

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 1143 OF 1993
HOUSE BILL 1966

4 **By: Representatives K. Wood, M. Wilson and Watts**

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For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE CHANCERY COURTS OF ARKANSAS TO
9 ENTER ORDERS KNOWN AS _QUALIFIED DOMESTIC RELATIONS
10 ORDERS_; AND FOR OTHER PURPOSES."

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Subtitle

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13 "AN ACT TO AUTHORIZE THE CHANCERY COURTS OF ARKANSAS TO
14 ENTER ORDERS KNOWN AS _QUALIFIED DOMESTIC RELATIONS
15 ORDERS_."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. As used in this act, unless the context otherwise requires:

20 (1) "Chancery court" means the equity court of each county in the State
21 of Arkansas created under Arkansas Code § 16-13-301 et seq.;

22 (2) "Domestic relations order" means any judgement, decree, or order,
23 including approval of a property settlement agreement, which relates to the
24 provisions for child support, alimony payment, or marital property rights, to
25 a spouse, former spouse, child or other dependents, of a participant under
26 Arkansas law;

27 (3) "Qualified domestic relations order" means a domestic relations
28 order:

29 (A) Which creates or recognizes the existence of an alternate
30 payees_ right to, or assigns to an alternate payee the right to, receive all
31 or a portion of the benefits payable with respect to a participants retirement
32 plan; and

33 (B) Which clearly specifies, the name and last known mailing
34 address (if any) of the participant and the name and mailing address of each
35 alternate payee covered by the order, the amount or percentage of the
36 participant_s benefits to be paid by the plan to each alternate payee or the

1 manner in which the amount or percentage is determined, the number of payments
2 or period of time to which the order applies, and each retirement plan to
3 which the order applies; and

4 (C) Which does not require the retirement plan to provide any
5 type or form of benefit, or pay options not otherwise available under the
6 plan, does not require the plan to provide increased benefits, and does not
7 require the payment of benefits to an alternate payee which are required to be
8 paid to another *alternate payee under another* order previously determined to
9 be a qualified domestic relations order. or

10 (4) "Participant" means any person or member of a retirement plan;

11 (5) "Retirement plan" means *any retirement plan, private or public,*
12 *including but not limited to:* Arkansas Teacher Retirement System, the Arkansas
13 State Police Retirement System, the Arkansas State Highway Employees_
14 Retirement System, the Arkansas Public Employees' Retirement System, the
15 Arkansas Judicial Retirement System and other state supported alternate
16 retirement systems.

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18 SECTION 2. Notwithstanding, Arkansas Code §§ 24-3-212 and 24-7-715 or
19 any other laws of Arkansas limiting the application of legal process to any
20 retirement plans, the chancery courts of Arkansas are empowered to enter
21 qualified domestic relations orders to reach any and all retirement annuities
22 and benefits of any retirement plan.

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24 SECTION 3. Notwithstanding, Arkansas Code §§ 24-3-212 and 24-7-715 or
25 any other laws of Arkansas limiting the application of legal process to any
26 retirement plans, the Arkansas Teacher Retirement System, the Arkansas State
27 Police Retirement System, the Arkansas State Highway Employees_ Retirement
28 System, the Arkansas Public Employees' Retirement System, the Arkansas
29 Judicial Retirement System and any other state supported retirement system
30 shall comply with any qualified domestic relations order as defined in this
31 act. The Boards of Trustees of *the retirement systems* shall promulgate rules
32 and regulations to implement this act and shall adopt a *uniform legal form, as*
33 *approved by the Legislative Council,* for use in preparing qualified domestic
34 relations orders for each retirement plan.

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1 SECTION 4. All provisions of this act of general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 5. If any provisions of this act or the application thereof to
6 any person or circumstance is held invalid, the invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provisions or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 6. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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/s/K. Wood, et al

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APPROVED: 4/13/93

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As Engrossed: 3/16/93 3/26/93

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