

HOUSE BILL No. 4767

May 1, 1991, Introduced by Reps. Martin, Brown, Nye, Sikkema, DeMars and London and referred to the Committee on Senior Citizens and Retirement.

A bill to amend sections 23, 24, 25, 26, 27, 28, 30, and 43 of Act No. 182 of the Public Acts of 1986, entitled "State police retirement act of 1986," section 30 as amended by Act No. 191 of the Public Acts of 1989, being sections 38.1623, 38.1624, 38.1625, 38.1626, 38.1627, 38.1628, 38.1630, and 38.1643 of the Michigan Compiled Laws; and to add section 43a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 23, 24, 25, 26, 27, 28, 30, and 43 of
2 Act No. 182 of the Public Acts of 1986, section 30 as amended by
3 Act No. 191 of the Public Acts of 1989, being sections 38.1623,
4 38.1624, 38.1625, 38.1626, 38.1627, 38.1628, 38.1630, and 38.1643
5 of the Michigan Compiled Laws, are amended and section 43a is
6 added to read as follows:

1 Sec. 23. (1) Except as otherwise provided by Act No. 59 of
2 the Public Acts of 1935, being sections 28.1 to 28.15 of the
3 Michigan Compiled Laws, every employee of the department of state
4 police who has subscribed to the constitutional oath of office
5 shall be a member of this retirement system.

6 (2) A member who resigns, dies, is transferred to a position
7 not covered by the retirement system, or is dismissed for a
8 reason other than his or her retirement or breach of the public
9 trust, upon application is entitled to receive in a lump sum,
10 payable to him or her or his or her legal representative if the
11 member dies or is legally disabled, 100% of the contributions
12 made into the reserve for employee contributions.

13 (3) A REFUND OF CONTRIBUTIONS UNDER THIS SECTION IS SUBJECT
14 TO AN ELIGIBLE DOMESTIC RELATIONS ORDER UNDER SECTION 43A.

15 Sec. 24. (1) A member who has 25 years or more of credited
16 service under this act or former Act No. 251 of the Public Acts
17 of 1935, or both, may retire upon his or her written application
18 to the retirement board, stating a date, not less than 30 nor
19 more than 90 days after the execution and filing of the applica-
20 tion, he or she desires to retire. However, a member who becomes
21 56 years of age shall retire. A member retiring under this sub-
22 section shall be entitled to receive a retirement allowance equal
23 to 60% of his or her final average compensation.

24 (2) If a retirant receiving a retirement allowance under
25 subsection (1) dies, the retirement allowance shall continue to
26 be paid to the surviving spouse of the retirant for the rest of
27 the spouse's life. If there is not a surviving spouse or upon

1 the spouse's death, then the retirement allowance shall be paid
2 to the children under the age of 18 of the retirant, share and
3 share alike. If the surviving spouse dies and there are not eli-
4 gible children, there shall be paid to the retirant's estate or
5 his or her legal representative any residual accumulated contri-
6 butions and interest made by the retirant into the fund.

7 (3) THE PAYMENT OF A RETIREMENT ALLOWANCE UNDER THIS SECTION
8 IS SUBJECT TO AN ELIGIBLE DOMESTIC RELATIONS ORDER UNDER SECTION
9 43A.

10 (4) ~~(3)~~ If the director of the department of state police
11 orders the retirement of any member eligible to retire for reason
12 or reasons other than having become 56 years of age, and that
13 member is aggrieved by the order, the member so affected shall be
14 entitled to appeal to the retirement board. An appeal shall be
15 in writing and filed with the retirement board within 30 days
16 after receipt of the order of retirement. The retirement board
17 shall set the appeal for hearing within 30 days after the filing
18 of the appeal and shall review the facts as presented and deter-
19 mine whether the order of retirement shall continue or be
20 revoked.

21 Sec. 25. (1) A retirement allowance shall be paid to the
22 surviving spouse of a member of the retirement system who while
23 in the discharge of his or her duty is killed or receives inju-
24 ries or contracts a disease or illness, by reason of his or her
25 occupation, ~~which~~ THAT results in his or her death. The
26 retirement allowance shall be equal to 60% of the member's final
27 average compensation. Upon the death of the surviving spouse, or

1 if there is no surviving spouse at the time of the death of the
2 member, the ~~pension~~ RETIREMENT ALLOWANCE shall be paid to the
3 children of the member under the age of 18 years, share and share
4 alike. When each respective child attains the age of 18 years,
5 payment to him or her shall cease and his or her share shall be
6 prorated among the remaining children under 18 years of age. If
7 there is a retirement allowance payable to a surviving spouse
8 under this section, a retirement allowance of \$100.00 per month
9 shall be paid to each of the children under the age of 18 years,
10 if any, of the deceased member, and all payments to the children
11 shall continue until each respective child reaches the age of
12 18 years. If there is not a surviving spouse, nor children under
13 the age of 18 years, then a retirement allowance equal to 60% of
14 the member's final average compensation shall be paid to the
15 mother or father, or both, of the member, if dependent ~~on him or~~
16 ~~her~~ UPON THE MEMBER for support, until the dependency ceases.
17 If there is not a dependent mother or father, a retirement allow-
18 ance of \$100.00 per month shall be paid to each of the sisters or
19 brothers, if there are any under 18 years of age dependent upon
20 the member for support. If there are not any dependents, then
21 there shall be paid to the deceased member's estate any residual
22 accumulated contributions and interest made by him or her into
23 the reserve for employee contributions, or \$1,500.00, whichever
24 is greater.

25 (2) The supplements to retirement allowances and minimum
26 annual retirement allowance provisions of this act shall not

1 apply to the special \$100.00 per month allowance to children and
2 the allowance to dependent parents and siblings.

3 (3) ~~When~~ IF an active or retired member is killed or dies
4 from injuries, disease, or illness, contracted by reason of his
5 or her occupation as a member of the department of state police,
6 the retirement board shall provide a sum not to exceed \$1,500.00
7 from the reserve for casualty experience for funeral expenses.

8 (4) The retirement allowance payable under this section,
9 when added to the statutory worker's compensation benefits appli-
10 cable in the case, shall not exceed the average annual salary
11 paid to the member for the 2 years immediately ~~prior to~~ BEFORE
12 death.

13 (5) A RETIREMENT ALLOWANCE OR RESIDUAL ACCUMULATED CONTRIBU-
14 TIONS AND INTEREST PAYABLE UNDER THIS SECTION ARE SUBJECT TO AN
15 ELIGIBLE DOMESTIC RELATIONS ORDER UNDER SECTION 43A.

16 Sec. 26. (1) A member who retires due to duty incurred dis-
17 ability ~~on or after the effective date of this act shall be~~
18 SEPTEMBER 30, 1986, IS entitled to receive a retirement allowance
19 equal to 60% of the member's final average compensation.

20 (2) If a retirant receiving a retirement allowance under
21 this section dies, the retirement allowance shall continue to be
22 paid to the surviving spouse of the deceased retirant for the
23 rest of the spouse's life.

24 (3) For purposes of this section, if there is no surviving
25 spouse or upon the spouse's death, ~~then~~ the retirement allow-
26 ance shall be paid to the children under the age of 18 of the
27 member, share and share alike. If there are no eligible children

1 remaining after the spouse's death, ~~then~~ there shall be paid to
2 the deceased member's estate any residual accumulated contribu-
3 tions and interest made by him or her into the reserve for
4 employee contributions.

5 (4) The retirement allowance payable under this section,
6 when added to the statutory worker's compensation benefits appli-
7 cable in the case, shall not exceed the average annual salary
8 paid to the member for the 2 years immediately ~~prior to~~ BEFORE
9 death.

10 (5) A RETIREMENT ALLOWANCE OR RESIDUAL ACCUMULATED CONTRIBU-
11 TIONS AND INTEREST PAYABLE UNDER THIS SECTION ARE SUBJECT TO AN
12 ELIGIBLE DOMESTIC RELATIONS ORDER UNDER SECTION 43A.

13 Sec. 27. (1) If a member continues as a member of the
14 retirement system on or after the date he or she acquires 10
15 years of service credit and suffers a nonduty related death leav-
16 ing a surviving spouse ~~prior to~~ BEFORE the effective date of
17 the member's retirement ~~—~~ while a member of the retirement
18 system, the surviving spouse ~~shall be~~ IS entitled to receive a
19 retirement allowance equal to 2.4% of the member's final average
20 compensation times the number of years, including any fraction of
21 a year, of service credited to the member pursuant to this act or
22 former Act No. 251 of the Public Acts of 1935, or both, but not
23 to exceed 25 years, as if the member had retired effective the
24 day preceding the date of death and nominated the spouse as
25 beneficiary. If there is not a surviving spouse, or upon the
26 spouse's death, ~~then~~ the retirement allowance shall be paid to
27 the children under the age of 18 years of the member, share and

1 share alike. Upon the spouse's death, if there are not eligible
2 children, there shall be paid to the deceased member's estate any
3 residual accumulated contributions and interest made by him or
4 her into the reserve for employee contributions. A retirement
5 allowance shall not be payable under this section if a retirement
6 allowance is payable under any other section of this act.

7 (2) Payment of the retirement allowance shall begin the
8 first day of the calendar month next following the month in which
9 the member died.

10 (3) A RETIREMENT ALLOWANCE OR RESIDUAL ACCUMULATED CONTRIBU-
11 TIONS AND INTEREST PAYABLE UNDER THIS SECTION ARE SUBJECT TO AN
12 ELIGIBLE DOMESTIC RELATIONS ORDER UNDER SECTION 43A.

13 Sec. 28. (1) A member who retires due to nonduty incurred
14 disability on or after the effective date of this act and after
15 completing 10 years of credited service under this act or former
16 Act No. 251 of the Public Acts of 1935, or both, ~~shall be~~ IS
17 entitled to receive a retirement allowance equal to 2.4% of the
18 member's final average compensation times the number of years,
19 including any fraction of a year, of service credited to the
20 member pursuant to this act or former Act No. 251 of the Public
21 Acts of 1935, or both, but not to exceed 25 years, during the
22 period of disability. If a retirant receiving a retirement
23 allowance under this section dies, the retirement allowance shall
24 continue to be paid to the surviving spouse for the rest of the
25 spouse's life in an amount equal to the retirement allowance
26 ~~which~~ THAT the member was receiving on the date of his or her
27 death.

1 (2) For purposes of this section, if there is no surviving
2 spouse or upon the spouse's death, ~~then~~ the retirement allow-
3 ance shall be paid to the children under the age of 18 of the
4 member, share and share alike. If there are no eligible children
5 remaining after the spouse's death, then there shall be paid to
6 the deceased member's estate any residual accumulated contribu-
7 tions and interest made by him or her into the reserve for
8 employee contributions.

9 (3) A RETIREMENT ALLOWANCE OR RESIDUAL ACCUMULATED CONTRIBU-
10 TIONS AND INTEREST PAYABLE UNDER THIS SECTION ARE SUBJECT TO AN
11 ELIGIBLE DOMESTIC RELATIONS ORDER UNDER SECTION 43A.

12 Sec. 30. (1) A member who resigns, dies, is transferred to
13 a position not covered by the retirement system, or is dismissed
14 for a reason other than his or her retirement or breach of the
15 public trust, and who meets the requirements of subsection (3) or
16 who has been a member under this act or former Act No. 251 of the
17 Public Acts of 1935, or both, for 10 or more years, is entitled
18 to a deferred retirement allowance in lieu of a payment of a
19 refund of his or her contributions as provided in section 23.
20 The retirement allowance of a deferred member who retires under
21 this section on or after October 1, 1986 shall equal 2% of the
22 deferred member's final average compensation times the number of
23 years, including any fraction of a year, of service credited to
24 the deferred member pursuant to this act or former Act No. 251 of
25 the Public Acts of 1935, or both, but not to exceed 25 years.
26 The payment shall not begin before the date the deferred member
27 becomes 50 years of age, and shall continue during the life of a

1 surviving spouse. The entitlement to a deferred retirement
2 allowance under this section is forfeited if a deferred member is
3 paid a refund of his or her contributions. If a deferred member
4 dies before becoming 50 years of age, the deferred retirement
5 allowance shall be paid to his or her surviving spouse or depen-
6 dent children on the first day of the month following the date
7 the retirant would have attained 50 years of age.

8 (2) If a member has qualified for a deferred retirement
9 allowance under subsection (1) and has not forfeited his or her
10 retirement allowance and subsequently is reemployed and becomes
11 an employee of the department of state police by subscribing to
12 the constitutional oath of office, he or she shall again become a
13 member of this retirement system. If the member again serves for
14 at least 5 years, his or her prior service shall be combined with
15 his or her subsequent service and the member's retirement allow-
16 ance shall be recomputed with credit for his or her total number
17 of years served ~~in accordance with~~ PURSUANT TO section 24.

18 (3) A member who has been a member under this act or former
19 Act No. 251 of the Public Acts of 1935, or both, for less than
20 10 years, shall receive the service credit needed to equal
21 10 years if the member does not meet the vision screening stan-
22 dards as required for continued employment developed by the
23 department of state police. However, a member shall not receive
24 the grant of service credit under this subsection if 1 or more of
25 the following circumstances exist:

26 (a) The department of state police has made reasonable
27 accommodation for the continued employment of the member.

1 (b) The member's failure to meet the vision screening
2 standards is directly related to and arose out of a nonduty ill-
3 ness, injury, or occurrence.

4 (4) A DEFERRED RETIREMENT ALLOWANCE PAYABLE UNDER THIS SEC-
5 TION IS SUBJECT TO AN ELIGIBLE DOMESTIC RELATIONS ORDER UNDER
6 SECTION 43A.

7 Sec. 43. (1) Except as provided in subsection (2), a
8 retirement allowance, either before or after its order of distri-
9 bution, shall not be held, seized, taken, detained, or levied on
10 by virtue of any legal process issued out of any court against
11 the beneficiary, but shall be paid directly to the beneficiary of
12 the allowance.

13 (2) The right of a member or retirant to a retirement allow-
14 ance, deferred retirement allowance, accumulated contributions,
15 or other benefit under this act ~~shall be~~ IS subject to award by
16 a court pursuant to section 18 of chapter 84 of the Revised
17 Statutes of 1846, being section 552.18 of the Michigan Compiled
18 Laws, and to any other order of a court pertaining to ALIMONY OR
19 child support. THE RIGHT OF A MEMBER OR RETIRANT TO A RETIREMENT
20 ALLOWANCE, DEFERRED RETIREMENT ALLOWANCE, ACCUMULATED CONTRIBU-
21 TIONS, OR OTHER BENEFIT UNDER THIS ACT IS SUBJECT TO AN ELIGIBLE
22 DOMESTIC RELATIONS ORDER UNDER SECTION 43A.

23 (3) If an award or order described in subsection (2)
24 requires the retirement system to withhold payment of a retire-
25 ment allowance, deferred retirement allowance, accumulated con-
26 tributions, or other benefit from the person to whom it is due or
27 requires the retirement system to make payment or requires the

1 person to request that the retirement system make payment of a
2 retirement allowance, deferred retirement allowance, accumulated
3 contributions, or other benefit, for the purpose of meeting the
4 person's obligations to a spouse, former spouse, or child, as
5 provided in subsection (2), the withholding or payment provisions
6 of the award or order shall be effective only against ~~such~~
7 THOSE amounts as they become payable to the person receiving a
8 retirement allowance UNLESS OTHERWISE PROVIDED IN AN ELIGIBLE
9 DOMESTIC RELATIONS ORDER UNDER SECTION 43A. The limitation con-
10 tained in this subsection ~~shall~~ DOES not apply to the accumu-
11 lated contributions of a person who has terminated employment
12 ~~prior to~~ BEFORE acquiring a deferred member status.

13 SEC. 43A. (1) AS USED IN THIS SECTION:

14 (A) "ALTERNATE PAYEE" MEANS A SPOUSE OF A PARTICIPANT UNDER
15 A JUDGMENT OF SEPARATE MAINTENANCE, OR A FORMER SPOUSE, CHILD, OR
16 DEPENDENT OF A PARTICIPANT, WHO IS NAMED IN AN ELIGIBLE DOMESTIC
17 RELATIONS ORDER.

18 (B) "BENEFIT" MEANS A PENSION, AN ANNUITY, A RETIREMENT
19 ALLOWANCE, OR AN OPTIONAL BENEFIT ACCRUED OR ACCRUING TO A PAR-
20 TICIPANT UNDER THIS ACT OR A POSTRETIREMENT SUBSIDY PAYABLE TO A
21 PARTICIPANT UNDER THIS ACT.

22 (C) "DOMESTIC RELATIONS ORDER" MEANS A JUDGMENT, DECREE, OR
23 ORDER OF A COURT MADE PURSUANT TO THE DOMESTIC RELATIONS LAW OF
24 THIS STATE AND RELATING TO THE PROVISION OF ALIMONY PAYMENTS,
25 CHILD SUPPORT, OR MARITAL PROPERTY RIGHTS TO A SPOUSE OF A PAR-
26 TICIPANT UNDER A JUDGMENT OF SEPARATE MAINTENANCE, OR A FORMER
27 SPOUSE, CHILD, OR DEPENDENT OF A PARTICIPANT.

1 (D) "EARLIEST RETIREMENT DATE" MEANS THE EARLIEST DATE ON
2 WHICH A PARTICIPANT MEETS ALL OF THE REQUIREMENTS FOR RETIREMENT
3 UNDER THIS ACT EXCEPT FOR TERMINATION OF EMPLOYMENT.

4 (E) "ELIGIBLE DOMESTIC RELATIONS ORDER" OR "EDRO" MEANS A
5 DOMESTIC RELATIONS ORDER THAT IS CONSIDERED AN ELIGIBLE DOMESTIC
6 RELATIONS ORDER UNDER SUBSECTION (10) OR THAT MEETS ALL OF THE
7 FOLLOWING REQUIREMENTS:

8 (i) THE DOMESTIC RELATIONS ORDER STATES THE NAME, LAST KNOWN
9 ADDRESS, AND SOCIAL SECURITY NUMBER OF THE PARTICIPANT.

10 (ii) THE DOMESTIC RELATIONS ORDER STATES THE NAME, LAST
11 KNOWN ADDRESS, AND SOCIAL SECURITY NUMBER OF THE ALTERNATE
12 PAYEE.

13 (iii) THE DOMESTIC RELATIONS ORDER STATES THE AMOUNT OR PER-
14 CENTAGE OF THE BENEFIT TO BE PAID TO AN ALTERNATE PAYEE, OR THE
15 MANNER UNDER WHICH THE RETIREMENT SYSTEM IS TO DETERMINE THE
16 AMOUNT OR PERCENTAGE OF THE BENEFIT TO BE PAID TO AN ALTERNATE
17 PAYEE.

18 (iv) THE DOMESTIC RELATIONS ORDER STATES THAT IT APPLIES TO
19 THE MICHIGAN STATE POLICE RETIREMENT SYSTEM AND THAT THE RETIRE-
20 MENT SYSTEM SHALL MAKE PAYMENTS TO THE ALTERNATE PAYEE AS
21 REQUIRED UNDER THE ELIGIBLE DOMESTIC RELATIONS ORDER AND THIS
22 SECTION.

23 (v) THE DOMESTIC RELATIONS ORDER DOES NOT REQUIRE THE
24 RETIREMENT SYSTEM TO PROVIDE A TYPE OR FORM OF BENEFIT NOT PRO-
25 VIDED BY THIS ACT OR A FORM OF PAYMENT NOT PROVIDED BY THIS
26 SECTION.

1 (vi) THE DOMESTIC RELATIONS ORDER DOES NOT REQUIRE THE
2 RETIREMENT SYSTEM TO PROVIDE AN INCREASED BENEFIT DETERMINED ON
3 THE BASIS OF ACTUARIAL VALUE.

4 (vii) THE DOMESTIC RELATIONS ORDER DOES NOT REQUIRE THE PAY-
5 MENT OF A BENEFIT TO AN ALTERNATE PAYEE THAT IS REQUIRED TO BE
6 PAID TO ANOTHER ALTERNATE PAYEE UNDER A PREVIOUSLY FILED ELIGIBLE
7 DOMESTIC RELATIONS ORDER.

8 (viii) THE DOMESTIC RELATIONS ORDER IS FILED BEFORE THE
9 PARTICIPANT'S RETIREMENT ALLOWANCE EFFECTIVE DATE.

10 (F) "PARTICIPANT" MEANS A MEMBER, DEFERRED MEMBER, DECEASED
11 FORMER MEMBER, OR RETIRANT UNDER THIS ACT.

12 (G) "POSTRETIREMENT SUBSIDY" INCLUDES, BUT IS NOT LIMITED
13 TO, ALL OF THE FOLLOWING:

14 (i) A SUPPLEMENTAL PAYMENT MADE PURSUANT TO SECTION 37, 38,
15 OR 39.

16 (ii) A PERCENTAGE INCREASE TO A BENEFIT PAYABLE TO A
17 PARTICIPANT.

18 (iii) ANY OTHER PAYMENT TO A PARTICIPANT OR INCREASE TO A
19 BENEFIT PAYABLE TO A PARTICIPANT PURSUANT TO THIS ACT, EXCLUDING
20 HEALTH BENEFITS.

21 (2) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, AN ALTER-
22 NATE PAYEE IS ENTITLED TO AN ACTUAL INTEREST IN A SHARE OF A BEN-
23 EFIT THAT IS OR WILL BECOME PAYABLE TO A PARTICIPANT UNDER THIS
24 ACT, IF SO PROVIDED IN AN EDRO FILED WITH THE RETIREMENT SYSTEM.
25 THE RETIREMENT SYSTEM SHALL ADMINISTER THE PAYMENT OF A BENEFIT
26 UNDER THIS ACT PURSUANT TO THE EDRO AND THIS SECTION.

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
2 PAYMENT OF A BENEFIT TO AN ALTERNATE PAYEE UNDER AN EDRO AND THIS
3 SECTION SHALL BEGIN ON THE RETIREMENT ALLOWANCE EFFECTIVE DATE OF
4 THE PARTICIPANT. THE PAYMENT OF A BENEFIT UNDER AN EDRO AND THIS
5 SECTION SHALL BE PAID IN 1 OF THE FOLLOWING FORMS:

6 (A) A SINGLE LIFE ANNUITY THAT IS EQUAL TO THE ACTUARIAL
7 EQUIVALENT OF THE ALTERNATE PAYEE'S SHARE OF THE BENEFIT PAYABLE
8 THROUGHOUT THE LIFE OF THE ALTERNATE PAYEE.

9 (B) A SINGLE LIFE ANNUITY THAT IS EQUAL TO THE ALTERNATE
10 PAYEE'S SHARE OF THE BENEFIT PAYABLE THROUGHOUT THE LIFE OF THE
11 PARTICIPANT.

12 (4) AN EDRO MAY PROVIDE FOR THE PAYMENT OF A BENEFIT TO AN
13 ALTERNATE PAYEE BEGINNING ON OR AFTER THE PARTICIPANT'S EARLIEST
14 RETIREMENT DATE BUT BEFORE THE PARTICIPANT TERMINATES EMPLOYMENT
15 AS PROVIDED IN THIS SUBSECTION. AN ALTERNATE PAYEE SHALL BEGIN
16 TO RECEIVE THE PAYMENT OF A BENEFIT UNDER THIS SUBSECTION EFFEC-
17 TIVE THE FIRST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE MONTH
18 IN WHICH THE ALTERNATE PAYEE NOTIFIES THE RETIREMENT SYSTEM OF
19 HIS OR HER ELECTION TO BEGIN TO RECEIVE PAYMENT OF HIS OR HER
20 INTEREST IN THE BENEFIT OF A PARTICIPANT. IF AN ALTERNATE PAYEE
21 ELECTS TO RECEIVE HIS OR HER INTEREST IN THE BENEFIT OF A PARTIC-
22 IPANT AFTER THE PARTICIPANT'S EARLIEST RETIREMENT DATE BUT BEFORE
23 THE PARTICIPANT'S TERMINATION OF EMPLOYMENT, THE ALTERNATE PAYEE
24 IS ONLY ENTITLED TO THE ACTUARIAL EQUIVALENT OF THE ALTERNATE
25 PAYEE'S SHARE OF THE PARTICIPANT'S BENEFIT THAT WOULD BE PAYABLE
26 WHEN THE PARTICIPANT REACHES AGE 60. IF THE PARTICIPANT RETIRES
27 BEFORE AGE 60, THE RETIREMENT SYSTEM SHALL RECALCULATE THE

1 BENEFIT PAYABLE TO THE ALTERNATE PAYEE SO THAT THE RECALCULATED
2 BENEFIT PAYABLE TO THE ALTERNATE PAYEE PLUS THE BENEFIT PREVI-
3 OUSLY PAID TO THE ALTERNATE PAYEE ARE THE ACTUARIAL EQUIVALENT OF
4 THE ALTERNATE PAYEE'S SHARE OF THE BENEFIT PAYABLE TO THE
5 PARTICIPANT. IF THE RECALCULATED BENEFIT IS MORE THAN THE BENE-
6 FIT THE ALTERNATE PAYEE IS RECEIVING, THE RETIREMENT SYSTEM SHALL
7 BEGIN PAYING THE RECALCULATED BENEFIT TO THE ALTERNATE PAYEE
8 EFFECTIVE THE FIRST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE
9 MONTH IN WHICH THE PARTICIPANT RETIRES.

10 (5) AN EDRO MAY PROVIDE THAT A SPOUSE UNDER A JUDGMENT OF
11 SEPARATE MAINTENANCE OR A FORMER SPOUSE IS CONSIDERED THE SPOUSE
12 OF A PARTICIPANT FOR THE PURPOSE OF RECEIVING A BENEFIT AS A SUR-
13 VIVING SPOUSE UNDER SECTION 24, 25, 26, 27, 28, OR 30. THE BENE-
14 FIT PAYABLE TO A SPOUSE UNDER A JUDGMENT OF SEPARATE MAINTENANCE
15 OR A FORMER SPOUSE AS A SURVIVING SPOUSE UNDER THIS SUBSECTION
16 SHALL BE COMPUTED AS PROVIDED IN THE EDRO AND SECTION 24, 25, 26,
17 27, 28, OR 30. IF THE AMOUNT OR PERCENTAGE OF THE BENEFIT TO BE
18 PAID TO A SPOUSE UNDER A JUDGMENT OF SEPARATE MAINTENANCE OR A
19 FORMER SPOUSE AS THE SURVIVING SPOUSE OF THE PARTICIPANT UNDER
20 THIS SUBSECTION IS LESS THAN THE ENTIRE AMOUNT PAYABLE UNDER SEC-
21 TION 24, 25, 26, 27, 28, OR 30, THE SURVIVING SPOUSE OR OTHER
22 BENEFICIARY OF THE PARTICIPANT, AS DETERMINED UNDER SECTION 24,
23 25, 26, 27, 28, OR 30, IS ENTITLED TO RECEIVE THE PORTION OF THE
24 BENEFIT NOT PAYABLE TO A SPOUSE UNDER A JUDGMENT OF SEPARATE
25 MAINTENANCE OR A FORMER SPOUSE UNDER THIS SUBSECTION.

26 (6) IF AN ALTERNATE PAYEE UNDER THIS SECTION DIES BEFORE
27 RECEIVING ANY PAYMENT OF HIS OR HER INTEREST IN A BENEFIT

1 PURSUANT TO THIS SECTION AND AN EDRO, THAT INTEREST REVERTS TO
2 THE PARTICIPANT.

3 (7) THE CREATION, ASSIGNMENT, OR RECOGNITION OF A RIGHT OF
4 AN ALTERNATE PAYEE TO AN ACTUAL INTEREST IN A SHARE OF A BENEFIT
5 THAT IS OR WILL BECOME PAYABLE TO A PARTICIPANT PURSUANT TO AN
6 EDRO UNDER THIS SECTION IS NOT A PROHIBITED ASSIGNMENT UNDER SEC-
7 TION 43.

8 (8) THE RETIREMENT SYSTEM SHALL ESTABLISH A REASONABLE PRO-
9 CEDURE TO DETERMINE IF A DOMESTIC RELATIONS ORDER IS AN EDRO
10 UNDER THIS SECTION. THE RETIREMENT SYSTEM SHALL PROMPTLY NOTIFY
11 THE PARTICIPANT AND ALTERNATE PAYEE NAMED IN A DOMESTIC RELATIONS
12 ORDER THAT THE RETIREMENT SYSTEM HAS RECEIVED THE DOMESTIC RELA-
13 TIONS ORDER. THE NOTICE SHALL INCLUDE A DESCRIPTION OF THE PRO-
14 CEDURE BY WHICH THE RETIREMENT SYSTEM DETERMINES IF THE DOMESTIC
15 RELATIONS ORDER IS AN EDRO UNDER THIS SECTION.

16 (9) THE RETIREMENT SYSTEM SHALL, WITHIN A REASONABLE PERIOD
17 OF TIME AFTER RECEIVING A DOMESTIC RELATIONS ORDER, DETERMINE IF
18 THE DOMESTIC RELATIONS ORDER IS AN EDRO UNDER THIS SECTION. IF
19 THE RETIREMENT SYSTEM DETERMINES THAT THE DOMESTIC RELATIONS
20 ORDER IS AN EDRO UNDER THIS SECTION, THE RETIREMENT SYSTEM SHALL
21 PROMPTLY NOTIFY THE PARTICIPANT AND ALTERNATE PAYEE NAMED IN THE
22 EDRO THAT THE DOMESTIC RELATIONS ORDER IS AN EDRO. THE RETIRE-
23 MENT SYSTEM SHALL BEGIN THE PAYMENT OF A BENEFIT UNDER THIS SEC-
24 TION PURSUANT TO THE EDRO AND THIS SECTION ON THE FIRST DAY OF
25 THE MONTH FOLLOWING THE MONTH IN WHICH THE DOMESTIC RELATIONS
26 ORDER WAS DETERMINED TO BE AN EDRO OR THE FIRST DAY OF THE MONTH
27 FOLLOWING THE MONTH IN WHICH A BENEFIT IS PAYABLE UNDER THE EDRO

1 AND THIS SECTION, WHICHEVER IS LATER. IF THE RETIREMENT SYSTEM
2 DETERMINES THAT THE DOMESTIC RELATIONS ORDER IS NOT AN EDRO UNDER
3 THIS SECTION, THE RETIREMENT SYSTEM SHALL PROMPTLY NOTIFY THE
4 PARTICIPANT AND ALTERNATE PAYEE NAMED IN THE DOMESTIC RELATIONS
5 ORDER THAT THE DOMESTIC RELATIONS ORDER IS NOT AN EDRO. THE
6 RETIREMENT SYSTEM SHALL SPECIFY IN THE NOTICE WHY THE RETIREMENT
7 SYSTEM DETERMINED THAT THE DOMESTIC RELATIONS ORDER IS NOT AN
8 EDRO UNDER THIS SECTION. A DETERMINATION BY THE RETIREMENT
9 SYSTEM THAT A DOMESTIC RELATIONS ORDER IS NOT AN EDRO UNDER THIS
10 SECTION DOES NOT PROHIBIT A PARTICIPANT, ALTERNATE PAYEE, OR
11 COURT FROM FILING AN AMENDED DOMESTIC RELATIONS ORDER WITH THE
12 RETIREMENT SYSTEM UNDER THIS SECTION.

13 (10) A DOMESTIC RELATIONS ORDER FILED WITH THE RETIREMENT
14 SYSTEM BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
15 THIS SECTION SHALL BE CONSIDERED AN EDRO UNDER THIS SECTION IF
16 THE RETIREMENT SYSTEM IS MAKING PAYMENTS UNDER THE DOMESTIC RELA-
17 TIONS ORDER ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
18 ADDED THIS SECTION OR TO THE EXTENT A DOMESTIC RELATIONS ORDER IS
19 CONSISTENT WITH THE PROVISIONS OF THIS SECTION. THIS SUBSECTION
20 DOES NOT PROHIBIT A PARTICIPANT, ALTERNATE PAYEE, OR COURT FROM
21 FILING AN AMENDED DOMESTIC RELATIONS ORDER UNDER THIS SECTION.