

Measure: HB3099

Author: Representative Gary Banz

Subject: Marriage

Provisions:

Section 1: Amends statute as it relates to the federal Uniformed Services Former Spouses' Protection Act. New language states the a court may treat disposable retired pay payable to the military member either as property solely of the member or as property of the member and the spouse of the member.

Requires certain considerations the court must take when considering equitable division of military retirement pay including length of service, combat service, disability status of the military member, nonconformance to military lifestyle of the spouse, the education and experience the former spouse received during the marriage, and the ability of the former spouse to provide for the former spouse's own support.

Mandates that a court provide in the divorce decree that payments of disposable retired pay to the former spouse shall terminate upon remarriage or voluntary cohabitation with the opposite sex.

Places a two-year statute of limitations, beginning on the date of the final divorce decree, for a party to apply for division of disposable retired pay.

Section 2: Effective date of November 1, 2008

Prepared by: Dante Giancola, Deputy Director

Date: February 14, 2008