

**BILL SUMMARY**  
1st Session of the 53rd Legislature

<b>Bill No.:</b>	<b>SB528</b>
<b>Version:</b>	<b>Engrossed</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Banz</b>
<b>Date:</b>	<b>4/8/2011</b>
<b>Impact:</b>	<b>Pending</b>

**Research Analysis**

The measure creates the Military Retainer Pay Protection Act. The measure provides how a court may treat disposable retired or retainer pay received by a military member. If the duration of the marriage coincided with less than ten years of the military service, the court must consider the retirement or retainer pay the property solely of the member. If the duration of the marriage coincided with ten or more years of the military service, the court may treat the retirement or retainer pay as marital or separate property. The measure establishes a two-year statute of limitations, beginning on the date of the final divorce decree, for a party to apply to the district court for division of disposable retired or retainer pay, if any. Prohibits the court from considering any federal disability benefits awarded for combat-related disabilities as marital property. Prohibits the court from indemnifying or awarding any other property to the veteran's spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement pay or retainer pay to the receipt of disability payments. Provides payments to the former spouse are to terminate upon the voluntary cohabitation of the former spouse with a member of the opposite sex or the remarriage of the former spouse. Requires the Adjutant General to advise annually all personnel on the possible division of military retirement or retainer pay in a divorce action.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

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**Other Considerations**

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