

Act No. 258
Public Acts of 1995
Approved by the Governor
January 4, 1996
Filed with the Secretary of State
January 5, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995

Introduced by Rep. Fitzgerald

ENROLLED HOUSE BILL No. 4200

AN ACT to amend section 57 of Act No. 261 of the Public Acts of 1957, entitled as amended "An act for the creation, maintenance, and administration of a legislative members' and presiding officers' retirement system within the legislature; to provide retirement allowances to the participants thereof, and survivors' allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; and to authorize and make appropriations therefor," as amended by Act No. 39 of the Public Acts of 1985, being section 38.1057 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 57 of Act No. 261 of the Public Acts of 1957, as amended by Act No. 39 of the Public Acts of 1985, being section 38.1057 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 57. (1) Except as provided in subsection (2), all retirement allowances and other benefits payable under this act and all accumulated credits of members, deferred vested members, and retirants in this retirement system are unassignable and are not subject to execution, garnishment, or attachment, or to taxation by this state or any political subdivisions of this state.

(2) All retirement allowances and other benefits payable under this act and all accumulated contributions of members, deferred vested members, and retirants in this retirement system are subject to award by a court pursuant to section 18 of chapter 84 of the Revised Statutes of 1846, being section 552.18 of the Michigan Compiled Laws, and to any other order of a court pertaining to alimony or child support. All retirement allowances and other benefits payable under this act and all accumulated contributions of members, deferred vested members, and retirants in this retirement system are subject to eligible domestic relations orders under the eligible domestic relations order act, Act No. 46 of the Public Acts of 1991, being sections 38.1701 to 38.1711 of the Michigan Compiled Laws.

(3) If an award or order described in subsection (2) requires the retirement system to withhold payment of a pension, deferred pension, accumulated contributions, or other benefit from the person to whom it is due or requires the retirement system to make payment or requires the person to request that the retirement system make payment of a pension, deferred pension, accumulated contributions, or other benefit, for the purpose of meeting the person's obligations to a spouse, former spouse or child, as provided in subsection (2), the withholding or payment provisions of the award or order shall be effective only against those amounts as they become payable to the person receiving a retirement allowance unless otherwise provided in an eligible domestic relations order under Act No. 46 of the Public Acts of 1991. The limitation contained in this subsection does not apply to the accumulated contributions of a person who has terminated employment before acquiring a vested member status.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.

