

**CALCULATION OF RETIREMENT BENEFITS BY LOCAL UNITS OF GOVERNMENT**  
**Act 443 of 1980**

AN ACT to impose certain requirements on local units of government in determining retirement benefits for certain employees.

**History:** 1980, Act 443, Eff. Sept. 1, 1981;—Am. 1982, Act 509, Imd. Eff. Dec. 31, 1982.

*The People of the State of Michigan enact:*

**38.841 Definitions.**

Sec. 1. As used in this act:

(a) "Local unit of government" means a county, city, township, or other political subdivision of this state which offers its employees a retirement plan in which a judge may be a member.

(b) "Judge" means a judge of the district court, the circuit court, or the recorder's court of the city of Detroit, who has converted a portion of his or her state salary standardization payment as an addition to his or her state base salary under section 14a or 14c of Act No. 198 of the Public Acts of 1951, as amended, being sections 38.814a and 38.814c of the Michigan Compiled Laws. For purposes of sections 2 and 6, "judge" also means a judge of the probate court.

**History:** 1980, Act 443, Eff. Sept. 1, 1981;—Am. 1982, Act 509, Imd. Eff. Dec. 31, 1982;—Am. 1984, Act 188, Imd. Eff. July 3, 1984.

**38.842 Computing retirement benefits for judge employed by local unit of government.**

Sec. 2. A local unit of government, for the purpose of computing retirement benefits of an employee who is a judge, shall use a figure which is the difference between the figure otherwise used under the local unit's retirement plan to compute retirement benefits, and those portions, if any, of the state salary standardization payment which are converted as an addition to the judge's state base salary for the purpose of computation of retirement benefits pursuant to sections 14a and 14c of Act No. 198 of the Public Acts of 1951, being sections 38.814a and 38.814c of the Michigan Compiled Laws.

**History:** 1980, Act 443, Eff. Sept. 1, 1981;—Am. 1982, Act 509, Imd. Eff. Dec. 31, 1982;—Am. 1984, Act 188, Imd. Eff. July 3, 1984.

**38.843 Conditional effective date; adoption of resolutions by city of Detroit and county of Wayne assuming responsibility for expenses; effect of action.**

Sec. 3. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act and the bills listed in enacting section 4 which are enacted and take effect.

(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act and the bills listed in enacting section 4 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 4, which becomes effective on or after December 23, 1978.

**History:** 1980, Act 443, Eff. Sept. 1, 1981.

**Compiler's note:** The words "this amendatory act" and "enacting section 4" appearing in this section evidently should read "this act" and "section 4", respectively.

The resolutions referred to in this section were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

**38.844 Conditional effective date.**

Sec. 4. This amendatory act shall not take effect unless the following bills of the 1980 regular session of

the legislature are enacted into law:

- (a) House Bill No. 4789.
- (b) House Bill No. 5630.
- (c) House Bill No. 5711.
- (d) House Bill No. 5748.
- (e) Senate Bill No. 1106.

**History:** 1980, Act 443, Eff. Sept. 1, 1981.

**Compiler's note:** "This amendatory act" at the beginning of this section evidently should read "This act". The following House and Senate Bills, referred to in this section, were enacted into law as follows: House Bill No. 4789 was approved by the Governor on January 15, 1981, and became P.A. 1980, No. 439. House Bill No. 5630 was approved by the Governor on January 15, 1981, and became P.A. 1980, No. 440. House Bill No. 5711 was approved by the Governor on January 15, 1981, and became P.A. 1980, No. 441. House Bill No. 5748 was approved by the Governor on January 15, 1981, and became P.A. 1980, No. 442. Senate Bill No. 1106 was approved by the Governor on January 15, 1981, and became P.A. 1980, No. 438.

### **38.845 Effective date.**

Sec. 5. This act shall take effect September 1, 1981.

**History:** 1980, Act 443, Eff. Sept. 1, 1981.

### **38.846 Sum of salary or compensation figure used for determining retirement benefit and final salary of probate court judge not to exceed total annual judicial salary at retirement.**

Sec. 6. Beginning September 1, 1981, the sum of the salary or compensation figure used by a retirement plan offered by a local unit of government subject to this act as the basis for determining a judge's retirement benefit as a member of that plan and the final salary determined for the judge pursuant to Act No. 198 of the Public Acts of 1951, as amended, being sections 38.801 to 38.830 of the Michigan Compiled Laws, or Act No. 165 of the Public Acts of 1954, as amended, being sections 38.901 to 38.933 of the Michigan Compiled Laws, if the judge is a judge of the probate court, shall not exceed the judge's total annual judicial salary payable from all sources at the time of his or her retirement. This section shall not be construed to diminish or impair an accrued financial benefit.

**History:** Add. 1982, Act 509, Imd. Eff. Dec. 31, 1982.