

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 7 - 0 - 0
Yeas: Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Smith P., Schaufler
Nays: 0
Exc.: 0
Prepared By: Theresa Van Winkle, Administrator
Meeting Dates: 5/21

WHAT THE MEASURE DOES: Allows former spouses of judges to receive benefits under the Public Employees Retirement System by allowing part or all of the pension paid to a surviving spouse be paid to a former spouse. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- How the measure conceptually aligns statute regarding survivor benefits to other employees
- Why judges were overlooked when statutes relating to survivor benefits were drafted
- Ability to split the pension between a former spouse and the current spouse

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, the Public Employees Retirement System (PERS) allows for survivor benefits for all employees except judges. SB 872 A makes the benefit for judges comparable to other employees.

Under the measure, a judge may elect to have all or part of the pension that is payable to a surviving spouse be paid to a former spouse of the judge member. If the judge is not married when pension benefits to the former spouse were authorized and they do not have a surviving spouse when they pass away, the former spouse shall receive a life pension for the portion of the pension specified in the election. If a judge has a surviving spouse when they pass away, the surviving spouse will not receive benefits if the judge elected to have the entire pension payable to the former spouse; or the surviving spouse will receive any portion of the pension not paid to the former spouse until the former spouse passes away.

A judge can make the election before or after they retire. If the judge is married at the time an election is made, their spouse must give written consent.