

# HOUSE BILL No. 4425

(As amended December 4, 2008)

March 8, 2007, Introduced by Reps. Pastor and Stahl and referred to the Committee on Judiciary.

A bill to amend 1992 PA 234, entitled  
"The judges retirement act of 1992,"  
(MCL 38.2101 to 38.2670) by adding section 513.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 513. (1) EFFECTIVE JANUARY 1, [2009], THE RETIREMENT  
2        ALLOWANCE PAYABLE TO A RETIRANT OR BENEFICIARY OF A DECEASED  
3        RETIRANT UNDER TIER 1 IS SUPPLEMENTED BY THE AMOUNT DETERMINED  
4        UNDER SUBSECTION (2).

5        (2) ON OR BEFORE APRIL 1 OF EACH STATE FISCAL YEAR, THE  
6        RETIREMENT SYSTEM SHALL DETERMINE THE AMOUNT BY WHICH THE ACTUARIAL  
7        VALUE OF THE ASSETS IN TIER 1 EXCEED THE PRESENT VALUE OF EXPECTED  
8        FUTURE BENEFIT PAYMENTS FOR TIER 1 BENEFICIARIES. IF THE AMOUNT BY  
9        WHICH THE ACTUARIAL VALUE OF THE ASSETS IN TIER 1 EXCEED THE  
10       PRESENT VALUE OF EXPECTED FUTURE BENEFIT PAYMENTS FOR TIER 1

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1 BENEFICIARIES [AND THE PRESENT AND FUTURE LIABILITIES OF ACTIVE MEMBERS,  
 2 VESTED TERMINATED MEMBERS, RETIRANTS, AND RETIREMENT ALLOWANCE  
 3 BENEFICIARIES] IS AN AMOUNT THAT WILL ALLOW RETIRANTS AND RETIREMENT  
 4 ALLOWANCE BENEFICIARIES TO RECEIVE INDIVIDUAL INCREASES OF \$900.00  
 5 PER YEAR [AND KEEP THE ACTUARIAL VALUE OF THE ASSETS IN TIER 1 AT 120% OF  
 6 THE PRESENT VALUE OF EXPECTED FUTURE BENEFIT PAYMENTS], THE RETIREMENT  
 7 SYSTEM SHALL GRANT AN INCREASE OF \$900.00  
 8 PER YEAR TO EACH RETIRANT AND RETIREMENT ALLOWANCE BENEFICIARY  
 9 RECEIVING RETIREMENT PAYMENTS UNDER THIS ACT. IN ANY YEAR IN WHICH  
 10 THE ACTUARIAL VALUE OF ASSETS EXCEEDS THE PRESENT VALUE OF EXPECTED  
 11 FUTURE BENEFIT PAYMENTS [AND THE PRESENT AND FUTURE LIABILITIES OF ACTIVE  
 12 MEMBERS, VESTED TERMINATED MEMBERS, RETIRANTS, AND RETIREMENT ALLOWANCE  
 13 BENEFICIARIES] BY AN AMOUNT [THAT WOULD KEEP THE ACTUARIAL VALUE  
 14 OF THE ASSETS IN TIER 1 AT 120% OF THE PRESENT VALUE OF EXPECTED FUTURE  
 15 BENEFIT PAYMENTS AND THAT WOULD RESULT IN AN INCREASE OF] LESS THAN THE  
 16 VALUE OF \$900.00  
 17 PER RETIRANT, THE INCREASE SHALL BE REDUCED ON A PRO RATA BASIS TO  
 18 REFLECT AN AMOUNT LESS THAN \$900.00 PER RETIRANT. [IF AN INCREASE OF ANY  
 19 AMOUNT WOULD RESULT IN THE ACTUARIAL VALUE OF THE ASSETS IN TIER 1 BEING  
 20 LESS THAN 120% OF THE PRESENT VALUE OF EXPECTED FUTURE BENEFIT PAYMENTS,  
 21 NO INCREASE WILL BE GIVEN FOR THAT YEAR.]

22 (3) THE PERCENTAGE OF FINAL COMPENSATION LIMITS OF SECTION 503  
 23 DO NOT APPLY TO THE INCREASE AUTHORIZED BY THIS SECTION.

24 (4) THE RECALCULATED RETIREMENT ALLOWANCE SHALL BE THE BASIS  
 25 ON WHICH FUTURE ADJUSTMENTS TO THE RETIREMENT ALLOWANCE ARE  
 26 CALCULATED.

27 (5) THE SUPPLEMENT PROVIDED BY THIS SECTION SHALL BE  
 28 CALCULATED PURSUANT TO SUBSECTION (2) AND SHALL BE PAID ANNUALLY.  
 29 FOR A RETIRANT OR BENEFICIARY OF A DECEASED RETIRANT WHO IS  
 30 ELIGIBLE TO RECEIVE A SUPPLEMENT UNDER THIS SECTION, WHO IS  
 31 RECEIVING A RETIREMENT ALLOWANCE PURSUANT TO SERVICE CREDITED UNDER  
 32 THE FORMER JUDGES RETIREMENT SYSTEM, AND WHO IS RECEIVING A  
 33 RETIREMENT ALLOWANCE PURSUANT TO SERVICE CREDITED UNDER THE FORMER  
 34 PROBATE JUDGES RETIREMENT SYSTEM. THE RETIREMENT SYSTEM, PURSUANT  
 35 TO THIS SECTION, SHALL ONLY SUPPLEMENT THE RETIREMENT ALLOWANCE  
 36 THAT IS THE LARGEST IN AMOUNT. IF A RETIRANT DIES BEFORE JULY 1,  
 37 [2009] AND NO BENEFITS BECOME PAYABLE UNDER SECTION 506 OR 508, THE

1 RETIRANT'S RETIREMENT ALLOWANCE SHALL NOT BE SUPPLEMENTED UNDER  
2 THIS SECTION.