

BILL ANALYSIS

Senate Research Center
80R7697 JMM-F

S.B. 990
By: Harris
Jurisprudence
3/13/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 79th Legislature, Regular Session, 2005, amended Section 3.007, Family Code, to provide definitions for separate and community property with defined benefit plans. These definitions may not cover all of the property involved in the defined benefit plans.

As proposed, S.B. 990 restores the historical application of separate and community property law principles in defined benefit plans, both in the formation and interpretation of qualified domestic relations orders and in the portions of divorce decrees relating to defined benefit plans.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3.007(b), Family Code, as follows:

(b) Requires the community property interest in a defined benefit plan to be in any benefit that accrues under, rather than determined as if the spouse began to participate in, the plan beginning on the date the marriage began and ending, rather than ended the participation, on the date of dissolution or termination of the marriage, regardless of whether the benefit vested during the marriage.

SECTION 2. Repealer: Section 3.007(a) (providing that a spouse who is a participant in a defined benefit retirement plan has a separate property interest in the monthly accrued benefit the spouse had a right to receive on normal retirement age, as defined by the plan, as of the date of marriage, regardless of whether the benefit had vested), Family Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.