

HOUSE BILL No. 4389

March 1, 2001, Introduced by Reps. Vander Veen, Voorhees and Birkholz and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1986 PA 182, entitled
"State police retirement act of 1986,"
by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) The right of a member or retirant to a retirement allow-
8 ance, deferred retirement allowance, accumulated contributions,
9 or other benefit under this act is subject to award by a court
10 pursuant to section 18 of ~~chapter 84 of the Revised Statutes of~~
11 ~~1846, being section 552.18 of the Michigan Compiled Laws 1846~~

1 RS 84, MCL 552.18, and to any other order of a court pertaining
2 to alimony or child support. The right of a member or retirant
3 to a retirement allowance, deferred retirement allowance, accumu-
4 lated contributions, or other benefit under this act is subject
5 to an eligible domestic relations order under the eligible domes-
6 tic relations order act, 1991 PA 46, MCL 38.1701 TO 38.1711.

7 (3) If an award or order described in subsection (2)
8 requires the retirement system to withhold payment of a retire-
9 ment allowance, deferred retirement allowance, accumulated con-
10 tributions, or other benefit from the person to whom it is due or
11 requires the retirement system to make payment or requires the
12 person to request that the retirement system make payment of a
13 retirement allowance, deferred retirement allowance, accumulated
14 contributions, or other benefit, for the purpose of meeting the
15 person's obligations to a spouse, former spouse, or child, as
16 provided in subsection (2), the withholding or payment provisions
17 of the award or order shall be effective only against those
18 amounts as they become payable to the person receiving a retire-
19 ment allowance unless otherwise provided in an eligible domestic
20 relations order under the eligible domestic relations order act,
21 1991 PA 46, MCL 38.1701 TO 38.1711. The limitation contained in
22 this subsection does not apply to the accumulated contributions
23 of a person who has terminated employment before acquiring a
24 deferred member status.

25 (4) NOTWITHSTANDING SUBSECTION (3), A RETIRANT WHO DIVORCED
26 HIS OR HER SPOUSE AFTER HIS OR HER RETIREMENT ALLOWANCE DATE AND
27 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS

1 SUBSECTION SHALL PRESENT AN ORDER OF THE COURT TO PAY HIS OR HER
2 DIVORCED SPOUSE A BENEFIT UNDER THIS ACT TO THE RETIREMENT
3 SYSTEM. THE RETIREMENT SYSTEM SHALL PAY THE DIVORCED SPOUSE THE
4 BENEFIT AS THE COURT ORDER DIRECTS.

5 Enacting section 1. This amendatory act does not take
6 effect unless all of the following bills of the 91st Legislature
7 are enacted into law:

8 (a) Senate Bill No. ____ or House Bill No. 4388 (request
9 no. 00283'01 *).

10 (b) Senate Bill No. ____ or House Bill No. 4390 (request
11 no. 00284'01 a *).

12 (c) Senate Bill No. ____ or House Bill No. 4391 (request
13 no. 00285'01 *).