

HOUSE BILL NO. 4266

February 18, 2021, Introduced by Reps. Brann, Albert, Bollin, VanSingel and Bellino and referred to the Committee on Appropriations.

A bill to amend 1986 PA 182, entitled
"State police retirement act of 1986,"
by amending sections 11 and 14 (MCL 38.1611 and 38.1614), as
amended by 2018 PA 674.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11. (1) The retirement board, in consultation with the
- 2 department, shall engage an actuary, in conformance with section
- 3 261 of the management and budget act, 1984 PA 431, MCL 18.1261.
- 4 (2) The actuary shall prepare an annual valuation of the

1 assets, liabilities, financial condition, and contribution rate of
 2 the retirement system, ~~upon~~**on** information supplied by the
 3 department.

4 (3) The retirement board and the department shall conduct and
 5 review an experience investigation study and adopt risk assumptions
 6 on which actuarial valuations are to be based, after consultation
 7 with the actuary, and the state treasurer. **Beginning with the state**
 8 **fiscal year ending September 30, 2022 and for each subsequent state**
 9 **fiscal year, the actuary shall use the most recent mortality**
 10 **assumptions provided by the Actuarial Standards Board and adopted**
 11 **as risk assumptions under this subsection.** The experience
 12 investigation study must be periodically reviewed at least once
 13 every 5 years.

14 (4) Every April 1 following a periodic review of risk
 15 assumptions under subsection (3), the office of retirement services
 16 on behalf of the department and the state treasurer shall
 17 collaborate to submit a report to the senate majority leader, the
 18 speaker of the house of representatives, the senate and house of
 19 representatives appropriations committees, the senate and house
 20 fiscal agencies, and the department of state police. A report
 21 required under this subsection must be published on the office of
 22 retirement ~~services's~~**services'** website and include at least all of
 23 the following:

24 (a) Forecasted rate of return on investments at all of the
 25 following probability levels:

- 26 (i) 5%.
- 27 (ii) 25%.
- 28 (iii) 50%
- 29 (iv) 75%.

1 (v) 95%.

2 (b) The actual rate of return on investments for 10-, 15-, and
3 20-year time intervals.

4 (c) Mortality assumptions.

5 (d) Retirement age assumptions.

6 (e) Payroll growth assumptions.

7 (f) Any other assumptions that have a material impact on the
8 financial status of the retirement system.

9 Sec. 14. (1) The funding objective of the retirement system is
10 to establish and receive contributions during each fiscal year that
11 are sufficient to ~~fully~~ **do both of the following:**

12 (a) **Fully** cover the actuarial cost of benefits likely to be
13 paid on account of services rendered by members during the fiscal
14 year, **which is** the normal cost requirements of the retirement
15 system. ~~and finance~~

16 (b) **Finance** the unfunded actuarial costs of benefits likely to
17 be paid on account of service rendered before the fiscal year,
18 **which is** the unfunded actuarial accrued liability of the retirement
19 system, and health, dental, and vision insurance.

20 (2) Subject to subsections (5) to (7), the annual level
21 percentage of payroll contribution rate must be actuarially
22 determined using experience assumptions and level percent of
23 payroll actuarial cost methods adopted by the retirement board and
24 the department pursuant to an annual actuarial valuation, which
25 must be sufficient to finance benefits being provided and to be
26 provided by the retirement system. **Beginning with the state fiscal**
27 **year ending September 30, 2022 and for each subsequent fiscal year,**
28 **the retirement system shall use layered amortization. As used in**
29 **this subsection, "layered amortization" means a fixed and closed**

1 period that separately layers the different components to be
2 amortized over a fixed period not to exceed 10 years, as it
3 emerges. The amortization period for layered amortization must use
4 a level dollar amortization method.

5 (3) Subject to subsections (5) to (7), **except as otherwise**
6 **provided in this subsection**, for differences occurring in fiscal
7 years beginning on or after October 1, 2001, a minimum of 20% of
8 the difference between the estimated and the actual aggregate
9 compensation and the estimated and the actual contribution rate
10 described in subsection (2), if any, may be submitted in the
11 executive budget to the legislature for appropriation in the next
12 succeeding state fiscal year and a minimum of 25% of the remaining
13 difference must be submitted in the executive budget to the
14 legislature for appropriation in each of the following 4 state
15 fiscal years, or until 100% of the remaining difference is
16 submitted, whichever first occurs. **Beginning in the state fiscal**
17 **year ending September 30, 2023 and each state fiscal year**
18 **thereafter, not less than 60 days after the end of the fiscal year,**
19 **the office of retirement services shall certify to the department**
20 **the difference between the estimated and the actual aggregate**
21 **compensation and the estimated and the actual contribution rate**
22 **described in subsection (2), if any. The legislature shall**
23 **appropriate the amount certified under this subsection in the next**
24 **fiscal year.** In addition, interest must be included for each year
25 that a portion of the remaining difference is carried forward. The
26 interest rate must equal the actuarially assumed rate of investment
27 return for the state fiscal year in which payment is made.

28 (4) For each fiscal year that begins on or after October 1,
29 2003, if the actuarial valuation prepared under this section for

each fiscal year demonstrates that as of the beginning of a fiscal year, and after all credits and transfers required by this act for the previous fiscal year have been made, the sum of the actuarial value of assets and the actuarial present value of future normal cost contributions exceeds the actuarial present value of benefits, the amount based on the annual level percent of payroll contribution rate under subsections (1) and (2) may be deposited into the health advance funding subaccount created by section 42.

(5) Beginning with the state fiscal year ending September 30, 2022 until the pension and retiree health care payroll growth assumption rate is zero, the payroll growth assumption rate must be reduced by 50 basis points. Beginning with the state fiscal year ending September 30, 2022, the office of retirement services within the department of technology, management, and budget and the retirement board may agree to reduce the rate described in this subsection by any number of additional basis points.

(6) Beginning with the state fiscal year ending September 30, 2019 and for each subsequent fiscal year, the normal cost contribution rate must not be less than the normal cost contribution rate in the immediately preceding fiscal year. Additionally, the employer portion of the contribution rate must not be less than the employer portion of the contribution rate in the immediately preceding fiscal year.

(7) Subject to **the requirements of** this subsection, beginning with the state fiscal year ending September 30, 2019 and for each subsequent fiscal year until the unfunded actuarial accrued liability is paid off, the unfunded actuarial accrued liability contribution ~~sum and~~ **amount** due **and** payable must not be less than the unfunded actuarial accrued liability contribution ~~sum and~~

amount due **and** payable in the immediately preceding fiscal year.
The unfunded actuarial accrued liability must be paid off no later than September 30, 2038. Additionally, the employer portion of the unfunded actuarial accrued liability contribution ~~sum and amount~~ due **and** payable must not be less than the employer portion of the unfunded actuarial accrued liability contribution ~~sum and amount~~ due **and** payable in the immediately preceding fiscal year.

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

(9) **Beginning with the state fiscal year ending September 30, 2022 and for each subsequent state fiscal year, the actuary used by the retirement board shall assume a rate of return on investments of and a discount rate not more than 6.8% per annum, as of September 30, 2020, which rate may only be changed with the approval of the retirement board and the director of the department.**