

SENATE BILL No. 609

November 14, 1991, Introduced by Senator N. SMITH and
referred to the Committee on Finance.

A bill to amend section 27 of Act No. 165 of the Public Acts
of 1954, entitled

"Probate judges retirement act,"

as amended by Act No. 51 of the Public Acts of 1991, being
section 38.927 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 27 of Act No. 165 of the Public Acts of
2 1954, as amended by Act No. 51 of the Public Acts of 1991, being
3 section 38.927 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 27. (1) The right of a person to an annuity, the
6 return of accumulated contributions, the annuity itself, an
7 optional benefit, any other right accrued or accruing to a person
8 under this act, and the money belonging to the retirement system
9 is unassignable and is not subject to execution, garnishment,

1 attachment, the operation of bankruptcy or insolvency law, or any
2 other process of law, except as is specifically provided in this
3 act. A PENSION, A DEFERRED PENSION, AN ANNUITY, AN ACCUMULATED
4 CONTRIBUTION, A RETIREMENT BENEFIT OR ALLOWANCE, AN OPTIONAL BEN-
5 EFIT, OR ANY OTHER BENEFIT ACCRUED OR ACCRUING TO A PERSON UNDER
6 THIS ACT IS SUBJECT TO TAXATION UNDER THE INCOME TAX ACT OF 1967,
7 ACT NO. 281 OF THE PUBLIC ACTS OF 1967, BEING SECTIONS 206.1 TO
8 206.532 OF THE MICHIGAN COMPILED LAWS.

9 (2) The right of a member, an inactive member who meets the
10 requirements of section 15, or a retirant to an annuity, the
11 return of accumulated contributions, the annuity itself, an
12 optional benefit, or any other benefit under this act ~~shall be~~
13 IS subject to award by a court pursuant to section 18 of chapter
14 84 of the Revised Statutes of 1846, being section 552.18 of the
15 Michigan Compiled Laws, and to any other order of a court per-
16 taining to alimony or child support. The right of a member, an
17 inactive member under section 15, or a retirant to an annuity,
18 the return of accumulated contributions, the annuity itself, an
19 optional benefit, or any other benefit under this act is subject
20 to an eligible domestic relations order under the eligible domes-
21 tic relations order act, ACT NO. 46 OF THE PUBLIC ACTS OF 1991,
22 BEING SECTIONS 38.1701 TO 38.1711 OF THE MICHIGAN COMPILED LAWS.

23 (3) If an award or order described in subsection (2)
24 requires the retirement system to withhold payment of a pension,
25 deferred pension, accumulated contributions, or other benefit
26 from the person to whom it is due or requires the retirement
27 system to make payment or requires the person to request that the

1 retirement system make payment of a pension, deferred pension,
2 accumulated contributions, or other benefit, for the purpose of
3 meeting the person's obligations to a spouse, former spouse or
4 child, as provided in subsection (2), the withholding or payment
5 provisions of the award or order shall be effective only against
6 such amounts as they become payable to the person receiving a
7 retirement allowance unless otherwise provided in an eligible
8 domestic relations order under the eligible domestic relations
9 order act, ACT NO. 46 OF THE PUBLIC ACTS OF 1991. The limitation
10 contained in this subsection does not apply to the accumulated
11 contributions of a person who terminates employment before
12 acquiring a vested member status.

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. 131 of the 86th Legislature is enacted into law.