

CHAPTER 40

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 97-081

BY SENATORS Wells, Reeves, and Phillips;
also REPRESENTATIVES Gordon and Sullivant.

AN ACT

CONCERNING THE DIRECT DIVISION OF PUBLIC EMPLOYEE RETIREMENT BENEFITS PURSUANT TO A COURT-APPROVED AGREEMENT ENTERED INTO BETWEEN PARTIES TO A DOMESTIC RELATIONS ACTION FILED PRIOR TO JANUARY 1, 1997.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 14-10-113 (6) (a), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-10-113. Disposition of property. (6) (a) (I) Notwithstanding any anti-assignment, anti-alienation, or other provision of law to the contrary, all retirement benefits of any nature for public employees from a qualified plan established pursuant to Colorado law shall be, in all actions for dissolution of marriage, legal separation, and declaration of invalidity of marriage, divisible directly by the plan upon written agreement of the parties to such an action pursuant to paragraph (c) of this subsection (6).

(II) THE PROVISIONS OF THIS SUBSECTION (6) SHALL APPLY TO ALL DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, AND DECLARATION OF INVALIDITY OF MARRIAGE ACTIONS FILED ON OR AFTER JANUARY 1, 1997, AND ALL DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF MARRIAGE ACTIONS FILED PRIOR TO JANUARY 1, 1997, IN WHICH THE COURT DID NOT ENTER A FINAL PROPERTY DIVISION ORDER CONCERNING THE PARTIES' PUBLIC EMPLOYEE RETIREMENT BENEFITS PRIOR TO JANUARY 1, 1997.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 1997