

# HOUSE BILL No. 4216

February 13, 2001, Introduced by Reps. Anderson, Bernero, Bovin, Plakas, Dennis, Bogardus, O'Neil, Minore, Basham, Gielegem, Rison and Schermesser and referred to the Committee on Appropriations.

A bill to amend 1943 PA 240, entitled  
"State employees' retirement act,"  
by amending section 21 (MCL 38.21).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 21. (1) Subject to ~~the provisions of~~ sections 33 and  
2 34, ~~upon~~ ON the application of a member, or his OR HER depart-  
3 ment head, or the state personnel director, a member who becomes  
4 totally incapacitated for duty in the service of ~~the~~ THIS state  
5 ~~of Michigan~~ without willful negligence on his OR HER part, by  
6 reason of a personal injury or disease, which the retirement  
7 board finds to have occurred as the natural and proximate result  
8 of the ~~said~~ member's actual performance of duty in the service  
9 of the state, shall be retired. ~~∴ Provided, The~~

10       (2) IN ORDER FOR THE RETIREMENT BOARD TO FIND THAT A MEMBER  
11 IS ENTITLED TO RETIREMENT UNDER THIS SECTION, THE medical advisor

1 after a medical examination of ~~said~~ THE member shall certify in  
2 writing that ~~said~~ THE member is mentally or physically totally  
3 incapacitated for the further performance of duty in the service  
4 of ~~the~~ THIS state, ~~and that such~~ THE incapacity will probably  
5 be permanent, and ~~that said~~ THE member should be retired. ~~+~~

6 ~~And provided further, That~~

7 (3) IN ORDER FOR THE RETIREMENT BOARD TO FIND THAT A MEMBER  
8 IS ENTITLED TO RETIREMENT UNDER THIS SECTION, the retirement  
9 board ~~concurs~~ SHALL CONCUR in the recommendation of the medical  
10 advisor.

11 (4) FOR PURPOSES OF THIS SECTION, ON OR AFTER JANUARY 1,  
12 1993, MEMBER INCLUDES A STATE EMPLOYEE WHO HAS SEPARATED FROM  
13 SERVICE BECAUSE OF AN INCAPACITY OR HAS BEEN TERMINATED FROM  
14 SERVICE BECAUSE OF AN INCAPACITY AND WHO IS A PARTY TO AN ADMIN-  
15 ISTRATIVE OR JUDICIAL PROCEEDING, INCLUDING, BUT NOT LIMITED TO,  
16 A GRIEVANCE PROCEEDING, THAT RELATES TO THE SEPARATION OR TERMI-  
17 NATION FROM SERVICE. A MEMBER HAS 5 YEARS AFTER THE TERMINATION  
18 OF A PROCEEDING THAT RELATES TO THE SEPARATION OR TERMINATION  
19 FROM SERVICE OR 5 YEARS AFTER THE TERMINATION OF ALL APPEALS  
20 TAKEN FROM THE PROCEEDING THAT RELATES TO THE SEPARATION OR TER-  
21 MINATION FROM SERVICE, WHICHEVER IS LATER, TO FILE AN APPLICATION  
22 FOR A DISABILITY RETIREMENT ALLOWANCE WITH THE RETIREMENT BOARD.