

HB 1783 -- RETIREMENT BENEFITS

SPONSOR: Barnes

This bill specifies that a court may issue a domestic relations order dividing county employee's retirement benefits between the parties to a dissolution of marriage action if the court finds that requiring one of the parties to the marital dissolution to make an equalization payment to reflect the value of the benefits would work an undue hardship on such party and the order complies with rules adopted by the board relating to the division of benefits pursuant to a marital dissolution.

The bill specifies that any local government employees' retirement system pension, annuity, life allowance, benefit, or right is marital property and after January 1, 2017, a court may divide the pension, annuity, life allowance, benefit, or right between the parties to any action for dissolution of marriage. A division of benefits order under these provisions must follow specifications outlined in the bill.

A system established by the provisions must provide the court with information necessary to issue a division of benefits order concerning a member of the system upon written request from the court, the member, or the member's spouse, which cites these provisions and identifies the case number and parties.

Any retirement plan otherwise exempt from a qualified domestic relations order under federal law and not included in the provisions of this section must, beginning January 1, 2017, recognize qualified domestic relations orders issued by a court of competent jurisdiction in the state in the same manner as nonexempt retirement plans.