



SENATE BILL No. 1054

March 8, 1994, Introduced by Senators CARL and WELBORN
and referred to the Committee on Labor

A bill to amend the title and section 2b of Act No 427 of
the Public Acts of 1984, entitled as amended
"Municipal employees retirement act of 1984,"
as amended by Act No 63 of the Public Acts of 1992, being sec-
tion 38 1502b of the Michigan Compiled Laws and to add
section 59

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and section 2b of Act No 427 of the
2 Public Acts of 1984, as amended by Act No 63 of the Public Acts
3 of 1992 being section 38 1502b of the Michigan Compiled Laws,
4 are amended and section 59 is added to read as follows

TITLE

6 An act to provide for a retirement system for CERTAIN
7 municipal and judicial employees to create a retirement board
8 and to prescribe its powers and duties to prescribe the powers

1 and duties of certain other state officers and agencies and to
2 repeal certain acts and parts of acts

3 Sec 2b (1) "Member" means a municipal employee or judi-
4 cial employee who is included in the membership of the retirement
5 system

6 (2) "Membership service" means personal service rendered a
7 participating municipality or participating court while a member
8 of the retirement system

9 (3) "Municipal employee" means an individual who is paid
10 compensation for personal services rendered for a participating
11 municipality Payment of compensation by a hospital, board, com-
12 mission, public corporation, or instrumentality created by a
13 municipality is considered payment by the municipality
14 Municipal employee does not include any of the following

15 (a) The mayor, village president, or a member of the govern-
16 ing body of a participating municipality, unless the individual
17 files a written application for membership with the retirement
18 system

19 (b) An individual who is employed on a basis that exempts
20 the participating municipality from the withholding provisions of
21 the internal revenue code

22 (c) An individual, except a county elected official who is
23 wholly paid on a fee basis

24 (d) An individual who is an active member of the ~~state of~~
25 Michigan ~~probate~~ judges retirement system created by the
26 ~~probate~~ judges retirement act OF 1992, Act No ~~165~~ 234 of the

1 Public Acts of ~~1954~~ 1992, being sections ~~38-901~~ 38 2101 to
 2 ~~38-933~~ 38 2608 of the Michigan Compiled Laws

3 (e) A person, not regularly employed by the participating
 4 municipality, who is employed by the municipality through partic-
 5 ipation in ~~a~~ 1 OR MORE OF THE FOLLOWING PROGRAMS

6 (1) A program established pursuant to the job training part-
 7 nership act, Public Law 97-300 96 Stat 1322 In addition, a
 8 person described in this subdivision shall not receive service
 9 credit for the employment described in this subdivision even
 10 though the person subsequently becomes or has been a member of
 11 the retirement system

12 ~~(f) A person, not regularly employed by the participating~~
 13 ~~municipality, who is employed by the municipality through partic-~~
 14 ~~ipation in a~~

15 (11) A program established pursuant to the Michigan opportu-
 16 nity and skills training program first provided for under sec-
 17 tions 12 to 23 of Act No 259 of the Public Acts of 1983 In
 18 addition, a person described in this subdivision shall not
 19 receive service credit for the employment described in this sub-
 20 division even though the person subsequently becomes or has been
 21 a member of this retirement system

22 ~~(g) A person, not regularly employed by the participating~~
 23 ~~municipality, who is employed by the municipality through partic-~~
 24 ~~ipation in a~~

25 (111) A program established pursuant to the Michigan commu-
 26 nity service corps program first provided for under sections 25
 27 to 35 of Act No 259 of the Public Acts of 1983 and sections 148

1 to 160 of Act No 246 of the Public Acts of 1984 In addition, a
 2 person described in this subdivision shall not receive service
 3 credit for the employment described in this subdivision even
 4 though the person subsequently becomes or has been a member of
 5 this retirement system

6 (F) ~~-(h)-~~ A person, not regularly employed by the partici-
 7 pating municipality, who is employed by the municipality to
 8 administer a program described in subdivision (e) ~~-, (f), or (g)-~~
 9 shall not be a member of this retirement system

10 (G) ~~-(i)-~~ An individual who, ~~-is,~~ on the effective date of
 11 the municipality's or court's participation under this act, IS a
 12 member of another retirement system that is sponsored by the par-
 13 ticipating municipality or participating court if that individual
 14 remains as a member of the other retirement system

15 (H) A PERSON WHO IS NOT EMPLOYED BY A PARTICIPATING MUNICI-
 16 PALITY OR A PARTICIPATING COURT ON DECEMBER 31, 1993 AND WHO
 17 BECOMES EMPLOYED BY A PARTICIPATING MUNICIPALITY OR A PARTICIPAT-
 18 ING COURT ON OR AFTER JANUARY 1, 1994, UNLESS THE PERSON IS A
 19 VESTED FORMER MEMBER THIS SUBDIVISION DOES NOT APPLY TO EMPLOY-
 20 EES WHO ARE POLICE OFFICERS OR FIRE FIGHTERS AND WHO ARE SUBJECT
 21 TO COMPULSORY ARBITRATION OF LABOR DISPUTES PURSUANT TO ACT
 22 NO 312 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 423 231 TO
 23 423 247 OF THE MICHIGAN COMPILED LAWS

24 (I) A PERSON WHO IS A MEMBER OF THIS RETIREMENT SYSTEM ON
 25 DECEMBER 31, 1993 AND WHO ELECTS TO TERMINATE MEMBERSHIP IN THE
 26 MANNER PROVIDED IN THE POLITICAL SUBDIVISION PENSION AND
 27 RETIREMENT PLAN CLOSURE ACT

1 (4) "Municipality" means a county, county road commission,
2 city, village, township, or a combination of these units a
3 lawful public corporation or instrumentality established by 1 or
4 more counties, cities, villages, townships, or a combination of
5 these units or a public corporation or instrumentality charged
6 by law with the performance of a governmental function and whose
7 jurisdiction is coextensive with 1 or more counties, cities, vil-
8 lages, townships, or a combination of these units

9 SEC 59 A PARTICIPATING MUNICIPALITY OR PARTICIPATING
10 COURT SHALL COMPLY WITH THE POLITICAL SUBDIVISION PENSION AND
11 RETIREMENT PLAN CLOSURE ACT

12 Section 2 This amendatory act shall not take effect unless
13 Senate Bill No 1056
14 of the 87th Legislature is enacted into law