

# HOUSE BILL No. 5113

October 2, 2001, Introduced by Reps. Cameron Brown, Birkholz, DeWeese, Caul, Woronchak, Bovin, Stewart, Kolb, Minore, Sheltroun, Voorhees, Dennis, Pestka, Jelinek, Jacobs, Switalski, Bernero, Neumann, Murphy, Meyer, Kuipers, Gosselin, Rich Brown, Phillips, Clark, Tabor, Wojno, Bogardus, Ruth Johnson, Shackleton, Allen, Vander Veen, Hansen, Rivet, Pappageorge, Spade, Middaugh, Mead, Drolet, George, Whitmer, Daniels, Schauer and Richner and referred to the Committee on Appropriations.

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. —(2) The right of a member, —or— retirant, OR~~  
7 ~~BENEFICIARY to a retirement allowance, deferred retirement allow-~~  
8 ~~ance, accumulated contributions, or other benefit under this act~~  
9 ~~is subject to THE PUBLIC EMPLOYEE RETIREMENT BENEFIT PROTECTION~~  
10 ~~ACT. —award by a court pursuant to section 18 of chapter 84 of~~  
11 ~~the Revised Statutes of 1846, being section 552.18 of the~~

~~1 Michigan Compiled Laws, and to any other order of a court  
2 pertaining to alimony or child support. The right of a member or  
3 retirant to a retirement allowance, deferred retirement allow-  
4 ance, accumulated contributions, or other benefit under this act  
5 is subject to an eligible domestic relations order under the eli-  
6 gible domestic relations order act.~~

~~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 The limitation contained in this subsection does not apply to the  
22 accumulated contributions of a person who has terminated employ-  
23 ment before acquiring a deferred member status.~~

~~24 Enacting section 1. This amendatory act does not take  
25 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 5108  
26 (request no. 02139'01 \*\*) of the 91st Legislature is enacted into  
27 law.~~