

SENATE BILL No. 847

February 27, 2018, Introduced by Senator KNEZEK and referred to the Committee on Appropriations.

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 24 and 33 (MCL 38.24 and 38.33), section 24 as amended by 2002 PA 93 and section 33 as amended by 2004 PA 109.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24. (1) Except as may otherwise be provided in sections
2 33 and 34, a member who becomes totally incapacitated for duty
3 because of a personal injury or disease that is not the natural and
4 proximate result of the member's performance of duty may be retired
5 if all of the following apply:

6 (a) The member, the member's personal representative or
7 guardian, the member's department head, or the state personnel
8 director files an application on behalf of the member with the
9 retirement board no later than 1 year after termination of the

1 member's state employment.

2 (b) **EITHER OF THE FOLLOWING APPLY:**

3 (i) A medical advisor conducts a medical examination of the
4 member and certifies in writing that the member is mentally or
5 physically totally incapacitated for further performance of duty,
6 that the incapacitation is likely to be permanent, and that the
7 member should be retired.

8 (ii) **THE MEMBER HAS A SERVICE-CONNECTED DISABILITY RATING FROM**
9 **THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OF 100%.**

10 (c) The member has been a state employee for at least 10
11 years.

12 (2) Upon appeal to the retirement board, the retirement board,
13 for good cause, may accept an application for a disability
14 retirement allowance not later than 2 years after termination of
15 the member's state employment.

16 Sec. 33. (1) ~~(a) The~~ **EXCEPT AS OTHERWISE PROVIDED IN**
17 **SUBSECTION (3), THE** retirement board may, and ~~upon~~ **ON** the
18 application of ~~anyone~~ **AN INDIVIDUAL** retired pursuant to ~~UNDER~~
19 section 21, 24, or 67a shall, require ~~anyone~~ **AN INDIVIDUAL** retired
20 under section 21, 24, or 67a who has not attained age 60 years to
21 undergo a medical examination. The retirement board shall not
22 require ~~a person~~ **AN INDIVIDUAL** retired under section 21, 24, or 67a
23 to undergo more than 1 medical examination in any calendar year.
24 The examination is to be made by or under the direction of the
25 medical advisor at the retirant's place of residence or other place
26 mutually agreed upon. ~~Should anyone~~ **IF AN INDIVIDUAL** retired under
27 section 21, 24, or 67a who has not attained age 60 years ~~refuse~~

1 **REFUSES** to submit to the medical examination, ~~his or her~~ **THE**
2 **INDIVIDUAL'S** disability retirement allowance or supplemental
3 benefit provided for in section 67a may be discontinued until ~~his~~
4 ~~or her withdrawal of~~ **THE INDIVIDUAL WITHDRAWS** the refusal. If the
5 refusal continues for 1 year, **THE RETIREMENT BOARD MAY REVOKE** all
6 rights in and to ~~his or her~~ **THE INDIVIDUAL'S** disability retirement
7 allowance or supplemental benefit provided for in section 67a. ~~may~~
8 ~~be revoked by the retirement board.~~ ~~If upon~~ **ON** the medical
9 examination of ~~a person~~ **AN INDIVIDUAL** retired under section 21, 24,
10 or 67a, the medical advisor reports and ~~his or her~~ **THE MEDICAL**
11 **ADVISOR'S** report is concurred in by the retirement board, that the
12 ~~person~~ **INDIVIDUAL** retired under section 21, 24, or 67a is
13 physically capable of resuming employment, ~~he or she shall~~ **THE**
14 **INDIVIDUAL MUST** be restored to active service with ~~the~~ **THIS** state
15 and his or her disability retirement allowance or supplemental
16 benefit provided for in section 67a ~~shall~~ **MUST** cease.

17 (2) ~~(b)~~ If the secretary reports and certifies to the
18 retirement board that ~~a person~~ **AN INDIVIDUAL** retired under section
19 21, 24, or 67a is engaged in a gainful occupation paying more than
20 the difference between ~~his or her~~ **THE INDIVIDUAL'S** disability
21 retirement allowance and ~~his or her~~ **THE INDIVIDUAL'S** final
22 compensation, and if the retirement board concurs in the report,
23 ~~then his or her~~ **THE INDIVIDUAL'S** retirement allowance ~~shall~~ **MUST** be
24 reduced to an amount ~~which~~ **THAT** together with the amount earned by
25 ~~him or her shall equal his or her~~ **THE INDIVIDUAL EQUALS THE**
26 **INDIVIDUAL'S** final compensation. ~~Should~~ **IF** the earnings of the
27 ~~person~~ **INDIVIDUAL** retired under section 21, 24, or 67a ~~be later~~ **IS**

1 changed, the amount of ~~his or her~~ **THE INDIVIDUAL'S** retirement
2 allowance ~~shall~~ **MUST** be further modified in ~~like~~ **THE SAME** manner **AS**
3 **PROVIDED UNDER THIS SUBSECTION.**

4 (3) **THE MEDICAL EXAMINATION REQUIRED UNDER SUBSECTION (1) FOR**
5 **AN INDIVIDUAL RETIRED UNDER SECTION 24 DOES NOT APPLY TO A MEMBER**
6 **WHO HAS A SERVICE-CONNECTED DISABILITY RATING FROM THE UNITED**
7 **STATES DEPARTMENT OF VETERANS AFFAIRS OF 100%.**