38.871. Contributions shall be made while the
25 member remains a public school employee. Each reporting unit
26 official shall deduct the social security contributions from the
27 compensation of each member for each payroll period after the



1 date the employee becomes a member. Social security contributions
2 shall be made notwithstanding that the minimum compensation
3 provided by law is changed. Each member is considered to have
4 agreed to the contributions prescribed in this subsection.

5 (4) Each reporting unit official shall forward member
6 contributions to the retirement system on a schedule and in a
7 manner determined by the retirement system.

8 (5) Each reporting unit official shall forward the entire
9 employer contribution required by this act to the retirement
10 system on a schedule and in a manner determined by the retirement
11 system.

12 (6) Each reporting unit official shall submit to the
13 retirement system a report that includes the information for
14 retirement purposes, including, but not limited to, persons
15 employed, retirants performing services at a reporting unit who
16 are employed by an entity other than the reporting unit or who
17 are independent contractors, wages or amounts paid, hours, and
18 contributions required under this act. The report shall contain
19 the information on a pay period basis and shall be submitted to
20 the retirement system on a schedule and in a manner determined by
21 the retirement system. The superintendent for a reporting unit or
22 the chief administrator for a reporting unit that does not have a
23 superintendent shall complete an annual certification that gives
24 authorization for the employees of the reporting unit to report
25 the information to the retirement system.

26 (7) If a reporting unit fails to submit a report or
27 contributions, or both, according to the schedule established by

1 the retirement board, a late fee shall be paid by the reporting
2 unit. If the remittance of contributions is late, the late fee
3 shall include interest for each day that the remittance of
4 contributions is late. The retirement board periodically may
5 establish the late fee, which shall not be less than \$25.00, and
6 interest charges, which shall not be less than 6% per annum. If a
7 reporting unit fails to correct errors on a report before the
8 errors are discovered by the retirement system or if such errors
9 are intentional, the reporting unit shall pay the late fee and
10 interest charges as described in this subsection for each day
11 that the report is in error, unless reasonable cause is shown to
12 the satisfaction of the retirement system.

13 (8) Upon written notice from the retirement board, the
14 superintendent of public instruction and the state treasurer
15 shall withhold payment of state funds, in part or in whole,
16 payable from the state school aid appropriation or higher
17 education appropriations to a reporting unit that fails to comply
18 with this section.

19 Sec. 43a. (1) The contributions of a member who contributes
20 to the member investment plan shall be deducted by the employer
21 and remitted as employer contributions to the retirement system
22 pursuant to section 42. A member who contributes to the member
23 investment plan is entitled to the benefits provided in sections
24 43b and 43c.

25 (2) ~~Until December 31, 1989~~ **EXCEPT AS OTHERWISE PROVIDED IN**
26 **SUBSECTION (7)**, a member who first became a member on or before
27 December 31, 1989 ~~—~~and who elected or elects on or before

December 31, 1989 to contribute to the member investment plan shall contribute 4% of the member's compensation to the member investment plan and beginning January 1, 1990 shall contribute 3.9% of the member's compensation to the member investment plan.

~~—— (3) On or before January 1, 1993, a member who first became a member on or before December 31, 1989, except as otherwise provided in subsection (4), and who did not elect to make contributions to the member investment plan, may irrevocably elect to make the contributions described in subsection (2). In addition to making the contributions required under subsection (2), a member who elects to make contributions to the member investment plan under this subsection shall make a contribution of 4% of the compensation received on or after January 1, 1987 to December 31, 1989, and 3.9% of the compensation received on or after January 1, 1990 to the date of the election, plus an amount equal to the compound interest that would have accumulated on those contributions as described in section 33, plus an amount equal to the net actuarial cost of the additional benefits attributable to service credited before January 1, 1987, as determined by the retirement board. The method and timing of payment by a member under this subsection shall be determined by the retirement board. The contributions made under this subsection shall be deposited into the reserve for employee contributions.~~

(3) ~~(4)~~ **A-EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), A** member who first became a member on or before December 31, 1986 but did not perform membership service between December 31, 1986



and January 1, 1990, and who returns to membership service on or after January 1, 1990 and before July 1, 2008, shall make the contributions described in subsection ~~(7)~~-(5).

(4) ~~(5)~~ A EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), A member who first became a member on or after January 1, 1990 and before July 1, 2008 shall make the contributions described in subsection ~~(7)~~-(5).

~~(6) A member who first became a member on or after January 1, 1987 but before January 1, 1990 shall have 30 days from his or her first date of employment to irrevocably elect to make the contributions described in subsection (2).~~

(5) ~~(7)~~ A EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), A member who first became a member on or after January 1, 1990 and before July 1, 2008 shall contribute the following amounts to the member investment plan:

<u>Member's annual school fiscal</u>	<u>Amount payable to the member</u>
<u>year earned compensation</u>	<u>investment plan</u>
Not over \$5,000.00	3% of member's compensation
Over \$5,000.00 but not over \$15,000.00	\$150.00, plus 3.6% of the excess over \$5,000.00
Over \$15,000.00	\$510.00, plus 4.3% of the excess over \$15,000.00

(6) ~~(8)~~ A EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), A member who first became a member on or after July 1, 2008 shall contribute the following amounts to the member investment plan:

<u>Member's annual school</u>	<u>Amount payable to the member</u>
-------------------------------	-------------------------------------



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1	<u>fiscal year earned compensation</u>	<u>investment plan</u>
2	Not over \$5,000.00	3% of member's compensation
3	Over \$5,000.00 but not over	\$150.00, plus 3.6% of excess
4	\$15,000.00	over \$5,000.00
5	Over \$15,000.00	\$510.00, plus 6.4% of the
6		excess over \$15,000.00

7 (7) BEGINNING <<ON THE TRANSITION DATE>>, A MEMBER DESCRIBED IN
8 SUBSECTIONS (2) TO (6) WHO MAKES THE ELECTION UNDER SECTION 59(1)
9 AND WHO DOES NOT MAKE THE ATTAINMENT DATE DESIGNATION UNDER
10 SECTION 59(1) SHALL CONTRIBUTE THE PERCENTAGE OF THE MEMBER'S
11 ANNUAL SCHOOL FISCAL YEAR EARNED COMPENSATION TO THE RETIREMENT
12 SYSTEM AS PRESCRIBED IN SECTION 43G UNTIL TERMINATION OF
13 EMPLOYMENT. BEGINNING <<ON THE TRANSITION DATE>>, A MEMBER DESCRIBED IN
14 SUBSECTIONS (2) TO (6) WHO MAKES THE ELECTION AND ATTAINMENT DATE
15 DESIGNATION UNDER SECTION 59(1) SHALL CONTRIBUTE THE PERCENTAGE
16 OF THE MEMBER'S ANNUAL SCHOOL FISCAL YEAR EARNED COMPENSATION TO
17 THE RETIREMENT SYSTEM AS PRESCRIBED IN SECTION 43G UNTIL HIS OR
18 HER ATTAINMENT DATE AND SHALL CONTRIBUTE THE PERCENTAGE OF THE
19 MEMBER'S ANNUAL SCHOOL FISCAL YEAR EARNED COMPENSATION TO THE
20 RETIREMENT SYSTEM AS PRESCRIBED IN THIS SECTION ON AND AFTER HIS
21 OR HER ATTAINMENT DATE UNTIL TERMINATION OF EMPLOYMENT. BEGINNING
22 <<ON THE TRANSITION DATE>>, A MEMBER DESCRIBED IN SUBSECTIONS (2) TO
23 (6) WHO
24 MAKES OR IS CONSIDERED TO HAVE MADE THE ALTERNATIVE ELECTION
25 UNDER SECTION 59(2) (A) SHALL CONTINUE TO CONTRIBUTE THE
26 PERCENTAGE OF THE MEMBER'S ANNUAL SCHOOL FISCAL YEAR EARNED
27 COMPENSATION TO THE RETIREMENT SYSTEM AS PRESCRIBED IN THIS
SECTION UNTIL TERMINATION OF EMPLOYMENT. BEGINNING <<ON THE TRANSITION



Senate Bill No. 1034 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 **DATE>>**, A MEMBER DESCRIBED IN SUBSECTIONS (2) TO (6) WHO MAKES THE
2 ALTERNATIVE ELECTION UNDER SECTION 59(2)(B) SHALL NOT CONTRIBUTE
3 ANY PERCENTAGE OF THE MEMBER'S ANNUAL SCHOOL FISCAL YEAR EARNED
4 COMPENSATION TO THE RETIREMENT SYSTEM UNDER THIS SECTION OR
5 SECTION 43G.

6 Sec. 43e. ~~(1)~~ Except as otherwise provided in this section
7 OR SECTION 91A, beginning July 1, 2010, each member WHO FIRST
8 BECAME A MEMBER BEFORE **<<SEPTEMBER 4>>**, 2012 shall contribute 3% of the
9 member's compensation to the appropriate funding account
10 established under the public employee retirement health care
11 funding act, 2010 PA 77, MCL 38.2731 TO 38.2747. ~~For the school~~
12 ~~fiscal year that begins July 1, 2010, members who were employed~~
13 ~~by a reporting unit and were paid less than \$18,000.00 in the~~
14 ~~prior school fiscal year and members who were hired on or after~~
15 ~~July 1, 2010 with a starting salary less than \$18,000.00 shall~~
16 ~~contribute 1.5% of the member's compensation to the appropriate~~
17 ~~funding account established under the public employee retirement~~
18 ~~health care funding act. For each school fiscal year that begins~~
19 ~~on or after July 1, 2011, members whose yearly salary is less~~
20 ~~than \$18,000.00 shall contribute 3% of the member's compensation~~
21 ~~to the appropriate funding account established under the public~~
22 ~~employee retirement health care funding act. The member~~
23 contributions **UNDER THIS SECTION** shall be deducted by the
24 employer and remitted as employer contributions in a manner that
25 the retirement system shall determine.

26 ~~— (2) As used in this act, SECTION, "funding account" means~~
27 the appropriate irrevocable trust created in the public employee

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 retirement health care funding act, 2010 PA 77, MCL 38.2731 TO
2 38.2747, for the deposit of funds and the payment of retirement
3 health care benefits.

4 SEC. 43G. (1) BEGINNING <<ON THE TRANSITION DATE
5 >>AND ENDING UPON THE MEMBER'S TERMINATION OF
6 EMPLOYMENT OR ATTAINMENT DATE, AS APPLICABLE UNDER SECTION 59(1),
7 EACH MEMBER WHO MADE THE ELECTION UNDER SECTION 59(1) SHALL
8 CONTRIBUTE AN AMOUNT EQUAL TO A PERCENTAGE OF HIS OR HER
9 COMPENSATION TO THE RESERVE FOR EMPLOYEE CONTRIBUTIONS OR TO THE
10 MEMBER INVESTMENT PLAN AS SET FORTH IN SUBDIVISION (A) OR (B), AS
11 APPLICABLE, TO PROVIDE FOR THE AMOUNT OF RETIREMENT ALLOWANCE
12 THAT IS CALCULATED ONLY ON THE CREDITED SERVICE ACCRUED AND
13 COMPENSATION <<FOR THAT MEMBER ON OR AFTER THE TRANSITION DATE.>>
14 SUBJECT TO SUBSECTION (2), THE MEMBER SHALL NOT CONTRIBUTE ANY
15 AMOUNT UNDER THIS SUBSECTION FOR ANY YEARS OF CREDITED SERVICE
16 ACCRUED OR COMPENSATION <<BEFORE THE TRANSITION DATE>>. SUBJECT TO
17 SUBSECTION (2), THE AMOUNT TO BE CONTRIBUTED UNDER THIS
18 SUBSECTION IS AS FOLLOWS:

19 (A) FOR A MEMBER WHO DOES NOT CONTRIBUTE TO THE MEMBER
20 INVESTMENT PLAN AS OF [<<SEPTEMBER 3>>], 2012, 4% OF COMPENSATION TO THE
21 RESERVE FOR EMPLOYEE CONTRIBUTIONS.

22 (B) FOR A MEMBER WHO DOES CONTRIBUTE TO THE MEMBER
23 INVESTMENT PLAN AS OF [<<SEPTEMBER 3>>], 2012, 7% OF COMPENSATION TO THE
24 MEMBER INVESTMENT PLAN.

25 (2) THE RETIREMENT SYSTEM SHALL DETERMINE A METHOD OF
26 DEDUCTING THE CONTRIBUTIONS PROVIDED FOR IN THIS SECTION FROM THE
27 COMPENSATION OF EACH MEMBER FOR EACH PAYROLL AND EACH PAYROLL



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 PERIOD. THE CONTRIBUTIONS UNDER SUBSECTION (1) SHALL NOT EXCEED
2 THE TOTAL NORMAL COST CONTRIBUTION RATE.

3 (3) THE EMPLOYER SHALL PICK UP THE MEMBER CONTRIBUTIONS
4 REQUIRED BY SUBSECTION (1) FOR ALL COMPENSATION <<ON OR AFTER THE
5 TRANSITION DATE>>. CONTRIBUTIONS PICKED UP SHALL BE TREATED
6 AS EMPLOYER CONTRIBUTIONS IN DETERMINING TAX TREATMENT UNDER THE
7 INTERNAL REVENUE CODE. THE EMPLOYER SHALL PAY THESE MEMBER
8 CONTRIBUTIONS FROM THE SAME SOURCE OF FUNDS THAT IS USED IN
9 PAYING COMPENSATION TO THE MEMBER.

10 (4) A MEMBER IS ENTITLED TO THE BENEFIT OF ALL CONTRIBUTIONS
11 MADE UNDER THIS SECTION IN THE SAME MANNER AS PROVIDED UNDER
12 SECTION 29.

13 SEC. 59. (1) THE RETIREMENT SYSTEM SHALL PERMIT EACH
14 QUALIFIED MEMBER TO MAKE AN ELECTION WITH THE RETIREMENT SYSTEM
15 TO CONTINUE TO RECEIVE CREDIT FOR ANY FUTURE SERVICE AND
16 COMPENSATION ON AND AFTER <<THE TRANSITION DATE>>, FOR PURPOSES OF A
17 CALCULATION OF A RETIREMENT ALLOWANCE UNDER SECTION 84B. AS PART
18 OF THE ELECTION UNDER THIS SUBSECTION, THE RETIREMENT SYSTEM
19 SHALL PERMIT THE QUALIFIED MEMBER TO MAKE A DESIGNATION THAT THE
20 CONTRIBUTIONS PRESCRIBED IN SECTION 43G SHALL BE PAID ONLY UNTIL
21 THE MEMBER'S ATTAINMENT DATE. A QUALIFIED MEMBER WHO MAKES THE
22 ELECTION AND THE ATTAINMENT DATE DESIGNATION UNDER THIS
23 SUBSECTION SHALL MAKE THE CONTRIBUTIONS PRESCRIBED IN SECTION 43G
24 ONLY UNTIL THE MEMBER'S ATTAINMENT DATE AND SHALL MAKE THE
25 CONTRIBUTIONS PRESCRIBED IN SECTION 43A ON AND AFTER HIS OR HER
26 ATTAINMENT DATE. A QUALIFIED MEMBER WHO MAKES THE ELECTION AND
27 THE ATTAINMENT DATE DESIGNATION UNDER THIS SUBSECTION SHALL

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 CONTINUE TO RECEIVE CREDIT FOR ANY FUTURE SERVICE ACCRUED AND
2 COMPENSATION EARNED AFTER HIS OR HER ATTAINMENT DATE FOR THE
3 PURPOSE OF THE CALCULATION OF A RETIREMENT ALLOWANCE UNDER
4 SECTION 84B. A QUALIFIED MEMBER WHO MAKES THE ELECTION UNDER THIS
5 SUBSECTION AND WHO DOES NOT MAKE THE ATTAINMENT DATE DESIGNATION
6 OR RESCINDS THE ATTAINMENT DATE DESIGNATION UNDER THIS SUBSECTION
7 SHALL MAKE THE CONTRIBUTIONS PRESCRIBED IN SECTION 43G UNTIL
8 TERMINATION OF EMPLOYMENT. A QUALIFIED MEMBER WHO MAKES THE
9 ELECTION UNDER THIS SUBSECTION AND WHO DOES NOT MAKE THE
10 ATTAINMENT DATE DESIGNATION UNDER THIS SUBSECTION SHALL RECEIVE
11 CREDIT FOR ANY FUTURE SERVICE ACCRUED AND COMPENSATION EARNED FOR
12 THE PURPOSE OF THE CALCULATION OF A RETIREMENT ALLOWANCE UNDER
13 SECTION 84B.

14 (2) THE RETIREMENT SYSTEM SHALL PERMIT EACH QUALIFIED MEMBER
15 TO MAKE AN ALTERNATIVE ELECTION DESCRIBED IN THIS SUBSECTION WITH
16 THE RETIREMENT SYSTEM, IF THE QUALIFIED MEMBER DOES NOT MAKE THE
17 ELECTION OR THE ELECTION AND DESIGNATION UNDER SUBSECTION (1). A
18 QUALIFIED MEMBER WHO DOES NOT MAKE THE ELECTION OR THE ELECTION
19 AND DESIGNATION UNDER SUBSECTION (1) AND WHO DOES NOT MAKE AN
20 ALTERNATIVE ELECTION DESCRIBED IN THIS SUBSECTION IS CONSIDERED
21 TO HAVE MADE THE ALTERNATIVE ELECTION DESCRIBED IN SUBDIVISION
22 (A). A QUALIFIED MEMBER WHO DOES NOT MAKE THE ELECTION OR THE
23 ELECTION AND DESIGNATION UNDER SUBSECTION (1) SHALL BE PERMITTED
24 TO MAKE 1 OF THE FOLLOWING ALTERNATIVE ELECTIONS:

25 (A) TO CONTINUE TO RECEIVE CREDIT FOR ANY FUTURE SERVICE AND
26 COMPENSATION ON AND AFTER <<THE TRANSITION DATE>>, FOR THE PURPOSE OF THE
27 CALCULATION OF A RETIREMENT ALLOWANCE UNDER SECTION 84B. A

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 QUALIFIED MEMBER WHO MAKES OR IS CONSIDERED TO HAVE MADE THE
2 ALTERNATIVE ELECTION IN THIS SUBDIVISION SHALL CONTINUE TO MAKE
3 THE EMPLOYEE CONTRIBUTIONS AS PROVIDED IN SECTION 43A AND SHALL
4 NOT MAKE THE EMPLOYEE CONTRIBUTIONS DESCRIBED IN SECTION 43G.

5 (B) TO FREEZE ALL SERVICE AND COMPENSATION <<TO THAT MEMBER AS OF
6 THE DAY BEFORE THE TRANSITION DATE>> FOR THE PURPOSE OF THE
7 CALCULATION OF A RETIREMENT ALLOWANCE UNDER SECTION 84B AND,
8 BEGINNING <<ON THE TRANSITION DATE>>, TO BE ELIGIBLE FOR THE EMPLOYER
9 CONTRIBUTION TO THE MEMBER'S TIER 2 ACCOUNT AS PROVIDED IN
10 SECTION 84B. BEGINNING <<ON THE TRANSITION DATE>>, A QUALIFIED
11 MEMBER WHO
12 MAKES THE ALTERNATIVE ELECTION IN THIS SUBDIVISION SHALL NOT MAKE
13 THE EMPLOYEE CONTRIBUTIONS DESCRIBED IN SECTION 43A OR 43G.

14 (3) THE RETIREMENT SYSTEM SHALL DETERMINE A METHOD OF
15 ACCEPTING QUALIFIED MEMBER ELECTIONS, DESIGNATIONS, AND
16 ALTERNATIVE ELECTIONS UNDER THIS SECTION. THE RETIREMENT SYSTEM
17 SHALL ACCEPT ELECTIONS, DESIGNATIONS, AND ALTERNATIVE ELECTIONS
18 UNDER THIS SECTION FROM QUALIFIED MEMBERS DURING AN ELECTION
19 PERIOD THAT BEGINS ON <<SEPTEMBER 4>>, 2012 AND ENDS AT 5 P.M. EASTERN
20 DAYLIGHT TIME ON [<<OCTOBER 26>>], 2012. A QUALIFIED MEMBER MAY RESCIND
21 AN ELECTION, DESIGNATION, OR ALTERNATIVE ELECTION BEFORE THE
22 CLOSE OF THE ELECTION PERIOD. AN ELECTION, DESIGNATION, OR
23 ALTERNATIVE ELECTION MADE BY A QUALIFIED MEMBER AND NOT RESCINDED
24 BEFORE THE CLOSE OF THE ELECTION PERIOD SHALL NOT BE RESCINDED.

25 (4) A QUALIFIED MEMBER WHO DOES NOT MAKE OR WHO RESCINDS THE
26 ELECTION UNDER SUBSECTION (1) ON OR BEFORE THE CLOSE OF THE
27 ELECTION PERIOD AND WHO MAKES OR IS CONSIDERED TO HAVE MADE THE
28 ALTERNATIVE ELECTION UNDER SUBSECTION (2) (A) IS SUBJECT TO ALL OF

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 THE FOLLOWING:

2 (A) HE OR SHE CEASES TO RECEIVE CREDIT FOR ANY FUTURE
3 SERVICE AND COMPENSATION FOR PURPOSES OF A CALCULATION OF A
4 RETIREMENT ALLOWANCE AS PRESCRIBED IN SECTION 84, BEGINNING 12
5 MIDNIGHT ON <<THE DAY BEFORE THE TRANSITION DATE>>.

6 (B) HE OR SHE BECOMES SUBJECT TO SECTION 84B FOR ANY FUTURE
7 SERVICE AND COMPENSATION ON OR AFTER 12:01 A.M. ON <<THE TRANSITION
8 DATE>> FOR PURPOSES OF A CALCULATION OF A RETIREMENT ALLOWANCE.

9 (C) HE OR SHE SHALL RECEIVE A RETIREMENT ALLOWANCE
10 CALCULATED UNDER SECTION 84 THAT IS BASED ONLY ON CREDITED
11 SERVICE AND COMPENSATION ALLOWED UNDER SECTION 84B(1) AND (2).
12 THIS SUBDIVISION DOES NOT AFFECT AN INDIVIDUAL'S RIGHT TO HEALTH
13 INSURANCE COVERAGE PROVIDED UNDER SECTION 91 OR CREDIT FOR
14 SERVICE PROVIDED UNDER SECTION 84B(7).

15 (5) A QUALIFIED MEMBER WHO DOES NOT MAKE OR WHO RESCINDS AN
16 ELECTION UNDER SUBSECTION (1) AND WHO MAKES THE ALTERNATIVE
17 ELECTION UNDER SUBSECTION (2) (B) ON OR BEFORE THE CLOSE OF THE
18 ELECTION PERIOD UNDER THIS SECTION IS SUBJECT TO ALL OF THE
19 FOLLOWING:

20 (A) HE OR SHE CEASES TO RECEIVE CREDIT FOR ANY FUTURE
21 SERVICE AND COMPENSATION FOR PURPOSES OF A CALCULATION OF A
22 RETIREMENT ALLOWANCE AS PRESCRIBED IN SECTION 84, BEGINNING 12
23 MIDNIGHT ON <<THE DAY BEFORE THE TRANSITION DATE>>.

24 (B) HE OR SHE BECOMES SUBJECT TO SECTION 84B FOR ANY FUTURE
25 SERVICE AND COMPENSATION ON OR AFTER 12:01 A.M. ON <<THE TRANSITION
26 DATE>> FOR PURPOSES OF A CALCULATION OF A RETIREMENT ALLOWANCE AND
27 ELIGIBILITY FOR THE EMPLOYER CONTRIBUTION TO THE MEMBER'S TIER 2

1 ACCOUNT.

2 (C) HE OR SHE SHALL RECEIVE A RETIREMENT ALLOWANCE
3 CALCULATED UNDER SECTION 84 THAT IS BASED ONLY ON CREDITED
4 SERVICE AND COMPENSATION ALLOWED UNDER SECTION 84B(3) AND (4).
5 THIS SUBDIVISION DOES NOT AFFECT AN INDIVIDUAL'S RIGHT TO HEALTH
6 INSURANCE COVERAGE PROVIDED UNDER SECTION 91 OR CREDIT FOR
7 SERVICE PROVIDED UNDER SECTION 84B(7).

8 (6) A QUALIFIED MEMBER WHO MAKES THE ELECTION AND THE
9 ATTAINMENT DATE DESIGNATION UNDER SUBSECTION (1) AND WHO DOES NOT
10 RESCIND THE ELECTION AND DESIGNATION ON OR BEFORE THE CLOSE OF
11 THE ELECTION PERIOD UNDER THIS SECTION IS SUBJECT TO ALL OF THE
12 FOLLOWING:

13 (A) HE OR SHE CEASES TO RECEIVE CREDIT FOR ANY FUTURE
14 SERVICE AND COMPENSATION FOR PURPOSES OF A CALCULATION OF A
15 RETIREMENT ALLOWANCE AS PRESCRIBED IN SECTION 84, BEGINNING 12
16 MIDNIGHT ON THE MEMBER'S ATTAINMENT DATE.

17 (B) HE OR SHE BECOMES SUBJECT TO SECTION 84B FOR ANY FUTURE
18 SERVICE AND COMPENSATION ON OR AFTER 12:01 A.M. ON THE DAY AFTER
19 THE ATTAINMENT DATE IF HE OR SHE REMAINS EMPLOYED BY AN EMPLOYER.

20 (C) HE OR SHE SHALL RECEIVE A RETIREMENT ALLOWANCE
21 CALCULATED UNDER SECTION 84 THAT IS BASED ONLY ON CREDITED
22 SERVICE AND COMPENSATION ALLOWED UNDER SECTION 84B(5) AND (6).
23 THIS SUBDIVISION DOES NOT AFFECT A PERSON'S RIGHT TO HEALTH
24 INSURANCE COVERAGE PROVIDED UNDER SECTION 91 OR CREDIT FOR
25 SERVICE PROVIDED UNDER SECTION 84B(7).

26 (7) AN INDIVIDUAL WHO IS NOT A QUALIFIED MEMBER, WHO WAS A
27 MEMBER BEFORE JULY 1, 2010, WHO IS A DEFERRED MEMBER OR FORMER



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 NONVESTED MEMBER ON [<<SEPTEMBER 3>>], 2012, AND WHO IS REEMPLOYED ON OR
2 AFTER <<SEPTEMBER 4>>, 2012 SHALL BE TREATED IN THE SAME MANNER AS A
3 MEMBER DESCRIBED IN SUBSECTION (4) AND SHALL BECOME SUBJECT TO
4 SECTION 84B FOR ANY FUTURE SERVICE AND COMPENSATION.

5 (8) ANY MEMBER WHO IS REEMPLOYED ON OR AFTER <<SEPTEMBER 4>>, 2012
6 AND WHO, WHILE A MEMBER, MADE AN ELECTION, DESIGNATION, OR
7 ALTERNATIVE ELECTION OR IS CONSIDERED TO HAVE MADE AN ALTERNATIVE
8 ELECTION UNDER THIS SECTION SHALL BE TREATED AS RETAINING THAT
9 ELECTION, DESIGNATION, OR ALTERNATIVE ELECTION ON HIS OR HER DATE
10 OF REEMPLOYMENT.

11 (9) AS USED IN THIS SECTION:

12 (A) "ATTAINMENT DATE" MEANS THAT TERM AS DEFINED IN SECTION
13 84B.

14 (B) "QUALIFIED MEMBER" MEANS A MEMBER WHO MEETS ALL OF THE
15 FOLLOWING REQUIREMENTS:

16 (i) HE OR SHE FIRST BECAME A MEMBER BEFORE JULY 1, 2010.

17 (ii) HE OR SHE HAS EARNED SERVICE CREDIT IN THE 12 MONTHS

18 ENDING [<<SEPTEMBER 3>>], 2012 OR WAS ON AN APPROVED PROFESSIONAL
19 SERVICES

OR MILITARY LEAVE OF ABSENCE ON [<<SEPTEMBER 3>>], 2012.

20 Sec. 81b. (1) Notwithstanding section 81, a member may
21 retire with a retirement allowance computed according to this
22 section if all of the following apply:

23 (a) The member files a written application with the
24 retirement board within the incentivized retirement application
25 period stating a retirement allowance effective date that is on
26 or after July 1, 2010 but not later than September 1, 2010. A
27 member may withdraw a written application submitted by a member

1 on or before June 11, 2010. A written application submitted by a
2 member and not withdrawn on or before June 11, 2010 is
3 irrevocable.

4 (b) On the last day of the month immediately preceding the
5 retirement allowance effective date stated in the application,
6 the member's combined age and length of credited service is equal
7 to or greater than 80 years or the member is eligible to retire
8 under section 81 with a retirement allowance that is not subject
9 to reduction under section 84(2).

10 (c) The member was employed as a public school employee for
11 the 6-month period ending May 1, 2010. A member who has worked in
12 the 6-month period ending May 1, 2010 and is on layoff or on an
13 approved leave of absence status from reporting unit employment
14 is considered to have met the employment requirement of this
15 subdivision.

16 (2) Upon his or her retirement as provided in this section,
17 a member who retires with a retirement effective date on or
18 before September 1, 2010 shall receive a retirement allowance
19 equal to the member's number of years and fraction of a year of
20 credited service multiplied by 1.6% of the member's final average
21 compensation if the final average compensation is \$90,000.00 or
22 less and the member is eligible to retire under section 81 with a
23 retirement allowance that is not subject to reduction under
24 section 84(2). If the member is eligible to retire under section
25 81 with a retirement allowance that is not subject to reduction
26 under section 84(2) and has a final average compensation that is
27 greater than \$90,000.00, the retirement allowance shall be equal



1 to the member's number of years and fraction of a year of
2 credited service multiplied by 1.6% of his or her final average
3 compensation up to a final average compensation of \$90,000.00 and
4 the remaining portion of the retirement allowance shall be equal
5 to the member's number of years and fraction of a year of
6 credited service multiplied by 1.5% of the portion of final
7 average compensation over \$90,000.00. For members eligible under
8 this section because the member's combined age and length of
9 credited service is equal to or greater than 80 years, upon his
10 or her retirement as provided in this section, a member who
11 retires with a retirement effective date on or before September
12 1, 2010 shall receive a retirement allowance equal to the
13 member's number of years and fraction of a year of credited
14 service multiplied by 1.55% of the member's final average
15 compensation if the final average compensation is \$90,000.00 or
16 less. For members eligible to retire under this section because
17 the member's combined age and length of credited service is equal
18 to or greater than 80 years whose final average compensation is
19 greater than \$90,000.00, the retirement allowance shall be
20 calculated so that the member receives a portion of his or her
21 retirement allowance equal to the member's number of years and
22 fraction of a year of credited service multiplied by 1.55% of his
23 or her final average compensation up to a final average
24 compensation of \$90,000.00 and the remaining portion of the
25 retirement allowance shall be calculated as equal to the member's
26 number of years and fraction of a year of credited service
27 multiplied by 1.5% of the portion of final average compensation



1 over \$90,000.00.

2 (3) Except as otherwise provided in this subsection, the
3 superintendent for a reporting unit or the chief administrator
4 for a reporting unit that does not have a superintendent may
5 extend the effective date of retirement under subsection (1) of a
6 member employed by that reporting unit to a date not later than
7 September 1, 2011. Each reporting unit having a member who elects
8 to retire under this section may extend the retirement effective
9 date of 1 member under this section. Up to an additional 2,500
10 extensions shall be allotted to reporting units using a pro-rata
11 methodology determined by the retirement system. The retirement
12 system shall notify reporting units of any additional extension
13 allotments by May 22, 2010. To make an extension under this
14 subsection, the superintendent or chief administrator shall
15 submit to the retirement system notification of members whose
16 retirement dates the superintendent or chief administrator will
17 extend along with the written concurrence of the member on or
18 before June 15, 2010. The superintendent or chief administrator
19 shall not request, and the retirement system shall not implement,
20 the extension of a member that exceeds the number of extensions
21 allotted to his or her reporting unit.

22 (4) For purposes of this section, "incentivized retirement
23 application period" means the period beginning on ~~the effective~~
24 ~~date of the amendatory act that added this section~~ **MAY 19, 2010**
25 and ending on June 11, 2010.

26 (5) Any additional costs to the retirement system as a
27 result of the retirement allowance calculations under this



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 section shall be amortized over a ~~5-year~~10-YEAR period.

2 SEC. 81D. (1) THE RETIREMENT SYSTEM SHALL PERMIT EACH
3 QUALIFIED PARTICIPANT WHO FIRST BECOMES A QUALIFIED PARTICIPANT
4 AND FIRST WORKS FOR A REPORTING UNIT ON OR AFTER <<SEPTEMBER 4>>,
2012 TO
5 MAKE AN ELECTION TO NOT BECOME A MEMBER OF TIER 1 AND BECOME ONLY
6 A QUALIFIED PARTICIPANT IN TIER 2.

7 (2) THE RETIREMENT SYSTEM SHALL DETERMINE A METHOD OF
8 ACCEPTING ELECTIONS UNDER SUBSECTION (1) AND REPORTING UNITS
9 SHALL SECURE THOSE ELECTIONS DURING THE PERIOD BEGINNING ON THE
10 DATE OF THE INDIVIDUAL'S EMPLOYMENT AND ENDING UPON THE
11 EXPIRATION OF 75 DAYS FROM THE INDIVIDUAL'S FIRST PAYROLL DATE.
12 AN ELECTION UNDER SUBSECTION (1) IS IRREVOCABLE.

13 (3) AN INDIVIDUAL WHO DOES NOT MAKE AN ELECTION FOR ANY
14 REASON ON OR BEFORE THE CLOSE OF THE ELECTION PERIOD IS
15 CONSIDERED TO HAVE MADE AN ELECTION TO BECOME A MEMBER OF TIER 1
16 AND IS SUBJECT TO ALL OF THE FOLLOWING AS OF THE DATE OF HIS OR
17 HER EMPLOYMENT:

18 (A) HE OR SHE IS ELIGIBLE TO ACCRUE ANY SERVICE CREDIT OR
19 QUALIFY FOR ANY RETIREMENT ALLOWANCE UNDER TIER 1 UNDER THE TERMS
20 AS PROVIDED IN SECTION 81C.

21 (B) HE OR SHE IS ALSO A QUALIFIED PARTICIPANT UNDER TIER 2.

22 (4) AN INDIVIDUAL WHO MAKES THE ELECTION UNDER SUBSECTION
23 (1) ON OR BEFORE THE CLOSE OF THE ELECTION PERIOD IS CONSIDERED
24 TO HAVE MADE AN ELECTION TO NOT BECOME A MEMBER OF TIER 1 AND IS
25 SUBJECT TO ALL OF THE FOLLOWING AS OF THE DATE OF HIS OR HER
26 EMPLOYMENT:

27 (A) HE OR SHE IS NOT ELIGIBLE TO ACCRUE ANY SERVICE CREDIT



1 OR QUALIFY FOR ANY RETIREMENT ALLOWANCE UNDER TIER 1 UNDER THE
2 TERMS AS PROVIDED IN SECTION 81C.

3 (B) HE OR SHE IS ONLY A QUALIFIED PARTICIPANT UNDER TIER 2.

4 (5) THE RETIREMENT SYSTEM SHALL COLLECT FROM THE INDIVIDUAL
5 ALL AMOUNTS REQUIRED UNDER SECTIONS 43A AND 131(2) AND SHALL
6 COLLECT ALL REQUIRED EMPLOYER CONTRIBUTIONS REQUIRED UNDER TIER 1
7 FROM HIS OR HER DATE OF EMPLOYMENT. IF AN INDIVIDUAL MAKES A
8 VALID ELECTION UNDER SUBSECTION (1) TO NOT BECOME A MEMBER OF
9 TIER 1, THE RETIREMENT SYSTEM SHALL DETERMINE AND IMPLEMENT A
10 METHOD TO RECONCILE EMPLOYER AND EMPLOYEE CONTRIBUTIONS TO BE
11 DEPOSITED TO TIER 2, AND ANY SUCH EMPLOYEE CONTRIBUTIONS WILL BE
12 CONSIDERED TO BE ELECTIVE CONTRIBUTIONS UNDER SECTION 131.

13 Sec. 84. (1) ~~Except~~ SUBJECT TO SECTION 84B AND EXCEPT as
14 provided in subsection (2), upon the member's retirement from
15 service as provided in section 81, a member shall receive a
16 retirement allowance that equals the product of the member's
17 total years, and fraction of a year, of credited service
18 multiplied by 1.5% of the member's final average compensation. A
19 member shall not be allowed to use more than 15 years of out of
20 system public education service, or more out of system public
21 education service than service performed under this act or former
22 ~~Act No. 136 of the Public Acts of 1945~~ 1945 PA 136 unless, before
23 July 1, 1974, the member applied for out of system public
24 education service credit based upon payment of contributions for
25 the service as required under section 69, or former acts, in
26 which case the total out of system public education service
27 credited, not to exceed 15 years, shall be used to compute the



1 member's retirement allowance if the minimum service requirements
2 performed under this act or former acts or as a state employee
3 under the state employees' retirement act, ~~Act No. 240 of the~~
4 ~~Public Acts of 1943, as amended, 1943 PA 240, MCL 38.1 TO 38.69,~~
5 are met. Credit for state of Michigan service shall be on the
6 same basis for eligibility for retirement provided in this act as
7 if the service were performed under this act, former ~~Act No. 136~~
8 ~~of the Public Acts of 1945, former Act No. 56 of the Public Acts~~
9 ~~of 1941, or former Act No. 184 of the Public Acts of 1937.~~ **1945 PA**
10 **136, FORMER 1941 PA 56, OR FORMER 1937 PA 184.**

11 (2) If a member having less than 30 years credited service
12 retires before the member's sixtieth birthday as provided in
13 section 81, the member's retirement allowance provided in
14 subsection (1) shall be reduced 1/2 of 1% for each month, and
15 fraction of a month, within the period from the effective date of
16 the member's retirement to the date of the member's sixtieth
17 birthday, and shall continue at that same percentage after
18 becoming 60 years of age.

19 (3) The reduction of 1/2 of 1% for each month and fraction
20 of a month from the member's retirement allowance effective date
21 to the date of the member's sixtieth birthday provided for in
22 ~~former Act No. 136 of the Public Acts of 1945, 1945 PA 136,~~
23 applicable to a member who retired before July 1, 1974 and before
24 attainment of age 60, shall not apply to a member who retired
25 before that date, at age 55 or more, having 30 or more years of
26 credited service. The retirement allowance shall be recalculated
27 disregarding the reduction and the person receiving the



1 retirement allowance shall be eligible to receive an adjusted
2 retirement allowance based on the recalculation beginning January
3 1, 1986, but shall not be eligible to receive the adjusted amount
4 attributable to any month beginning before January 1, 1986.

5 (4) The reduction provided for in subsection (2) shall not
6 apply to a member who retires under either section 86 or 87, or
7 to a retirement allowance beneficiary who is granted an allowance
8 under section 43c(c), 89, or 90.

9 (5) The retirement allowance of a person who satisfies the
10 requirements of this subsection shall be recalculated based on
11 1.5% of final average compensation times years of credited
12 service. The person receiving the retirement allowance shall be
13 eligible to receive an adjusted retirement allowance based on the
14 recalculation beginning January 1, 1986, but shall not be
15 eligible to receive the adjusted amount attributable to any month
16 beginning before January 1, 1986. A retirement allowance shall be
17 recalculated under this subsection if 1 of the following applies:

18 (a) The retirement allowance was payable to a retirant or
19 retirement allowance beneficiary under chapter II of former ~~Act~~
20 ~~No. 136 of the Public Acts of 1945~~ **PA 136** and the retirement
21 allowance effective date was on or after July 1, 1956 but before
22 July 1, 1974.

23 (b) The retirement allowance was payable to a plan II
24 retirant or retirement allowance beneficiary under chapter I of
25 former ~~Act No. 136 of the Public Acts of 1945~~ **PA 136** and the
26 retirement allowance effective date was before July 1, 1974.

27 (6) A member retiring pursuant to section 81 who acquires at



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 least 5 years of combined credited service under this act or
2 under former Act No. 136 of the Public Acts of 1945, 1945 PA 136,
3 and who is already in receipt of a retirement allowance under
4 chapter II of former Act No. 136 of the Public Acts of 1945, 1945
5 PA 136, may elect to return to the retirement system any
6 retirement allowance payments received, and receive a single
7 retirement allowance computed on the combined years of service
8 credited under this act and any former act.

9 SEC. 84B. (1) BEGINNING [<<DECEMBER>>] 1, 2012, THE CALCULATION OF
10 A RETIREMENT ALLOWANCE UNDER THIS ACT FOR A MEMBER WHO DID NOT
11 MAKE THE ELECTION UNDER SECTION 59(1) AND WHO MADE OR IS
12 CONSIDERED TO HAVE MADE THE ALTERNATIVE ELECTION UNDER SECTION
13 59(2) (A) SHALL INCLUDE ONLY THE FOLLOWING ITEMS OF CREDITED
14 SERVICE, AS APPLICABLE, MULTIPLIED BY 1.5% OF FINAL AVERAGE
15 COMPENSATION AS PROVIDED IN SECTION 84:

16 (A) THE YEARS AND FRACTION OF A YEAR OF CREDITED SERVICE
17 ACCRUED TO THAT MEMBER BEFORE <<THE TRANSITION DATE>>.

18 (B) SERVICE CREDIT THAT WAS PURCHASED BEFORE [<<DECEMBER>>] 1,
19 2012.

20 (C) SERVICE CREDIT THAT IS PURCHASED UNDER A PAYMENT PLAN
21 PURSUANT TO THIS ACT THAT WAS IN EFFECT AS OF <<NOVEMBER 30>>, 2012.

22 (D) CREDIT FOR YEARS OF SERVICE UNDER SECTIONS 73 AND
23 108(10).

24 (2) BEGINNING <<DECEMBER>> 1, 2012, THE CALCULATION OF A
25 RETIREMENT ALLOWANCE UNDER THIS ACT FOR A MEMBER DESCRIBED IN
26 SUBSECTION (1) SHALL ALSO INCLUDE THE FOLLOWING ITEMS OF CREDITED
27 SERVICE, AS APPLICABLE, MULTIPLIED BY 1.25% OF FINAL AVERAGE

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 COMPENSATION:

2 (A) THE YEARS AND FRACTION OF A YEAR OF CREDITED SERVICE
3 ACCRUED TO THAT MEMBER ON AND AFTER <<THE TRANSITION DATE>>.

4 (B) SERVICE CREDIT THAT WAS PURCHASED ON AND AFTER [<<DECEMBER>>]
5 1, 2012, EXCEPT AS PROVIDED IN SUBSECTION (1) (C) .

6 (3) BEGINNING [<<DECEMBER>>] 1, 2012, THE CALCULATION OF A
7 RETIREMENT ALLOWANCE UNDER THIS ACT FOR A MEMBER WHO DID NOT MAKE
8 THE ELECTION UNDER SECTION 59(1) AND WHO MADE THE ALTERNATIVE
9 ELECTION UNDER SECTION 59(2) (B) SHALL INCLUDE ONLY THE FOLLOWING
10 ITEMS OF CREDITED SERVICE, AS APPLICABLE, MULTIPLIED BY 1.5% OF
11 FINAL AVERAGE COMPENSATION AS PROVIDED IN SECTION 84:

12 (A) THE YEARS AND FRACTION OF A YEAR OF CREDITED SERVICE
13 ACCRUED TO THAT MEMBER BEFORE <<THE TRANSITION DATE>>.

14 (B) SERVICE CREDIT THAT WAS PURCHASED BEFORE [<<DECEMBER>>] 1,
15 2012.

16 (C) SERVICE CREDIT THAT IS PURCHASED UNDER A PAYMENT PLAN
17 PURSUANT TO THIS ACT THAT WAS IN EFFECT AS OF [<<NOVEMBER 30>>], 2012.

18 (D) CREDIT FOR YEARS OF SERVICE UNDER SECTIONS 73 AND
19 108(10) .

20 (4) BEGINNING [<<DECEMBER>>] 1, 2012, THE CALCULATION OF A
21 RETIREMENT ALLOWANCE UNDER THIS ACT FOR A MEMBER DESCRIBED IN
22 SUBSECTION (3) SHALL NOT INCLUDE ANY YEAR OR FRACTION OF A YEAR
23 OF SERVICE PERFORMED BY THAT MEMBER ON AND AFTER <<THE TRANSITION DATE>>
24 OR ANY SERVICE CREDIT THAT IS PURCHASED BY THAT MEMBER AFTER
25 [<<DECEMBER>>] 1, 2012, EXCEPT AS PROVIDED IN SUBSECTION (3) (C) .
26 BEGINNING WITH THE FIRST PAYROLL DATE AFTER <<THE TRANSITION DATE>>, AND
27 ENDING UPON THE MEMBER'S TERMINATION OF SERVICE, THE EMPLOYER OF

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 A MEMBER DESCRIBED IN SUBSECTION (3) SHALL CONTRIBUTE 4% OF THE
2 MEMBER'S COMPENSATION AS DEFINED IN SECTION 122(2) TO THE
3 MEMBER'S TIER 2 ACCOUNT. A MEMBER IS VESTED IN EMPLOYER
4 CONTRIBUTIONS MADE UNDER THIS SUBSECTION ACCORDING TO THE VESTING
5 PROVISIONS UNDER SECTION 132. A MEMBER SHALL BE CREDITED WITH
6 YEARS OF SERVICE ACCRUED UNDER TIER 1 AS OF <<THE TRANSITION DATE>> FOR
7 PURPOSES OF MEETING THE APPLICABLE VESTING REQUIREMENTS.

8 (5) BEGINNING [<<DECEMBER>>] 1, 2012, THE CALCULATION OF A
9 RETIREMENT ALLOWANCE UNDER THIS ACT FOR A MEMBER WHO MAKES THE
10 ELECTION AND ATTAINMENT DATE DESIGNATION UNDER SECTION 59(1)
11 SHALL INCLUDE ONLY THE FOLLOWING ITEMS OF CREDITED SERVICE, AS
12 APPLICABLE, MULTIPLIED BY 1.5% OF FINAL AVERAGE COMPENSATION AS
13 PROVIDED IN SECTION 84:

14 (A) THE YEARS AND FRACTION OF A YEAR OF CREDITED SERVICE
15 ACCRUED TO THAT MEMBER ON OR BEFORE THE ATTAINMENT DATE.

16 (B) SERVICE CREDIT THAT WAS PURCHASED ON OR BEFORE THE
17 ATTAINMENT DATE.

18 (C) SERVICE CREDIT THAT IS PURCHASED UNDER A PAYMENT PLAN
19 PURSUANT TO THIS ACT THAT WAS IN EFFECT AS OF THE ATTAINMENT
20 DATE.

21 (D) CREDIT FOR YEARS OF SERVICE UNDER SECTIONS 73 AND
22 108(10).

23 (6) BEGINNING [<<DECEMBER>>] 1, 2012, THE CALCULATION OF A
24 RETIREMENT ALLOWANCE UNDER THIS ACT FOR A MEMBER DESCRIBED IN
25 SUBSECTION (5) SHALL ALSO INCLUDE THE FOLLOWING ITEMS OF CREDITED
26 SERVICE, AS APPLICABLE, MULTIPLIED BY 1.25% OF FINAL AVERAGE
27 COMPENSATION:



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 (A) THE YEARS AND FRACTION OF A YEAR OF CREDITED SERVICE
2 ACCRUED TO THAT MEMBER ON AND AFTER THE ATTAINMENT DATE.

3 (B) SERVICE CREDIT THAT WAS PURCHASED ON AND AFTER THE
4 ATTAINMENT DATE, EXCEPT AS PROVIDED IN SUBSECTION (5) (C).

5 (7) BEGINNING <<ON THE TRANSITION DATE>>, A MEMBER DESCRIBED IN
6 SUBSECTION (1), (3), OR (5) SHALL CONTINUE TO ACCUMULATE YEARS OF
7 SERVICE CREDIT AS NECESSARY FOR THE PURPOSE OF VESTING IN A
8 RETIREMENT ALLOWANCE AND TO DETERMINE WHEN A RETIREMENT ALLOWANCE
9 MAY BEGIN UNDER THIS ACT, REGARDLESS OF WHEN THE SERVICE CREDIT
10 WAS ACCRUED, EXCEPT AS OTHERWISE PROVIDED IN SECTION 59(8). A
11 MEMBER DESCRIBED IN SUBSECTION (1), (3), OR (5) SHALL CONTINUE TO
12 BE TREATED AS A MEMBER FOR ALL PURPOSES, EXCEPT AS OTHERWISE
13 PROVIDED IN SECTION 59(8) AND EXCEPT FOR THE LIMITATIONS ON
14 CREDITED SERVICE AND CALCULATION OF A RETIREMENT ALLOWANCE AS
15 PROVIDED IN SUBSECTIONS (1) THROUGH (6).

16 (8) THE CALCULATION OF A RETIREMENT ALLOWANCE UNDER THIS ACT
17 FOR A MEMBER WHO MAKES THE ELECTION UNDER SECTION 59(1) BUT WHO
18 DOES NOT MAKE THE ATTAINMENT DATE DESIGNATION UNDER SECTION 59(1)
19 SHALL INCLUDE ALL ITEMS OF CREDITED SERVICE ACCRUED TO THAT
20 MEMBER, REGARDLESS OF WHEN THE SERVICE CREDIT WAS ACCRUED, WHICH
21 SHALL BE MULTIPLIED BY 1.5% OF FINAL AVERAGE COMPENSATION AS
22 PROVIDED IN SECTION 84.

23 (9) AS USED IN THIS SECTION, "ATTAINMENT DATE" MEANS THE
24 FINAL DAY OF THE PAY PERIOD IN WHICH THE MEMBER ATTAINS 30 YEARS
25 OF CREDITED SERVICE.

26 Sec. 91. (1) Except as otherwise provided in this section,
27 the retirement system shall pay the entire monthly premium or

Senate Bill No. 1040 (H-3) as amended June 14, 2012

1 membership or subscription fee for hospital, medical-surgical,
 2 and sick care benefits for the benefit of a retirant or
 3 retirement allowance beneficiary who elects coverage in the plan
 4 authorized by the retirement board and the department. **EXCEPT AS**
 5 **OTHERWISE PROVIDED IN THIS SECTION, BEGINNING JANUARY 1, 2013,**
 6 **THE RETIREMENT SYSTEM SHALL PAY 80% OF THE ENTIRE MONTHLY PREMIUM**
 7 **OR MEMBERSHIP OR SUBSCRIPTION FEE FOR HOSPITAL, MEDICAL-SURGICAL,**
 8 **AND SICK CARE BENEFITS FOR THE BENEFIT OF A RETIRANT OR**
 9 **RETIREMENT ALLOWANCE BENEFICIARY WHO ELECTS COVERAGE IN THE PLAN**
 10 **AUTHORIZED BY THE RETIREMENT BOARD AND THE DEPARTMENT.**
 11 **[EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (7) TO (15), FOR A**
 12 **RETIRANT OR RETIREMENT ALLOWANCE BENEFICIARY WHO IS ENROLLED IN THE**
 13 **HOSPITAL, MEDICAL-SURGICAL, AND SICK CARE BENEFITS PLAN ON JANUARY 1,**
 14 **2013 AND WHO IS ELIGIBLE FOR MEDICARE]**
 15 **ON THAT DATE, THE RETIREMENT SYSTEM SHALL PAY 90% OF THE ENTIRE**
 16 **MONTHLY PREMIUM OR MEMBERSHIP OR SUBSCRIPTION FEE FOR HOSPITAL,**
 17 **MEDICAL-SURGICAL, AND SICK CARE BENEFITS FOR THE BENEFIT OF A**
 18 **RETIRANT OR RETIREMENT ALLOWANCE BENEFICIARY WHO ELECTS COVERAGE**
 19 **IN THE PLAN AUTHORIZED BY THE RETIREMENT BOARD AND THE**
 20 **DEPARTMENT.** Except as otherwise provided in subsection (8), this
 21 subsection does not apply to a retirant who first becomes a
 22 member after June 30, 2008.

23 (2) The retirement system may pay up to the maximum of the
 24 amount payable under subsection (1) toward the monthly premium
 25 for hospital, medical-surgical, and sick care benefits for the
 26 benefit of a retirant or retirement allowance beneficiary
 27 enrolled in a group health insurance or prepaid service plan not



Senate Bill No. 1040 (H-3) as amended June 14, 2012

1 authorized by the retirement board and the department, if
2 enrolled before June 1, 1975, for whom the retirement system on
3 July 18, 1983 was making a payment towards his or her monthly
4 premium.

5 (3) A retirant or retirement allowance beneficiary receiving
6 hospital, medical-surgical, and sick care benefits coverage under
7 subsection (1) or (2), until eligible for medicare, shall have an
8 amount equal to the cost chargeable to a medicare recipient for
9 part B of medicare deducted from his or her retirement allowance.

10 (4) ~~The~~ **UNTIL DECEMBER 31, 2012, THE** retirement system shall
11 pay 90% of the monthly premium or membership or subscription fee
12 for dental[**AND VISION**] benefits for the benefit of a
13 retirant or retirement allowance beneficiary who elects coverage
14 in the plan authorized by the retirement board and the
15 department. **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
16 **BEGINNING JANUARY 1, 2013, THE RETIREMENT SYSTEM SHALL PAY 80% OF**
17 **THE MONTHLY PREMIUM OR MEMBERSHIP OR SUBSCRIPTION FEE FOR DENTAL [**
18 **AND VISION**] **BENEFITS FOR THE BENEFIT OF A RETIRANT OR**
19 **RETIREMENT ALLOWANCE BENEFICIARY WHO ELECTS COVERAGE IN THE PLAN**
20 **AUTHORIZED BY THE RETIREMENT BOARD AND THE DEPARTMENT.**
21 **[EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (7) TO (15), FOR A RETIRANT**
22 **OR RETIREMENT ALLOWANCE BENEFICIARY WHO IS ENROLLED IN THE DENTAL AND**
23 **VISION PLAN ON JANUARY 1, 2013 AND WHO IS**
24 **] 65 YEARS OF AGE OR OLDER**
25 **ON THAT DATE, THE RETIREMENT SYSTEM SHALL PAY 90% OF THE ENTIRE**
26 **MONTHLY PREMIUM OR MEMBERSHIP OR SUBSCRIPTION FEE FOR [DENTAL**
27 **AND VISION**] **BENEFITS FOR THE BENEFIT OF A**



House Bill No. 1040 (H-3) as amended June 14, 2012

1 RETIRANT OR RETIREMENT ALLOWANCE BENEFICIARY WHO ELECTS COVERAGE
 2 IN THE PLAN AUTHORIZED BY THE RETIREMENT BOARD AND THE
 3 DEPARTMENT. Payments shall begin under this subsection upon
 4 approval by the retirement board and the department of plan
 5 coverage and a plan provider. Except as otherwise provided in
 6 subsection (8), this subsection does not apply to a retirant who
 7 first becomes a member after June 30, 2008.

8 (5) ~~The~~ UNTIL DECEMBER 31, 2012, THE retirement system shall
 9 pay up to 90% of the maximum of the amount payable under

10 subsection (1) toward the monthly premium or membership or
 11 subscription fee for hospital, medical-surgical, and sick care
 12 benefits coverage described in subsections (1) and (2) for each
 13 health insurance dependent of a retirant receiving benefits under
 14 subsection (1) or (2). ~~Payment~~ UNTIL DECEMBER 31, 2012, PAYMENT

15 shall not exceed 90% of the actual monthly premium or membership

16 or subscription fee. [EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (7)
 THROUGH (15), FOR A HEALTH INSURANCE DEPENDENT WHO IS ENROLLED IN THE
 HOSPITAL, MEDICAL-SURGICAL, AND SICK CARE BENEFIT PLAN ON JANUARY 1, 2013
 AND WHO IS ELIGIBLE FOR MEDICARE ON THAT DATE, THE RETIREMENT SYSTEM
 SHALL PAY 90% OF THE ENTIRE MONTHLY PREMIUM OR MEMBERSHIP OR SUBSCRIPTION
 FEE FOR HOSPITAL, MEDICAL-SURGICAL, AND SICK CARE BENEFITS FOR THE
 BENEFIT OF EACH HEALTH INSURANCE DEPENDENT OF A RETIRANT RECEIVING
 BENEFITS UNDER SUBSECTION (1) OR (2).] ~~The~~ UNTIL DECEMBER 31, 2012, THE
 retirement

17 system shall pay 90% of the monthly premium or membership or
 18 subscription fee for dental [~~vision, and hearing~~ AND VISION] benefits
 19 described in subsection (4) for the benefit of each health
 20 insurance dependent of a retirant receiving benefits under

21 subsection (4). BEGINNING JANUARY 1, 2013, ANY PAYMENT DESCRIBED

22 IN THIS SUBSECTION SHALL NOT EXCEED 80% OF THE ACTUAL MONTHLY

23 PREMIUM OR MEMBERSHIP OR SUBSCRIPTION FEE. [EXCEPT AS OTHERWISE

24 PROVIDED IN SUBSECTIONS (7) TO (15), FOR A HEALTH INSURANCE

25 DEPENDENT OF A RETIRANT WHO IS ENROLLED IN THE DENTAL AND VISION

26 PLAN ON JANUARY 1, 2013 AND WHO IS

] 65 YEARS OF AGE OR OLDER ON THAT DATE, THE

Senate Bill No. 1040 (H-3) as amended June 14, 2012

1 RETIREMENT SYSTEM SHALL PAY 90% OF THE ENTIRE MONTHLY PREMIUM OR
2 MEMBERSHIP OR SUBSCRIPTION FEE FOR DENTAL [AND VISION]
3 BENEFITS FOR THE BENEFIT OF EACH HEALTH INSURANCE DEPENDENT OF
4 THE RETIRANT RECEIVING BENEFITS UNDER SUBSECTION (4). Payment
5 for health benefits coverage for a health insurance dependent of
6 a retirant shall not be made after the retirant's death, unless
7 the retirant designated a retirement allowance beneficiary as
8 provided in section 85 and the dependent was covered or eligible
9 for coverage as a health insurance dependent of the retirant on
10 the retirant's date of death. Payment for health benefits
11 coverage shall not be made for a health insurance dependent after
12 the later of the retirant's death or the retirement allowance
13 beneficiary's death. Payment under this subsection and subsection
14 (6) began October 1, 1985 for health insurance dependents who on
15 July 10, 1985 were covered by the hospital, medical-surgical, and
16 sick care benefits plan authorized by the retirement board and
17 the department. Payment under this subsection and subsection (6)
18 for other health insurance dependents shall not begin before
19 January 1, 1986. Except as otherwise provided in subsection (8),
20 this subsection does not apply to a retirant who first becomes a
21 member after June 30, 2008.

22 (6) The payment described in subsection (5) shall also be
23 made for each health insurance dependent of a deceased member or
24 deceased duty disability retirant if a retirement allowance is
25 being paid to a retirement allowance beneficiary because of the
26 death of the member or duty disability retirant as provided in
27 section 43c(c), 89, or 90. Payment for health benefits coverage



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 for a health insurance dependent shall not be made after the
2 retirement allowance beneficiary's death.

3 (7) The payments provided by this section shall not be made
4 on behalf of a retiring section 82 deferred member or health
5 insurance dependent of a deferred member having less than 21 full
6 years of attained credited service or the retiring deferred
7 member's retirement allowance beneficiary, and shall not be made
8 on behalf of a retirement allowance beneficiary of a deferred
9 member who dies before retiring. The retirement system shall pay,
10 on behalf of a retiring section 82 deferred member or health
11 insurance dependent of a deferred member or a retirement
12 allowance beneficiary of a deceased deferred member, either of
13 whose allowance is based upon not less than 21 years of attained
14 credited service, 10% of the payments provided by this section,
15 increased by 10% for each attained full year of credited service
16 beyond 21 years, not to exceed 100% **OF THE PAYMENTS PROVIDED BY**
17 **THIS SECTION**. This subsection applies to any member who first
18 became a member on or before June 30, 2008 and attains deferred
19 status under section 82 after October 31, 1980.

20 (8) For a member or deferred member who first becomes a
21 member after June 30, 2008 **AND BEFORE <<SEPTEMBER 4>>, 2012**, the
22 retirement system shall pay up to ~~90%~~**80%** of the monthly premium
23 or membership or subscription fee for the hospital, medical-
24 surgical, and sick care benefits plan, the dental plan, **[AND]** vision
25 plan, ~~[and hearing plan,]~~ or any combination of the plans for the
26 benefit of the retirant and his or her retirement allowance
27 beneficiary and health insurance dependents, or for the benefit

Senate Bill No. 1040 (H-3) as amended June 14, 2012

1 of the deceased member's retirement allowance beneficiary if the
2 retirant or deceased member has 25 years or more of service
3 credit under this act, and the retirant, deceased retirant, or
4 deceased member was at least 60 years of age at the time of
5 application for benefits under this section. If the retirant or
6 deceased member is less than 60 years of age at the time of
7 application for benefits under this section, the retirement
8 system shall pay ~~90%~~ 80% of the monthly premium or membership or
9 subscription fee for the hospital, medical-surgical, and sick
10 care benefits plan, the dental plan, [AND] vision plan, [~~and hearing~~
11 ~~plan,~~] or any combination of the plans for the benefit of the
12 retirant and his or her retirement allowance beneficiary and the
13 retirant's health insurance dependents, or for the benefit of the
14 deceased member's retirement allowance beneficiary if the
15 retirant or deceased member has 25 or more years of service
16 credit granted under section 68. If a retirant, deceased
17 retirant, or deceased member described in this subsection has 10
18 or more but less than 25 years of service credit under this act
19 and the retirant was at least 60 years of age at the time of
20 application for benefits under this section, the retirement
21 system shall pay a portion of the monthly premium or membership
22 or subscription fee for the plans or combination of plans equal
23 to the product of 3% and the retirant's, deceased retirant's, or
24 deceased member's years of service for the first 10 years and 4%
25 for each year after the first 10 years, **UP TO 80%**. This
26 subsection does not apply to a member who receives a disability
27 retirement allowance under section 86 or 87 or to a deceased



Senate Bill No. 1040 (H-3) as amended June 14, 2012

1 member's retirement allowance beneficiary under section 90.

2 (9) The retirement system shall not pay the premiums or
3 membership or subscription fees under subsection (8) until the
4 retirant or retirement allowance beneficiary requests enrollment
5 in the plans or combination of plans in writing in the manner
6 prescribed by the retirement system. Not more than 1 ~~year's~~ **YEAR**
7 **OF** service credit shall be counted for purposes of **THIS**
8 subsection ~~(8)~~ and ~~this~~ subsection **(8)** in any school fiscal year.

9 (10) A member who retires under section 43b or 81 and who
10 elects to purchase service credit on or after July 1, 2008 is not
11 eligible for payments under this section for the hospital,
12 medical-surgical, and sick care benefits plan, the dental plan, **[OR]**
13 vision plan, ~~[or hearing plan,]~~ or any combination of the plans
14 described in this section until the first date that the member
15 would have been eligible to retire under section 43b or 81 if he
16 or she had not purchased the service credit and had accrued a
17 sufficient amount of service credit under section 68. A member
18 who first becomes a member on or after July 1, 2008 shall not be
19 eligible for health benefits under this subsection until at least
20 the time of application under subsection (8). The retirement
21 system shall apply a method that enables it to make the
22 determination under this subsection.

23 (11) Except for a member who retires under section 86 or 87
24 or a member who meets the requirements under subsection (7) or
25 (8), the retirement system shall not pay the benefits provided in
26 subsection (1) or (4) unless the member was employed and has
27 received a minimum total of 1/2 of a year of service credit



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 granted pursuant to section 68 during the 2 school fiscal years
2 immediately preceding the member's retirement allowance effective
3 date or the member has received a minimum of 1/10 of a year of
4 service credit granted pursuant to section 68 during each of the
5 5 school fiscal years immediately preceding the member's
6 retirement allowance effective date. This subsection does not
7 apply to a member who is unable to meet the service credit
8 requirements of this subsection because of 1 or more periods of
9 unpaid leaves of absence approved by the reporting unit during
10 the period of leave of absence, as a result of a mental or
11 physical disability supported by the member's doctor during the
12 period of leave of absence.

13 (12) Any retirant or retirement allowance beneficiary
14 excluded from payments under this section may participate in the
15 hospital, medical-surgical, and sick care benefits plan, the
16 dental plan, [OR] vision plan, [~~or hearing plan,~~] or any combination of
17 the plans described in this section in the manner prescribed by
18 the retirement system at his or her own cost.

19 (13) The hospital, medical-surgical, and sick care benefits
20 plan, dental plan, [AND] vision plan<<7>> [~~and hearing plan~~] that covers
21 retirants, retirement allowance beneficiaries, and health
22 insurance dependents pursuant to this section shall contain a
23 coordination of benefits provision that provides all of the
24 following:

25 (a) If the person covered under the hospital, medical-
26 surgical, and sick care benefits plan is also eligible for
27 medicare or medicaid, or both, then the benefits under medicare

1 or medicaid, or both, shall be determined before the benefits of
2 the hospital, medical-surgical, and sick care benefits plan
3 provided pursuant to this section.

4 (b) If the person covered under any of the plans provided by
5 this section is also covered under another plan that contains a
6 coordination of benefits provision, the benefits shall be
7 coordinated as provided by the coordination of benefits act, 1984
8 PA 64, MCL 550.251 to 550.255.

9 (c) If the person covered under any of the plans provided by
10 this section is also covered under another plan that does not
11 contain a coordination of benefits provision, the benefits under
12 the other plan shall be determined before the benefits of the
13 plan provided pursuant to this section.

14 (14) Beginning January 1, 2009, upon the death of the
15 retirant, a retirement allowance beneficiary who became a
16 retirement allowance beneficiary under section 85(8) or (9) is
17 not a health insurance dependent and is not entitled to health
18 benefits under this section except as provided in this
19 subsection. Beginning January 1, 2009, a surviving spouse
20 selected as a retirement allowance beneficiary under section
21 85(8) or (9) may elect the insurance coverages provided in this
22 section ~~provided that~~ **IF** payment for the elected coverages is the
23 responsibility of the surviving spouse and is paid in a manner
24 prescribed by the retirement system.

25 **(15) THIS SECTION DOES NOT APPLY TO A RETIRANT OR A HEALTH**
26 **INSURANCE DEPENDENT OF THAT RETIRANT UNDER EITHER OF THE**
27 **FOLLOWING CIRCUMSTANCES:**



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

(A) THE INDIVIDUAL FIRST BECAME A MEMBER OR QUALIFIED
PARTICIPANT ON OR AFTER <<SEPTEMBER 4>>, 2012.

(B) THE MEMBER MADE THE ELECTION TO OPT OUT OF HEALTH
INSURANCE COVERAGE OR RECEIVES A SEPARATE RETIREMENT ALLOWANCE
UNDER SECTION 91A.

(16) ~~(15)~~—For purposes of this section:

(a) "Health insurance dependent" means any of the following:

(i) Except as provided in subsection (14), the spouse of the
retirant or the surviving spouse to whom the retirant or deceased
member was married at the time of the retirant's or deceased
member's death.

(ii) An unmarried child, by birth or adoption, of the
retirant or deceased member, until December 31 of the calendar
year in which the child becomes 19 years of age.

(iii) An unmarried child, by birth or adoption, of the
retirant or deceased member, until December 31 of the calendar
year in which the child becomes 25 years of age, who is enrolled
as a full-time student, and who is or was at the time of the
retirant's or deceased member's death a dependent of the retirant
or deceased member as defined in section 152 of the internal
revenue code, 26 USC 152.

(iv) An unmarried child, by birth or adoption, of the
retirant or deceased member who is incapable of self-sustaining
employment because of mental or physical disability, and who is
or was at the time of the retirant's or deceased member's death a
dependent of the retirant or deceased member as defined in
section 152 of the internal revenue code, 26 USC 152.



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

(v) The parents of the retirant or deceased member, or the parents of his or her spouse, who are residing in the household of the retirant or retirement allowance beneficiary.

(vi) An unmarried child who is not the child by birth or adoption of the retirant or deceased member but who otherwise qualifies to be a health insurance dependent under subparagraph (ii), (iii), or (iv), if the retirant or deceased member is the legal guardian of the unmarried child.

(b) "Medicaid" means benefits under the federal medicaid program established under title XIX of the social security act, 42 USC 1396 to ~~1396v~~-1396W-5.

(c) "Medicare" means benefits under the federal medicare program established under title XVIII of the social security act, 42 USC 1395 to ~~1395hhh~~-1395KKK.

SEC. 91A. (1) AN INDIVIDUAL WHO FIRST BECAME A MEMBER OR QUALIFIED PARTICIPANT ON OR AFTER <<SEPTEMBER 4>>, 2012 OR WHO MADE THE ELECTION UNDER SUBSECTION (5) SHALL NOT RECEIVE ANY HEALTH INSURANCE COVERAGE PREMIUM FROM THE RETIREMENT SYSTEM FOR ANY BENEFITS UNDER SECTION 91 OR AS A RESULT OF BENEFITS PROVIDED UNDER SECTION 86, 87, OR 89. IN LIEU OF ANY OF THESE BENEFITS THAT MIGHT HAVE BEEN PAID BY THE RETIREMENT SYSTEM, A MEMBER'S OR QUALIFIED PARTICIPANT'S EMPLOYER SHALL MAKE A MATCHING CONTRIBUTION UP TO 2% OF THE MEMBER'S OR QUALIFIED PARTICIPANT'S COMPENSATION TO TIER 2 FOR EACH MEMBER WHO FIRST BECAME A MEMBER OR QUALIFIED PARTICIPANT ON OR AFTER <<SEPTEMBER 4>>, 2012 OR WHO MADE THE ELECTION UNDER SUBSECTION (5). A MATCHING CONTRIBUTION UNDER THIS SUBSECTION SHALL NOT BE USED AS THE BASIS FOR A LOAN FROM AN

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 EMPLOYEE'S TIER 2 ACCOUNT. [IF THE DEPARTMENT OR RETIREMENT SYSTEM OFFERS
A HEALTH EXPENDITURE ACCOUNT OR SIMILAR ACCOUNT FOR THE PURPOSE OF
MANAGING A MEMBER'S HEALTH CARE FUNDS UNDER THIS SECTION, AS PERMITTED
BY STATE OR FEDERAL LAW, THE DEPARTMENT OR RETIREMENT SYSTEM SHALL ISSUE
A REQUEST FOR PROPOSALS BEFORE IMPLEMENTATION OF THAT HEALTH EXPENDITURE
ACCOUNT OR SIMILAR ACCOUNT.]

2 (2) AN INDIVIDUAL WHO FIRST BECAME A MEMBER OR QUALIFIED
3 PARTICIPANT ON OR AFTER <<SEPTEMBER 4>>, 2012 OR WHO MADE THE ELECTION
4 UNDER SUBSECTION (5) MAY MAKE A CONTRIBUTION UP TO 2% OF THE
5 MEMBER'S OR QUALIFIED PARTICIPANT'S COMPENSATION TO A TIER 2
6 ACCOUNT. A MEMBER OR QUALIFIED PARTICIPANT DESCRIBED IN THIS
7 SUBSECTION MAY MAKE ADDITIONAL CONTRIBUTIONS TO HIS OR HER TIER 2
8 ACCOUNT AS PERMITTED BY THE DEPARTMENT AND THE INTERNAL REVENUE
9 CODE.

10 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
11 MEMBER OR QUALIFIED PARTICIPANT IS VESTED IN CONTRIBUTIONS MADE
12 TO HIS OR HER TIER 2 ACCOUNT UNDER SUBSECTIONS (1) AND (2)
13 ACCORDING TO THE VESTING PROVISIONS UNDER SECTION 132. A MEMBER
14 WHO IS ELIGIBLE FOR THE PAYMENT OF HEALTH INSURANCE COVERAGE
15 PREMIUMS BY THE RETIREMENT SYSTEM AS A RESULT OF BENEFITS
16 PROVIDED UNDER SECTION 90 IS NOT VESTED IN ANY EMPLOYER
17 CONTRIBUTIONS UNDER SUBSECTION (1) AND FORFEITS THE EMPLOYER
18 CONTRIBUTIONS AND EARNINGS ON THOSE CONTRIBUTIONS.

19 (4) THE CONTRIBUTIONS DESCRIBED IN THIS SECTION SHALL BEGIN
20 WITH THE FIRST PAYROLL DATE AFTER THE MEMBER OR QUALIFIED
21 PARTICIPANT IS EMPLOYED OR ON OR AFTER <<THE TRANSITION DATE>> FOR A
22 MEMBER WHO MAKES THE ELECTION UNDER SUBSECTION (5) AND END UPON
23 HIS OR HER TERMINATION OF EMPLOYMENT.

24 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEGINNING
25 <<SEPTEMBER 4>>, 2012 AND ENDING AT 5 P.M. EASTERN DAYLIGHT TIME ON
26 [<<OCTOBER 26>>], 2012, THE RETIREMENT SYSTEM SHALL PERMIT EACH QUALIFIED
27 MEMBER TO MAKE AN ELECTION TO OPT OUT OF HEALTH INSURANCE



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 COVERAGE PREMIUMS THAT WOULD HAVE BEEN PAID BY THE RETIREMENT
2 SYSTEM UNDER SECTION 91 AND OPT INTO THE TIER 2 ACCOUNT
3 PROVISIONS OF THIS SECTION EFFECTIVE <<ON THE TRANSITION DATE>>. A
4 QUALIFIED
5 MEMBER WHO MAKES THE ELECTION UNDER THIS SUBSECTION SHALL CEASE
6 ACCRUING YEARS OF SERVICE CREDIT FOR PURPOSES OF CALCULATING A
7 PORTION OF THE HEALTH INSURANCE COVERAGE PREMIUMS THAT WOULD HAVE
8 BEEN PAID BY THE RETIREMENT SYSTEM UNDER SECTION 91 AS IF THAT
9 SECTION CONTINUED TO APPLY.

10 (6) A QUALIFIED MEMBER WHO DOES NOT MAKE THE ELECTION UNDER
11 SUBSECTION (5) CONTINUES TO BE ELIGIBLE FOR THE PAYMENT OF HEALTH
12 INSURANCE COVERAGE PREMIUMS BY THE RETIREMENT SYSTEM UNDER
13 SECTION 91 AND IS NOT ELIGIBLE FOR THE TIER 2 ACCOUNT PROVISIONS
14 OF THIS SECTION. AN INDIVIDUAL WHO IS NOT A QUALIFIED MEMBER, WHO
15 IS A FORMER MEMBER ON [<<SEPTEMBER 3>>], 2012, AND WHO IS REEMPLOYED BY
16 AN
17 EMPLOYER ON OR AFTER <<SEPTEMBER 4>>, 2012 SHALL BE TREATED IN THE SAME
18 MANNER AS A MEMBER DESCRIBED IN THIS SUBSECTION WHO DID NOT MAKE
19 THE ELECTION UNDER SUBSECTION (5).

20 (7) THE RETIREMENT SYSTEM SHALL CALCULATE AN AMOUNT TO BE
21 CREDITED TO A TIER 2 ACCOUNT FOR EACH MEMBER WHO MAKES THE
22 ELECTION UNDER SUBSECTION (5). THE AMOUNT DESCRIBED IN THIS
23 SUBSECTION SHALL BE AN AMOUNT EQUAL TO THE CONTRIBUTIONS MADE BY
24 THE MEMBER UNDER SECTION 43E. A MEMBER WHO MAKES THE ELECTION
25 UNDER SUBSECTION (5) SHALL CEASE MAKING CONTRIBUTIONS UNDER
26 SECTION 43E AS DETERMINED BY THE RETIREMENT SYSTEM, BUT NO LATER
27 THAN THE FIRST PAYROLL DATE AFTER <<THE TRANSITION DATE>>. THE AMOUNT
28 CALCULATED UNDER THIS SUBSECTION SHALL BE DEPOSITED <<AS AN EMPLOYER
29 CONTRIBUTION>> INTO THE
30 MEMBER'S TIER 2 ACCOUNT AS DETERMINED BY THE RETIREMENT SYSTEM,

Senate Bill No. 1040 as amended August 15, 2012

1 BUT NO LATER THAN THE FIRST PAYROLL DATE AFTER <<FEBRUARY>> 1, 2013. A
2 MEMBER IS IMMEDIATELY 100% VESTED IN AMOUNTS DEPOSITED TO HIS OR
3 HER TIER 2 ACCOUNT UNDER THIS SUBSECTION.

4 (8) A MEMBER OR FORMER MEMBER WHO DOES NOT MAKE THE ELECTION
5 UNDER SUBSECTION (5), WHO IS 60 YEARS OF AGE OR OLDER, WHO DOES
6 NOT QUALIFY FOR THE PAYMENT OF HEALTH INSURANCE COVERAGE PREMIUMS
7 BY THE RETIREMENT SYSTEM UNDER SECTION 91, AND WHO FILES AN
8 APPLICATION WITH THE RETIREMENT SYSTEM ON OR AFTER TERMINATION OF
9 EMPLOYMENT SHALL RECEIVE A SEPARATE RETIREMENT ALLOWANCE AS
10 CALCULATED UNDER THIS SUBSECTION. EXCEPT AS OTHERWISE PROVIDED
11 UNDER THIS SUBSECTION, THE SEPARATE RETIREMENT ALLOWANCE UNDER
12 THIS SUBSECTION SHALL BE PAID FOR 60 MONTHS AND SHALL BE EQUAL TO
13 1/60 OF THE AMOUNT EQUAL TO THE CONTRIBUTIONS MADE BY THE MEMBER
14 UNDER SECTION 43E. THE RETIREMENT SYSTEM MAY PAY OUT DE MINIMUS
15 AMOUNTS AS A LUMP SUM AS DETERMINED BY THE RETIREMENT SYSTEM AND
16 AS PERMITTED BY THE INTERNAL REVENUE CODE. A MEMBER RECEIVING A
17 SEPARATE RETIREMENT ALLOWANCE UNDER THIS SUBSECTION SHALL NOT
18 SUBSEQUENTLY RECEIVE THE PAYMENT OF HEALTH INSURANCE COVERAGE
19 PREMIUMS BY THE RETIREMENT SYSTEM UNDER SECTION 91. A MEMBER WHO
20 DIES BEFORE QUALIFYING FOR THE PAYMENT OF HEALTH INSURANCE
21 COVERAGE PREMIUMS BY THE RETIREMENT SYSTEM UNDER SECTION 91 SHALL
22 HAVE A SEPARATE RETIREMENT ALLOWANCE AS PROVIDED IN THIS
23 SUBSECTION PAID TO THE MEMBER'S BENEFICIARY UPON APPLICATION TO
24 THE RETIREMENT SYSTEM. A MEMBER WHO QUALIFIES FOR THE PAYMENT OF
25 HEALTH INSURANCE COVERAGE PREMIUMS BY THE RETIREMENT SYSTEM UNDER
26 SECTION 91 BUT WHO DIES BEFORE THE PAYMENT OF HEALTH INSURANCE
27 COVERAGE PREMIUMS BY THE RETIREMENT SYSTEM IN AN AMOUNT EQUAL TO

Senate Bill No. 1040 (H-3) as amended June 14, 2012

1 OR GREATER THAN THE AMOUNTS CONTRIBUTED UNDER SECTION 43E SHALL
 2 HAVE A SEPARATE RETIREMENT ALLOWANCE AS PROVIDED IN THIS
 3 SUBSECTION PAID TO THE MEMBER'S BENEFICIARY [FOLLOWING THE CESSATION
 OF HEALTH INSURANCE COVERAGE PREMIUMS PAID BY THE RETIREMENT SYSTEM] IN
 AN AMOUNT EQUAL TO
 4 THE DIFFERENCE BETWEEN THE HEALTH INSURANCE COVERAGE PREMIUMS
 5 PAID BY THE RETIREMENT SYSTEM UNDER SECTION 91 AND CONTRIBUTIONS
 6 MADE BY THE MEMBER UNDER SECTION 43E. THE AMOUNT OF THE SEPARATE
 7 RETIREMENT ALLOWANCE AS DETERMINED UNDER THIS SUBSECTION SHALL BE
 8 INCREASED IN A MANNER AS DETERMINED BY THE RETIREMENT SYSTEM BY A
 9 PERCENTAGE EQUAL TO 1.5% MULTIPLIED BY THE TOTAL NUMBER OF YEARS
 10 THAT MEMBER MADE CONTRIBUTIONS UNDER SECTION 43E.

11 (9) A MEMBER OR FORMER MEMBER WHO HAS A BREAK IN SERVICE AND
 12 IS REEMPLOYED RETAINS THE SAME ELECTION THAT THE MEMBER MADE
 13 UNDER THIS SECTION BEFORE THE BREAK IN SERVICE. IF THE MEMBER
 14 MADE THE ELECTION UNDER SUBSECTION (5), THE MEMBER SHALL CONTINUE
 15 TO RECEIVE THE TIER 2 ACCOUNT CONTRIBUTIONS AS PROVIDED IN
 16 SUBSECTIONS (1) AND (2). IF THE MEMBER DID NOT MAKE THE ELECTION
 17 UNDER SUBSECTION (5), THE MEMBER SHALL CONTINUE TO MAKE THE
 18 CONTRIBUTIONS AS PROVIDED UNDER SECTION 43E AND IS SUBJECT TO
 19 SUBSECTION (8), IF APPLICABLE.

20 (10) IN LIEU OF ANY OTHER HEALTH INSURANCE COVERAGE PREMIUM
 21 THAT MIGHT HAVE BEEN PAID BY THE RETIREMENT SYSTEM UNDER SECTION
 22 91, A CREDIT TO A HEALTH REIMBURSEMENT ACCOUNT WITHIN THE TRUST
 23 CREATED UNDER THE PUBLIC EMPLOYEE RETIREMENT HEALTH CARE FUNDING
 24 ACT, 2010 PA 77, MCL 38.2731 TO 38.2747, SHALL BE MADE BY THE
 25 RETIREMENT SYSTEM IN THE AMOUNTS AND TO THE MEMBERS OR QUALIFIED
 26 PARTICIPANTS AS FOLLOWS:

27 (A) TWO THOUSAND DOLLARS TO AN INDIVIDUAL WHO FIRST BECAME A

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 MEMBER OR QUALIFIED PARTICIPANT ON OR AFTER <<SEPTEMBER 4>>, 2012,
2 WHO IS
3 60 YEARS OF AGE OR OLDER, AND WHO HAS AT LEAST 10 YEARS OF
4 SERVICE AT HIS OR HER FIRST TERMINATION OF EMPLOYMENT.

5 (B) ONE THOUSAND DOLLARS TO AN INDIVIDUAL WHO FIRST BECAME A
6 MEMBER OR QUALIFIED PARTICIPANT ON OR AFTER <<SEPTEMBER 4>>, 2012,
7 WHO IS
8 LESS THAN 60 YEARS OF AGE, AND WHO HAS AT LEAST 10 YEARS OF
9 SERVICE AT HIS OR HER FIRST TERMINATION OF EMPLOYMENT.

10 (11) THE RETIREMENT SYSTEM SHALL DETERMINE A METHOD TO
11 IMPLEMENT SUBSECTIONS (5) TO (10), INCLUDING A METHOD FOR
12 CREDITING THE AMOUNTS IN THOSE SUBSECTIONS TO COMPLY WITH ANY
13 RESTRICTIONS IMPOSED BY THE INTERNAL REVENUE CODE.
14 NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY, THE
15 TIER 2 PLAN PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED BY
16 THE DEPARTMENT AS SOON AS FEASIBLE BUT NOT LATER THAN JANUARY 1,
17 2013.

18 (12) SUBSECTIONS (5) TO (10) DO NOT APPLY TO A MEMBER WHO IS
19 ELIGIBLE FOR THE PAYMENT OF HEALTH INSURANCE COVERAGE PREMIUMS BY
20 THE RETIREMENT SYSTEM AS A RESULT OF BENEFITS PROVIDED UNDER
21 SECTION [90].

22 (13) ON OR BEFORE JULY 1, 2017, THE RETIREMENT SYSTEM SHALL
23 PROVIDE A REPORT TO THE CHAIRS OF THE HOUSE AND SENATE
24 APPROPRIATIONS COMMITTEES THAT PROVIDES THE PROJECTED IMPACT OF
25 SUBSECTION (10) AS IT APPLIES TO MEMBERS FIRST EMPLOYED AND
26 ENTERED UPON THE PAYROLL OF REPORTING UNITS ON OR AFTER JULY 1,
27 2017 WITH REGARD TO THE ANNUAL REQUIRED CONTRIBUTION AS USED BY
28 THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD AND FOR PURPOSES OF
29 THE ANNUAL FINANCIAL STATEMENTS PREPARED UNDER SECTION 28(1).

Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 (14) AS USED IN THIS SECTION:

2 (A) "COMPENSATION" MEANS THAT TERM AS DEFINED IN SECTION
3 122(2).

4 (B) "QUALIFIED MEMBER" MEANS A MEMBER WHO MEETS ALL OF THE
5 FOLLOWING REQUIREMENTS:

6 (i) HE OR SHE FIRST BECAME A MEMBER BEFORE <<SEPTEMBER 4>>, 2012.

7 (ii) HE OR SHE HAS EARNED SERVICE CREDIT IN THE 12 MONTHS
8 ENDING [<<SEPTEMBER 3>>], 2012 OR WAS ON AN APPROVED PROFESSIONAL
9 SERVICES
OR MILITARY LEAVE OF ABSENCE ON [<<SEPTEMBER 3>>], 2012.

10 SEC. 92B. (1) THERE IS APPROPRIATED FOR THE FISCAL YEAR
11 ENDING SEPTEMBER 30, 2012, \$4,700,000.00 TO THE OFFICE OF
12 RETIREMENT SERVICES IN THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,
13 AND BUDGET FOR ADMINISTRATION OF THE CHANGES UNDER THE AMENDATORY
14 ACT THAT ADDED THIS SECTION.

15 (2) THE APPROPRIATION AUTHORIZED IN SUBSECTION (1) IS A WORK
16 PROJECT APPROPRIATION AND ANY UNENCUMBERED OR UNALLOTTED FUNDS
17 ARE CARRIED FORWARD INTO THE FOLLOWING FISCAL YEAR. THE FOLLOWING
18 IS IN COMPLIANCE WITH SECTION 451A(1) OF THE MANAGEMENT AND
19 BUDGET ACT, 1984 PA 431, MCL 18.1451A:

20 (A) THE PURPOSE OF THE PROJECT IS TO ADMINISTER CHANGES
21 UNDER THE AMENDATORY ACT THAT ADDED THIS SECTION.

22 (B) THE WORK PROJECT WILL BE ACCOMPLISHED THROUGH A PLAN
23 UTILIZING INTERAGENCY AGREEMENTS, EMPLOYEES, AND CONTRACTS.

24 (C) THE TOTAL ESTIMATED COMPLETION COST OF THE WORK PROJECT
25 IS \$4,700,000.00.

26 (D) THE ESTIMATED COMPLETION DATE FOR THE WORK PROJECT IS
27 SEPTEMBER 30, 2013.



Senate Bill No. 1040 as amended August 15, 2012

1 SEC. 93. (1) THE DIRECTOR OF THE DEPARTMENT, SENATE MAJORITY
2 LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
3 COMMISSION AN INDEPENDENT THIRD PARTY AT A COST OF NO MORE THAN
4 <<\$150,000.00>> TO CONDUCT A STUDY AND PREPARE A REPORT ANALYZING THE
5 CURRENT RETIREMENT SYSTEM AND DEVELOP A PROPOSED PLAN TO ENSURE
6 THE LONG-TERM SUSTAINABILITY OF THE RETIREMENT SYSTEM. THE OFFICE
7 OF RETIREMENT SERVICES ON BEHALF OF THE DEPARTMENT SHALL ASSIST
8 WITH THE STUDY. INPUT SHALL BE SOLICITED FROM THE RETIREMENT
9 SYSTEM MEMBERSHIP CONSTITUENCY ORGANIZATIONS.

10 (2) ON OR BEFORE <<NOVEMBER 15>>, 2012, THE STUDY REQUIRED UNDER
11 SUBSECTION (1) SHALL BE DELIVERED TO THE SENATE MAJORITY LEADER,
12 SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE SENATE AND HOUSE OF
13 REPRESENTATIVES APPROPRIATIONS COMMITTEES, AND THE SENATE AND
14 HOUSE OF REPRESENTATIVES FISCAL AGENCIES. THE STUDY SHALL INCLUDE
15 PRIMARY AND ALTERNATIVE RECOMMENDATIONS CONSIDERED NECESSARY.

16 (3) THE STUDY REQUIRED UNDER SUBSECTION (1) SHALL REVIEW THE
17 ADVANTAGES AND DISADVANTAGES OF IMPLEMENTING BENEFIT DESIGN
18 CHANGES AND SHALL INCLUDE, BUT IS NOT LIMITED TO, A REVIEW OF THE
19 ADEQUACY OF THE BENEFITS, LONG-TERM RETENTION OF EMPLOYEES,
20 INVESTMENT RETURN AND OTHER RISK, <<STRANDED COST IMPLICATIONS,>> AND
21 THE ECONOMIC IMPACT OF
22 IMPLEMENTING THE FOLLOWING:

22 (A) DEFINED CONTRIBUTION, HYBRID DEFINED CONTRIBUTION, AND
23 OTHER DEFINED CONTRIBUTION PLAN OPTIONS AS OPPOSED TO DEFINED
24 BENEFIT PLAN OPTIONS.

25 (B) PLAN DESIGN, FUNDING METHODS, BENEFITS PROVIDED, AND
26 OTHER FEATURES ORIGINALLY ENACTED OR AMENDED IN OTHER PUBLIC
27 STATE SCHOOL EMPLOYEE PLANS AND PRIVATE RETIREMENT PLANS COVERING



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 COMPARABLE EMPLOYEES.

2 (C) FUNDING OR NOT FUNDING THE ANNUAL REQUIRED CONTRIBUTION
3 AS USED BY THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD OR OTHER
4 ANNUAL FUNDING REQUIREMENTS TO MEET ANY UNFUNDED LIABILITIES OF
5 THE RETIREMENT SYSTEM.

6 (D) AMENDMENTS TO THE RETIREMENT SYSTEM FEATURES, SUCH AS
7 REPORTING UNIT AND MEMBER CONTRIBUTIONS, VESTING, SERVICE CREDIT
8 PURCHASES, RETIREMENT ALLOWANCE CALCULATIONS, COST OF LIVING
9 ALLOWANCES, <<RATE OF INVESTMENT RETURNS, MORTALITY RATES AND
10 LONGEVITY,>> AND OTHER SIMILAR FEATURES.

11 (E) A CHANGE IN THE FUNDING METHOD OF HEALTH BENEFITS
12 PROVIDED UNDER SECTION 91 FROM A CASH DISBURSEMENT METHOD TO AN
13 INDIVIDUAL PROJECTED BENEFIT ENTRY AGE NORMAL COST METHOD OF
14 VALUATION.

15 (4) THE STUDY REQUIRED UNDER SUBSECTION (1) SHALL REVIEW AND
16 IDENTIFY THE NORMAL COSTS AND TRANSITION COSTS OF CLOSING TO ALL
17 NEW MEMBERS AND QUALIFIED PARTICIPANTS THE TIER 1 AND TIER 2

18 PLANS IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION AND
19 IMPLEMENTING A <<DEFINED CONTRIBUTION ONLY PLAN THAT IS IDENTICAL TO
20 THE DEFINED CONTRIBUTION>>
21 PLAN ESTABLISHED PURSUANT TO SECTION 401(K) OF THE INTERNAL
22 REVENUE CODE, 26 USC 401, AND THAT IS AVAILABLE TO QUALIFIED
23 PARTICIPANTS UNDER SECTIONS 50 TO 69 OF THE STATE EMPLOYEES'
24 RETIREMENT ACT, 1943 PA 240, MCL 38.50 TO 38.69. <<THE STUDY SHALL
25 INCLUDE SPECIFIC RECOMMENDATIONS ON TRANSITIONING FROM THE TIER 1 AND
26 TIER 2 PLANS TO A DEFINED CONTRIBUTION ONLY PLAN THAT IS IDENTICAL TO THE
27 DEFINED CONTRIBUTION PLAN ESTABLISHED PURSUANT TO SECTION 401(K) OF THE
INTERNAL REVENUE CODE, 26 USC 401, AND THAT IS AVAILABLE TO QUALIFIED
PARTICIPANTS UNDER SECTIONS 50 TO 69 OF THE STATE EMPLOYEES' RETIREMENT
ACT, 1943 PA 240, MCL 38.50 TO 38.69.

(5) THE STUDY REQUIRED UNDER SUBSECTION (1) SHALL REVIEW THE DEGREE
TO WHICH CURRENT OPERATING EXPENDITURES ARE A STABLE, GROWING, AND
EQUITABLE BASE FOR CHARGING UNFUNDED ACTUARIAL ACCRUED LIABILITY COSTS TO
PUBLIC LOCAL SCHOOL DISTRICTS, AS COMPARED TO ALTERNATE MEASURES OF
DISTRICT FINANCIAL ACTIVITY. THE STUDY SHALL INCLUDE AN ANALYSIS OF THE



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 DEGREE TO WHICH CURRENT UNFUNDED ACTUARIAL ACCRUED LIABILITIES ARE THE
2 RESULT OF STRANDED COST FACTORS. THE STUDY SHALL INCLUDE OPTIONS
3 REGARDING THE USE OF CURRENT OPERATING EXPENDITURES OR AN ALTERNATE
4 MEASURE AS THE BASIS FOR CHARGING UNFUNDED ACTUARIAL ACCRUED LIABILITY
5 COSTS TO PUBLIC LOCAL SCHOOL DISTRICTS. AS USED IN THIS SUBSECTION,
6 "CURRENT OPERATING EXPENDITURES" FOR A PUBLIC LOCAL SCHOOL DISTRICT
7 INCLUDES FUNCTIONS 1XX, 2XX, 45X, AND ALL OBJECT CODES EXCEPT 6XXX, AS
8 DEFINED IN THE "MICHIGAN PUBLIC SCHOOL ACCOUNTING MANUAL BULLETIN 1022",
AND IS EQUAL TO THE TOTAL OF INSTRUCTIONAL AND SUPPORT SERVICES
EXPENDITURES, INCLUDING THE TOTAL GENERAL FUND CHARGES INCURRED IN THE
GENERAL, SPECIAL EDUCATION, AND VOCATIONAL EDUCATION FUNDS FOR THE
BENEFIT OF THE CURRENT FISCAL YEAR, WHETHER PAID OR UNPAID, AND ALL
EXPENDITURES OF THE INSTRUCTIONAL PROGRAMS PLUS APPLICABLE SUPPORTING
SERVICE COSTS REDUCED BY CAPITAL OUTLAY, DEBT SERVICE, COMMUNITY
SERVICES, AND OUTGOING TRANSFERS AND OTHER TRANSACTIONS. CURRENT
OPERATING EXPENDITURES FOR A PUBLIC LOCAL SCHOOL DISTRICT ALSO INCLUDE
OPERATING FUNDS FOR ANY PUBLIC SCHOOL OR OTHER PUBLIC EDUCATIONAL ENTITY
FIRST AUTHORIZED OR ESTABLISHED BY THE PUBLIC LOCAL SCHOOL DISTRICT ON
OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
SECTION.>>

9 Sec. 108. (1) This section is enacted pursuant to federal
10 law that imposes certain administrative requirements and benefit
11 limitations for qualified governmental plans. This state intends
12 that the retirement system be a qualified pension plan created in
13 trust under section 401 of the internal revenue code, 26 USC 401,
14 and that the trust be an exempt organization under section 501 of
15 the internal revenue code, 26 USC 501. The department shall
16 administer the retirement system to fulfill this intent.

17 (2) The retirement system shall be administered in
18 compliance with the provisions of section 415 of the internal
19 revenue code, 26 USC 415, and regulations under that section that
20 are applicable to governmental plans and beginning January 1,
21 2010, applicable provisions of the final regulations issued by
22 the internal revenue service on April 5, 2007. Employer-financed
23 benefits provided by the retirement system under this act shall
24 not exceed the applicable limitations set forth in section 415 of
25 the internal revenue code, 26 USC 415, as adjusted by the
26 commissioner of internal revenue under section 415(d) of the
27 internal revenue code, 26 USC 415, to reflect cost-of-living



1 increases, and the retirement system shall adjust the benefits,
2 including benefits payable to retirants and retirement allowance
3 beneficiaries, subject to the limitation each calendar year to
4 conform with the adjusted limitation. For purposes of section
5 415(b) of the internal revenue code, 26 USC 415, the applicable
6 limitation shall apply to aggregated benefits received from all
7 qualified pension plans for which the office of retirement
8 services coordinates administration of that limitation. If there
9 is a conflict between this section and another section of this
10 act, this section prevails.

11 (3) The assets of the retirement system shall be held in
12 trust and invested for the sole purpose of meeting the legitimate
13 obligations of the retirement system and shall not be used for
14 any other purpose. The assets shall not be used for or diverted
15 to a purpose other than for the exclusive benefit of the members,
16 deferred members, retirants, and retirement allowance
17 beneficiaries.

18 (4) The retirement system shall return post-tax member
19 contributions made by a member and received by the retirement
20 system to a member upon retirement, pursuant to internal revenue
21 service regulations and approved internal revenue service
22 exclusion ratio tables.

23 (5) The required beginning date for retirement allowances
24 and other distributions shall not be later than April 1 of the
25 calendar year following the calendar year in which the employee
26 attains age 70-1/2 or April 1 of the calendar year following the
27 calendar year in which the employee retires. The required minimum



1 distribution requirements imposed by section 401(a)(9) of the
2 internal revenue code, 26 USC 401, shall apply to this act and be
3 administered in accordance with a reasonable and good faith
4 interpretation of the required minimum distribution requirements
5 for all years to which the required minimum distribution
6 requirements apply to the act.

7 (6) If the retirement system is terminated, the interest of
8 the members, deferred members, retirants, and retirement
9 allowance beneficiaries in the retirement system is
10 nonforfeitable to the extent funded as described in section
11 411(d)(3) of the internal revenue code, 26 USC 411, and the
12 related internal revenue service regulations applicable to
13 governmental plans.

14 (7) Notwithstanding any other provision of this act to the
15 contrary that would limit a distributee's election under this
16 act, a distributee may elect, at the time and in the manner
17 prescribed by the retirement board, to have any portion of an
18 eligible rollover distribution paid directly to an eligible
19 retirement plan specified by the distributee in a direct
20 rollover. This subsection applies to distributions made on or
21 after January 1, 1993. **BEGINNING OCTOBER 1, 2010, A NONSPOUSE**
22 **BENEFICIARY MAY ELECT TO HAVE ANY PORTION OF AN AMOUNT PAYABLE**
23 **UNDER THIS ACT THAT IS AN ELIGIBLE ROLLOVER DISTRIBUTION TREATED**
24 **AS A DIRECT ROLLOVER THAT WILL BE PAID IN A DIRECT TRUSTEE-TO-**
25 **TRUSTEE TRANSFER TO AN INDIVIDUAL RETIREMENT ACCOUNT OR**
26 **INDIVIDUAL RETIREMENT ANNUITY DESCRIBED IN SECTION 408(A) OR (B)**
27 **OF THE INTERNAL REVENUE CODE, 26 USC 408, THAT IS ESTABLISHED FOR**



1 THE PURPOSE OF RECEIVING A DISTRIBUTION ON BEHALF OF THE
2 BENEFICIARY AND THAT WILL BE TREATED AS AN INHERITED INDIVIDUAL
3 RETIREMENT ACCOUNT OR INDIVIDUAL RETIREMENT ANNUITY PURSUANT TO
4 SECTION 402(C) (11) OF THE INTERNAL REVENUE CODE, 26 USC 402.

5 (8) For purposes of determining actuarial equivalent
6 retirement allowances under sections 45 and 85(1)(b), (1)(c),
7 (1)(d), and (2), the actuarially assumed interest rate shall be
8 8% with utilization of the 1983 group annuity and mortality
9 table.

10 (9) Notwithstanding any other provision of this act, the
11 compensation of a member of the retirement system shall be taken
12 into account for any year under the retirement system only to the
13 extent that it does not exceed the compensation limit established
14 in section 401(a)(17) of the internal revenue code, 26 USC 401,
15 as adjusted by the commissioner of internal revenue. This
16 subsection applies to any person who first becomes a member of
17 the retirement system on or after October 1, 1996.

18 (10) Notwithstanding any other provision of this act,
19 contributions, benefits, and service credit with respect to
20 qualified military service will be provided under the retirement
21 system in accordance with section 414(u) of the internal revenue
22 code, **26 USC 414**. This subsection applies to all qualified
23 military service on or after December 12, 1994. Effective January
24 1, 2007, in accordance with section 401(a)(37) of the internal
25 revenue code, 26 USC 401, if a member dies while performing
26 qualified military service, for purposes of determining any death
27 benefits payable under this act, the member shall be treated as



1 having resumed and then terminated employment on account of
2 death.

3 Sec. 124. (1) "Plan document" means the document that
4 contains the provisions and procedures of Tier 2 in conformity
5 with this act and the internal revenue code.

6 (2) "Qualified participant" means an individual who is a
7 participant of Tier 2 and who is first employed and entered upon
8 the payroll of his or her employer on or after July 1, 2010, and
9 who also ~~qualifies to be a member of Tier 1.~~ **WAS NOT EMPLOYED BY**
10 **ANY EMPLOYER BEFORE JULY 1, 2010.**

11 (3) "Refund beneficiary" means an individual nominated by a
12 qualified participant or a former qualified participant under
13 section 134 to receive a distribution of the participant's
14 accumulated balance in the manner prescribed in section 135.

15 (4) "State treasurer" means the treasurer of this state.

16 Sec. 131. (1) This section is subject to the vesting
17 requirements of section 132.

18 (2) Unless ~~the~~ **A** qualified participant ~~as described in~~
19 ~~section 124(2)~~ **WHO IS ALSO A MEMBER OF TIER 1** affirmatively
20 elects not to contribute or elects to contribute a lesser amount,
21 the qualified participant **WHO IS ALSO A MEMBER OF TIER 1** shall
22 contribute 2% of his or her compensation to his or her Tier 2
23 account. The qualified participant's employer shall make a
24 contribution to the qualified participant's Tier 2 account in an
25 amount equal to 50% of the first 2% of compensation ~~contribution~~
26 ~~made~~ **CONTRIBUTED** by the qualified participant under this
27 subsection.



1 (3) A qualified participant ~~as described in section 124(2)~~
2 may make contributions in addition to contributions made under
3 subsection (2) to his or her Tier 2 account as permitted by the
4 department and the internal revenue code.

5 (4) Upon the written determination of the director of the
6 office of retirement services, an employee of an employer that is
7 not a qualified participant ~~as described in section 124(2)~~ may
8 elect to make contributions to a Tier 2 account as permitted by
9 the department and the internal revenue code. An employee as
10 described in this subsection shall be treated as a qualified
11 participant under this article for the limited purposes of his or
12 her Tier 2 account.

13 (5) Upon the written determination of the director of the
14 office of retirement services, an employer may annually elect to
15 make additional matching contributions, including those in
16 addition to matching contributions made under ~~subsection~~
17 **SUBSECTIONS (2) AND (6)**, to an employee's Tier 2 account as
18 permitted by the plan document and the internal revenue code.
19 Matching contributions under this subsection shall be made in
20 amounts equal to 50% of the contributions made by the employee
21 not to exceed the first 4% of contributions made in whole
22 percentages only, for any employee in addition to amounts that
23 are already matched under this section, if any.

24 **(6) EXCEPT AS OTHERWISE PROVIDED IN SECTION 81D, UNLESS A**
25 **QUALIFIED PARTICIPANT WHO IS ONLY A TIER 2 QUALIFIED PARTICIPANT**
26 **DUE TO AN ELECTION MADE UNDER SECTION 81D(1) AFFIRMATIVELY ELECTS**
27 **NOT TO CONTRIBUTE OR ELECTS TO CONTRIBUTE A LESSER AMOUNT, THE**



Senate Bill No. 1040 (H-3) as amended June 14, 2012
as amended August 15, 2012

1 QUALIFIED PARTICIPANT SHALL CONTRIBUTE 6% OF HIS OR HER
2 COMPENSATION TO HIS OR HER TIER 2 ACCOUNT. THE QUALIFIED
3 PARTICIPANT'S EMPLOYER SHALL MAKE A CONTRIBUTION TO THE QUALIFIED
4 PARTICIPANT'S TIER 2 ACCOUNT IN AN AMOUNT EQUAL TO 50% OF THE
5 FIRST 6% OF COMPENSATION CONTRIBUTED BY THE QUALIFIED PARTICIPANT
6 UNDER THIS SUBSECTION.

7 SEC. 131A. TIER 2 ACCOUNTS ARE SUBJECT TO THE FOLLOWING
8 TERMS AND CONDITIONS:

9 (A) ON OR BEFORE <<JANUARY 1, 2013>>, THE RETIREMENT SYSTEM SHALL
10 DESIGN AN AUTOMATIC ENROLLMENT FEATURE THAT PROVIDES THAT UNLESS
11 A QUALIFIED PARTICIPANT WHO MAKES CONTRIBUTIONS UNDER THIS ACT
12 ELECTS TO CONTRIBUTE A LESSER AMOUNT, THE QUALIFIED PARTICIPANT
13 SHALL CONTRIBUTE THE AMOUNT REQUIRED TO QUALIFY FOR ALL ELIGIBLE
14 MATCHING CONTRIBUTIONS UNDER THIS ACT. THE RETIREMENT SYSTEM
15 SHALL IMPLEMENT THIS AUTOMATIC ENROLLMENT FEATURE ON OR AFTER
16 <<JANUARY 1, 2013>>, AS DETERMINED BY THE RETIREMENT SYSTEM.

17 (B) EMPLOYER MATCHING CONTRIBUTIONS DO NOT HAVE TO BE MADE
18 TO THE SAME PLAN OR ACCOUNT TO WHICH THE ELECTIVE EMPLOYEE
19 CONTRIBUTIONS WERE CONTRIBUTED AS THE BASIS FOR THE MATCHING
20 CONTRIBUTIONS.

21 (C) ELECTIVE EMPLOYEE CONTRIBUTIONS SHALL NOT BE USED AS THE
22 BASIS FOR MORE THAN AN EQUIVALENT AMOUNT OF EMPLOYER MATCHING
23 CONTRIBUTIONS OR, IN THE CASE OF MATCHING CONTRIBUTIONS UNDER
24 SECTION 131(2) AND (6), 50% OF THE EMPLOYER MATCHING
25 CONTRIBUTIONS.

26 (D) THE RETIREMENT SYSTEM SHALL DESIGN AND IMPLEMENT A
27 METHOD TO DETERMINE THE PROPER ALLOCATION OF EMPLOYER MATCHING



Senate Bill No. 1040 as amended August 15, 2012

1 CONTRIBUTIONS BASED ON ELECTIVE EMPLOYEE CONTRIBUTIONS AS
2 PROVIDED IN THIS SECTION.

3 <<

4

5

6

7

8

9

>>

10 Enacting section 1. Section 43d of the public school
11 employees retirement act of 1979, 1980 PA 300, MCL 38.1343d, is
12 repealed.

13 Enacting section 2. (1) If the office of retirement services
14 in the department of technology, management, and budget receives
15 notification from the United States internal revenue service that
16 any section or any portion of a section of this amendatory act
17 will cause the retirement system to be disqualified for tax
18 purposes under the internal revenue code, then the portion that
19 will cause the disqualification does not apply.

20 (2) The provisions of this amendatory act are severable. If
21 any part of this amendatory act is declared invalid or
22 unconstitutional, that declaration shall not affect the remaining
23 part of this amendatory act.

