

# HOUSE BILL No. 5494

February 14, 1990, Introduced by Reps. Ciaramitaro and Brown and referred to the Committee on Senior Citizens and Retirement.

A bill to amend section 18 of chapter 84 of the Revised Statutes of 1846, entitled "Of divorce," as added by Act No. 43 of the Public Acts of 1985, being section 552.18 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 18 of chapter 84 of the Revised Statutes  
2 of 1846, as added by Act No. 43 of the Public Acts of 1985, being  
3 section 552.18 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 18. (1) Any rights in and to vested pension, annuity,  
6 or retirement benefits, or accumulated contributions in any pen-  
7 sion, annuity, or retirement system, payable to or on behalf of a  
8 party on account of service credit accrued by the party during

1 marriage shall be considered part of the marital estate subject  
2 to award by the court under this chapter.

3       (2) Any rights or contingent rights in and to unvested pen-  
4 sion, annuity, or retirement benefits payable to or on behalf of  
5 a party on account of service credit accrued by the party during  
6 marriage may be considered part of the marital estate subject to  
7 award by the court under this chapter where just and equitable.

8       (3) UPON MOTION OF A PARTY OR UPON CONSENT OF THE PARTIES,  
9 AN ORDER OF THE COURT UNDER THIS SECTION ENTERED BEFORE THE  
10 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION  
11 SHALL BE AMENDED TO SATISFY THE REQUIREMENTS OF AN ELIGIBLE  
12 DOMESTIC RELATIONS ORDER AND TO EFFECTUATE THE INTENT OF THE PAR-  
13 TIES OR THE RULING OF THE COURT.

14       (4) AS USED IN THIS SECTION, "ELIGIBLE DOMESTIC RELATIONS  
15 ORDER" MEANS A DOMESTIC RELATIONS ORDER THAT IS AN ELIGIBLE  
16 DOMESTIC RELATIONS ORDER UNDER EITHER OF THE FOLLOWING:

17       (A) SECTION 83A OF THE PUBLIC SCHOOL EMPLOYEES RETIREMENT  
18 ACT OF 1979, ACT NO. 300 OF THE PUBLIC ACTS OF 1980, BEING SEC-  
19 TION 38.1383A OF THE MICHIGAN COMPILED LAWS.

20       (B) SECTION 19B OF THE STATE EMPLOYEES' RETIREMENT ACT, ACT  
21 NO. 240 OF THE PUBLIC ACTS OF 1943, BEING SECTION 38.19B OF THE  
22 MICHIGAN COMPILED LAWS.

23       Section 2. This amendatory act shall not take effect unless  
24 all of the following bills of the 85th Legislature are enacted  
25 into law:

26       (a) House Bill No. 4855.

27       (b) House Bill No. 5332.