



State of Tennessee

PRIVATE CHAPTER NO. 50

HOUSE BILL NO. 2711

By Representative Carter

Substituted for: Senate Bill No. 2741

By Senator Gardenhire

AN ACT to amend Chapter 557 of the Private Acts of 1939; and any other acts amendatory thereto, relative to the Hamilton County Employees' Retirement Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 557 of the Private Acts of 1939, and any other acts amendatory thereto, are hereby amended by adding the following new Section 35 and redesignating the subsequent sections accordingly:

Section 35. Alienation of Assignment of Benefits; Qualified Domestic Relations Orders (QDROs).

(a) This Act, as created by Chapter 557 of the Private Acts of 1939, and any other acts amendatory thereto, is deemed to be the Hamilton County Employees' Retirement Act, hereinafter referred to under this Section 35 as "the Plan."

(b) Except as otherwise provided under Tennessee Code Annotated, Section 26-2-105, no benefit under the Plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to so anticipate, alienate, sell, transfer, assign, pledge, encumber, or charge shall be void. No such benefit shall in any manner be liable for or subject to the debts, contracts, liabilities, engagements, or torts of the person entitled to such benefit, except for an order of assignment of support issued under Tennessee Code Annotated, Section 36-5-501 or a QDRO under Tennessee Code Annotated, Section 26-2-105, subject to this paragraph (b).

(c) If a QDRO pertains to a plan member who is already receiving benefits under the Plan, the alternate payee, as identified in the QDRO, shall share in the payments being made to the plan member and shall not be allowed to change the payment method or the timing of the payments. If a QDRO pertains to a plan member who has not commenced receiving benefit payments under the Plan, the alternate payee shall not be permitted to receive benefit payments from the Plan until the member commences receiving payments, and then the alternate payee shall share in the payments to be made to the member in the manner and timing of payments as elected by the member. The Plan shall not accept a QDRO that provides the alternate payee with a separate interest in a member's benefit.

(d) The responsibility for the review and processing of a QDRO is hereby delegated to the Pension Commission, which may, in its discretion, further delegate some or all of such responsibility to a county employee or third party; provided, that the ultimate authority for the determination of the qualified status of a domestic relations order remains with the Pension Commission. The Pension Commission shall establish reasonable procedures to determine the qualified status of a domestic relations order.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamilton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Hamilton County and certified to the secretary of state.

HB 2711

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

HOUSE BILL NO. 2711

PASSED: April 16, 2018



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 25th day of April 2018



BILL HASLAM, GOVERNOR



**NOTICE TO SECRETARY OF STATE
OF RATIFICATION OF PRIVATE ACT**

SECRETARY OF STATE
Division of Publications
312 Rosa L. Parks Avenue
Eighth Floor
William R. Snodgrass Tennessee Tower
Nashville, TN 37243

Private Chapter No. 50, which is House
(Senate or House)

Bill No. 2711 of the 110th General Assembly, (please choose one):

Passed Failed No Action Taken

The vote took place on 06/06/2018, and the results were as follows:
Date (mm/dd/yyyy)

9 Votes For
0 Votes Against
0 Abstention

(please list number of votes)

RECEIVED
2018 JUN 12 AM 10:32
SECRETARY OF STATE
DIVISION OF PUBLICATIONS

Randy Joubert

Presiding Officer of the Local Legislative Body

Embossed Seal:
(if applicable)

Hamilton County

County or City

06/06/2018

Date (mm/dd/yyyy)



Hamilton County Board of Commissioners RESOLUTION

No. 618-5

A RESOLUTION ADOPTING AN AMENDMENT TO CHAPTER 557 OF THE PRIVATE ACTS OF 1939, AND ANY OTHER ACTS AMENDATORY THERETO, RELATIVE TO THE HAMILTON COUNTY EMPLOYEES' RETIREMENT ACT, AS PASSED BY THE 110TH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

WHEREAS, the 110th General Assembly of the State of Tennessee has adopted House Bill No. 2711, as substituted for Senate Bill No. 2741, amending Chapter 557 of the Private Acts of 1939 and any acts amendatory thereto, relative to the Hamilton County Employees' Retirement Act; and

WHEREAS, the Governor of the State of Tennessee has signed said Amendment; and

WHEREAS, Section 2 of said Private Act requires that it shall have no effect unless it is approved by a two-thirds (2/3) vote of the Hamilton County legislative body.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED:

That Chapter 557 of the Private Acts of 1939 (and any amendments thereto) relative the Hamilton County Employees' Retirement Act, as amended by the 110th General Assembly of the State of Tennessee be, and hereby is, adopted.

BE IT FURTHER RESOLVED:

That the Chairman of this County legislative body and the County Clerk shall

Hamilton County, Chattanooga, TN
A CERTIFIED TRUE COPY
This 10 day of June, 2018
W. F. (BILL) KNOWLES, County Clerk
By C. Johnson, Deputy Clerk

certify and forward to the Secretary of State for the State of Tennessee notice of the passage of this Resolution.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

REC'D
2018 JUN 12 AM 10:32
SECRETARY OF STATE
PUNICIPATIONS

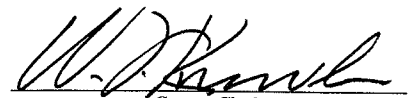
CERTIFICATION OF ACTION

Approved:



Rejected:




County Clerk

Approved:



Vetoed:




County Mayor

June 6, 2018

Date

ROLL CALL

COUNTY COMMISSION, HAMILTON COUNTY, TN
W. F. (BILL) KNOWLES, County Clerk

ITEM:	Absent	Present	Motion	Second	Aye	Nay	Abstain						
RESOLUTION NO. 618-5													

CHESTER BANKSTON					✓								
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GREG BECK					✓								
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TIM BOYD					✓								
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JIM FIELDS				✓	✓								
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JOE GRAHAM					✓								
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WARREN MACKEY					✓								
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GREG MARTIN					✓								
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SABRENA SMEDLEY			✓		✓								
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RANDY FAIRBANKS					✓								
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TOTAL					9								
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[Signature]