

FILED JAN 28 '03

SENATE FILE 52  
BY REHBERG

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the validity of marital property orders  
2 under the Iowa public employees' retirement system.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 52  
STATE GOVERNMENT

1 Section 1. Section 97B.39, Code 2003, is amended to read  
2 as follows:

3 97B.39 RIGHTS NOT TRANSFERABLE OR SUBJECT TO LEGAL PROCESS  
4 -- EXCEPTIONS.

5 The right of any person to any future payment under this  
6 chapter is not transferable or assignable, at law or in  
7 equity, and the moneys paid or payable or rights existing  
8 under this chapter are not subject to execution, levy,  
9 attachment, garnishment, or other legal process, or to the  
10 operation of any bankruptcy or insolvency law except for the  
11 purposes of enforcing child, spousal, or medical support  
12 obligations or marital property orders. For the purposes of  
13 enforcing child, spousal, or medical support obligations, the  
14 garnishment or attachment of or the execution against  
15 compensation due a person under this chapter shall not exceed  
16 the amount specified in 15 U.S.C. § 1673(b). The division  
17 shall comply with the provisions of a marital property order  
18 requiring the selection of a particular benefit option,  
19 designated beneficiary, or contingent annuitant if the  
20 selection is otherwise authorized by this chapter and the  
21 member has not received payment of the member's first  
22 retirement allowance. However, a marital property order shall  
23 not require the payment of benefits to an alternative payee  
24 prior to the member's retirement, prior to the date the member  
25 elects to receive a lump sum distribution of accumulated  
26 contributions pursuant to section 97B.53, or in an amount that  
27 exceeds the benefits the member would otherwise be eligible to  
28 receive pursuant to this chapter. A marital property order is  
29 valid for the purposes of this section if the order provides  
30 for the payment of an amount from the member, once the member  
31 retires, based upon a percentage of the benefit the member  
32 would be eligible to receive as of the date of the order if  
33 the member retired as of that date.

34 EXPLANATION

35 This bill provides for the requirements of a valid marital

1 property order under the Iowa public employees' retirement  
2 system. The bill provides that a marital property order shall  
3 determine the amount payable by a member pursuant to the  
4 order, upon the member's retirement, based upon a percentage  
5 of the benefit the member would receive if the member retired  
6 as of the date of the marital property order.

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