WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

ENROLLED

House Bill No. 2774
(By Delegates Campbell, J. Smith, Keener, Browning, Hubbard, Hall and Harrison)

Passed April 14, 2001
In Effect Ninety Days from Passage
AN ACT to amend and reenact section twelve, article seven-b, chapter eighteen of the code of West Virginia, one thousand nine hundred and thirty-one, as amended, relating to allowing immediate distribution to the alternate payee named in a qualified domestic relations order.

Be it enacted by the Legislature of West Virginia:

That section twelve, article seven-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§18-7B-12. Retirement, commencement of annuity payments, payments under a qualified domestic relations order.

1 (a) Subject to the provisions of section twelve-a of this article, an employee attaining fifty-five years of age, may elect to take retirement by notifying the board or its designee in
writing of his or her intention to retire. The notice of retirement
must be received by the board or its designee no fewer than
sixty days prior to the effective date of retirement. Retirement
payments shall commence within thirty days of the retirement
date under the payment option selected by the employee.

(b) An alternate payee named in a qualified domestic
relations order may elect to receive a distribution awarded from
this plan. If the alternate payee elects, the board or its designee
shall promptly compute the amount due without regard to
whether the employee is receiving benefits at the time of
election. After the amount due has been computed, the board
shall promptly initiate payments to the alternate payee.

(c) For purposes of this section, the term “qualified
domestic relations order” means a “qualified domestic relations
order” as defined in Section 414(p) of the Internal Revenue
Code with respect to government plans.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within happened this the 24th day of April, 2001.

Governor
PRESENTED TO THE
GOVERNOR
Date: 1/6/61
Time: 2:00 P.M.