

HOUSE BILL No. 4724

May 14, 2013, Introduced by Reps. Franz, Bumstead, Hooker, MacMaster, Kelly, Rendon and Genetski and referred to the Committee on Judiciary.

A bill to amend 1909 PA 259, entitled

"An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof,"

by amending section 18 (MCL 552.18), as amended by 1991 PA 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) ~~Any~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), ANY**
2 rights in and to vested pension, annuity, or retirement benefits,
3 or accumulated contributions in any pension, annuity, or retirement

1 system, payable to or on behalf of a party on account of service
2 credit accrued by the party during marriage shall be considered
3 part of the marital estate subject to award by the court under this
4 chapter.

5 (2) ~~Any~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), ANY** rights or
6 contingent rights in and to unvested pension, annuity, or
7 retirement benefits payable to or on behalf of a party on account
8 of service credit accrued by the party during marriage may be
9 considered part of the marital estate subject to award by the court
10 under this chapter where just and equitable.

11 (3) Upon motion of a party or upon consent of the parties, an
12 order of the court under this section entered before ~~the effective~~
13 ~~date of the amendatory act that added this subsection~~ **JULY 18, 1991**
14 shall be amended to satisfy the requirements of an eligible
15 domestic relations order and to effectuate the intent of the
16 parties or the ruling of the court. As used in this subsection,
17 "eligible domestic relations order" means a domestic relations
18 order that is an eligible domestic relations order under the
19 eligible domestic relations order act.

20 (4) **A VETERAN'S DISABILITY COMPENSATION FOR ANY SERVICE-**
21 **CONNECTED DISABILITY UNDER A PROGRAM OR LAW ADMINISTERED BY THE**
22 **UNITED STATES DEPARTMENT OF VETERANS' AFFAIRS OR VETERANS'**
23 **ADMINISTRATION IS EXEMPT FROM THE MARITAL ESTATE WHEN DETERMINING**
24 **PROPERTY DISPOSITION OR SUPPORT OBLIGATIONS, OR BOTH.**