

directly responsible. The bill is largely patterned after the ERISA statutes, which are applicable to private plans. But I do not believe that any of the provisions should be of concern to the members, they are largely technical, the addition of definitions, adding of requirements that deal with when benefits can be claimed, specifying the processes and procedures for PERB to use in receiving orders from the courts in dissolution matters, whether to recognize those orders, et cetera. Most of it is simply process. The one part of it that is, of course, substantive is the explicit recognition of spousal rights to pension plans in a dissolution.

SPEAKER WITHEM: Thank you, Senator Wickersham. Mr. Clerk, are there any amendments?

CLERK: First amendment, Mr. President, Senator Wickersham has AM3709, found on page 1208.

SPEAKER WITHEM: Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. President. Again, I'll be brief. This amendment is brought to address concerns raised by the Bar Association. There is a requirement in the bill, as it stands before you, that an order from a court be filed within 90 days of its entry in order to be valid as creating rights in the system for the spouse. There was some concern that that was too harsh a standard. While it's recognized that there is a need to have the orders filed promptly, there was also a concern that if somehow someone missed filing an order on that specific 90-day deadline, was that really cause for disregarding the order altogether? So there's a modification that says that that isn't a reason for disregard of the order and that PERB is given the ability to recognize those orders, even if they're delivered 90 days after entry. It also does deal with two other matters that are arguably more substantive. It adds provisions to hold the systems harmless if payments are made to one or the other of the spouses prior to receiving an order. In other words, payments are made when we have no idea that someone else has an interest in the fund. Now that may seem like a kind of a commonplace standard, but we are far more comfortable having that explicitly in statute than leaving that to chance. The amendment also clarifies the duty of the director of NPERS to segregate amounts in the retirement system during the time that a determination is being made as to whether or not a domestic relations order